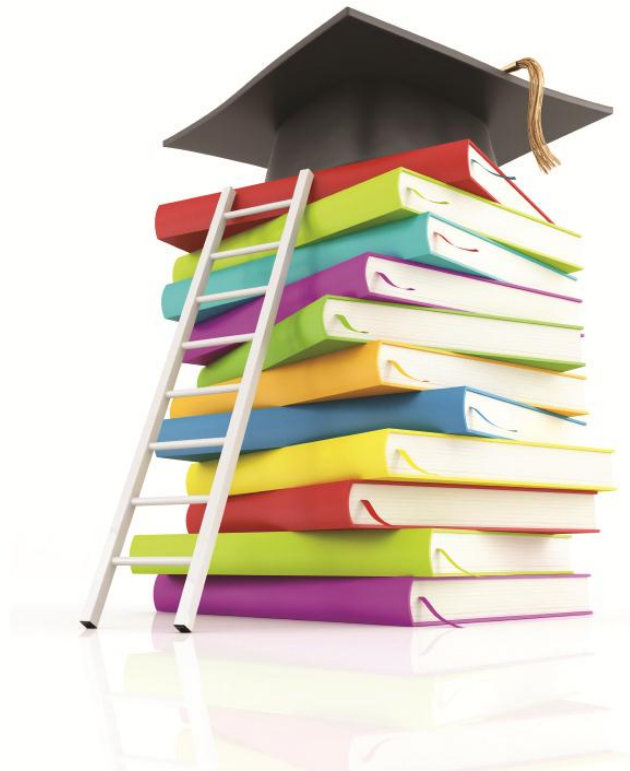


2011-2012

Abilene Independent School District

STUDENT CODE OF CONDUCT

www.abileneisd.org



ACKNOWLEDGMENT

Student Code of Conduct Acknowledgment

Dear Student and Parent:

As required by state law, the board of trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or campus administrator.

A paper ~~hard~~ "hard copy" of this publication is available upon request from your campus principal's office, at no cost to you. Again, please do not hesitate to let us know of any questions or concerns with regard to expectations of appropriate student conduct and related disciplinary procedures.

With best wishes for a successful school year,

Dr. Heath Burns, Superintendent

We acknowledge that we have received a copy of the Abilene ISD Student Code of Conduct for the 2011–2012 school year and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

Upon receipt of optional "hard copy", please sign this page, remove it, and return it to the student's school. Thank you.

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STUDENT CODE OF CONDUCT

Purpose

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Abilene ISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code will be posted at each school campus or will be available for review at the office of the campus principal. Additionally, the Code will be posted on the district's Web site. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

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

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

General Information

General Eligibility for Admittance

The Board shall admit into the public free schools of the District free of tuition all persons who are over five and not over twenty-one years of age on September 1, of the scholastic year, if such person or his parent, guardian, or person having lawful control resides within the District. The District may withdraw any student who ceases to be a resident.

Residency Requirement

In order for a person under eighteen years of age to establish for the purpose of attending the public free schools, a residence separate from his/her parent, guardian, or other person having lawful control of him/her, he/she must demonstrate that his/her presence in the District is for the purpose of attending the public free schools and not the primary purpose of participation in extracurricular activities.

The Board shall determine whether an applicant for admission qualifies as a resident of the District and may adopt reasonable guidelines for making that determination as necessary to protect the best interest of students. The Abilene Independent School District is not required to admit a person attempting to establish residency under this section if he or she has:

1. Engaged in conduct or misbehavior within the preceding year that resulted in removal to a disciplinary alternative education program or expulsion,
2. Engaged in delinquent conduct and is on probation or other conditional release,
3. Been convicted of a criminal offense and is on probation.

Falsifying Enrollment Information

A parent, or person having lawful control, who knowingly falsifies information on a form required for a student's enrollment in the District, or a school within the District shall be considered to have committed a third degree felony if the student is not eligible for enrollment but is enrolled on the basis of false information. For the period during which the ineligible student is enrolled, the person is liable for the maximum tuition fee.

The District may charge the amount the District has budgeted per student as maintenance and operating expense or the maximum tuition fee whichever is greater.

Admission Requirements

Students entering a school in the Abilene Independent School District will be required to provide proof of residence.

