

2020 – 2021

DISTRICT STUDENT CODE OF CONDUCT

The North East ISD 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. Behavior 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 in developing skills of self-control that will result in increased academic achievement. The classroom management model provides positive support and predefined consequences for student behavior.

North East ISD schools foster a climate of equity and 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 and safety 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.

Campuses proactively employ a variety of positive behavior supports and utilize a character education program to reinforce the value of appropriate choices and to promote a positive climate for all stakeholders. Staff receive extensive training in utilizing current research-based methods, which are designed to enhance social-emotional learning, foster productive relationships and provide the requisite intervention to enable students to maintain consistent compliance with Student Code of Conduct expectations.

In North East ISD, the principal serves as the campus behavior coordinator (CBC). The principal/CBC or his/her designee will make discipline decisions based on the evidence in each situation. Consideration will be given to intent and/or self-defense in the decision-making process along with all other relevant factors. Intent or lack of intent and/or self-defense alone will not be the determining factor. In cases of misbehavior where there is no stated or implied intent to violate the Student Code of Conduct, students may be disciplined for their actions. To avoid disciplinary action by contending self-defense, students must not have been involved in provoking the situation, must seek to detach themselves 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, endangers others, is used as a reaction to bullying, or hurts or seriously affects other students. Administration maintains the sole authority to determine intent and/or self-defense based on the investigation. Consideration will be given to students with an individual educational program (IEP) or Section 504 individual accommodations plan (IAP) in which the misconduct is a direct and substantial manifestation of the disability or disabilities.

The principal/CBC or his/her designee has the legal authority and responsibility to investigate violations of the Student Code of Conduct and to interview students regarding the student's own conduct or the conduct of other students without prior notice to parents/guardians or the consent of parents/guardians to do so. School officials including law enforcement officers exercise this authority to maintain the safety and security of the school environment and to prevent the disruption of instructional programs. In order to conduct an efficient and effective investigation and to avoid causing undue alarm, anxiety or giving incomplete information, parents/guardians will be notified at the discretion of the administrator conducting the investigation.

The principal/CBC or his/her designee will report crimes as required by law and may contact local law enforcement regarding suspected criminal activity. In most cases, school officials contact their campus police officer to assist them in enforcing these provisions. Certain acts of conduct may constitute criminal offenses in addition to violations of the Student Code of Conduct. Because school discipline is independent of criminal proceedings, disciplinary consequences may not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding.

Multiple consequences are possible for a single infraction by a student. Legal actions may be taken by the law enforcement agency and the judicial system. In addition, student activity groups may have disciplinary actions taken 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, status as a student who is homeless or in the conservatorship of DFPS and the factors listed above are also taken into consideration. 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 ISD School Board Policy changes.

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 consequences. Any violation may result in a disciplinary action of any type available to the administration including the maximum penalty for a first infraction.

GENERAL CONDUCT EXPECTATIONS

The conduct of students should at all times contribute in a positive and constructive manner to the improvement of all learning environments and the overall school atmosphere 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, electronic, 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

- Students are responsible for the choices they make.
- Students can be taught behavioral expectations.

The desired outcome of a disciplinary action is for students 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:

- Cheating, copying, or representing someone's work as one's own.
- Identity theft.
- 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.
- 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.
- Being disrespectful or directing profanity, vulgar language, or obscene gestures toward students, school personnel or visitors to the District.
- Insubordination - failing to comply with directives from school personnel or violating District policies, rules, and regulations.
- Possessing matches and/or lighter(s).
- Engaging in robbery or theft.
- Damaging or vandalizing property owned by the District, other students, District employees, volunteers or visitors.

- Engaging in misconduct on school buses.
- Fighting/mutual combat.
- Committing physical abuse or threatening physical abuse.
- Bullying/cyberbullying.
- Harassment.
- 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.
- 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.
- Engaging in rude and disrespectful behavior.
- Engaging in any type of threatening, harassing or intimidating school personnel on or off school property, to include, but not limited to, expression via social media.
- Engaging in tardiness, truancy, or intentionally skipping classes or other scheduled activities.
- Causing, inciting or participating in a disturbance on school grounds, at a school function or school activity.
- Encouraging others to fight or participate in a violation of the District Student Code of Conduct.
- Possessing or using fireworks, "poppers," or explosives of any kind.
- Engaging in inappropriate physical or sexual contact/conduct that may be offensive to other students and/or disruptive to the educational environment.
- 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.
- Using/misusing an electronic or wireless communication device (cell phone/camera phone, iphones or the like etc.) during an unauthorized time or in an unauthorized location. Misuse includes, but is not limited to, text messaging, using the device to share educational information in violation of the Academic Honesty Policy, sexting, cyberbullying, having or sharing intimate visual pictures or using the phone as a camera during the instructional day or in any area where there is a reasonable expectation of privacy.
- Using any device that permits the recording of a voice or image of another in any way that invades the privacy of others, is made without the prior consent of the individual(s) being recorded, or disrupts the educational environment.
- Possessing, creating, or displaying graffiti of any kind.
- Violating the District's Acceptable Use of Technology Resources guidelines.
- Creating a "hit list" or any other list that targets specific individuals to be physically or psychologically harmed.
- Violating the dress code.
- Bringing items to sell at school without prior consent from the principal.
- Loitering.
- Engaging in tobacco/electronic device violations, including but not limited to, nicotine products, cartridges, oils or the like.
- Possessing drug paraphernalia of any kind.
- Carrying and/or bringing to school any bladed instruments.
- Taking invasive pictures and/or recordings of other students.
- Disclosing, posting or promoting intimate visual material.
- Disrupting virtual or distance learning by gaining unauthorized access and/or actively disturbing instruction.
- 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 are not limited to, the offense, the nature of the violation, the student's age, disciplinary history, intent, disability, status as a student who is homeless or in the conservatorship of DFPS and the overall effect upon student 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. In most cases, discipline shall be administered so that penalties generally increase proportionately to the severity and/or persistence of the misbehavior.

