

# - SECTION C -

## CODE OF STUDENT CONDUCT

Northside Independent School District has adopted a Code of Student Conduct. Its purpose is to:

1. Describe behavior that promotes a positive environment for learning.
2. Describe behavior that is expected of all students.
3. Describe specific examples of student misbehavior.
4. Define consequences that may be imposed for student misbehavior.
5. Provide for district wide uniformity in dealing with student discipline.
6. Define the rights and responsibilities of each member of the school community (students, parents, teachers, administrators) in establishing and maintaining good discipline at district schools.
7. Communicate policies of the Board of Trustees regarding appropriate student behavior.

The Code of Student Conduct is in force from the time a student enters a school bus or steps on the school grounds or attends school-sponsored activities.

### PHILOSOPHY OF STUDENT BEHAVIOR AND DISCIPLINE

In the printed philosophy of the Northside Independent School District, it is stated that the district always has as its primary aim the "welfare of boys and girls." This philosophy continues in the belief that the individual teacher is the most dynamic force in the education process. Effective teacher and student relationships are a common bond for proper classroom decorum. Discipline is one of the elements that aid the process of maturing and becoming a productive member of society. Developing habits of self-discipline characterizes the move of an individual from extensive, external control toward becoming an effective, self-directed adult in a democratic society.

The Superintendent of Schools, as the chief executive officer of the Board of Trustees, is delegated the responsibility for implementing the Board's policies and enforcing state and local laws pertaining to student conduct. The district administrative staff assists the superintendent in this endeavor.

The building principal is delegated the responsibility of establishing and maintaining an appropriate climate for learning. In support of a positive school climate, the building principal must develop and enforce effective discipline procedures. The vice-principal or assistant principal assists the principal in maintaining appropriate student conduct. The principal also coordinates the efforts of other staff members in communicating and counseling with students and parents regarding appropriate student behavior.

### SUPERVISORS OF STUDENT CONDUCT

Students are under the direct supervision of the school administrators or classroom teachers at all times. They are expected to conform to school policies and to class regulations. In order to create an atmosphere for learning, order must be maintained at all times. Students are to conduct themselves properly and in a manner prescribed by the administration and teachers. Failure to comply with the regulations that are set forth by district policy and enforced by teachers and administrators will result in disciplinary action. Students on school-sponsored activities are representatives of the district. Their conduct is expected to conform to the regulations set forth by the district and the sponsor.

### RESPONSIBILITIES OF SCHOOL COMMUNITY MEMBERS

Each member of the school community has rights and responsibilities for establishing and maintaining good discipline in our schools.

#### Student Responsibility and District Expectations

Students are to conduct themselves properly, in a manner prescribed by the teacher, and they must comply with the applicable rules and policies of the district.

Students are expected to:

1. Develop good habits, such as
  - attending school daily.
  - arriving to classes punctually.
  - working well independently.
  - using appropriate language.
  - maintaining good health habits.
2. Assume responsibility for their actions by
  - keeping their parents informed of school activities, of credits earned and required, of supplies needed, and of communications sent home.
  - being self-disciplined.
  - making their own decisions despite peer pressure.
  - accepting the consequences for their behavior including penalties for inappropriate behavior.
  - using time wisely.
  - completing work on time.
  - having good study habits.
  - practicing neatness.
  - doing all assigned work.
3. Maintain a positive attitude by
  - being proud of personal accomplishments.
  - being trustworthy.
  - having academic integrity.
4. Respect the rights of others by
  - allowing others to concentrate on their work.
  - allowing others to assume responsibility for their own actions.
  - learning to resolve differences in appropriate ways.
  - realizing that their behavior will directly affect others.
  - respecting others' property.
5. Treat others with respect by
  - working and interacting well with others.
  - being courteous.
  - being polite and helpful.
  - caring for others.
  - displaying affection appropriately.
  - appreciating others' accomplishments.
  - expressing opinions and ideas in a respectful manner so as not to slander others.
6. Treat teachers and school staff with respect by
  - being cooperative.
  - being attentive.
  - listening to teachers.
  - being polite.
7. Respect the authority of teachers and other school staff by
  - listening to them.
  - following their directions.
  - questioning the classroom teacher appropriately.
  - seeking changes in school rules and policies in an appropriate and responsible manner through approved channels.
8. Obey all school and classroom rules and procedures, such as
  - being in the appropriate seat and ready when the bell rings.
  - being prepared for each class with appropriate materials and assignments.
9. Participate in assigned academic activities, such as
  - attending all classes.
  - bringing supplies as required for classroom work.
  - talking when it is appropriate.
  - following instructions.
  - doing all assignments.

10. Assume responsibility for maintaining the learning environment, such as
  - coming to school well groomed and dressed appropriately.
  - walking quietly in the school hallways.
  - staying in the classroom seat as required.
11. Take care of the school, such as
  - helping keep it clean.
  - keeping it free from destruction.
  - cooperating with school staff on vandalism cases.
  - helping keep the school a safe place to be.

## Parent and/or Guardian Responsibility

Parents have the responsibility to:

1. Ensure that their child complies with district and school policies, rules and regulations.
2. Assist their child to attend school well groomed and dressed appropriately.
3. Communicate regularly with the school concerning their child's academic progress and conduct.
4. Provide for the physical needs of the child.
5. Participate in parent-teacher conferences and other activities in which their child is involved.
6. Cooperate with and support the teachers and the school administrators in their efforts to achieve and maintain a quality school system.
7. Discuss report cards and classroom assignments with their child.
8. Inform the school of any problems or conditions in the home, which affect their child.
9. Provide a work area free of interruption where their child may study and do homework.
10. Maintain up-to-date home, work, and emergency telephone numbers at the school.
11. Prepare the child emotionally and socially to be receptive to learning and discipline.
12. Encourage the child to develop proper study habits at home.
13. Send their child to school regularly and on time.
14. Teach their child to respect authority.
15. Insist that the child spend a minimum period of time studying each day.
16. Assist the child to assume responsibility for appropriate behavior and to accept the consequences of inappropriate behavior.
17. Cooperate with the school in assisting their child to grow into a self-disciplined, mature, and responsible individual.

## Teacher Responsibility

Teachers have the responsibility to:

1. Provide an effective program of instruction.
2. Maintain an orderly classroom, conducive to learning.
3. Serve as a model for students by showing respect for themselves, students, parents, and other school personnel.
4. Be in regular attendance.
5. Be punctual.
6. Communicate regularly with parents regarding their child's progress.
7. Maintain a well-groomed appearance and dress appropriately to serve as a role model for students.
8. Indicate a genuine interest and concern for the welfare of students.
9. Assist students to follow the rules of expected behavior.
10. Teach students responsibility for their actions by enforcing the rules of conduct and discipline fairly and appropriately for those students who violate these rules.
11. Recognize the growth, success, and achievement of students.
12. Obey district and school policies and regulations.
13. Teach to the standards of performance required by the district.
14. Establish rapport and an effective working relationship with parents, students, and other staff members.
15. Encourage work habits that will lead to the accomplishment of both short-term and long-term goals.

## Administrator Responsibility

Administrators have the responsibility to:

1. Establish a climate for learning that is conducive to good teacher performance

and maximum student growth.

2. Provide appropriate support for teachers in dealing with students who are sent to the office for behaving inappropriately.
3. Implement a flexible curriculum within the limits provided by the district and the state to meet the needs of all students.
4. Promote effective training and discipline based upon fair and impartial treatment of all students using the Code of Student Conduct as a reference point.
5. Encourage parents to keep in regular communication with the school and encourage parental participation in required parent-teacher conferences.
6. Develop a cooperative working relationship among staff and students.
7. Assist students by providing appropriate assistance in learning self-discipline.
8. Assume responsibility and instructional leadership for discipline and for evaluation of the discipline management plan.
9. Ensure students' safety through maintenance of the school grounds.
10. Work to assure that the physical surroundings are conducive to a learning environment.
11. Manage human and physical resources in a manner that supports the overall goals of the educational program.
12. Appear at school in a well-groomed and appropriately dressed manner.