Child's Identity

State Law (Texas Education Code 25.002) requires a parent or custodian to present within 30 days of a child's enrollment, proof of the child's identity (birth certificate or any other acceptable documentation) and a copy of the child's records from the most recently attended school. It also requires school districts to notify the police if this information is not provided and request whether the child has been reported as missing.

Also, the school district enrolling the child is required to notify the Missing Children Information Clearing House (1-800-346-3242) if the name on the identifying document or school records differs from the name under which the child is enrolled.

Student Records/Directory Information

Certain information about District students is considered directory information and will be released to anyone who follows procedures for requesting it, unless the parent objects to the release of any or all directory information about the child. This objection must be made in writing to the principal within ten school days after the issuance of the student code of conduct. Be aware that denial of release of directory information could impact student participation in events covered by local news and Abilene Independent School District TV. Indiscreet release of directory information will not occur. If directory information is ever requested —private” that info will remain private until written notice is received to change to ~~not~~ private”. The parent and director of student services will be notified of unusual requests. Directory information includes: a student's name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, enrollment status, dates of attendance, grade level, honors and awards received in school, student’s photograph, e-mail address, and most recent previous school attended.

Parents wishing to not release directory information to military recruiters and institutions of higher education may direct the district, in writing, not to release the information.

By law, both parents, whether married, separated, or divorced, have access to the records of a student who is under 18 or a dependent for tax purposes. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

It is understood that Communities in Schools of the Big Country campus coordinators, may obtain student information from Abilene ISD to determine if students referred to them by teachers, parents, counselors or self are eligible for services that may help the student. Communities in Schools services may include, but are not limited to, job search, counseling, supportive guidance, tutoring, enrichment, testing and referrals to other agencies. All information obtained will be kept confidential to the extent permitted by law and used for the purpose indicated. Any student eligible for services must have a parent consent form signed prior to receiving services. Parent objection to the release of information must be made in writing to the principal.

The District's complete policy regarding student records is available from the principal's or superintendent's office. This refers to Abilene Independent School District Board Policy FL which may be obtained at the principal’s or superintendent’s office. Board policy may also be reviewed online through the District’s web site at: www.abileneisd.org

Attendance

To receive credit in a class, a student must be in attendance for at least 90% of the days the class is offered during a semester. A student who is in attendance less than 90% of the days the class is offered but more than 75% may earn credit by completing a plan approved by the principal FEC (LEGAL).

When returning to school after an absence, a student must bring a note signed by the parent that describes the reason for the absence. Verification of any illness may be required if the student's absences are more than 3 to 5 consecutive days or if the reason given is suspect.

An attendance committee will be appointed by each school to hear appeals from students who are in attendance less than 75% or if they did not successfully complete the approved plan of the principal.

The committee will consist of the student's teacher(s), counselor, and the principal or his or her representative. The attendance committee will have the authority to:

1. Grant excessive absences.
2. Offer alternative ways for students to make up time and school work missed.
3. Deny credit.

The Board has established the following as extenuating circumstances:

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

According to SB 1432, if a student is absent from school without an excuse for three days or parts of days within a four-week period or 10 or more days or parts of days within a six-month period in the same school year, the parents and student are subject to prosecution.

A person who is 18 or older and is enrolled in public school is required to attend school each day. If the person has more than five unexcused absences in one semester, a school district may revoke the person's enrollment for the remainder of the year.

Compulsory Attendance

Students will be required to attend school if they are at least 6 years of age at the beginning of the school year, and until student has reached their 18th birthday.

Upon enrollment in school, pre-kindergarten and kindergarten students will be required to attend school.

There is a direct relationship between attendance at school and success in schoolwork. It is very difficult for a child who misses school frequently to keep up with daily work.

Senate Bill 1432 requires that a parent or guardian be notified when a student has had three (3) or more unexcused absences in a four-week period or ten (10) or more unexcused absences in a six (6) month period. The bill also states that:

1. It is the parent's duty to monitor the student's school attendance and require the student to attend school; and
2. The parent is subject to prosecution under Texas Education Code Section 25.093.

Leaving School Without Permission/Truancy

Students attending District schools shall not be allowed to leave campus during the lunch hour. The principal or designee shall consider special circumstances on a case-by-case basis.

Students leaving campus without administrative approval shall be subject to disciplinary action.