The principal/CBC or his/her designee may suspend students who engage in conduct identified in the Student Code of Conduct. An out-of-school suspension may not exceed three (3) school days for a single incident.

A student who is enrolled in a grade level below grade three and/or homeless may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

1. Conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
2. Conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or
3. Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of: (a) marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; (B) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or (C) an alcoholic beverage, as defined by Section 1.04, Alcohol Beverage Code.

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

- Verbal corrections and warnings (oral or written).
- Seating changes.
- Temporary confiscation of items that disrupt the educational process.
- Special assignments or duties.
- Parent/guardians/teacher conferences.
- Behavioral contracts.
- Counseling/mediation by staff, student peers, and community leaders, outside agencies of the federal, state, or local governments.
- "Stay Away" agreement or no contact orders issued by the principal/CBC or designee.
- Withdrawal of privileges.
- Withdrawal of school activities.
- Revocation of Acceptable Use Policy (AUP), which allows use of District technology resources.
- Modified method of virtual or distance learning instruction.
- Partial or complete denial of attendance and/or participation in extracurricular activities.
- Probation.
- 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.
- Temporary or permanent removal from District transportation.
- Police involvement.
- Parent conferences.
- Restitution of damages.
- In School Suspension (ISS).
- Off Campus Suspension (OCS).
- Revocation of magnet program enrollment.
- Disciplinary Alternative Educational Programs (DAEP).
- Expulsion and referral to Juvenile Justice Academy (JJA).
- Filing a criminal complaint or civil action.
- Other reasonable actions created by unforeseeable special circumstances.

SCHOLASTIC IMPLICATIONS DURING PERIODS OF DISCIPLINE

Students who are suspended will be provided an alternative means of receiving coursework in the foundation curriculum during the period of suspension. The student's absence shall not be counted against the minimum attendance as required by law if the student satisfactorily completes the assignments upon return from the period of suspension.

The home campus of expelled students will evaluate and may promote or award credit to students based upon work completed as students at the Juvenile Justice Academy. Expelled students who meet special education or 504 eligibility criteria will receive educational services as determined by the appropriate review committee (MDR/504).

CATEGORIES OF OFFENSES

CATEGORY I OFFENSES--MANDATORY EXPULSIONS TEC 37.007

Students 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 school property:

1. Engages in conduct that contains the offenses under Section 46.02, Penal Code, or elements of an offense relating to weapons under Section 46.05, Penal Code.
2. Behavior containing the elements of the following offenses under the Texas Penal Code:
 - a. Aggravated assault, sexual assault, 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. Continuous sexual abuse of a young child or children.
3. Engages in conduct specified by Section 37.006 (a)(2)(C) or (D), if the conduct is punishable as a felony.
4. Retaliation against a school employee or volunteer combined with one of the above listed offenses on or off school property or at a school-sponsored or school-related activity.

Students involved in a first time Category I offense will be expelled for a period not to exceed 90 school days except for firearm violations. Expulsion for subsequent offenses may be longer than 90 school days. Days absent do not count towards the assigned days. The District will follow the guidelines set by federal and state laws.

Students who violate the provisions of the Student Code of Conduct and who are 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, students expelled 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. The Board or its designee shall set a term for the expulsion, which may extend beyond the end of the current school year.

*Note: A student who is younger than ten (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.

STUDENTS ARE PROHIBITED FROM ATTENDING OR PARTICIPATING IN A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY ON OR OFF SCHOOL PROPERTY. STUDENTS WHO VIOLATE THIS WARNING WILL BE SUBJECT TO ARREST FOR CRIMINAL TRESPASS (TEXAS PENAL CODE, SECTION 30.05).

PROVISION FOR APPEAL OF STUDENT EXPULSIONS

A process for appeal of student expulsions is outlined in North East ISD Board Policy FOD (Local) and affords students and parents/guardians due process. The appeal process shall meet the requirements of Board policy. The discipline placement assigned to students will remain in effect pending the outcome of an appeal. The expulsion placement of students who qualify for protection under the Individuals with Disabilities Education Act is governed by the applicable policy/law.

CATEGORY II OFFENSES

Students **SHALL BE** placed in a disciplinary alternative education placement (DAEP) or **MAY BE** expelled and referred to the Juvenile Justice Academy (JJA), if students:

1. Engage 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. Engage in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code.
 - c. Engage in 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.
 - d. Engage in conduct that contains the elements of the offense of deadly conduct.
3. While off campus but within 300 feet of school property, as measured from any point on the school's property boundary line (Off Campus 300 Foot Zone):
 - a. Uses, exhibits or possesses a firearm specified in Texas Education, Section 37.007 (a) (1) (A).
 - b. Uses, exhibits or possesses a location-restricted knife, club, or prohibited weapon specified in Texas Education Code, Section 37.007 (a) (1) (B-D).

- c. Engages in aggravated assault, sexual assault, or aggravated sexual assault.
 - d. Commits arson.
 - e. Commits murder, capital murder, or criminal attempt to commit murder or capital murder.
 - f. Commits indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
 - g. Engages in continuous sexual abuse of a young child or children.
 - h. Engages in conduct specified by Section 37.006 (a)(2)(C) or (D), if the conduct is punishable as a felony.
4. Engage in the following behaviors no matter where they take place:
 - a. 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.
 - b. Conduct that contains the elements of the offense of breach of computer security under the Section 33.02 Penal Code.
 5. Engage in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - a. Aggravated assault, sexual assault, or aggravated sexual assault.
 - b. Murder, capital murder, or criminal attempt to commit murder or capital murder.
 6. Under Texas Education Code, Section 37.006, 37.008 and 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 or the felony offense of aggravated robbery under Section 29.03, 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 or the felony offense of aggravated robbery under Section 29.03, Penal Code;
 - c. Is charged with engaging in conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, 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 or the felony offense of aggravated robbery under Section 29.03, Penal Code;
 - e. Has received probation or deferred adjudication for a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
 - f. Has been convicted of a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code; or
 - g. Has been arrested for or charged with a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code; and
 - h. The board or the board's designee determines that the student's presence in the regular classroom:
 - i. Threatens the safety of other students or teachers;
 - ii. Will be detrimental to the educational process; or
 - iii. Is not in the best interests of the district's students
 7. Engage in documented serious misbehavior that violates the District's Student Code of Conduct while the student is placed in a Disciplinary Alternative Education Program.
 8. Engage in conduct on or off of school property that contains the elements of the offense of retaliation under Section 36.06, Penal Code against any school employee [Texas Education Code 37.006 (b) and 37.007 (d)].
 9. Engage in criminal mischief, if punishable as a felony. Students shall be referred to the authorized officer of the juvenile court regardless of whether students are expelled.

