

STUDENT CODE OF CONDUCT

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The NEISD Discipline Management Plan includes the Student Code of Conduct and procedures for processing violations. Responsibilities of administrators, teachers, parents/guardians, and students are clearly defined. Management strategies are designed to provide maximum support for instruction and on-task time for teachers and students. The major focus is on teaching and assisting students to develop skills of self-control that will result in increased academic achievement. The classroom management model provides both positive and predefined negative consequences for student behavior.

NEISD schools foster a climate of mutual respect for the rights of others. Students are expected to respect the rights and privileges of other students, teachers, and school employees. The rules of conduct and discipline contained within this Student Code of Conduct are established to achieve and maintain order in the schools. Students who violate the rights of others or who violate school rules shall be subject to the provisions contained within this Student Code of Conduct.

The school administrator will make discipline decisions based on the evidence in each situation. Intent will not be considered in making a discipline decision. To avoid disciplinary action by contending self-defense, the student must seek to detach himself/herself from the situation and/or obtain help from school personnel. Self-defense is not an acceptable reason for misconduct that seriously disrupts the educational environment, or endangers or seriously affects other students. Administrators will take into consideration a claim of self defense when determining a discipline consequence.

The following subsections set forth student rules relating to individuals and school property, as well as, general behavior requirements. Persistent or repeated violations of the rules may ultimately result in a student being subject to increasingly more serious penalties. Any violation may result in a disciplinary action of any type available to the administration including the maximum penalty for a first infraction.

Parents/Guardians are an integral part of the discipline management plan and will be involved in working with district personnel in implementing discipline practices, interventions, and interviews as requested.

Law enforcement authorities also may be contacted when deemed necessary to assist school officials in enforcing these provisions. When appropriate, judicial proceedings may be instituted. Misbehaving students are subject to disciplinary action as provided in this code regardless of whether judicial proceedings are instituted. Multiple consequences are possible for a single infraction by a student. The District may take disciplinary actions. Legal actions may be taken by the law enforcement agency and the judicial system. Student activity groups may take disciplinary actions including removal from the student organization as indicated in the organizations' constitutions. The primary factor in any disciplinary decision is the severity of the incident. However, the student's age,

maturity, prior misbehavior, etc. are also taken into account. Disciplinary actions for violations of the District's rules are subject to change due to the enactment of or revision to state law, interpretations by the Texas Education Agency, or North East School Board policy changes.

Parents/Guardians will be contacted and informed of the available information regarding their son or daughter at the discretion of the administrator conducting the investigation. The intention is to conduct an efficient and effective investigation and to avoid causing parents/guardians undue alarm or anxiety based on incomplete information.

GENERAL CONDUCT EXPECTATIONS:

The conduct of students should at all times contribute in a positive and constructive manner to the improvement of learning situations and the overall school environment which includes, but is not limited to, school-sponsored activities outside the school building and transit to and from the school or school activities.

All students are to be respectful of others at all times. Actions by students that are based on race, color, national origin, ethnicity, gender, sexual preference, or religious beliefs will not be tolerated. Students participating in any form of harassment or intimidation, including, but not limited to, verbal, non verbal, graphic, written, or physical contact that denigrates or shows hostility or aversion towards a member(s) of the above groups will be subject to disciplinary action.

GENERAL BELIEFS:

1. Students are responsible for the choices they make.
2. Students can be taught behavior expectations.

The desired outcome of a disciplinary action is for the student to learn from the mistake and use the new information to make better choices.

GENERAL STUDENT RULES

Students at school or school-sponsored activities are prohibited from:

1. Cheating or copying the work of another student.
2. Throwing any object that can cause bodily injury or property damage which is not included as part of a teacher approved curriculum or school sponsored activity.
3. Leaving school grounds or a school-sponsored activity or event without permission of a school official with the authority to grant permission to leave the campus.
4. Being disrespectful or directing profanity, vulgar language, or obscene gestures toward students, school personnel or visitors to the District.
5. Insubordination - failing to comply with lawful directives from school personnel or School/District policies, rules, and regulations.
6. Engaging in arson or possessing matches or lighter(s).
7. Engaging in robbery or theft.
8. Damaging or vandalizing property owned by the District, other students, District employees, volunteers or visitors.
9. Engaging in misconduct on school buses.
10. Fighting, committing physical abuse or threatening physical abuse.
11. Bullying.
12. Committing extortion, coercion, or blackmail defined as obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force.