Driver License Attendance Verification

To obtain a driver license, a student between the ages of 16 and 18 must annually provide to the Texas Department of Public Safety a form obtained from the school verifying that the student has met the 90 percent attendance requirement for the semester preceding the date of application. The student can obtain this form at the home campus office.

Saturday School

Students in grades 6-12 may be assigned to Saturday School by an attendance committee for excessive absences that are not acceptable. Saturday School will be required for students who are truant from school.

Assistance for Students with Learning Difficulties

If a child is experiencing learning difficulties, the parent may contact the person listed below to learn about the district's overall general education referral or screening system for support services. This system links students to a variety of support options, including referral for a special education evaluation. Students having difficulty in the regular classroom should be considered for tutorial, compensatory, and other support services that are available to all students.

At any time a parent is entitled to request an evaluation for special education services. Within a reasonable amount of time, the district must decide if the evaluation is needed. If evaluation is needed, the parent will be notified and asked to provide consent for the evaluation. The district must complete the evaluation and the report within 60 calendar days of the date of the district receives the written consent. The district must give a copy of the report to the parent.

If the district determines that the evaluation is not needed, the district will provide the parent with a written notice that explains why the child will not be evaluated. This written notice will include a statement that informs the parent of their rights if they disagree with the district. Additionally, the notice must inform the parent how to obtain a copy of the Notice of Procedural Safeguards – *Rights of Parents of Students with Disabilities*.

The designated person to contact regarding options for a child experiencing learning difficulties or a referral for evaluation for special education is:

Larry Davis
325.677.1444

Dress Code

The District's dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority.

A student's dress and grooming should be clean, neat and in good taste at all times. A student's appearance shall not create a distraction from nor interfere with the normal orderly process of the instructional program or of the management of any school program.

The following specific guidelines must be adhered to in the matter of dress in all schools:

1. Appropriate and modest attire is required. Some examples of items not to wear include but are not limited to: tank tops, spaghetti straps, muscle shirts, mesh tops, halter tops, see-through clothing, exposed midriff or backs, bicycle shorts, sunshades in the buildings.
2. All apparel, accessories and visible body markings must be free of references to race, alcohol products, tobacco products, drugs, sex, vulgarity, profanity, death, suicide or violence, either explicitly or by innuendo. Body markings on any part of the body must be reasonably covered in an unobtrusive manner if they are gang related or violate any provision of the dress code.
3. Clothing must be appropriately sized and worn at the natural waistline. Clothing that is altered, slit, or frayed is not allowed; for example, no holes or frays in jeans, pants or shorts. No pants, shorts, skirts, or dresses may be shorter than five inches above the top of the knee or higher than the extended fingertips, whichever is more modest.
4. Shoes appropriate for school must be worn at all times. See campus handbook as applicable. No house shoes. No shoes with wheels.
5. Visible body piercing or clipping jewelry is limited to the ears.
6. Hats or caps are for athletic purposes or safety only.
7. Hair should be clean and appropriately groomed and cut or styled in such a way that it does not cover the eyes. Students will not be allowed to spray paint or dye their hair green, red, blue, purple, pink, or other unnatural tints. Designs in hair are prohibited. The District also prohibits hairstyles and treatments that attract undue attention or create a potential disturbance such as (but not limited to) spiked, mohawk, unicorn, or liberty.
8. Any apparel, accessory or visible body marking that denotes gang-related association is prohibited (i.e. rags, bandannas, chains, spiked or studded items, or other physical alterations as identified by local law enforcement).
9. Clothing must adequately cover the student's body so as not to consistently expose any portion of underwear, cleavage, midriff or buttocks when standing or sitting with normal posture.

Prior to being disciplined for a violation of the District's dress code, the student will be warned that his/her dress is unacceptable and given an opportunity to make necessary changes. If appropriate corrections are not made in the student's appearance, the student shall be subject to discipline after being afforded appropriate due process.

Judgments as to what is neat, clean, modest, immodest, appropriate, or inappropriate will be made by the principal and the decision of the building principal in these matters is final.

Bus Policy

The state allows the district to provide bus transportation for all students that live two or more miles from their school. This service is provided at no cost to students. School busses are considered an extension of the classroom therefore riding the bus is a privilege, which may be revoked. Students are expected to comply with the Student Code of Conduct.