Students expelled for a Category II offense will be assigned to JJA for a period not to exceed 90 school days. Expulsion for subsequent offenses may be longer than 90 school days. Days absent do not count towards the assigned days.

Students assigned to a DAEP for a Category II offense will be assigned for a period not to exceed 90 school days. Length of assignment may be extended based upon factors which may include, but are not limited to, the seriousness of incident and/or the number of repeated offenses. Days absent do not count towards the assigned days.

Students who violate the provisions of the Student Code of Conduct and who are 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, students expelled 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. The Board or its designee shall set a term for the expulsion, which may extend beyond the end of the current school year.

*Any DAEP decision of the Board of Trustees or the Board's designee under this section is final and **may not be appealed and the District will not engage in any further discussion regarding the DAEP placement.***

STUDENTS ARE PROHIBITED FROM ATTENDING OR PARTICIPATING IN A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY ON OR OFF SCHOOL PROPERTY. STUDENTS WHO VIOLATE THIS WARNING WILL BE SUBJECT TO ARREST FOR CRIMINAL TRESPASS (TEXAS PENAL CODE, SECTION 30.05).

CATEGORY III OFFENSES

Except as provided by Section 37.007 (a)(3), Texas Education Code, students SHALL BE removed from class and placed in a DAEP, as provided by Section 37.006, Texas Education Code, if students:

1. Engage 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. Commit 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. Engages in conduct that contains the elements of the offense of assault under Section 22.01, Penal Code.
 - c. Sells, gives, or delivers to another person or possesses or uses or is under the influence of:
 - i. Marijuana 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. 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.
 - d. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Section 485.031 through 485.034, Health and Safety Code.
 - e. Engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code.
 - f. Engages in conduct that contains the elements of the offense of harassment under Section 42.07, Penal Code, against an employee of the school district.
3. Engage in conduct on or off of school property that contains the elements of the offense of retaliation under Section 36.06, Penal Code against any school employee. [Texas Education Code 37.006 (b)]

4. Under Texas Education Code, Section 37.006, 37.008 and 37.0081 based on conduct occurring off campus and while students are not in attendance at a school-sponsored or school-related activity if:
 - a. Students receive deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
 - b. A court or jury finds that students have engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
 - c. Is charged with engaging in conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, 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 or the felony offense of aggravated robbery under Section 29.03, Penal Code;
 - e. Has received probation or deferred adjudication for a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
 - f. Has been convicted of a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code; or
 - g. Has been arrested for or charged with a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code; and
 - h. The board or the board's designee determines that the student's presence in the regular classroom:
 - i. Threatens the safety of other students or teachers;
 - ii. Will be detrimental to the educational process; or
 - iii. Is not in the best interests of the district's students.

*Any DAEP decision of the Board of Trustees or the Board's designee under this section is final and **may not be appealed and the District will not engage in any further discussion regarding the DAEP placement.***

Students assigned to a DAEP for a Category III offense will be placed for a period not to exceed 90 school days. The length of an assignment may be extended based upon factors which may include, but are not limited to, the seriousness of incident and/or the number of repeated offenses, etc. Days absent do not count towards the assigned days.

STUDENTS ARE PROHIBITED FROM ATTENDING OR PARTICIPATING IN A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY ON OR OFF SCHOOL PROPERTY. STUDENTS WHO VIOLATE THIS WARNING WILL BE SUBJECT TO ARREST FOR CRIMINAL TRESPASS (TEXAS PENAL CODE, SECTION 30.05).

CATEGORY IV OFFENSES

Students **MAY BE** placed in a DAEP for offenses while on school property, at any school facility, at any school-sponsored or school-related activity, or on a school bus, if students:

1. Make threatening statements regarding another person, their property or District property.
2. Possess any weapon not classified in the Texas Penal Code including, but not limited to, knuckles, tasers, stun guns, any bladed instrument including butterfly knives, switchblades, throwing knives, throwing stars or the like and pocketknives. In addition, chemical dispensing devices, razors, chains, air guns, pellet/BB guns, or other object used as a weapon and/or threaten or inflict 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.
3. Possess, distribute or are under the influence of a drug or the like, natural or man-made, that has not been identified as an illegal substance.
4. Possess drug paraphernalia.