13. Engaging in verbal abuse, including but not limited to, name-calling, ethnic or racial slurs, or derogatory statements addressed publicly or privately to others that school officials have reasonable cause to believe will substantially disrupt the school program or incite violence.
14. Engaging in rude and disrespectful behavior.
15. Engaging in tardiness, truancy, or otherwise skipping classes or other scheduled activities.
16. Causing or participating in a disturbance on school grounds, at a school function or school activity.
17. Possessing or using fireworks, “poppers”, or explosives of any kind.
18. Engaging in inappropriate physical or sexual contact/conduct that may be disruptive to other students or to the educational environment.
19. Engaging in any offensive conduct of a sexual nature, whether verbal or physical. This may include requests for sexual favors or other intimidating sexual conduct.
20. Using/misusing an electronic or wireless communication device (pager, cell phone/camera phone, etc.) during an unauthorized time or in an unauthorized location. Misuse includes, but is not limited to, text messaging inappropriate comments, using the device to share educational information in violation of the Academic Honesty Policy, sharing inappropriate pictures or using the phone as a camera during the instructional day.
21. Possessing, creating, or displaying graffiti of any kind.
22. Disobeying the District’s guidelines for the acceptable use of computers and the District’s Acceptable Use Policy for Electronic Communication System.
23. Creating a “hit list” or any other list that targets specific individuals to be physically or psychologically harmed.
24. Engaging in any other conduct that disrupts the school environment or educational process.

DISCIPLINE OPTIONS

Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Duration and severity of consequences will depend on, but is not limited to, the offense, the nature of the violation, the student’s age, disciplinary history, and the overall effect upon the welfare and the learning environment. While these factors are considered, the severity of an incident remains the primary factor in determining what specific disciplinary action will be taken. Records of students receiving special services will be reviewed. Intent or lack of intent will not be a factor in an administrator’s decision. **Discipline shall be administered so that penalties generally increase proportionately to the severity and/or persistence of the misbehavior.**

Disciplinary consequences may include, but are not limited to, the following, which are not necessarily listed in order of progressive severity:

- Verbal reprimands and admonishments
- Special assignments or duties
- Behavioral contracts
- Counseling by staff, student peers, community leaders, outside agencies of the federal, state, or local governments
- Withdrawal of privileges
- Partial or complete denial of attendance and/or participation in extracurricular activities
- Probation
- Time-out
- Strict supervised study
- Demerits
- Duty assignments
- Detention
- Modified day

- Individualized behavior modification
- Referral to the school administrator
- Referral to outside agency
- Overnight suspension
- In-school alternative assignment
- Reassignment of classes
- Temporary removal from class
- Calling the police
- Parent conferences
- Disciplinary Alternative Educational Programs
- Suspension
- Expulsion
- Filing a criminal complaint or civil action
- Referral to Juvenile Justice Academy (JJA)
- Emergency Suspension
- Other reasonable actions created by unforeseeable special circumstances.

SCHOLASTIC IMPLICATIONS DURING PERIODS OF DISCIPLINE:

If a student is suspended, the student will be allowed to make-up his/her work when he/she returns to school. The student’s absence shall not be counted against the minimum attendance as required by law if the student satisfactorily completes the assignments for the period of suspension within a reasonable time (one day for each day of suspension). If work is not made up or is untimely, suspended days will be counted against the minimum attendance as required by law.

Expelled students will not receive credit for work missed during the period of expulsion. North East Independent School District schools will evaluate and may award credit for a class or portion of a class taken at the Juvenile Justice Academy. The District’s middle schools will evaluate and may promote a student based upon work completed as a student at the Juvenile Justice Academy. Special Education students will receive educational services during expulsion as determined by the Admission, Review, and Dismissal (ARD) Committee.

NOTE: The District is not required to allow students to remain current on class work pending an expulsion or during the appeal process.

CATEGORIES OF OFFENSES

CATEGORY I OFFENSES—MANDATORY EXPULSIONS TEC 37.007

A student SHALL BE expelled and referred to the Juvenile Justice Academy (JJA) for any of the following offenses if committed on school property or while attending a school-sponsored or school-related activity on or off of school property:

1. A firearm violation, as defined by federal law. By federal law, a student is expelled for one calendar year for a firearm violation. A firearm includes:
 - a. Any weapon, (including a starter gun), and/or device designed, made, or adapted to expel a projectile by the action of an explosive.
 - b. The frame or receiver of any such weapon.
 - c. Any firearm or silencer.
 - d. Any destructive device.

2. Uses, exhibits, or possesses the following, under Texas Penal Code:
 - a. A firearm.
 - b. An illegal knife as defined by Section 46.01(6) or by local policy. An illegal knife means a knife with a blade over 5 1/2 inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword, or spear, or by local policy.
 - c. A club.
 - d. A prohibited weapon listed under section 46.05, Penal Code, such as an explosive weapon; a machine gun; a short barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun.