Behavior which is not permitted includes, but is not limited to, the following:

General Bus Rules are in accordance with Federal Highway Safety Standards #17

1. All students must obey the driver's directions promptly and courteously.
2. Students are to stay in seats and face forward.
3. Students must keep the bus aisles clear of books, bags, feet, etc.
4. Students must keep all body parts inside the bus.
5. No loud or distracting noises are allowed.
6. No vandalism to school or personal property is allowed.
7. No rude, vulgar, obscene language or obscene actions are allowed.
8. Students should keep hands, feet and other objects to themselves. No horseplay.
9. Any action by a student that is deemed unsafe is prohibited. This includes throwing objects on or off the bus.
10. Students are expected to maintain proper conduct while at designated bus stops.

Should the rules be broken the following consequences will be invoked by the **building principals**.

- | | |
|-------------------------|--|
| First referral: | Warning and parent letter |
| Second referral: | Warning and parent contact |
| Third referral: | Five days suspension from the bus |
| Fourth referral: | Ten days suspension from the bus |
| Fifth referral: | Removal from the bus for the remainder of the semester |

*****Severe misbehavior may result in immediate removal from the bus. This may include but not limited to fighting, vandalism, breaking the law, or deliberate defiance of driver's instruction that puts the passengers in danger.

For safety purposes, video/audio equipment may be used to monitor student behavior on buses.

Radios, CD Players, and other Electronic Devices and Games

Students are not permitted to possess such items as pagers, radios, CD players, tape recorders, camcorders, DVD players, cameras, or electronic devices or games at school, unless prior permission has been obtained from the principal/teacher. Without such permission, teachers will collect the item and turn it in to the principal's office. The principal will determine whether to return the item at the end of the day for the student to take home or whether the parent will be contacted to pick up the item. Any disciplinary action will be in accordance with the Student Code of Conduct.

Visitors on Campus

Parents and visitors on campus should report to the main office upon arrival and will be asked to show photo identification. The identification will be electronically checked against registered sexual offender databases. Visitors refusing to show acceptable identification may be asked to leave the school.

District Web Site

The District will maintain a District Web site for the purpose of informing employees, students, parents, and members of the community of District programs, policies, and practices. Requests for publication of information on the District Web site must be submitted to the District Webmaster. No commercial advertising will be permitted on a Web site controlled by the District.

Sexual Harassment

The District believes that every student has the right to attend school and school-related activities free from all forms of discrimination on the basis of sex, including sexual harassment. The District considers sexual harassment of students to be serious and will consider the full range of disciplinary options, up to and including expulsion, according to the nature of the offense.

All students are expected to treat one another courteously, with respect for the other person's feelings; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student. This prohibition applies whether the conduct is by word, gesture, or any other intimidating sexual conduct, including requests for sexual favors that the other student regards as offensive or provocative.

Students and/or parents are encouraged to discuss their questions or concerns about the expectations in this area with the teacher, the principal or designee, Mrs. Kari Leong, who serves as the District's Title IX coordinator for students.

A complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member may be presented by a student and/or parent in a conference with the principal or designee or with the Title IX coordinator. The first conference with the student ordinarily will be held by a person who is the same gender as the student. The conference will be scheduled and held as soon as possible within five days of the request. The principal or Title IX coordinator will coordinate an appropriate investigation, which ordinarily will be completed within 10 days. The student or parent will be informed if extenuating circumstances delay completion of the investigation.

The student will not be required to present a complaint to a person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent within 10 days may request a conference with the Superintendent or designee by following the procedure set out in Board Policy FFH (LOCAL). If the resolution by the Superintendent or designee is not satisfactory, the student or parent may present the complaint to the Board as provided by policy.

Bullying

Bullying occurs when a student or group of students engages in written or verbal expression or physical conduct that will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or is sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student. See Board Policy FFI (LOCAL).

A student or parent who has a complaint alleging bullying should immediately report the complaint to a campus administrator, teacher or counselor for investigation.

School District Disciplinary Authority and Jurisdiction

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
6. When criminal mischief is committed on or off school property or at a school-related event;
7. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
8. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
9. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
10. When the student is required to register as a sex offender.

Searches of Students, Lockers, and Vehicles on School Property

The principal or other school administrator can search a student's outer clothing, pockets, or property if she or he has a reasonable basis to suspect that the search will reveal evidence that the student has violated a school rule. The scope of the search will be related to the suspected violation.