5. Engage in bullying; or engage in bullying that encourages suicide; incites violence through group bullying; or promotes, releases, or threatens to release intimate visual material of a minor or an adult student without consent.
6. Engage in harassment.
7. Engage in vandalism, including but not limited to, tagging, graffiti, and/or property destruction.
8. Engage in criminal mischief not punishable as a felony.
9. Participate in gangs or gang activities including, but not limited to, exhibiting gang graffiti, clothing, or gang insignias.
10. Participate in fraternities, sororities, or secret societies.
11. Engage in burglary, robbery, or theft not punishable as a felony.
12. Engage in extortion, coercion, or blackmail.
13. Engage in fighting and/or habitual fighting, or repeated commission of physical abuse or threat of physical abuse.
14. Display flagrant or extreme insubordination.
15. Participate in aggressive, and/or disruptive action or group demonstration that substantially disrupts or materially interferes with school activities.
16. Engage 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.
17. Exhibit disrespect, display pornography, or use profanity, vulgar language, or obscene gestures.
18. Inappropriately display private body parts through such acts as, but not limited to, "mooning," or "flashing," or "pantsing."
19. Possess or distribute sexual materials.
20. Engage 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, or sexual harassment.
21. Engage in distribution of non-school materials.
22. Engage in any action or behavior that is, or could be, dangerous or harmful to the person or another.
23. Participate in or commit hazing.
24. Possess/use prohibited items.
25. Engage in any conduct that disrupts the instructional and/or school environment.
26. Commit persistent misbehavior.
27. Engage in gambling.
28. Possess, use, sell, gift, or deliver on campus, any product, including but not limited to, over-the-counter products, homeopathic remedies, herbs, vitamins, dietary supplements, weight loss products, pills, etc. and/or are 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.
29. Possess, use, or delivery of simulated controlled substances and/or representation of an item as a prohibited substance.
30. Commit a cell phone violation/misuse of a wireless communication device, including, but not limited to, text messaging tests or sharing schoolwork information with others, taking pictures, or cyber bullying. [See Cell Phone Guidelines]
31. Use any device that permits the recording of a voice or image of another in any way that invades the privacy of others, is made without the prior consent of the individual(s) being recorded, or disrupts the education environment.
32. Commit any infraction of a bus rule, general school rules, and other behavior identified in the Student/Parent Handbook not listed in this category. [see School Bus Standards of Safety and Conduct]
33. Participate in creating or possessing a "hit list" that targets specific individuals to be physically or psychologically harmed.
34. Provide false information or falsely accusing other students, teachers, school administrators, and/or other school employees of misconduct.
35. Possess or use fireworks, explosives, "poppers," or other such devices.
36. Misuse school documents and/or forge notes/documents.

37. Place offensive photos, obscene material, derogatory statements, threatening or other similar content on an internet site that disrupts the school environment.
38. Bring to school or possess any de-militarized or replica rifle. Special circumstances such as the JROTC program shall have the approval of the principal and appropriate supervision of the JROTC instructor.
39. Engage in conduct that contains the elements of the offense of breach of computer security under Section 33.02, Penal Code.
40. Possess or use electronic cigarettes/electronic devices, including but not limited to, nicotine products, cartridges, oils or the like.
41. Take pictures and/or video in any area where there is a reasonable expectation of privacy, such as a bathroom and/ or locker room.
42. Commit any other conduct that constitutes a violation of state, local, or federal law or local policy that is not listed above.

Secondary students involved in a Category IV offense may be assigned to a DAEP for a time period not to exceed 90 school days. Length of assignment may be extended based upon, but not limited to, the seriousness of incident and/or the number of repeated offenses, etc. Days absent do not count towards the assigned days.

*Any DAEP decision of the Board of Trustees or the Board's designee under this section is final and **may not be appealed and the District will not engage in any further discussion regarding the DAEP placement.***

STUDENTS ARE PROHIBITED FROM ATTENDING OR PARTICIPATING IN A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY ON OR OFF SCHOOL PROPERTY. STUDENTS WHO VIOLATE THIS WARNING WILL BE SUBJECT TO ARREST FOR CRIMINAL TRESPASS (TEXAS PENAL CODE, SECTION 30.05).

CERTAIN FELONIES

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with TEC 37.0081, a student may be expelled or placed in either a DAEP or in a JJAEP if the Board's designee makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title V of the Texas Penal Code. The student must:

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

The District may expel or order a placement to the DAEP under these circumstances regardless of:

1. The date on which the student's conduct occurred,
2. The location on which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

In addition, students may be removed from class and placed in a disciplinary alternative education program under Texas Education Code, Section 37.006, based on conduct occurring off campus and while students are 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 offenses defined in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, 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.

Length of Placement

Student is subject to placement until:

1. The student graduates from high school,
2. The charges are dismissed, or
3. The student completes the term of the placement or is assigned to another program.

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

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the District determines that the student is a threat to the safety of others or to District employees.

Exceeds School Year

Students who commit offenses requiring placement in a DAEP at the end of the year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

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 a Disciplinary 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.

STUDENT WITHDRAWAL PRIOR TO DISCIPLINE

Withdrawing a student from school does not prevent the District from investigating any alleged violation and obtaining any necessary information or evidence from an outside agency to support a disciplinary recommendation whether that recommendation occurs in the same or subsequent school year. Consequences may include a referral for a DAEP or expulsion placement. Withdrawing a student also does not affect the District's authority to schedule and conduct a discipline conference or hearing on the student's conduct and enter an order for a removal to a DAEP or to the JJAEP; regardless of whether the student or parent/guardian is present to participate. The order for removal will be included with records sent to a transferring school district. The District reserves the right to enforce the disciplinary consequence should the student re-enroll in the District and the assigned consequence has not been served in completion at another school district within the current or subsequent school year.

CRIMINAL TRESPASS WARNING (CTW) [Section 37.105, TEC]

A principal/CBC or his/her designee or school district police officer may refuse to allow a person to enter on or may eject a person from property under the districts control if the person refuses to leave peaceably on request and the person poses a substantial risk of harm to any person or the person behaves in a manner that is inappropriate for a school setting and the administrator or officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and the person persists in that behavior.

A CTW under this section may not exceed two years.

Identification may be required of any person on school property or property under districts control.

Any parent/guardian who has been issued a CTW will be provided the opportunity to participate in their child's admission, review, and dismissal committee or in the child's team established un Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law. Accommodations can be made by contacting the campus principal.

A CTW appeal may be made by following the District's grievance procedure outlined in Board Policy FNG (Local) and submitting a complaint form. Both the policy and complaint form are located on the District's website at <https://www.neisd.net/Page/2738>.