## RULES FOR BEHAVIOR

### General Information

The responsibility for maintaining a school environment that maximizes learning opportunities and minimizes distractions rests with the school principals and/or their designated administrative representatives. When distractions or disruptions do occur, the administrators are authorized to take the necessary steps to correct any interruptions of the normal educational activity. Determination of the methods or techniques utilized should reflect the district philosophy that states that its primary aim is the "welfare of boys and girls."

When students violate the rules, regulations or policies of the school and/or the district, they will be subject to various discipline management techniques. The techniques utilized should be chosen to modify or correct the improper behavior.

## CATEGORIES OF OFFENSES

### Category I

1. In accordance with Texas Education Code Section 37.007, a student **SHALL BE** expelled from school if the student, on school property, on school property of another district, at any district facility, at any school- sponsored or school-related activity on or off of school property, or on a school bus:
  - a. uses, exhibits, or possesses:
    - (1) a firearm (In accordance with federal law, a student who brings a firearm (as defined in 18 U.S.C. Section 921) to school **SHALL BE** expelled from the student's regular campus for a period of at least **one calendar year**.);
    - (2) an illegal knife:
      - a. a knife with a blade over five and one-half inches;
      - b. a hand instrument designed to cut or stab by being thrown;
      - c. a dagger, including a dirk, stiletto, or poniard;
      - d. a Bowie knife, sword, or spear;
      - e. a crossbow, bow and arrow, blowgun, Chinese Star, or ice pick;
      - f. a razor carried, designed, made or adapted for use as a weapon.
    - (3) a club - an instrument designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, such as a blackjack, nightstick, mace, or a tomahawk;
    - (4) a prohibited weapon:
      - a. an explosive weapon;
      - b. a machine-gun;
      - c. a short-barrel firearm;
      - d. a firearm silencer;
      - e. a switchblade knife;
      - f. knuckles;
      - g. armor-piercing ammunition;
      - h. a chemical dispensing device;
      - i. a zip gun.
  - b. engages in conduct that contains the elements of the offense of:
    - (1) aggravated assault, sexual assault, or aggravated sexual assault;

- (2) arson;
  - (3) murder, capital murder, or criminal attempt to commit murder or capital murder;
  - (4) indecency with a child;
  - (5) aggravated kidnapping;
  - (6) aggravated robbery;
  - (7) manslaughter; or
  - (8) criminally negligent homicide.
- c. sells, gives, delivers to another person or possesses or uses or is under the influence of:
    - (1) marijuana if the conduct is punishable as a felony;
    - (2) a controlled substance if the conduct is punishable as a felony; or
    - (3) a dangerous drug if the conduct is punishable as a felony.
  - d. sells, gives or delivers an alcoholic beverage to another person if the conduct is punishable as a felony.
  - e. commits a serious act or offense while under the influence of alcohol if the conduct is punishable as a felony.
  - f. possesses, uses, or is under the influence of an alcoholic beverage if the conduct is punishable as a felony.
- 2. A student **SHALL BE** expelled if the student engages in conduct that contains the elements of any offense listed above against any district employee or volunteer in retaliation for or as a result of the person's employment or association with the district, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off of school property.

**Note:** A student who is younger than 10 years of age shall be removed from class and placed in a discipline alternative education program for engaging in conduct listed above except for firearm offenses. In accordance with federal law, a student who brings a firearm to school will be expelled regardless of age. Due to the seriousness of Category I offenses, assignments to discipline alternative education programs for violations in this category of offenses will be longer in duration than in other categories.

## Category II

A student **MAY BE** expelled if the student:

- 1. while placed in a discipline alternative education program for disciplinary reasons, continues to engage in serious or persistent misbehavior that violates the District's Code of Student Conduct;
- 2. while on school property or while attending a school-sponsored or school-related activity on or off of school property:
  - a. sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
    - (1) marijuana or a controlled substance;
    - (2) a dangerous drug;
    - (3) an alcoholic beverage;
  - b. engages in conduct that contains the elements of an offense relating to an abusable volatile chemical;
  - c. engages in conduct that contains the elements of the offense of assault (bodily injury) against a district employee or a volunteer;
- 3. engages in conduct that contains the elements of the offense of criminal mischief if the conduct is punishable as a felony without regard to whether the conduct occurs on or off of school property;
- 4. engages in conduct that contains the elements of the offense of assault (bodily injury) against any employee or volunteer in retaliation for or as a result of the person's employment or association with a 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;
- 5. engages in conduct involving a public school that contains the elements of the offense of false alarm or report; or
- 6. engages in conduct that contains the elements of the offense of terroristic threat while on or within 300 feet of school property, as measured from any point on the school's real property boundary; or
- 7. engages in the offense of aggravated robbery against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.

## Category III

- 1. A student **SHALL BE** placed in a discipline alternative education program if the student, on or within 300 feet of school property, as measured from any point of the school's real property line, or while attending a school-sponsored or school-related activity, on or off of school property, engages in:
  - a. conduct punishable as a felony;
  - b. possession of a firearm within 300 feet of school property as measured from any point of the school's real property;
  - c. conduct that contains the elements of the offense of assault - intentionally, knowingly, or recklessly causes bodily injury to another individual;
  - d. conduct involving a public school that contains the elements of the offense of false alarm or report;
  - e. conduct that contains the elements of the offense of terroristic threat under Section 22.07, Texas Penal Code;
  - f. possessing, using or being under the influence of:
    - (1) marijuana;
    - (2) a controlled substance;
    - (3) a dangerous drug; or
    - (4) an alcoholic beverage;
  - g. a serious act or offense while under the influence of alcohol;
  - h. conduct that contains the elements of an offense relating to an abusable volatile chemical;
  - i. conduct that contains the elements of the offense of public lewdness or indecent exposure; or
  - j. engages in conduct that contains the elements of the offense of deadly conduct.
- 2. A student **SHALL BE** placed in a discipline 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 receives deferred prosecution for conduct defined as a felony offense in Title 5, Texas Penal Code;
  - b. a court or jury finds that the student has engaged in delinquent conduct for conduct defined as a felony offense in Title 5, Texas Penal Code; or
  - c. the superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a Title 5, Texas Penal Code felony offense.
- 3. A student **SHALL BE** placed in discipline alternative education program if the student engages in conduct that contains the elements of the offense of retaliation against any school employee without regard to whether the conduct occurs on or off of school property.

## Category IV

- 1. A student **MAY BE** placed in a discipline 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 designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Texas Penal Code; 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.
- 2. A student **MAY BE** placed in a discipline alternative education program and/or suspended if the student engages in any of the following offenses while on school property, at any school-sponsored or school-related activity on or off of school property, or on a school bus:
  - a. engaging in assault
    - (1) intentionally or knowingly threatens another with imminent bodily injury;
    - (2) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative;
  - b. possesses any weapon not classified in the Texas Penal Code (e.g., a sling shot, pocket knife, pen knife, laser pens/pointers, personal chemical dispensing devices);
  - c. engages in vandalism;
  - d. commits criminal mischief;
  - e. participates in gangs or gang activities, including exhibiting gang graffiti, clothing, or gang insignias;
  - f. participates in fraternities, sororities, or secret societies;