3. Behavior containing the elements of the following under the Texas Penal Code:
 - a. Aggravated assault, sexual assault, or aggravated sexual assault
 - b. Arson
 - c. Murder, capital murder, or criminal attempt to commit murder or capital murder
 - d. Indecency with a child
 - e. Aggravated kidnapping
 - f. Aggravated robbery
 - g. Manslaughter
 - h. Criminally negligent homicide
 - i. Behavior related to an alcohol or drug offense that could be punishable as a felony
 - j. Retaliation against a school employee combined with one of the above listed offenses on or off school property or at a school-sponsored or school-related activity.

A student who violates the provisions of the Student Code of Conduct and who is expelled shall be referred to the Juvenile Justice Academy. Pursuant to Chapter 37.010 and the Memorandum of Understanding between North East ISD and the Bexar County Juvenile Board, the student will be referred to the Bexar County Juvenile Probation Department and assigned a Probation Officer. The Juvenile Justice Academy is supervised by the Bexar County Juvenile Probation Department and provides educational services for those students who are expelled. The Juvenile Justice Academy is located at 1402 N. Hackberry.

Provision for Appeal of Student Expulsions

A process for appeal of student expulsions is outlined in NEISD Board Policy FOD (Local) and affords the student and parent/guardian due process. The appeal process shall be as timely as possible and meet the requirements of the Board policy. The discipline placement assigned to the student will remain in effect pending an appeal. The expulsion placement of students who qualify for protection under the Individuals with Disabilities Education Act is governed by the policy/law.

CATEGORY II OFFENSES

A student may be expelled and referred to the Juvenile Justice Academy (JJA), if the student:

1. Engages in conduct involving a public school that contains the elements of the offense of false alarm or report under the Section 42.06 Penal Code, or terroristic threat under Section 22.07, Penal Code.

2. While 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 of school property for any of the following offenses:
 - a. Sells, gives, delivers to another person, possesses, uses or is under the influence of any amount of marijuana or controlled substances, dangerous drugs, or alcohol.
 - b. Engages in conduct that contains the elements of an offense relating to an abusable chemical under Sections 485.031 through 485.034, Health and Safety Code.
 - c. Criminal mischief, if punishable as a felony. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.
 - d. Conduct that contains the elements of an offense under Section 22.01 (a) (1) of the Penal Code, against a school district employee or a volunteer, or intentionally, knowingly, or recklessly causes bodily injury to another person, against a school district 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.
 - e. Engages in conduct that contains the elements of the offense of deadly conduct.
 - f. Engages in serious or persistent misbehavior while the student is placed in a disciplinary Alternative Education Program that violates the District's Student Code of Conduct.

3. Under Texas Education Code, Section 37.0081 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 under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;
 - b. a court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;
 - c. is charged with engaging in conduct defined as a felony offense in Title 5, Penal Code;
 - d. has been referred to a juvenile court for allegedly engaging in delinquent conduct under section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;
 - e. has received probation or deferred adjudication for a felony offense under Title 5, Penal Code;
 - f. has been convicted of a felony offense under Title 5, Penal Code; or
 - g. has been arrested for or charged with a felony offense under title 5, Penal Code; and
 - h. 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 best interests of the district's students.

A student who violates the provisions of the Student Code of Conduct and who is expelled may be referred to the Juvenile Justice Academy. Pursuant to Chapter 37.010 and the Memorandum of Understanding between North East ISD and the Bexar County Juvenile Board, a student expelled to JJA will be referred to the Bexar County Juvenile Probation Department and assigned a Probation Officer. The JJA is supervised by the Bexar County Juvenile Probation Department and provides educational services for those students who are

expelled. The Juvenile Justice Academy is located at 1402 N. Hackberry. The Board or its designee shall set a term for the expulsion, which may extend beyond the end of the current school year.

CATEGORY III OFFENSES

Except as provided by Section 37.007 (a)(3), Texas Education Code, a student **SHALL BE** removed from class and placed in an **ALTERNATIVE EDUCATION PROGRAM**, as provided by Section 37.008, Texas Education Code, if the student commits any of the following offenses:

1. Engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06 of the Penal Code or terroristic threat under Section 22.07 of the Penal Code.
2. Commits the following 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 of school property:
 - a. Engages in conduct punishable as a felony.
 - b. Assault as defined by Penal Code 22.01.
 - c. Terroristic threat as defined by Penal Code 22.07.
 - d. Sells, gives, or delivers to another person or possesses or uses or is under the influence of:
 - (i) Marijuana, drug paraphernalia or a controlled substance as defined by Chapter 481, Health and Safety Code.
 - (ii) A dangerous drug as defined by Chapter 483, Health and Safety Code.
 - e. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses or is under the influence of an alcoholic beverage.
 - f. Engages in an offense relating to an abusable volatile chemical under Chapter 485.031 through 485.034, Health and Safety Code.
 - g. Public lewdness under Section 21.07, Penal Code.
 - h. Indecent exposure under Section 21.08, Penal Code.
 - i. Offense of retaliation against any employee, on or off school property, under Section 36.06, Penal Code.
3. A student shall be removed from class and placed in an alternative education program under Texas Education Code, Section 37.008 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 under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code, or
 - b. A court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code, or
 - c. The superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Title 5, Penal Code.