Additional Disciplinary Information/Procedures

ALCOHOL AND OTHER DRUGS

No student shall possess, consume, use, transmit or be under the influence of illicit drugs or alcohol, such as, but not limited to, any narcotic drug, hallucinogenic, tetrahydrocannabinol (THC), amphetamine, barbiturate, marijuana, cannabidiol (CBD), alcoholic beverage, toxicant inhalant, marijuana like substances that are commonly found in K2, Spice, and other synthetic marijuana products, or any substance with hallucinogenic or mind-altering properties 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.:

- On school grounds during any school term
- Off school grounds at a school activity, function, event, or while participating in virtual or distance learning.
- 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.

Students who use 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 they follow the guidelines set forth by North East ISD 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, but is not limited to, removal to alternative education placement and/or expulsion.

BULLYING

North East ISD prohibits bullying as defined by David's Law and Board Policy FFI (Local). Effective communication between parents/guardians, students, and the principal/CBC or his/her designee is a key component in handling bullying allegations. Retaliation against anyone reporting bullying is prohibited. [See Definitions and Terminology Section]

The District prohibits the bullying of any student:

1. during any educational program or activity conducted by the District; during any school-related or school-sponsored program or activity or on a school bus;
2. through the use of any electronic device or data while on school grounds; on a school bus; or through the use of computer software that is accessed through a computer, computer system, or computer network of the District. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section; or
3. through threats, using any of the above methods, to be carried out on school grounds. This includes threats made outside of school hours that are intended to be carried out during any school-related or school-sponsored program or activity or on a school bus; or
4. through the use of any electronic device or data that is made outside of school hours on or off campus if a student's ability to receive an education or the school's ability to provide an education is significantly impaired as determined by the District administration.

It is further prohibited to bully in a manner reasonably perceived to be motivated either by any actual or perceived characteristics, such as race; ethnicity, color; religion; ancestry, national origin; gender; sex; sexual orientation; gender identity and expression; marital status; socio-economic background; social/family background; linguistic preference; political beliefs; or a mental, physical, or sensory disability, or impairment; or by any other distinguishing characteristic or because of one's association with a particular person or group of persons.

Any student who believes that he/she has experienced bullying or believes that another student is being bullied should obtain help by immediately reporting the alleged act(s) orally or in writing, to a teacher, counselor, principal/CBC, or parent/guardian. Other options of reporting include reporting anonymously online through the school or District website, the North East ISD mobile app and/or by contacting the campus police officer. Students, parents/guardians, or any individual who is experiencing, witnessing or has knowledge of bullying may contact their school to obtain an incident report form that may be used to submit the complaint or by going to the District website to file a bullying complaint form at https://www2.neisd.net/School_Administration/bully/bullyreport.cfm.

Any report given orally will be reduced by the principal or designee to a written form. A failure to immediately report may impair the District's ability to investigate and address the alleged conduct. A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action. More information regarding bullying or reporting bullying can be found on the District website at https://www2.neisd.net/School_Administration/bully/index.html.

When a bully allegation is made the principal/CBC or his/her designee will conduct an investigation based on the allegations reported. Absent extenuating circumstances, the investigation will begin within 24 hours and be completed within ten (10) school business days from the date of the initial report alleging bullying; however, the principal/CBC or his/her designee shall take additional time if necessary to complete a thorough investigation. To the greatest extent possible, the district shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. The limited disclosures may be necessary in order to conduct a thorough investigation. The principal/CBC shall take interim action calculated to prevent bullying during the course of an investigation, if appropriate. The principal/CBC or his/her designee shall determine whether the allegations reported constitute bullying and respond by taking

appropriate disciplinary actions in accordance with the District's Student Code of Conduct. Disciplinary or other action may be taken even if the conduct did not rise to level of bullying. Consequences for a student who commits an act of harassment or bullying shall be unique to the individual incident and shall vary in method and severity according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance.

Be advised that Chapter 37 of the Texas Education Code has been amended to allow for an expulsion or placement in a DAEP for a student who 1. Engages in bullying that encourages suicide; 2. Incites violence through group bullying; or 3. Releases or threatens to release intimate visual material of a minor or an adult student without consent.

If an incident of bullying is reported, the principal/CBC or his/her designee shall notify the parent/guardian of the victim(s) on or before the third business day after the incident is reported and within a reasonable time, notice will be given to the parent/guardian of the student who engaged in bullying. Follow up contact with parents/guardians will be made if bullying is confirmed. Available school counseling options will be provided to these individuals. After an investigation is completed, the principal/CBC may report to law enforcement if the principal/CBC or his/her designee has reasonable grounds to believe that a student has engaged in assault or harassment.

If a student is found repeating bullying behavior after the school has imposed disciplinary actions or the bullying behavior is extreme or significant, the principal/CBC in consultation with the board designee may transfer the student to another campus in the district. The parent/guardian of a student who has been determined by the district to be a victim of bullying may request that his/her child be transferred to another classroom or campus within the district.

There are many internet resources on bullying. The US Department of Education website, www.stopbullying.gov, provides information and multiple resources regarding bullying.

It is important that the school and parents/guardians work together to reinforce a culture of tolerance and respect. Visit your campus website, the District website at https://www2.neisd.net/School_Administration/bully/index.html and call your school administrator and/or counselor to acquire information regarding the various programs that reinforce positive behavior to promote tolerance and respect and their specific reporting procedures. [TEC 37.0832]

CAMPUS BEHAVIOR COORDINATOR (CBC)

As required by law, each campus must have a designated CBC. The CBC is primarily responsible for maintaining student discipline. In North East ISD, the CBC is the principal. The principal may delegate duties required as a CBC as necessary.

DISTRICT ALTERNATIVE EDUCATION PROGRAMS (DAEP) / NORTH EAST ALTERNATIVE CENTER (NEAC)

NEAC is an in-district DAEP site that houses the Middle School (NEAC-MS) and High School (NEAC-HS). These placements will not exceed 90 school days without a review of the student's attendance, academic and behavioral status by the Board's designee. Days absent do not count toward the assigned days. Students are withdrawn from their home campus and enrolled in this program.