- g. engages in extortion, coercion, or blackmail;
- h. engages in habitual fighting, repeated commission of physical abuse or threat of physical abuse, or involvement in a serious fight;
- i. displays flagrant or extreme insubordination;
- j. engages in repeated tobacco violations;
- k. participates in aggressive, disruptive action or group demonstrations that substantially disrupts or materially interferes with school activities;
- l. engages in verbal, written, or graphic abuse (e.g., name-calling, racial, ethnic slurs, or derogatory statements) that may disrupt the school environment or incite violence;
- m. exhibits disrespect, directs profanity, pornography (e.g. being in possession of pornographic materials including , but not limited to, pictures, magazines, books, films or computer disks,) vulgar language, or obscene gestures toward teachers, other district employees, or fellow students;
- n. uses profanity, vulgar language, or obscene gestures;
- o. commits an act of indecent exposure or possesses or distributes pornography;
- p. engages in sexual harassment toward another student or district employee or engages in offensive verbal or physical behavior of a sexual nature, which may include requests for sexual favors, or similar intimidation directed toward another and which does not rise to the level of a Category I, II, or III offense;
- q. disrupts the school environment or educational process including, but not limited to, false fire alarms, bomb threats, hoax bombs, and materials containing information on explosive devices or advocating violence.
- r. commits any other conduct that constitutes a violation of state, local, or federal law, but which is not listed above.
- s. engages in persistent misbehavior, which is defined, as two or more violations of the Code of Student Conduct.
- t. cheats, copies the work of another student, or allowing one's own work to be copied;
- u. throws objects, outside supervised school activities, that can cause bodily injury or damage property;
- v. leaves school grounds or school-sponsored events without permission;
- w. plays with matches or fire;
- x. disobeys school rules;
- y. engages in hazing that does not rise to the level of a Category I, II or III offense;
- z. possesses drug paraphernalia;
- aa. possesses ammunition capable of being expelled through a barrel by using the energy generated by an explosion or burning substance;
- bb. engages in evasion;
- cc. possesses or ignites fireworks;
- dd. commits burglary or theft;
- ee. abuses an over-the-counter drug, gives or delivers an over-the-counter drug to another student, or becomes impaired due to abuse of an over-the-counter-drug; or
- ff. is intoxicated and will not identify the substance.
- gg. Any violation of the Northside "Acceptable Use Guidelines" for internet use.

Students removed to an alternative program are **prohibited** from attending or participating in school-sponsored or school-related activities.

Persistent or repeated violations of the rules of conduct may result in increasingly serious penalties.

## DEFINITIONS AND TERMINOLOGY

### Aggravated Assault

A person commits an offense if the person commits assault as defined in this section and the person:

1. causes serious bodily injury to another; or
2. uses or exhibits a deadly weapon during the commission of the assault.

### Aggravated Kidnapping

A person commits an offense if the person intentionally or knowingly abducts another person with the intent to:

1. hold that person for ransom or reward; or
2. use that person as a shield or hostage; or

3. facilitate the commission of a felony or the flight after the attempt or commission of a felony; or
4. inflict bodily injury on that person or violate or abuse that person sexually; or
5. terrorize that person or a third person; or
6. interfere with the performance of any governmental or political function.

### Aggravated Sexual Assault

A person commits an aggravated sexual assault offense if that person engages in sexual acts that meet the definition of aggravated sexual assault in Section 22.021 of the Texas Penal Code.

### Arson

A person commits an arson offense if the person starts a fire or causes an explosion with intent to destroy or damage:

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

Students who commit arson may be subject to expulsion.

### Assault

Assault is defined as:

1. intentionally, knowingly, or recklessly causing bodily injury to another;
2. intentionally or knowingly threatening another with imminent bodily injury; or
3. intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

### Bias Motivated Code Violations

Students who engage in violations of the Code of Student Conduct that are motivated by bias will receive severe sanctions.

### Bodily Injury

Bodily injury means physical pain, illness, or any other impairment of physical condition.

### Capital Murder

A person commits capital murder if the person commits an offense of murder and:

1. the person murders a peace officer or fireman engaged in official duty; or
2. the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, or arson; or
3. the person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration.

### Chemical Dispensing Device

"Chemical dispensing device" means a device other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being.

### Criminal Attempt

A person commits an offense if, with specific intent to commit an offense, the person does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

### Criminal Mischief

1. A person commits a criminal mischief offense if, without the effective consent

of the owner:

- a. one intentionally or knowingly damages or destroys the tangible property of the owner; or
  - b. one intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
  - c. one intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner, including graffiti on a school building.
2. An offense under this section is a felony if:
- a. the amount of pecuniary loss is \$1500.00 or more; or
  - b. the damage or destruction is inflicted on a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs and there is any amount of pecuniary loss to real or to tangible personal property or;
  - c. one intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner, including graffiti on a school building.

Students who commit criminal mischief will be subject to disciplinary action.

## Deadly Conduct

A person commits an offense if the person engages in conduct that places another in imminent danger of serious bodily injury.

A person commits an offense if the person knowingly discharges a firearm at or in the direction of:

1. one or more individuals; or
2. a habitation, building, or vehicle and is reckless as to whether the habitation, building or vehicle is occupied.

Recklessness and danger are presumed if the person knowingly pointed a firearm at or in the direction of another whether or not the person believed the firearm to be loaded.

## Deadly Weapon

Deadly weapon means:

1. a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or
2. anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

## Deliver

Deliver is defined as to transfer, actually or constructively, to another a controlled substance, counterfeit substance, or drug paraphernalia, regardless of whether there is an agency relationship. The term includes offering to sell a controlled substance, counterfeit substance, or drug paraphernalia.

## Disruption of Classes

A person commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.

“Disrupting the conduct of classes or other school activities” includes:

1. emitting noise of an intensity that prevents or hinders classroom instruction;
2. enticing or attempting to entice a student away from a class or other school activity that the student is required to attend;
3. preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and
4. 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.

– Public property includes a street, highway, alley, public park, or sidewalk.

– School property includes 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.

## Disruptive Activities

A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of any private or public school.

Disruptive activity is:

1. obstructing or restraining the passage of persons in an exit, entrance, or hallway of a building without the authorization of the administration of the school;
2. seizing control of a building or portion of a building to interfere with an administrative, educational, research, or other authorized activity;
3. preventing or attempting to prevent by force or violence or the threat of force or violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable 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; or
5. obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the school.

## Drugs

Abusing an over-the-counter drug, giving or delivering an over-the-counter drug to another student, or becoming impaired due to abuse of an over-the-counter drug may result in disciplinary action.

Abusing one’s own prescription drug, giving a prescription drug to another student, or being under the influence of another person’s prescription drug may result in a mandatory assignment to an alternate education program or expulsion.

**In addition to other illegal drugs (such as LSD, cocaine, marijuana, etc.), many prescription drugs are classified as dangerous drugs or controlled substances. These include widely prescribed drugs such as Adderall and Ritalin. Unauthorized possession or distribution of such substances may result in a mandatory expulsion or mandatory assignment to a discipline alternative education program. Examples include, but are not limited to: Ritalin, Adderal, Klonopin, Codeine, Xanax, Paxil, Valium and Activan.**

## Evasion

Students must, upon request of any school official, produce and show their student identification (ID) cards. If a student refuses to produce and show his/her student identification (ID) card, if applicable, that student is subject to disciplinary action.

If a student attempts to evade questioning by any school official through an act of running away from that official, or seeks to avoid the questioning through any method, that student, by his/her action, is subject to disciplinary action by the school district.

## Extortion/Shakedown

A student who obtains from another student anything of value through the use of threats, intimidation, or coercion is guilty of a serious breach of discipline and will be subject to prosecution under the law and disciplinary action by the school district.

## Fighting

Any student who engages in a physical struggle or combat will be subject to disciplinary action. School district and/or other police officers may issue tickets for such disturbances.

## Fireworks

Students, who pass, ignite, or discharge fireworks of any kind on or around a school campus will be subject to disciplinary action.

The law states it is unlawful to explode or ignite fireworks within 600 feet of any public school (Texas Revised Civil Statutes-Annotated Article 9205 Section 8). Violations of this law would subject the offender to legal prosecution.

## Gambling

Gambling is defined as playing games of chance for stakes or risking something of value with the hope of making a gain; wagering. Gambling of any form will not be permitted on the school campus or any place at which a school contest or activity is taking place. State law prohibits gambling. Students who engage in gambling will be subject to prosecution and discipline.

## Gangs or Crews

Northside Independent School District feels that the presence of gangs and gang activities can cause a substantial disruption of, or material interference with school and school activities.

A “gang” or “crew” is defined as any group of two or more individuals whose purposes may include the commission of illegal acts. In addition, a “gang” or “crew” is a prohibited fraternity, sorority, or society. Youth gangs or crews are often loose knit groups of individuals who associate with each other on a continuous basis. The district prohibits the existence of these groups and their activities.

## Gang Graffiti

Graffiti is used to identify or advertise involvement in a gang or tagging crew and includes any inscription, slogan, drawing or painting on any surface.