Lockers are school property and remain under the school's control at all times. Lockers can be searched at any time. Because students are responsible for any contraband that is found in their lockers and will be disciplined accordingly, they should not give any other student the combination to their lockers or otherwise let anyone else have access to their lockers.

Vehicles parked on school property or within 300 feet of school property are subject to search by the principal or other school administrators if they have a reasonable basis to suspect that there may be contraband of any kind, such as weapons, alcohol, drugs, tobacco, or any other prohibited substance, in the car.

The District will periodically bring in trained, non-aggressive dogs to sniff around vehicles parked on school property to alert officials to the current presence of concealed prohibited items, illicit substances, and alcohol. If the trained dog alerts to a vehicle, that alert provides a reasonable basis to search the car. We will always ask the student for permission to search when a dog alerts or we have any reasonable basis, such as a reliable tip, to search the vehicle. If the

School District Authority and Jurisdiction

student does not consent, we will ordinarily contact a parent and local law enforcement and turn the matter over to the police. Because students are responsible for any contraband that is found in a vehicle they have parked on school property and will be disciplined accordingly, they should be very careful about what goes on in any vehicle they drive to school.

Lockers, classrooms and other common areas may be sniffed by trained dogs at any time when students are not present. The students may be asked to step outside, leaving their belongings inside the room, so the trained dog can search the area. If contraband of any kind is found as a result of a search, the possessing student will be subject to the appropriate disciplinary action, regardless of the intent, in accordance with the Student Code of Conduct.

Notice of Metal Detector Searches

Students are subject to metal detector searches on a random basis. [see Board Policy FNF (LOCAL)]

Cooperation With Law Enforcement Officials

The District and district personnel will cooperate with law enforcement agencies within reason. Law enforcement officials may be summoned to keep or restore order at school or school related activities. They may also be summoned to conduct an investigation of alleged criminal conduct on school premises or at school sponsored activities. Administrators shall have the responsibility and authority to determine when law enforcement officers' assistance is needed within their respective jurisdiction. However, district administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

Police Questioning of Students

The following guidelines shall apply when law enforcement officers or other lawful authorities desire to question or interview a student at school:

1. The principal shall verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school.
2. The principal ordinarily shall make reasonable efforts to notify the student's parents or other person having lawful control of the student. If the interviewer raises what the principal considers to be a valid objection to the notification, parents shall not be notified.
3. The principal or a designee ordinarily shall be present during the questioning or interview. If the interviewer raises what the principal considers to be a valid objection to a third party's presence, the interview shall be conducted without that person's presence.

Arrested Students

If a student at school is subject to arrest or apprehension by law enforcement officer(s), the principal or appropriate administrator, after consultation, shall deliver the student into the officer's custody. The principal shall immediately make reasonable efforts to notify the student's parents and the director of student services

Reporting Crimes

School administrators shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

Physical Restraint

Any District employee may, within the scope of the employee's duties, use and apply physical restraint to a student that the employee reasonably believes is necessary in order to:

1. Protect a person, including the employee, from physical injury.
2. Obtain possession of a weapon or dangerous object.
3. Protect property from serious damage.
4. Restrain an irrational student.

Remove from a specific location a student refusing a lawful command of a school employee, including from a classroom or other school property, in order to restore order or impose disciplinary measures.

Revoking Transfers

The district has the right to revoke the transfer of a nonresident student for violating the district's Code.

Graduation Activities

The district has the right to limit a student's participation in graduation activities for violating the district's Code.

See DAEP—Restrictions during Placement on page 28, for information regarding a student assigned to DAEP at the time of graduation.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

General Conduct Violations

The categories of conduct below are prohibited at school and all school-related activities, but the list does not include the most serious offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Serious Offenses, and Expulsion, severe offenses that require or permit specific consequences are listed. Any offense, however, may be serious enough to result in Removal from the Regular Educational Setting as detailed in that section.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct on school buses.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms.)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see DAEP Placement or Expulsion.)
- Deface or damage school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery, and theft see DAEP Placement and Expulsion.)

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain; or any other object used in a way that threatens or inflicts bodily injury to another person;
- A —lookalike” weapon;
- An air gun or BB gun;
- Ammunition;
- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion.)