A parent/guardian is required to attend an enrollment conference when a student is assigned to the DAEP. Students shall comply with all NEAC rules and procedures.

Students who are removed to a DAEP for behavior are required to attend the assigned days, maintain passing grades, and exhibit satisfactory conduct while at the DAEP. The Principal/CBC of the respective NEAC or his/her designee reviews each student's progress while at the DAEP to determine if the student has met all requirements in order to give final approval prior to any release of a student to the home campus.

Should students withdraw prior to completing their assignment to the DAEP and subsequently re-enroll, students will be required to complete the assignment to the DAEP prior to returning to the home campus.

During the time students are placed at a DAEP, they are prohibited from being on the home campus or any North East ISD properties or attending school-related activities on or off school property other than the identified site selected by the District as the designated pick up and drop off for bus transportation to the DAEP. Students being transported to the DAEP must go directly to the transportation site, follow all directions given by District personnel and leave promptly after being dropped off at the end of the day. Students assigned to the DAEP must follow all bus transportation standards and procedures. **Transportation to DAEP is a privilege and failure to comply with bus rules and/or inappropriate behavior at the bus pick-up/drop-off sites will result in the loss of transportation provided by the District.**

Students who will be returning to the DAEP following the summer break may attend the North East ISD summer school and be on the summer school campus for that purpose only. Students who violate this warning will be subject to arrest for criminal trespass (Texas Penal Code, Section 30.05). This applies to all students, including those who withdraw from North East ISD and do not complete their assignment.

Cell phones/personal electronic devices are not permitted at the DAEP. In addition, students assigned to a DAEP are required to follow the rules/procedures regulating behavior, appearance and searches established by that program.

Students assigned to a DAEP may be subject to "administrative searches" which can be done to all, rather than being based on individualized suspicion.

Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue the placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the board's designee must determine:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct.

Placement of Seniors Prior to Graduation Ceremonies in a DAEP

Texas Education Code 37.006 (g) prohibits a student from attending or participating in school-related activities during a period of placement in a DAEP. Therefore, a graduating senior who has a current or pending placement to a DAEP will not be permitted to participate in the graduation ceremony.

Newly Enrolled Students

The District shall continue mandatory DAEP placements of students who enroll in North East ISD and were assigned to a DAEP in an open-enrolled charter school or another school district.

The District will evaluate all other DAEP placements of students who enroll in North East ISD and were assigned to a DAEP by an open-enrolled charter school or another school district and determine placement on a case by case basis.

Juvenile Justice Academy Education Program (JJAEP)

JJAEP is an out of district Alternative Educational Placement for students who are expelled from North East ISD. Original placement will not exceed a calendar year. JJAEP is located at 1402 North Hackberry.

Newly Enrolled Students

The District may continue an expulsion of any newly enrolled student in North East ISD who was expelled from an open-enrolled charter school or another school district. All cases will be reviewed prior to a direct placement to JJAEP.

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/CBC, shall be cause for disciplinary action. This may include suspension and/or assignment to a DAEP.

DRUG FREE SCHOOLS

North East ISD 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, giving, selling, possessing, being under the influence of, and/or distributing alcohol and/or illicit drugs or prescription 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. Students found to be involved in an alcohol and/or drug violations are subject to removal to an alternative education placement of not fewer than 45 school days and/or a possible expulsion from the District. [Board Policy FNCF (Legal) and Health and Safety Code 481.134 and 483.001]

NOTE: A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Texas Health and Safety Code does not violate this provision.

EMERGENCY PLACEMENT OR EXPULSION

Texas Education Code, Section 37.019 states that a student may be removed if 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 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 events, school related activities, or while on District transportation will not be tolerated. Students found to be encouraging others to fight is prohibited. Parents/guardians of students involved will be notified. The seriousness and determination of self-defense of each case will determine the disciplinary action taken. Self-defense is not an acceptable reason for misconduct that seriously disrupts the educational environment, or endangers or seriously affects others. Students who engage in fighting will be subject to disciplinary consequences such as, but not limited to, suspensions and removal to an alternative education placement.

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 include but are not limited to the following:

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-FREE ZONES

Certain criminal offenses, including those involving organized activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the District, a gang-free zone includes a school bus and a location in, on, or within 1000 feet of any District-owned or leased property or campus playground.

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 disciplinary alternative education program or expel any student who violates section 1 above.

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, for the purpose of pledging, being initiated into, affiliating with, or holding office in an organization or maintaining membership in an organization." [See Definitions and Terminologies Section]

Students who violate the District hazing policies or state law [FNCC (Legal) and FNCC (Local)], Texas Education Code Chapter 37, Subchapter F, North East ISD Student Code of Conduct shall be subject to disciplinary action as deemed appropriate by the Superintendent or his designee which may include, but is not limited to, suspension, removal to alternative educational placements and/or expulsion if criteria for expulsion are met (Texas Education Code 37.007). Students may also face probation or removal from extra-curricular activities.

INTERNET

Disclosing, posting, and/or promoting offensive photos, intimate visual materials, obscene materials, derogatory statements, threatening or other similar content on an internet site or social media app that disrupts the instructional and/or school environment is not permitted. Students involved in these types of activities are subject to the applicable disciplinary and/or legal consequences.

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 their parents/guardians. 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. Principal/CBC or his/her designee 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.

NORTH EAST POLICE DEPARTMENT OFFICERS (NEPD)

North East ISD Police Department officers perform law enforcement duties which include protecting the safety and welfare of students, staff, community members, and District property. They are not assigned tasks related to imposing student discipline or investigating alleged violations of the Student Code of Conduct. They are exclusively responsible for addressing behaviors which are potential violations of Penal Code and have the sole authority to determine any subsequent criminal charge that may result.