## Gang Law Violations

1. A person commits an offense if the person:
  - a. is a member of, pledges to become a member of, joins, or solicits another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang; or
  - b. is not enrolled in a public school and solicits or coerces another person to attend a meeting of a public school fraternity, sorority, secret society, or gang or a meeting at which membership in one of those groups is encouraged.
2. The district will place in a discipline alternative education program or expel any student who violates section 1 above.
3. Under this section, “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 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, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

## Gang Prohibitions

Students are prohibited from gang involvement or gang activities while at school, at any school facility, at any school-sponsored activity, or on a school bus. Gang activities and gang involvement are described as but not limited to the following:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other things which are evidence of membership or affiliation in a gang.
2. Committing any act or omission, or using any speech, either verbal or nonverbal (gestures, handshakes, etc.) showing membership or affiliation in a gang.
3. Using any speech or committing any act or omission in furtherance of the interest of any gang or gang activity, including but not limited to:
  - a. Soliciting others for membership in any gangs;
  - b. Requesting any person to pay protection or otherwise intimidating or threatening any person;
  - c. Committing any other illegal act or other violation of school district policies;
  - d. Inciting other students to act with physical violence upon any other person; or
  - e. Engaging in concert with others intimidating, fighting, assaulting, or threatening to assault others.

## Gives

Gives is defined as the process of turning over the possession or control of an item to someone without cost or exchange.

## Hazing

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:

1. any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
2. any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
3. any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
4. any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above under hazing; and
5. any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the [Texas Penal Code](#).

## Indecency with a Child

A person commits indecency with a child if the person engages in conduct described in Section 21.11 of the [Texas Penal Code](#).

## Indecent Exposure

A person commits an act of indecent exposure if the person engages in conduct described in Section 21.08 of the [Texas Penal Code](#).

## Intoxication

Intoxication means not having the normal use of mental or physical faculties due to abusing a substance. If the substance is marijuana, a controlled substance or dangerous drug, it is subject to a mandatory or discretionary expulsion or mandatory assignment to a discipline alternative education program. If the substance is unknown, it is subject to a discretionary assignment to a discipline alternative education program.

## Lockers/Desks

Lockers/desks remain under the jurisdiction of the school, notwithstanding the fact that they are assigned to individual students. The school reserves the right to inspect all lockers/desks. Students have full responsibility for the security of lockers and will make certain they are locked and that the combination is not given to others, if applicable. Searches of lockers/desks may be conducted at any time whether or not students are present.

## Loitering

Loitering is the act of lingering idly or aimlessly about a place, wasting time or dawdling.

1. Any person loitering on school property after being warned by the person in charge may be guilty of committing a misdemeanor and may be subject to fines.
2. School property includes the grounds of any public school and any grounds or building used for school-sponsored assemblies or activities.

## Minor Offense

A minor offense is a behavior that is disruptive to the educational process or environment without rising to the level of Category I, II, III or IV offenses (e.g., chewing gum, talking without permission, tardies, etc.).

## Murder

A person commits murder if the person:

1. intentionally or knowingly causes the death of an individual; or

- intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or
- in the course of committing or attempting to commit a felony, the person commits an act that is clearly dangerous to human life that causes the death of an individual.

## Nuisance Items

Certain items, considered nuisances by the principal, are not permitted on school premises. Some specific examples are radios, CD players, tape recorders, cat-eye contacts and dangerous toys. (Tape recorders may be brought to school for academic use with prior approval of the teacher and administration.) Students bringing nuisance items on campus are subject to disciplinary action.

## Obscenity

Obscenity is defined as materials that a reasonable person would find depicts or describes sexual conduct or nudity in an offensive manner.

## Organization Hazing

An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

## Persistent Misbehavior

Persistent misbehavior is defined as two or more violations of the Code of Student Conduct in general, or repeated occurrences of the same violation.

## Pornography

Any materials meeting the definition of obscenity. Materials including, but not limited to, pictures, magazines, books, films, or computer discs, etc.

## Possession

Possession means actual care, custody, control, or management. Possession does not require that the person have the object being possessed on his/her person; having an object in one's automobile, locker, bookbag or other area where one exercises care, custody, control or management over the item is possession.

## Public Lewdness

A person commits a public lewdness offense if the person knowingly engages in sexual contact or any type of sexual intercourse in a public place or, if not in a public place, the person is reckless about whether another is present who will be offended or alarmed by the person's act.

This definition also includes any act prohibited by Section 21.07 of the Texas Penal Code.

## Retaliation

A person commits an offense if the person intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of the service of another as a public servant, witness, prospective witness, informant, or a person who has reported the occurrence of a crime.

## Search

Search is defined as looking through, inspecting, or exploring carefully and thoroughly in order to find something.

When principals or their designated administrative representatives have reliable information that a student, school locker, vehicle or other repository contains illegal and/or dangerous items or controlled substances, the principals have the right to search that student, desk, locker, vehicle, or repository. Such searches may include any book bag, gym basket, vehicle, purse, supply packets, or anything that contains the student's personal effects.

## Sells

Sells is defined as the process of giving up, delivering, or exchanging (property, goods, services, etc.) for money or its equivalent.

## Serious Bodily Injury

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

## Sexual Assault

A person commits a sexual assault offense if the person engages in sexual acts that meet the definition of sexual assault in Section 22.011 of the Texas Penal Code.

## Sexual Harassment

Sexual harassment by a student includes unwanted and unwelcome verbal or physical conduct of a sexual nature, whether by word, gesture, or any other sexual conduct, including requests for sexual favors.

## Steroids

Anabolic steroids are for medical use only. State law prohibits possessing, dispensing, delivering, or administering an anabolic steroid in any manner not allowed by state law. State law provides that bodybuilding, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a person who is in good health is not a valid medical purpose. Only a medical doctor may prescribe an anabolic steroid or human growth hormone for a person. A violation of state law concerning anabolic steroids or human growth hormones is a criminal offense punishable by confinement in jail or imprisonment in the Texas Department of Corrections. A violation of this prohibition will result in disciplinary action.

## Telecommunications Devices

Elementary and middle school students are prohibited from possessing a cellular telephone or paging device while on school property, on a school bus, or while attending a school-sponsored activity on or off of school property. High school students having cellular phones or paging devices must keep the devices turned off and not visible during the regular school day. Students who violate this policy shall be subject to established disciplinary measures. District employees shall confiscate any cellular phones or paging devices from students who violate this policy.

Parents shall be notified within two school days after the cellular telephone or paging device is confiscated. Notification shall also be made to the paging company whose name and address appear on the device. Confiscated cellular telephones or paging devices shall be held by the district for a period of 30 days after notification has been made. Parents or paging companies may be charged an administrative fee of not more than \$15 to obtain release of the device during this period. After the 30-day period has expired, the district shall dispose of the cellular telephone or paging device.

## Terroristic Threat

A person commits an offense if the person threatens to commit any offense involving violence to any person or property with intent to:

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

## Theft

The willful taking or possession of any article of value that belongs to another person is strictly prohibited. The parents of any student guilty of these offenses will be notified. The seriousness of the incident will determine the type of disciplinary action to be taken.

## Tobacco Usage

Under state law and Northside Board Policy, students are prohibited from smoking, using or possessing tobacco products on school property, at any school related or sanctioned activity, or in a school vehicle. Students who violate this provision of the law will be issued a citation and be subject to disciplinary action.

## Trespassing

Trespassing is defined as a person entering or remaining on property or in a building of another without effective consent and the person had notice the entry was forbidden or received oral or written notice to depart but failed to do so.

## Under the Influence

Under the influence means a student's faculties are impaired, but the student need not be legally intoxicated.

## Use

Use means a student has smoked, ingested, injected, imbibed, inhaled, drunk, or otherwise taken internally a prohibited substance.

## Vandalism (Destruction of or Damage to Property)

Willful vandalism on the part of students who damage or destroy buildings, grounds, vehicles, and/or equipment owned or contracted for by the district will be investigated and, if students are found guilty of such vandalism, the students and their parents will be held financially accountable. Students who commit an act of vandalism will be subject to disciplinary action and prosecution under the law. This accountability includes damage to buses used to transport students to and from school and school-sponsored activities.