4. A student shall be removed from class and placed in an alternative education program under Texas Education Code, Section 37.0081 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 under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;
 - b. a court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;
 - c. is charged with engaging in conduct defined as a felony offense in Title 5, Penal Code;
 - d. has been referred to a juvenile court for allegedly engaging in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in title 5, Penal Code;
 - e. has received probation or deferred adjudication for a felony offense under Title 5, Penal Code;
 - f. has been convicted of a felony offense under Title 5, Penal Code; or
 - g. has been arrested for or charged with a felony offense under Title 5, Penal Code; and
 - h. 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 best interests of the district's students.
5. If a juvenile court, municipal court, or justice of the peace, orders as a condition of probation, that a student attend the District Alternative Education Program, a conference will be conducted in the office of Pupil Personnel Services pursuant to Section 37.010 of the Texas Education Code.

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

THE STUDENT IS PROHIBITED FROM ATTENDING OR PARTICIPATING IN A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY WHEN ASSIGNED TO AN ALTERNATIVE EDUCATION PROGRAM. THE STUDENT WHO VIOLATES THIS POLICY MAY BE ISSUED A CRIMINAL TRESPASS WARNING OR BE SUBJECT TO ARREST IF HE/SHE TRESPASSES ON DISTRICT PROPERTY OR IS PRESENT AT A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY WITHOUT THE PRIOR WRITTEN PERMISSION OF THE PRINCIPAL OR DESIGNEE.

CATEGORY IV OFFENSES

A student may be placed in an alternative education program, if the student engages in any of the following offenses while on school property, at any school facility, at any school-sponsored or school-related activity, or on a school bus:

- A. Intentionally or knowingly threatens another with imminent bodily injury.

- B. Intentionally or knowingly threatens another with injury or threatens to damage property.
- C. 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.
- D. Possesses any weapon not classified in the Texas Penal Code including, but not limited to, any bladed instrument, including pocket knives, other chemical dispensing devices, razors, chains, air guns, pellet/BB guns, or other object used as a weapon and/or threatens or inflicts bodily injury on another person or that the principal determines the object is a danger to any student, District employee, or District property by virtue of possession or use of the object.
- E. Bullying
- F. Engages in vandalism, including but not limited to, tagging, graffiti, property destruction.
- G. Commits criminal mischief.
- H. Participates in gangs or gang activities including, but not limited to, exhibiting gang graffiti, clothing, or gang insignias.
- I. Participates in fraternities, sororities, or secret societies.
- J. Commits burglary, robbery, or theft.
- K. Engages in extortion, coercion, or blackmail.
- L. Engages in fighting and/or habitual fighting, repeated commission of physical abuse or threat of physical abuse.
- M. Displays flagrant or extreme insubordination.
- N. Engages in tobacco violations.
- O. Participates in aggressive, and/or disruptive action or group demonstration that substantially disrupts or materially interferes with school activities.
- P. Engages in verbal abuse including, but not limited to name-calling, racial/ethnic slurs, or derogatory statements that may disrupt the school environment or incite violence.
- Q. Exhibits disrespect or direct profanity, pornography, vulgar language, or obscene gestures towards teachers, fellow students or other employees.
- R. Uses profanity, vulgar language, or makes obscene gestures.
- S. Commits an act of indecent exposure, or the inappropriate display of private body parts through such acts as, but not limited to, 'mooning' or 'flashing', or possesses or distributes pornography.
- T. Engages in offensive verbal or physical behavior of a sexual nature, which may include, but is not limited to requests for sexual favors, or similar intimidation directed toward another student, sexual harassment.
- U. Distribution of non-school materials.
- V. Dress code violations.
- W. Any action or behavior that is, or could be, dangerous or harmful to the person or another.
- X. Hazing.
- Y. Possession/use of prohibited items.
- Z. Loitering.
- AA. Engaging in any conduct which disrupts the school environment.
- BB. Persistent misbehavior.
- CC. Gambling.
- DD. Possession, use, sale, gift, delivery on campus, of any product, but not limited to, over-the-counter products, homeopathic remedies, herbs, vitamins, dietary supplements, weight loss products, pills, etc. and/or under the influence if taken in amounts exceeding the recommended dosage of over the counter products, such as, but not limited to those stated above.
- EE. Possession, use, or delivery of simulated controlled substances and/or representation of an item as a prohibited substance.
- FF. Cell phone violation/Misuse of a wireless communication device, including but not limited to, text messaging texts or sharing school work information with others, taking pictures, sending pictures and/or displaying pictures or other visual materials with a cell phone.