The NEPD Officers are commissioned and have authority to arrest violators of the law, both on and off campuses. They may also issue traffic tickets on or around school district property. Any person wishing to contact the NEPD may call (210) 407-0911 at any time of the day or night. To report any suspicious activities or behaviors, you can call Crime Stoppers at (210) 407-0931 or use the North East Tip Line to make an online tip at https://northeastisd.az1.qualtrics.com/jfe/form/SV_9moM71otNKKr9I1.

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, ammunition of any type, laser pointers, electronic devices, devices with audio and/or video recording equipment or devices, cameras of any type, 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/CBC or his/her designee will contact the parent/guardian on each occurrence and students found to be in violation of this policy shall be subject to disciplinary action, which may include but not be limited to, a warning, removal to an alternative educational program, or expulsion for persistent misbehavior. Prohibited items will be confiscated and will be returned to the parent/guardian subject to the discretion of the campus administrator. The district will not be responsible for any damaged, lost, or stolen electronic devices.

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/CBC, 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 determined to be 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/CBC, substantial disruption of school operations would likely result.

SEARCHES AND INTERVIEWS

The principal/CBC or his/her designee has the legal authority and responsibility to investigate violations of the Student Code of Conduct and to interview students regarding the student's own conduct or the conduct of other students without prior notice to parents/guardians or the consent of parents/guardians to do so. School officials including law enforcement officers, exercise this authority to maintain the safety and security of the school environment and to prevent the disruption of instructional programs. In order to conduct an efficient and effective investigation and to avoid causing undue alarm, anxiety or giving incomplete information, parents/guardians will be notified at the discretion of the administrator conducting the investigation. 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. 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.

An individual 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.

For safety and security reasons, a principal/CBC or his/her designee may conduct blanket searches of all students' backpacks or bags, any classrooms, wings, departments, sections, and/or utilize designated key access points for campus entrances as deemed appropriate throughout the school year.

Vehicles on or within 300 feet of district property may be searched if there is reasonable suspicion that the search will result in evidence that school rules or other laws have been violated. Students shall be responsible for any prohibited items found on their person, in their lockers, or in their 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 ISD 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.

Trained Dogs

The District may use trained dogs to alert school officials to the presence of prohibited or illegal items, including drugs and alcohol. At any time, trained dogs may be used around lockers and the areas around vehicles parked on school property. Searches of classrooms, common areas, or student belongings may also be conducted by trained dogs when students are not present. An item in a classroom, a locker, or a vehicle to which a trained dog alerts may be searched by school officials.

SELLING OF ITEMS BY INDIVIDUALS

The selling of items within the school is restricted to clubs/approved school organizations or by special permission by the principal/CBC.

STUDENT REMOVAL FROM CLASS

A teacher may send or refer a student to the principal/CBC or his/her designee office in order to maintain effective discipline in the instructional classroom. The principal/CBC or his/her designee shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct adopted under Texas Education Code Section 37.001 that can be reasonably expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the principal/CBC or his/her designee shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the principal/CBC or his/her designee in the Student Code of Conduct.

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/CBC 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/CBC 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/CBC 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 principal/CBC or his/her designee shall schedule a conference among the principal/CBC or his/her 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/CBC, after consideration of the factors under Section 37.001 (a)(4), shall order the placement of the student for a period consistent with the Student Code of Conduct.

Students with special education services and supports may be removed from class only when the removal does not violate a specific IEP provision.

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 dangers 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 Crime Stoppers line at (210) 407-0931 to report any suspicious activities or behaviors. Calls made to Crime Stoppers will be anonymous. The North East ISD mobile app also provides an anonymous North East Tip Line making it easy for anyone to quickly report an incident that involves your schools, students or staff. Tips can be sent anonymously from a mobile device, website, text message or phone call. The North East Tip Line is convenient, fast, anonymous and can be accessed at https://northeastisd.az1.qualtrics.com/jfe/form/SV_9moM71otNKKr9I1.

SUSPENSION

Students may be suspended up to three (3) school days for engaging in alleged behaviors which are outlined in the Student Code of Conduct. Parent/guardian conferences shall be held with the principal/CBC or his/her designee prior to students returning to their regular class schedule. Students are prohibited from being on the home campus or any North East ISD properties or school-related activities on or off school property. Exception: A student who is enrolled in a grade level below grade three and/or homeless may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

1. Conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
2. Conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or
3. Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of: (a) marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; (B) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or (C) an alcoholic beverage, as defined by Section 1.04, Alcohol Beverage Code.

THREATS

Bullying behavior that goes beyond harassment may amount to a threat. Most threats of violence are illegal, and all are prohibited on school campuses regardless of whether the threat is directed at a person or facility or whether it meets the elements of a criminal offense. Disciplinary consequences will apply even if the student states he/she does not intend to carry out the threat. The act of making the threat is itself the basis for the imposition of the applicable disciplinary consequence.

Terroristic Threats

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

- Cause a reaction of any type to his/her 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;
- Cause impairment or interruption of public communications, public transportation, public water, gas or power supply, or other public service;
- Place the public or a substantial group of the public in fear of serious bodily injury; or
- Influence the conduct or activities of a branch or agency of the federal government, the state or a political subdivision of the state, such as a school district.

False Alarm or Bomb Threat

A false alarm is a terroristic threat that is false. A person commits an offense if he or she knowingly initiates, communicates or circulates a report of a present, past or future bombing, fire, offense or other emergency that he or she knows is false or baseless and that would ordinarily:

- Cause action by an official or volunteer agency organized to deal with emergencies;
- Place a person in fear of imminent serious bodily injury; or
- Prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile or other mode of conveyance.

A false alarm or report that involves a school is a higher degree offense.

General Threats to Students, Staff and/or Schools

For those instances where the threat does not meet the elements of a terroristic threat or false alarm, such that no criminal charge is filed, the District retains the discretion to assign a student to the DAEP when a student makes any kind of threat to harm a person, group, or the school in general. This would include instances where the threat is made on social media outside of school. This is again, regardless of whether the student actually intends to carry out the threat. Instead, the act of making the threat is the basis for the imposition of the discipline consequence.