## Vehicles on Campus

Vehicles parked on school property are under the jurisdiction of the school. The school reserves the right to search any vehicle. Students have full responsibility for the security of their vehicles and will make certain they are locked and that the keys are not given to others. Students will be held responsible for any prohibited objects or substances, such as alcohol, drugs, and weapons that are found in their vehicles and will be subject to disciplinary action. Searches of vehicles may be conducted at any time, with or without the presence of the student.

## Weapons

Weapons shall include, but are not limited to, the following:

1. Armor-piercing ammunition means handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used principally in pistols and revolvers.
2. Chemical dispensing device means a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being.
3. Chinese Star or Chinese Throwing Star means a hand instrument, typically in a star shape with sharp points, designed to cut or stab another by being thrown.
4. Club means an instrument that is specially designed, made or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to the following:
  - a. blackjack;
  - b. nightstick;
  - c. mace;
  - d. tomahawk.

**NOTE:** Numchucks, boekens, and boomerangs are examples of clubs.

5. Destructive device means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled.
6. Explosive weapon means any explosive or incendiary bomb, grenade, rocket, or mine, that is designated, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror,

and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

7. Firearm means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.
  - a. Any weapon (including a starter gun), which will or is designed to or which may readily be converted to expel a projectile by the action of the explosive;
  - b. The frame or receiver of any such weapon;
  - c. Any firearm muffler or firearm silencer; or
  - d. any destructive device.
8. Firearm silencer means any device designed, made or adapted to muffle the report of a firearm.
9. Handgun means any firearm that is designed, made, or adapted to be fired with one hand.
10. Hoax bomb means a device that:
  - a. reasonably appears to be an explosive or incendiary device; or
  - b. by its design causes alarm or reaction of any type by an official of a public safety agency or a volunteer agency organized to deal with emergencies.
11. Knife means any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument.
12. Illegal knife means a:
  - a. knife with a blade over five and one-half inches;
  - b. a hand instrument designed to cut or stab another by being thrown;
  - c. dagger, including but not limited to a dirk, stiletto, and poniard;
  - d. Bowie knife, sword, or spear.
  - e. Crossbow, bow and arrow, blow gun, Chinese Star and ice pick.
  - f. Razor carried, designed, made, or adapted for use as a weapon.
13. Prohibited knife includes:

a switchblade knife that has a blade that folds, closes, or retracts into the handle or sheath, and that:

  - (1) opens automatically by pressure applied to a button or other device located on the handle; or
  - (2) opens or releases a blade from the handle or sheath by the force of gravity or by the application of centrifugal force (example: a butterfly knife or gravity knife);
14. Knuckles means any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.
15. Machine gun means any firearm that is capable of shooting more than two shots automatically, without manual reloading by a single function of the trigger.
16. Short-barrel firearm means a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches.
17. Zip gun means a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifle-bore barrel by using the energy generated by an explosion or burning substance.

Other weapons prohibited by law and/or by Northside School District Policies are listed below.

1. BB guns
2. Pellet guns
3. CO2 and air powered guns
4. Guns using gunpowder to expel a projectile.
5. Explosives
6. Razors
7. Fixed blade or lockblade knives
8. Stun guns
9. Chemical dispensers sold commercially for personal protection which are not covered by the Texas Penal Code (example: Mace, pepper spray, etc.)
10. Sling shots
11. Pen/pocket knives
12. Tranquilizer guns
13. Laser guns
14. Laser pens or pointers
15. Chains
16. Any weapons or instruments which may be considered dangerous to self or others.

**NOTE:** Involvement with weapons (handmade or commercial) is prohibited by Northside. This includes **any type** of weapon possessed for **any purpose**. It is not a justification to this offense that the person claims that the weapon was for his/her self-defense. Any student violating this policy concerning weapons may be disciplined.

## **AUTHORITY TO EXPEL/REMOVE**

The board delegates the authority to expel or remove students from district schools to the Superintendent, the Deputy Superintendent for Administration, the Assistant Superintendent for Administration, Executive Director for Secondary Administration, Director of Pupil Personnel, and the Pupil Personnel Hearing Officers. Principals and their designated administrators also have the authority to remove students from their campuses.

## **WITHDRAWN PRIOR TO HEARING**

The district may complete placement or expulsion proceedings if a student withdraws from the district before the order is entered. If the student enrolls in the same or subsequent school year, the district may enforce the order at that time except for any period of the placement or expulsion that may have been served by the student in another district that honored the order. If the district fails to enter an order after the student withdraws, the next district the student enrolls in may complete the proceedings and enter an order.

## **EXPULSION**

### **Responsibilities of Authorized Persons**

The board of trustees or the board's designee (hearing officer) is charged with the responsibility of reviewing discipline cases and determining whether the student should be expelled in accordance with state law and district policy.

The student, student's parent(s) and/or representative, shall be notified in writing of the date, time, and place of the expulsion/removal hearing.

Before a student may be expelled under [Texas Education Code Section 37.007](#), the board or the board's designee must provide the student a hearing at which the student is afforded appropriate due process 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 school district makes a good-faith effort to inform the student and the student's parent or guardian at 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 to an administrative committee and that decision may be appealed 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, or its designee, will set a term for the expulsion based on the seriousness of the offense and other relevant factors.

**NOTE:** A disabled student may be expelled for engaging in conduct that would warrant such action for a non-disabled student only if the Admission, Review and Dismissal committee determines that the misconduct is not a manifestation of the handicapping condition.

In determining whether a student's behavior is a manifestation of the student's handicapping condition, the ARD committee shall base its decision on all relevant evaluation and assessment data and on a review of the current IEP and behavior intervention plan. The ARD committee will consider whether the student's behavior indicates the need for new evaluation and assessment data. If the committee is unable to reach a manifestation determination without additional information, the student may be returned to his previous placement after ten (10) school days while additional assessments are being conducted, unless the student has committed a violation involving weapons or drugs in which case the student will be placed in an alternative educational placement for a minimum of 45 calendar days.

The ARD committee will determine the instructional placement and related services to be provided during the time of expulsion.

A student with a disability under Section 504 will not be expelled unless the district first determines that the misbehavior is not a manifestation of the student's disability. The same group of people who make placement decisions may make that determination. The group must have available to it evaluation data that is recent enough to afford an understanding of the student's current behavior. At a minimum, the group will include persons knowledgeable about the student and the meaning of the evaluation data. If it is determined that the misconduct is not caused by the student's disability, the student may be excluded from school in the same manner as similarly situated non-disabled students. If it is determined that the misconduct is caused by the student's disability, the district must determine whether the student's current educational placement is appropriate.

## **Appeal of an Expulsion to an Administrative Committee**

A decision by the board's designee (hearing officer) to expel a student may be appealed to the administrative committee. A request for an administrative committee review of the hearing officer's decision to expel a student will be made in writing to the hearing officer within five (5) school days after receipt of the written decision. Failure to appeal within the allotted time will constitute a waiver of appeal.

The hearing officer will provide the student's parent(s) written notice of the date, time, and place of the administrative committee's review within (5) five school days of receipt of the appeal request. The administrative committee will review the record of the due process hearing on the expulsion and may hear a statement from the student, parent(s), or the parent's representative and from the hearing officer. A copy of the procedural guidelines for the hearing will be sent to the parents. Committee members will have an opportunity to address questions to either side and to hear responses.

The determination of the administrative committee shall be rendered and sent in writing to the parent(s) after the review of the expulsion decision.

A student will be denied the privileges of the home campus pending appeal of an expulsion.

The superintendent or designee has the authority to appoint a five member administrative committee comprised of the following:

1. the assistant superintendent for administration or other administrator designated by the superintendent;
2. the director of pupil personnel or another hearing officer not involved in the case;
3. two administrators, dependent on grade level of student; and
4. a campus level teacher or guidance counselor, dependent on grade level of student.