- GG. Any infraction of a bus rule not listed in this category (see Bus Transportation Conduct on Bus).
- HH. Participates in creating or possessing a “hit list” that targets specific individuals to be physically or psychologically harmed.
- II. Providing false information or falsely accusing other students, teachers, school administrators, and/or other school employees of misconduct.
- JJ. Possesses or uses fireworks, explosives, “poppers”, or other such devices.
- KK. Misuse of school documents and/or forging notes/documents.
- LL. Placing offensive photos, obscene material, derogatory statements, threatening or other similar content on an internet site that disrupts the school environment.
- MM. Commits any other conduct that constitutes a violation of state, local, or federal law or local policy that is not listed above.

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

A student may be removed from class and placed in an alternative education program under Texas Education Code, Section 37.008, based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

The superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code; and

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.

A juvenile court, municipal court or justice of the peace orders as a condition of probation that the student attend the District’s Alternative Education Program. In this circumstance, a conference will be conducted in the office of Pupil Personnel Services pursuant to Section 37.009(a) of the Texas Education Code.

A school district shall remove a student from class and determine the appropriate placement of a student who is a registered sex offender under Texas Education Code, Section 37.303 and 37.305. Under this subchapter a school district may expel the student or place a student in a district alternative educational program.

In addition to the actions prohibited above, students at school or school-related activities are prohibited from violating any of the general school rules. Any violation of the District Student Code of Conduct may result in a disciplinary action including an Alternative Education Program assignment. Students violating the District's rules and/or the Student Code of Conduct will be held responsible for their behavior and will be subject to disciplinary consequences and in some cases a citation may be issued for the violation. The Board or its designee shall set the length of term for assignment to an Alternative Educational Program.

Additional Disciplinary Information/Procedures:

ALCOHOL AND OTHER DRUGS

No student shall possess, use, transmit or be under the influence of, but not limited to, any narcotic drug, hallucinogenic, amphetamine, barbiturate, marijuana, alcoholic beverage, toxicant inhalant, or

other intoxicant (as those items are defined by law), or over-the-counter drugs medications/remedies, such as but not limited to, homeopathic products, vitamins, herbs, dietary supplements, etc.:

- a) on school grounds during any school term
- b) off school grounds at a school activity, function, or event
- c) within 300 feet of District property

This policy shall apply in the event pills or other substances are simulated or represented as any of the previously mentioned controlled substances or over-the-counter drugs and shall apply to any type of drug paraphernalia.

A student who uses a drug as authorized by a licensed physician through a prescription specifically issued for the student's use shall not be considered to have violated this rule as long as he/she follows the guidelines set forth by NEISD Health Services.

Cars and lockers may be searched for any contraband including alcohol and drugs in accordance with Board Policy FNF (Local). Students are held responsible for any prohibited item(s) found in their locker, car, or on their person and are subject to disciplinary action.

Students who violate this policy on alcohol and drug use shall be subject to disciplinary action as deemed appropriate by the Superintendent or his designee, which may include expulsion by the Board or its designee.

DISTRICT ALTERNATIVE EDUCATION PROGRAMS (DAEP)

A student who is removed to a DAEP for behavior is required to successfully complete his/her assignment to the District Alternative Education Program (DAEP). In order to be successful, the student must have satisfactory conduct, satisfactory academic grades, and must have regular attendance. Failure to meet the criteria will result in an extension of the student's assignment to the program. Should a student withdraw prior to completing his/her assignment to the DAEP and subsequently re-enroll, the student will be required to successfully complete the assignment to the District Alternative Education Program prior to returning to the home campus. During the time a student is placed at a DAEP, the student is prohibited from being on the home campus or any NEISD properties or school-related activities on or off school property. Students who violate this policy will be subject to arrest for **criminal trespass (Texas Penal Code, Section 30.05)**. This applies to any student who withdraws from NEISD and does not complete his/her assignment.

The long term District Alternative Programs focus on the core subjects and self discipline. Students enrolled in advanced courses and electives will not have access to that curriculum during their placement at the Alternative Center. Parents/Guardians are encouraged to discuss options with the school administration regarding their child's transition back to the student's regular schedule at his/her home campus after completing the assigned time at the DAEP.

1. **Short Term Disciplinary Educational Programs
Student Reassignment Center (SRC)**

The Student Reassignment Center is a short term discipline placement that is generally, but not limited to, a five to seven day assignment. SRC is used at elementary, middle, and high school levels. Schoolwork is provided by the home school.