TITLE IX – DATING VIOLENCE, SEXUAL AND GENDER-BASED HARASSMENT

North East ISD believes that all students have the right to participate in District educational programs and school-related activities free from all forms of retaliation, harassment and discrimination on the basis of sex or gender. This District considers harassment of students and discrimination on the basis of sex or gender to be serious and, if confirmed after an investigation, will consider the full range of disciplinary options and/or remedies, up to and including expulsion, according to the nature of the offense.

The board has established policies and procedures to prohibit and promptly address inappropriate and offensive behaviors that are prohibited by Title IX [see FFH (Legal)].

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 harassing nature directed toward another.

Dating violence occurs when a person in a current or past relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship or any of the person's past or subsequent partners.

Sexual harassment of a student by an employee occurs when a school employee causes the student to believe that the student must submit to the conduct in order to participate in a school educational program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct.

Sexual harassment by a student includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct.

Gender-based harassment includes, but is not limited to harassment based on a student's gender, expression by the student of stereotypical characteristics associated with the student's gender, or the student's failure to conform to stereotypical behavior related to gender.

Dating violence, sexual and gender-based conduct as defined above are considered harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Anyone who believes they have been harassed or have witnessed a person be harassed, should contact the principal/CBC, other administrators, teachers, or counselors immediately to report the incident. Staff members who receive a complaint alleging sexual harassment shall report the incident to the campus Title IX Coordinator immediately. On the campus, the principal/CBC serves their respective campus as the Title IX Coordinator (see directory information in the back of the Student/Parent Handbook to obtain contact information). A complaint may also be reported to the District Title IX Coordinators:

The Executive Director of Student Support Services
(for allegations only involving students)
Christi Wilbur
8961 Tesoro, Suite 306
San Antonio, Texas 78217
(210) 407-0070
cwilbu@neisd.net

OR The Executive Director of Human Resources
(for allegations involving a District employee)
Joel Trevino
8961 Tesoro, Suite 200
San Antonio, Texas 78217
(210) 407-0188
jtrevi34@neisd.net

An individual may make a report alleging sexual discrimination or sexual harassment at any time, including non-business hours, in person, by mail, by telephone, or by email using the contact information provided.

Upon receiving any complaint of alleged sexual harassment, the Title IX Coordinator will comply with the process to investigate established in board policy [see FFH (Local)].

Retaliation against any individual involved in the complaint process is a violation of the District policy and is prohibited.

TOBACCO/VAPE PRODUCTS ON SCHOOL PROPERTY

North East ISD prohibits the following in accordance with Texas Education Code Section 38.006 and Texas Health and Safety Code Section 161.081:

1. Any adult and/or student from smoking cigarettes, tobacco, tobacco products, electronic, vapor, smokeless or any other substitute form of cigarettes, tobacco or tobacco-like products, as well as the use of any devices which are used for the purpose of ingesting or transmitting any type of tobacco or tobacco-like products at a school-related or school-sanctioned activity on or off school property.

2. Students from possessing or using cigarettes, tobacco, tobacco products, electronic, vapor, smokeless or any other substitute form of cigarettes, tobacco or tobacco-like products, as well as the use of any devices which are used for the purpose of ingesting or transmitting any type of tobacco, or tobacco-like products at a school-related or school-sanctioned activity on or off school property.

North East ISD will ensure that school personnel will enforce the tobacco/vapor rules. State law prohibits the possession, purchase, consumption or acceptance of an electronic cigarette, 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. Additionally, students will face disciplinary consequences which could include a DAEP placement or an expulsion for a THC or CBD related violation.

UNACCEPTABLE AND INAPPROPRIATE USE OF TECHNOLOGY RESOURCES

Students are prohibited from possessing, sending, forwarding, posting, accessing, flashing or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, or during participation of virtual or distance learning whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the Student Code of Conduct, may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with your child <http://beforeyoutext.com>, a state-developed program that addresses the consequences of engaging in inappropriate behavior using technology.

In addition, any student who engages in conduct that results in a breach of the district's computer security will be disciplined in accordance with the Student Code of Conduct, and, in some cases, the consequence may rise to the level of expulsion.

UNAUTHORIZED ORGANIZATIONS

North East ISD Policy FNCC (Legal) 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. [TEC 37.121 (d)]

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.

WANDING

As an additional proactive safety initiative, the District will periodically screen randomly identified classrooms of students to identify weapons and/or other potentially dangerous prohibited items. The principal/CBC or his/her designee will receive no advanced notice of classes of which will be wanded. Screenings are randomized to ensure that no classroom and/or student is intentionally or repeatedly selected. Parent consent is not required nor can a student refuse to participate in being wanded.

WEAPONS/EXPLOSIVES

In addition to weapons prohibited by state and federal law, students 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.
4. Stun guns, tasers, 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, nunchuks, 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 who violate this policy shall be subject to disciplinary action as deemed appropriate by the Superintendent or his designee which may include, but not be limited to, suspension, removal to a DAEP, and/or expulsion.

Students who have reasonable grounds to suspect a violation of the school district's policy relating to the possession of weapons/explosives are required to report such suspicion immediately to a school administrator or police officer. Students can also call the North East ISD Police Department's 24-hour Crime Stoppers number (210) 407-0931 to report any suspicious activities or behaviors. Calls made to the Tip Line will be anonymous. The North East ISD Mobile App also provides an anonymous North East Tip Line making it easy for anyone to quickly report an incident that involves your schools, students or staff. Tips can be sent anonymously from a mobile device, website, text message or phone call. The North east Tip Line is convenient, fast, anonymous, and can be accessed at https://northeastisd.az1.qualtrics.com/jfe/form/SV_9moM71otNKKr9I1.