## **Appeal of an Expulsion to the Board of Trustees**

Request for a board review of a decision to expel a student shall be made in writing to the superintendent within five (5) school days after receipt of the written decision of the administrative committee. Failure to appeal within the allotted time shall constitute a waiver of appeal. The superintendent shall provide the parent(s) written notice of the date, time, and place of the review. A copy of the procedural guidelines for the hearing will be sent to the parents. The parties may make oral statements to the board at the time of the board review. Board members will have an opportunity to address questions to either side and to hear responses. The board shall base its decision solely on the record and recommendation prepared by the hearing officer, the administrative committee, and any statements made by the parties at the review. The board shall also have the authority to remand the case to the hearing officer for further fact-finding. The decision of the board shall be rendered and sent in writing to the parent(s).

## **Appeal of Board's Decision**

The decision of the board may be appealed by trial de novo to a state district court of the county in which the school district's central administrative office is located. The student shall be expelled pending the appeal.

## Sanctions

Expelled students are prohibited from being on district property or attending school-sponsored or school-related activities during the term of expulsion.

## COURT INVOLVEMENT

Not later than the second business day after the date a hearing is held, the board of trustees of a school district or the board's designee shall deliver a copy of the order placing a student in an alternative education program or expelling a student and any information required under Section 52.04, Texas Family Code, to the authorized officer of the juvenile court in the county in which the student resides.

An expelled student shall to the extent provided by law or by the memorandum of understanding immediately attend the juvenile justice alternative education program (Juvenile Justice Academy) from the date of expulsion, provided that the expelled student is not detained or receiving treatment under an order of the juvenile court or is placed in a more appropriate placement by a legally constituted ARD committee.

If a student is expelled under Texas Education Code (TEC) Section 37.007(c), the board or its designee shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Title 3, Texas Family Code.

If a student is expelled under TEC Section 37.007, on the recommendation of the committee established under TEC Section 37.003 or on its own initiative, a district may readmit the student while the student is completing any court disposition requirements the court imposes. After the student has successfully completed any court disposition requirements the court imposes, including conditions of a deferred prosecution ordered by the court, or such conditions required by the prosecutor or probation department, if the student meets the requirements for admission into the public schools, a district may not refuse to admit the student, but the district may place the student in the alternative education program. Notwithstanding TEC Section 37.002(d), the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

If an expelled student enrolls in another school district, the district shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the expulsion order and the referral to the authorized officer of the juvenile court. The district in which the student enrolls may continue the expulsion under the terms of the order, may place the student in a discipline alternative education program for the period specified by the expulsion order, or may allow the student to attend regular classes without completing the period of expulsion.

If a student is expelled from school under TEC Section 37.007(a),(d), or (e), the juvenile court shall:

1. If the student is placed on probation under Section 54.05, Texas Family Code, order the student to attend the juvenile justice discipline alternative education program (Juvenile Justice Academy) from the date of disposition as a condition of probation, unless the child is placed in a post-adjudication treatment facility.
2. If the student is placed on deferred prosecution under Section 53.03, Texas Family Code, by the court, prosecutor, or probation department, require the student to immediately attend the juvenile justice discipline alternative education program (Juvenile Justice Academy) for a period not to exceed six months as a condition of the deferred prosecution.
3. If during a term of a placement or expulsion, a student engages in additional conduct for which placement and a disciplinary alternative education program are 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.

## DISCIPLINE ALTERNATIVE EDUCATION PROGRAMS

Before a student is removed to a discipline alternative education program, the board's designee will conduct a hearing to determine whether a student violated district policy.

If the board's designee finds the allegations are true, the student may be removed

to a discipline alternative education program for a period of time to be determined by the board's designee. If the board's designee finds that the allegations are not true, the student may be returned to the classroom.

The Northside Independent School District is required to provide a discipline alternative education program that:

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 discipline 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 student's educational and behavioral needs; and
6. provides supervision and counseling.

It should be noted that the Texas Education Code does not require the district's discipline alternative education program to provide courses necessary to fulfill a student's high school graduation requirements other than the courses specified above.

A school district is required to provide in the district disciplinary alternative education program a course necessary to fulfill a student's high school graduation requirements only as provided by this subsection. A school district shall offer a student removed to a disciplinary alternative education program an opportunity to complete course work 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.

## Northside Discipline Elementary Alternative School

The Northside Elementary discipline alternative education program, which offers a supervised, highly structured educational alternative to expulsion, provides a positive but disciplined educational setting for those Northside elementary students whose disruptive and/or unacceptable behavior at their regular school may not require expulsion, but whose behavior requires removal from their home campus. The program that operates with a full-time professional and paraprofessional staff provides for students continuing their regular course work to the extent possible under such circumstances. The academic curriculum is based on the home campus teacher's lesson plans, including reading, language arts, math, science and social studies. The social curriculum is based upon social skills taught by the program teachers. Students who commit a violation of the Code of Student Conduct are assigned to the school for a period of time to be determined by the board's designee. Students must complete the set number of successful days required by the board's designee.

The removal to this program requires a hearing before the board's designee.

## Northside Discipline Alternative Middle Schools

The Northside Alternative Middle Schools (North and South) program is a discipline alternative education program for students who engage in serious or persistent misbehavior, or who violate specific, published standards of student conduct.

Middle school students attending either location will receive instruction in language arts, science, math, social studies, reading and physical education. Methods of presentation will include: individualized, small group and full class instruction by the regular classroom teacher. The schools operate with a full-time professional and paraprofessional staff.

Counseling services are available for students assigned to the middle school discipline alternative education program. Professional school counselors funded by the Safe and Drug Free Schools and Communities program provide individual and group counseling. Counselors provide students assistance with transitional planning as they prepare to return to their home school. Assistance is also provided to parents through individual consultation, parent education, and referral to other district and community programs, if appropriate.

Students are assigned to the alternative program through a hearing before the board's designee. The board's designee establishes the length of assignment to the alternative program.

Criteria for return to a regular campus will be based on successful days while assigned to the discipline alternative education program.

The purpose of the Northside Alternative Middle Schools is to provide a positive and disciplined educational setting for Northside middle school students where the students are taught and encouraged to make more appropriate decisions resulting in improved behavior and academic success.

## Northside Discipline Alternative High School

The Northside Alternative High School is a discipline alternative education program for secondary students who engage in serious or persistent misbehavior, or who violate specific, published standards of student conduct. The school provides for students continuing their regular coursework to the extent possible under such circumstances. The curriculum is based on individualized or small group instruction provided by a regular classroom teacher. Students who engage in persistent misbehavior are assigned to the school for a period of time determined by the hearing officer. If students meet the criteria established for the program, they will be eligible to return to their home campus.

Counseling services are available for students assigned to the alternative high school. Professional school counselors provide individual and group counseling. The counselors provide students assistance with transitional planning as they prepare to return to their home school. Assistance is also provided to parents through individual consultation, parent education, and referral to other district and community programs, if appropriate. Funding for counseling is partially funded by the district's Safe and Drug Free Schools and Communities program.

The school operates with a full-time professional and paraprofessional staff.

The removal to this program requires a hearing before the board's designee.

## PLACEMENT OF CERTAIN STUDENTS IN DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS

The board of trustees of a school district, or the board's designee, after an opportunity for a hearing may elect to place a student in a disciplinary alternative education program if:

1. the student:
  - a. has received deferred prosecution under Section 53.03, Texas Family Code, for conduct defined as a felony offense in Title 5, Texas Penal Code; or
  - b. has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Texas Family Code, for conduct defined as a felony offense in Title 5, Texas Penal Code; and
2. the board or the board's designee determines that the student's presence in the regular classroom:
  - a. threatens the safety of other students or teachers;
  - b. will be detrimental to the educational process; or
  - c. is not in the interest of the district's students.

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

The board of trustees or the board's designee may order placement in accordance with this section regardless of:

- a. the date on which the student's conduct occurred;
- b. the location at which the conduct occurred;
- c. whether the conduct occurred while the student was enrolled in the district; or
- d. whether the student successfully completed any court disposition requirements in connection with the conduct.