2. **Elementary Discipline Alternative Educational Program**

Alternative Elementary School (AES) is a long term disciplinary placement for grades 1-5 that will not exceed 120 days without a review of the student's academic/behavioral status. Students are withdrawn from their home campus and enrolled in the program. The Hearing Officer decides the length of time for this type of disciplinary placement.

3. **Secondary Discipline Alternative Educational Programs:**
Alternative Middle School (AMS) and Alternative High School (AHS) are discipline placements that generally, but are not limited to, a minimum placement of 30 successful school days. These placements will not exceed a 120 days without a review of the student's attendance, academic and behavioral status, by the Board's designee. Students are withdrawn from their home campus and enrolled in this program. The Hearing Officer decides the length of this placement.
4. **Juvenile Justice Academy (JJA)**
JJA is an out of district Alternative Educational Placement for students who are expelled from NEISD. Original placement will not exceed a calendar year.

DRUG FREE SCHOOLS

NEISD believes that student use of alcohol and illicit drugs is both wrong and harmful. Consequently, the District has established a Student Code of Conduct that prohibits using, selling, possessing, being under the influence of, and/or distributing alcohol and/or illicit drugs by students on school premises or within 300 feet of District property or as part of any school activity, regardless of its location. Compliance with this Student Code of Conduct is mandatory, and students shall be disciplined if they are found to have violated this Student Code of Conduct.

THE USE OF ILLICIT DRUGS AND UNLAWFUL POSSESSION AND USE OF ALCOHOL IS WRONG AND HARMFUL.

DISTRIBUTION OF NON-SCHOOL MATERIALS

Any attempt to avoid the established procedure for administrative approval of activities such as the production for distribution and/or the distribution of petitions or printed documents of any kind, sort, or type on school grounds, without the specific approval of the principal, shall be cause for disciplinary action. This may include suspension and/or assignment to an Alternative Education Program (AEP).

EMERGENCY PLACEMENT OR EXPULSION

Texas Education Code, Section 37.019 states that a student may be removed if the behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in the class, with the ability of the student's classmates to learn, or with the operation of a school or school-sponsored activity. In addition, a student may be removed for action that is necessary to protect persons or property from imminent harm.

FALSELY ACCUSING OTHERS OF MISCONDUCT

Students who falsely accuse other students, teachers, school administrators, and/or other school employees of misconduct may be subject to disciplinary procedures including, but not limited to, suspension and/or placement in an alternative education program.

FIGHTING

Individual or group fights at school, school sponsored, or school related activities, or while on District transportation will not be tolerated. Parents/Guardians of students involved will be notified. The seriousness of each case will determine the disciplinary action taken. Students involved in fighting may be removed from school and/or District Transportation. Students who engage in fighting will be subject to disciplinary consequences and could be issued a citation under Section 42.01 of the Texas Penal Code, Disorderly Conduct. Specifically, Texas Penal Code, Section 42.01, (a) (6), states, "fights with another in a public place." This offense is a Class C misdemeanor and carries a fine of up to \$500.

GANG/CREW ACTIVITY

Gang/Crew Activity – Board Policy FNCC (Local)—A "gang" is defined as any group of two or more individuals whose purposes may include the commission of illegal acts. In addition, for purposes of this policy, a "gang" is a prohibited fraternity, -or society as defined by Texas Education Code, Section 37.121. By this policy, the Board of Trustees acts to prohibit the existence of gangs and gang activity.

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:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other affiliation in any 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 for protection or otherwise intimidating or threatening any person.
 - c. Inciting other students to act with physical violence upon any other person.
 - d. Engaging in concert with others in intimidating, fighting, assaulting, or threatening to assault others.
 - e. Committing any other illegal act or other violation of school district policies.

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 an 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.

Students who violate this policy will be subject to disciplinary action that may include, but not limited to, suspension, removal to alternative placement, or expulsion.

HAZING: SECTION TEC 37.151

The Texas Education Code provides criminal penalties for students and organizations that engage in or have association with acts of hazing "occurring on or off the campus of an educational institution." Hazing is defined as, "any intentional, knowing, or reckless act ... 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, or holding office in an organization."

Any student who violates the district hazing policies or state law FNCC (Legal) and FNCC (Local), Texas Education Code Chapter 37, Subchapter F, North East Student Code of Conduct shall be subject to disciplinary action that may include, but may not be limited to, suspension, alternative educational placement and/or expulsion if criteria for expulsion are met (Texas Education Code 37.007). The student may also face probation or removal from extra-curricular activities.

