

STUDENT CODE OF CONDUCT

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 other 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 object 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
- e. 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 tests 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:

1. 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
2. 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.
3. 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 ~~these circumstances~~, 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.