The board of trustees or the board's designee may order placement for any period considered necessary by the board or the board's designee. A student placed in a disciplinary alternative education program is entitled to periodic review.

## REMOVALS

### Teacher Removals

#### Office Referral by Teacher

A teacher or paraprofessional that has primary supervisory responsibility for students 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 Code of Student Conduct. The student may be returned to the class following administrative action.

### Discretionary Removal by a Teacher

A teacher may **remove from class** a student:

1. who has been documented by the teacher to repeatedly interfere 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.

### Mandatory Removal by a Teacher

A teacher shall **remove from class** and send to the principal for placement in a discipline alternative education program or for expulsion, as appropriate, a student who engages in conduct described in Categories I, II or III on page C-2 and C-3.

### Notification of Code of Student Conduct Violation

If the student has violated the Code of Student Conduct, the principal shall send a copy of the teacher's written report documenting the violation to the student's parents or guardians within 24 hours.

### Interim Placement Pending Conference

After the student is removed from class, the principal may place the student in another appropriate classroom, in-school suspension, or a discipline alternative education program. The student may not be returned to the regular class pending the conference described below.

### Teacher's Consent

The principal may not return a student who has been removed from a teacher's class without that teacher's consent.

## SCHOOL RELATED MISCONDUCT

A student shall be removed from class and placed in a discipline alternative education program if the student, on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school related-activity on or off school property commits any Category III offense listed on page C-3.

## CONDUCT UNRELATED TO SCHOOL

In addition to the circumstances listed above, a student shall be removed from class and placed in a discipline 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:

1. The student receives deferred prosecution under Texas Family Code 53.03 for conduct defined as a felony offense in Title 5, Texas Penal Code (offenses against the person); or
2. A court or jury finds that the student has engaged in delinquent conduct under Texas Family Code 54.03 for conduct defined as a felony offense in Title 5, Texas Penal Code; or
3. The superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Title 5, Texas Penal Code.

### Permissive Removal

A student may be removed from class and placed in a discipline 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:

1. The superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those listed in Title 5, Texas Penal Code; and
2. The continued presence of the student in the regular classroom threatens the safety of other students or teacher or will be detrimental to the educational process.

## Reasonable Belief

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

## Not Guilty/Insufficient Evidence/Charges Dropped

The superintendent or designee shall review the student's placement in the discipline alternative education program upon receipt of notice under Article 15.27 (g), Texas Code of Criminal Procedure, stating that:

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

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 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.

## Appeal to Placement in DAEP for Conduct Unrelated to School

The student or the student's parent or guardian may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. The board shall, at the next regularly scheduled meeting, review the notice received under Article 15.27, Texas Code of Criminal Procedure, and information received from the student, the student's parent or guardian, and the superintendent or designee and confirm or reverse the superintendent's decision. If the board confirms the decision, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner. The student may not be returned to the regular classroom pending the appeal to the commissioner.

## REQUIRED CONFERENCE

Not later than the third class day after the day on which a student is **removed from class** by a teacher or by a school administrator, the principal or other appropriate administrator shall schedule a conference which includes the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall determine the disposition of the case consistent with the Code of Student Conduct.

## TERM OF PLACEMENT

The board or designee shall determine the term for a student's placement in a discipline alternative education program when the student is removed by a teacher or when the student is removed for engaging in conduct for which a student is required to be removed.

If placement in a discipline alternative education program is to extend beyond the end of the next grading period, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the board or designee. Any decision of the board or designee concerning placement beyond the end of the next grading period is final and cannot be appealed.

## BEYOND END OF SCHOOL YEAR

Before a student may be placed in a discipline alternative education program for a period that extends beyond the end of the school year, the board or designee must make one of the following determinations:

1. The student's presence in the regular classroom or at the student's regular campus poses a danger of physical harm to the student or another individual;
2. The student has engaged in serious or persistent misbehavior that violated the district's Code of Student Conduct.

## 120 Day + Review of Status

A student placed in a discipline 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 towards meeting high school graduation requirements and shall establish a specific graduation plan for the student.

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. The student may not be returned to the classroom of the teacher that removed the student without that teacher's consent. The teacher cannot be coerced to consent.

## Appeal of a Hearing by a Campus Administrator

A decision by a campus administrator to remove a student to a discipline alternative education program may be appealed to the Office of Pupil Personnel. A request for a review of the campus administrator's decision to remove a student shall be made in writing to the campus within five (5) school days after receipt of the written decision. Failure to appeal within the allotted time will constitute a waiver of the appeal.

The Office of Pupil Personnel will provide the student's parent(s) written notice of the date, time, and place of the appeal hearing within five (5) school days of receipt of the appeal request. The hearing officer shall review the record of the due process hearing on the removal and may hear a statement from the student, parent(s), or the parent's representative and from the campus administrator. The hearing officer will base a decision on evidence reflected in the record and any statements made by the parties at the review. The hearing officer has the authority to uphold, overturn, or alter the decision of the campus administrator.

The determination of the hearing officer shall be rendered and sent in writing to the parent(s) after the review of the placement decision. The decision of the hearing officer is final and may not be appealed.

A student will be denied the privileges of the home campus pending appeal of a removal. The student may attend the discipline alternative education program pending the appeal.

## No Appeal

Any decision made by a Pupil Personnel hearing officer to remove a student to a discipline alternative education program is final and may not be appealed.

## NOTIFICATION REQUIREMENTS

1. If a student placed in a discipline alternative education program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls may continue the discipline alternative education program placement under the terms of the order or may allow the student to attend regular classes without completing the period of placement.
2. The board or the board's designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a discipline alternative education program or expelling the student.

## **PLACEMENT OF STUDENTS WITH DISABILITIES**

The placement of a student with disabilities who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. A student with a disability who receives special education services may not be placed in discipline alternative education programs solely for educational purposes if the student does not also meet the criteria for alternative placement for their conduct.

Any discipline action regarding a student with disabilities that would constitute a change in placement under federal law may only occur after a manifestation determination review has been conducted by the student's admission, review, and dismissal committee.

All disciplinary actions regarding a student with a disability who receives special education services shall be determined in accordance with federal law and regulations, including the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review.

### **USE OF CONFINEMENT**

It is the policy of this state to treat all students with dignity and respect. A student with a disability may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

## **SANCTIONS**

Students placed in a discipline alternative education program are prohibited from being on district property or attending school-sponsored or school-related activities during the term of assignment.

## **SUSPENSIONS**

The principal or other appropriate administrator may suspend a student who engages in conduct for which the student may be placed in a discipline alternative education program.

A suspension may not exceed three days per offense.

## **IN-SCHOOL SUSPENSIONS**

In-school suspension is an on-campus setting for students who commit disciplinary infractions, where the student continues to receive instruction in each course to the extent possible.

## **DETENTION**

For minor infractions of the Code of Student Conduct or campus or classroom rules, teachers or administrators may detain students after school hours on one or more days. Before being assigned to detention, a student will be informed of the behavior that allegedly constitutes the violation, and will be given an opportunity to explain his or her version of the incident. The period of time for which a student is assigned to detention will be used for educational purposes.

### **Notice of Assignment to Detention**

When detention is used, notice will first be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for the necessary transportation of the student. Except in the case of a student who is 18 years of age or older, the detention will not begin until the parents have been notified. The student's parents, if the student is a minor, may be required to provide transportation when the student has been assigned to detention.

## **EMERGENCY PLACEMENT AND EMERGENCY EXPULSION**

The principal or the principal's designee may order the immediate placement of a student in an alternative placement if the principal or the principal's designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of students to learn or with the operation of school or a school-sponsored activity.

The principal or the principal's designee may order the immediate expulsion of a student if the principal or the principal's designee reasonably believes that action is necessary to protect persons or property from imminent harm.

At the time of the emergency placement or expulsion, the student shall be given oral notice of the reason for the action. The reason must be a reason for which placement in a disciplinary alternative education program or expulsion may be made on a non-emergency basis. Within a reasonable time after the emergency placement or expulsion, the student will be accorded the appropriate due process. If the student subject to the emergency placement or expulsion is a student with disabilities who receives special education services, the term of the student's emergency placement or expulsion is subject to federal law and regulations and must be consistent with consequences that would apply to a student without a disability.