JURISDICTION: GOING TO AND FROM SCHOOL

1. The District has jurisdiction over its students during the regular school day and while going to and from school on district transportation. The District's jurisdiction also includes any activity during the school day on school grounds, attendance at any school-related or school-sponsored activity, regardless of time or location, and any school-related misconduct, regardless of time or location.
2. Community residents have a right to privacy, private property, and freedom from abusive behavior. Students not being transported by the District transportation are the responsibility of the student's parent. Nonetheless, on the way to and from school, students shall not loiter, litter, trespass, abuse, or create nuisance conditions for residents of the community. Students being transported by the District transportation and those within the school's areas of control as determined by the Texas Education Code are subject to disciplinary action by the District.
3. Texas Education Code establishes eligibility for students to ride the school bus as those who reside at least two miles from their home school, travel a route determined to be hazardous or as directed by the student's ARD committee. The District may not provide transportation to students electing to attend a campus other than their home school. The school bus is an extension of the classroom. Campus administrators will determine disciplinary actions based upon a written referral from the bus driver for student misbehavior occurring on the bus. All

school district policies that apply to student conduct and other student related activities also apply to the school bus.

POSSESSION OF WEAPONS/EXPLOSIVES

In addition to weapons prohibited by state and federal law, a student shall not possess, handle, use, display, and/or transport any object that can be considered a weapon, including, but not limited to:

1. Explosives, including fireworks of any kind, poppers, stink bombs, etc.
2. Razors
3. Any bladed instrument, including pocket knives
4. Stun guns, BB guns, pellet guns, air guns, laser guns, tranquilizer guns, etc.
5. Chemical dispensers sold commercially for personal protection that is not covered by the Texas Penal Code (e.g., mace, pepper spray, or other irritants)
6. Bows, arrows, numchucks, boomerangs, cross-bows
7. Clubs
8. Ammunition
9. Acid
10. Metal pipes
11. Sharpened sticks
12. Pyrotechnics
13. Chains
14. Any other object used in a way that threatens or inflicts bodily injury on another person, or that the principal or designee determines presents a danger to any student, District employee, or District property by virtue of possession or use of the object.

Students found to be in violation of this policy shall be subject to disciplinary action as specified in the Student Code of Conduct.

Any student who has reasonable grounds to suspect a violation of the school district's policy relating to the possession of weapons/explosives is required to report such suspicion immediately to a school administrator or police officer. Student can also call the North East Police Department's 24-hour hot tip line at 655-CARE (2273) to report any suspicious activities or behaviors. Callers to the hot tip line can request anonymity.

PROHIBITED ITEMS

Personal items may be brought to school for educational purposes only when approved or requested by a teacher. Students are not to bring and/or use on school premises items such as, but not limited to, electronic games, cigarette lighters/matches, any bladed instruments, toy guns of any kind, pellet guns, bb guns, paintball guns, laser pointers, electronic devices such as MP3 players, Ipods, radios, tape recorders/players, CD players, CDs, cameras of any type, video/computer games, dice, cards/trading cards, skate boards, in-line skates, pornographic materials, or other items determined by school officials to be inappropriate at school. Students may be subject to disciplinary action for being in possession of any of the above items. The principal or designee will contact the parent/guardian on each occurrence and the student's punishment will range from a warning to a placement in an alternative educational program, or expulsion for persistent misbehavior. Prohibited items will be confiscated.

PUBLICATIONS

Distribution of written materials may be restricted under the following conditions:

1. Student material criticizing board members, school officials or advocating violation of school rules may be prohibited when, in the reasonable judgment of the principal, substantial disruption of normal school operations would likely result.

2. Student material attacking any individual or group on the basis of gender, race, creed, ethnicity, or religion may be prohibited when disruption of normal school operations would likely result.
3. Materials encouraging actions that endanger the health or safety of students are prohibited, including obscene materials or materials sexually inappropriate.
4. Libel is prohibited. In regard to school officials, libelous material is that which contains defamatory falsehoods made with knowledge of their falsity or reckless disregard of their truth.
5. Reasonable time, place, and manner restrictions may be placed on the posting and distribution of material. The posting and distribution of material may be prohibited when, in the judgment of the principal, substantial disruption of school operations would likely result.

SCHOLASTIC PENALTIES

Make-up work is allowed after suspension if completed during a reasonable time (one day per each day of suspension). Work assigned during suspension is due the day the student returns to school. No credit will be given for work received after the day of return.

SEARCHES AND INTERROGATIONS

Administrators, teachers, and other professional personnel may question a student regarding the student's own conduct or the conduct of others. In the context of school discipline, students have no claim to the right not to incriminate themselves. Students are expected to provide any information about their misbehavior or that of other students. Administrators are not required to contact parents/guardians prior to interviewing students. School officials may search a student's outer clothing, pockets, or property by establishing reasonable suspicion or securing the student's voluntary consent. A search is reasonable if it meets both of the following criteria:

1. The action is justified at the inception; i.e., the school official has reasonable grounds for suspecting that the search will uncover evidence of a rule violation or a criminal violation.
2. The scope of the search is reasonably related to the circumstances justifying the search in the first place; i.e., the measures adopted are reasonably related to the age and sex of the student and the nature of the infraction.

A search is considered reasonable if the student leaves the school grounds without permission and returns during the school day on foot or in a vehicle, and/or is found in an unauthorized area of the school facility/grounds.

Vehicles on district property may be searched if there is reasonable suspicion to believe the search will result in evidence that school rules or other laws have been violated. Students shall be responsible for any prohibited items found in their lockers, possession or vehicles while on school property or at school-sponsored or school-related activities. If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses to permit the vehicle to be searched, the District may contact local law enforcement officials.

Lockers and desks are the property of the North East Independent School District and are subject to inspection/search. Inspections of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant.

SEXUAL HARASSMENT

NEISD believes that every student has the right to attend District schools and school-related activities free from all forms of discrimination on the basis of sex, including sexual harassment. This

District considers sexual harassment of students to be serious and will consider the full range of disciplinary options, up to and including expulsion, according to the nature of the offense.

All students are expected to treat one another courteously, with respect for the other person's feelings; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another. Sexual harassment includes, but is not limited to unwelcome sexual advances, request for sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature directed toward any other individual. **Anyone who is sexually harassed should contact the principal, other administrators, teachers, or counselors immediately to report the offense.**

Student and/or parents/guardians are encouraged to discuss their questions or concerns about their expectations in this area with the school administration, counselors, teachers, or the Executive Director of Pupil Personnel Services who serves as the District Title IX coordinator for students. A complaint alleging sexual harassment may be presented to the school principal, or designee, or to the Title IX coordinator: Mr. Bruce Schneider, Executive Director, Pupil Personnel Services, 8961 Tesoro, Suite 306, San Antonio, Texas 78217, telephone 804-7070.

STUDENT REMOVAL FROM CLASS

A teacher may send a student to the principal's office in order to maintain effective discipline in classroom. The principal shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct adopted under Section 37.001.

1. A teacher may remove from class a student:
 - (a.) who has been documented by the teacher to have repeatedly interfered 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
 - (b.) 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.
2. If a teacher removes a student from class under Subsection 1, the principal may place the student into another appropriate classroom, in-school suspension, or into an alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.
3. A teacher shall remove from class and send to the principal for placement in an alternative educational program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available.
4. Not later than the third class day after the day on which a student is removed from class under Section 37.002, the school principal shall schedule a conference among the principal or the principal's designee, a parent/guardian of the student, the teacher removing the student from class, and the student. The student may not be returned to the regular classroom 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 order the placement of the student as provided by Section 37.002 for a period consistent with the Student Code of Conduct.

Special education students may not be removed in violation of specific IEP provisions or for more than ten days without ARD committee approval.

Note: This section does not apply to routine disciplinary matters in which the teacher has not requested a permanent removal.

STUDENT SAFETY

Students should be aware of possible danger on the campus when school is not in session. Students are advised to attend after-hours activities in groups or in pairs.

Police officers are assigned to the secondary campuses during school hours for the safety and welfare of the students. ***Students should alert an administrator or the police officers to any potential danger on the campus.*** The North East ISD Police Department has established a 24-hr hot tip line at 655-CARE (2273) to report any suspicious activities or behaviors. Callers to the hot tip line can request anonymity.

SUSPENSION

A student may be suspended up to three school days for engaging in alleged behaviors, which are outlined in the Student Code of Conduct. A parent conference shall be held with the appropriate administrator prior to the student returning to his/her regular class schedule. Students are prohibited from being on the home campus or any NEISD properties or school-related activities on or off school property without prior written permission of an administrator.

A student may also be placed in an Alternative Educational Program for a period of time as prescribed by law, the Student Code of Conduct, and the local Behavior Management Plan.

TOBACCO ON SCHOOL PROPERTY

The Board of Trustees of a school district shall:

1. Prohibit smoking or using tobacco products at a school-related or school-sanctioned activity on or off school property.
2. Prohibit students from possessing tobacco products at a school-related or school-sanctioned activity on or off school property.
3. Ensure that school personnel enforce the policies on school property.

State law prohibits the possession, purchase, consumption or acceptance of a cigarette or tobacco product by an individual who is younger than 18 years of age. An offense under state law is punishable by a fine not to exceed \$250. Additionally, a student will face disciplinary consequences.

UNAUTHORIZED ORGANIZATIONS

North East School District Policy specifically prohibits the existence of organizations on a public school campus which have not been authorized by the principal.

Under district policy, a person commits an offense if the person is a member of, pledges to become a member, or joins, or solicits another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang. In 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, Girls Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

The Board of Trustees or an educator shall recommend placing in an alternative education program any student under the person's control who violates this provision.