## **DISCIPLINE MANAGEMENT TECHNIQUES & PROCEDURES**

Students who violate the Code of Student Conduct shall be subject to any or all of the following disciplinary actions:

1. counseling by teachers, special services, or administrative personnel;
2. student-parent-teacher conferences;
3. time out;
4. behavioral contract;
5. assigned school duties other than classroom tasks;
6. verbal correction;
7. temporary confiscation of items that disrupt the educational process;
8. withdrawal of privileges, including participation in extracurricular activities and honorary positions;
9. referral to the office;
10. detention;
11. probation;
12. rewards or demerits;
13. referral to an outside agency and/or authority for criminal prosecution in addition to disciplinary measures imposed by the district;
14. removal from office, clubs or organizations;
15. in-school suspension;
16. suspension;
17. placement in discipline alternative education program;
18. expulsion;
19. emergency expulsion or emergency placement;
20. judicial proceedings.

A disabled student's Individual Education Plan (IEP) which addresses the student's special needs will be reviewed prior to determining a disciplinary action.

## **QUESTIONING STUDENTS**

Administrators, teachers, and other professional personnel may question a student regarding the student's own conduct or the conduct of other students. In the context of school discipline, students have no claim to the right not to incriminate themselves.

## **PARENT NOTIFICATION**

The student's parent or guardian shall be notified if any prohibited articles or materials are found in the student's locker or vehicle parked on school property, or on the student's person as a result of a search conducted in accordance with this policy.

## **PARENTAL LIABILITY FOR SCHOOL PROPERTY**

A parent or other person who has the duty of control and reasonable discipline of a child is liable for any property damage proximately caused by:

1. The negligent conduct of the child if the conduct is reasonably attributable to the negligent failure of the parent or other person to exercise that duty; or
2. The willful and malicious conduct of a child who is at least ten years of age but under 18 years of age.

## RESOURCES AVAILABLE WITHIN THE DISTRICT

The following individuals/programs are available in the district to assist you and your child. You may call the appropriate telephone number for assistance in each area of concern.

Assistant Superintendent for Elementary Administration .....	706-8640
Problems relating to the elementary school operations and administration	
Assistant Superintendent for Secondary Administration .....	706-8639
Problems relating to the secondary school operations and administration	
Attendance Officers .....	522-8180
Questions on home visits, proof of residence, non-attendance, home schooling	
Bilingual/ESL .....	257-3500
Questions regarding difficulties in language other than English that may be spoken	
Excel Academy .....	522-8120
Programs for overage students who are unable to meet the graduation requirements of their home school	
Community Education .....	522-8100
Questions relating to continuing education, GED programs, adult education	
Compensatory Programs .....	706-8555
Programs to assist students at risk of not achieving	
Director of Guidance and Counseling .....	257-1250
Counseling services	
Director of Pupil Personnel .....	706-8695
Problems relating to student discipline, administrative, parental choice, and career technology transfers, attendance, admissions	
Director of Transportation .....	695-3800
Information regarding bus transportation	
Drug Abuse Specialist .....	257-1250
Chemical dependency problems or concerns	
Evening High School .....	706-7060
Course offerings for high school students	
Executive Director of Elementary Administration .....	706-8819
Executive Director of Secondary Administration .....	706-8819
Executive Director for Elementary Instruction .....	706-8644
Problems related to elementary curriculum and instruction issues	
Executive Director for Secondary Instruction .....	706-8637
Problems related to secondary curriculum and instruction issues	
Director of Special Education .....	706-8754
Problems/programs relating to emotionally or physically disabled students and homebound services	
Health Services .....	257-4951
Questions regarding immunizations, medications, and other health concerns	
Northside Independent School District Police .....	523-4705
Security, safety, criminal mischief, or vandalism information or concerns	
Section 504 Coordinator .....	706-8754
Problems/programs relating to disabled students under Section 504	
Teen Parenting .....	522-8111
Program to assist pregnant and parenting students	

## REPORTS TO LOCAL LAW ENFORCEMENT

The principal of a public or private primary or secondary school, or a person designated by the principal, shall notify any school district police department and the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, whether or not the activity is investigated by school police officers:

1. conduct that may constitute an offense listed under Section 8 (c), Article 42.18, Texas Code of Criminal Procedure;
2. deadly conduct under Section 22.05, Texas Penal Code;
3. a terroristic threat under Section 22.07, Texas Penal Code;
4. the use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana under Chapter 481, Texas Health and Safety Code;
5. the possession of any of the weapons or devices listed under Sections 46.01 (1)-(14) or Section 46.01 (16), Texas Penal Code.
6. conduct that may constitute a criminal offense under Section 71.02, Texas Penal Code.

## NORTHSIDE POLICE DEPARTMENT

The Northside Independent School District has its own police department in operation 24 hours a day. The department works closely with the Bexar County Sheriff's department and the Helotes, Leon Valley, Shavano Park, and San Antonio police departments to assist at all Northside schools and functions. The Northside Police Department investigates acts of vandalism, burglary, disruption or any act that would be considered a violation of the law or harmful to Northside schools or students. Northside police officers are commissioned and have the authority to arrest violators of the law both on and off district property. They may also issue traffic tickets on or around school district property and may also write citations for violations of the Texas Penal Code (i.e. disorderly conduct).

## USE OF TRAINED DOGS

Trained dogs' sniffing of cars and lockers does not constitute a search under the Fourth Amendment. The alert of a trained dog to a locker or car provides reasonable cause for a search of the locker or car if the dog is reasonably reliable in indicating that contraband is currently present.

## COMPLAINT RESOLUTION PROCEDURE

1. Complaints shall be discussed initially with the appropriate administrator within 15 calendar days of the event or action that is subject of the complaint.
2. If the complaint is not resolved at one level, the complainant (student, parent, or patron) may address the complaint to the next level within seven calendar days after receipt of a response.
3. A complainant who fails to make a reasonable effort to comply with the time lines for complaint resolution thereby waives his or her right to advance the complaint.

In Levels I-III complaints and response may be either oral or written, as appropriate. However, once either the complaint or the response is presented in writing all future responses or appeals must be in writing.

**LEVEL I - CAMPUS LEVEL:** Complaints originating at the school level shall first be directed to the building principal. The principal shall hear, or read, the complaint and shall take whatever steps deemed appropriate to attempt to resolve the complaint. Such steps may include a review of relevant information and conferences with the parties directly involved, either jointly or separately.

**LEVEL II - PROGRAM LEVEL:** Complaints not resolved at the campus level and those more reasonably addressed at the district level may be presented to the appropriate program administrator. Specific programs that have directors to whom complaints should be addressed include special education, transportation, and athletics. All other curricular or instructional issues should be addressed to the Executive Director for Elementary Instruction or the Executive Director for Secondary

Education and Career and Technology Education, as appropriate. All other matters should be addressed to the Assistant Superintendent for Elementary Administration or the Assistant Superintendent for Secondary Administration, as appropriate. The Executive Director or Assistant Superintendent may refer the matter to a more appropriate administrator or involve them in the discussion and attempted resolution as he/she determines best.

**LEVEL III - SENIOR STAFF LEVEL:** Any complaint not resolved at the program level may be appealed to the appropriate deputy superintendent. The Deputy Superintendent involved may hear the complaint, review relevant information, and conduct any investigation or conferences necessary to attempt to resolve the matter; or, at his/her discretion, the deputy superintendent may appoint an impartial panel of 3-5 members to hear the complaint and recommend a ruling.

**LEVEL IV - BOARD LEVEL:** Complaints that should properly be heard at the board level and those which have not been resolved at Level III may be presented to the Board.

Appeals to the board shall be submitted to the Superintendent in writing and shall include: a statement of the problem and related circumstances; a proposal or recommendation offered as a possible solution; and copies of written responses and summaries of oral responses received at Levels I-III. Upon receipt of an appeal to the board, the Superintendent shall review the case and take additional steps to resolve the complaint or make the necessary arrangements for the complaints to be presented to the board in a timely manner.