Possession of Telecommunications or Other Electronic Devices

High School

Students are not permitted to possess electronic devices such as handheld games, viewing or listening devices (iPods, DVD/CD players, radios, camcorders, cameras, etc.) or pagers unless prior permission has been obtained from the principal or teacher. Without such permission, teachers will collect the items and turn them into the principal’s office. Students may have cell phones with them, but they must be out of sight and turned in an inaudible (quiet or silent) position so that no one is able to hear them. They may not be used in the instructional buildings for any reason including phone calls, text messages, IM, or website use. Cell phone use is permissible in the cafeterias and immediate patio areas around the cafeterias only during the student’s designated lunch time.

General Conduct Violations

If a faculty or staff member sees or hears the use of a student's cell phone in the classroom, hallway, restroom, or in any instructional building, the phone will be taken up. The parent, legal guardian, or student may come to the office after school and retrieve the phone on the first offense for a \$15 cash fee. On the second offense, there will be a \$15 cash fee charged, and a parent or legal guardian must be the one who picks up the phone after school. On the third and subsequent offense(s), the parent or other legal guardian must retrieve the phone after school, there will be a \$15 cash fee charged and the student will be assigned detention or ISS. This policy is in place during the student's instructional day.

If at any time, including permitted cell phone use in the cafeteria, a faculty member or administrator has reasonable suspicion of conduct violations or illegal activity using the cell phone or other electronic device, the device will be confiscated and a school administrator will be allowed access to the device, SIM card, memory card, battery, and all components for the device. If any evidence of illegal activity is found, the device and/or evidence may be turned over to law enforcement authorities, charges will be filed and legal action may be taken.

If a phone or device is confiscated and held by school administration, it will be placed in an envelope with the student's name on it and held in the principal's office in a secure location. The district is not responsible for confiscated items that are misplaced, stolen, or damaged.

Middle and Elementary Schools

Students are not permitted to possess electronic games, viewing or listening devices (iPods, DVD/CD players, radios, camcorders, cameras, etc.) or pagers unless prior permission has been obtained from the principal or teacher. Without such permission, teachers will collect the items and turn them into the principal's office. Students shall not use a cell phone or other telecommunication device with phone, IM, and/or text messaging, or other capabilities at school or on school property during the instructional day. A student may possess a cell phone if it is out of sight and turned off. If a student is in violation of the policy, they will be subject to disciplinary action. The phone will be confiscated and returned only to the student's parent or legal guardian. The student will receive a warning. On the second offense, the parent or legal guardian will be charged a \$15 cash fee to retrieve the phone. On the third offense, the parent or legal guardian will be charged a \$15 cash fee to retrieve the phone and the student will be assigned detention or ISS. If the offenses continue, the discipline plan will be followed and further fees will be assessed.

If at any time, a faculty member or administrator has reasonable suspicion of conduct violations or illegal activity using the cell phone or other electronic device, the device will be confiscated and a school administrator will be allowed access to the device, SIM card, memory card, battery, and all components for the device. If any evidence of illegal activity is found, the device and/or evidence may be turned over to law enforcement authorities, charges will be filed and legal action may be taken.

If a phone or device is confiscated and held by school administration, it will be placed in an envelope with the student's name on it and held in the principal's office in a secure location. The district is not responsible for confiscated items that are misplaced, stolen, or damaged.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess or sell seeds or pieces of marijuana, whether or not a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion.)
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for —paraphernalia.”)
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)
- Abuse over-the-counter drugs. (See glossary for —abus.”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for —under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources. (See APPENDIX 1: Electronic Communication System Acceptable Use Guidelines and Internet Safety)
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and —sexting” either on or off school property, if the conduct causes a substantial disruption to the educational environment.
- Use e-mail or Web sites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.

Safety Transgressions

Students shall not:

- Possess written or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the student handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

The district allows campus or classroom rules to be imposed in addition to those found in the Code. These rules may be posted in classrooms or given to the student as additional standards of conduct.

Discipline Management Techniques

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Because of these factors, discipline for a particular offense, unless otherwise specified by law, may bring into consideration varying techniques and responses.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law shall prevail.

In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

The following discipline management techniques may be used—alone or in combination—for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or —tne-out.”
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.

Discipline Management Techniques

- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use. See Policy FO (Local).
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Notification

The principal or appropriate administrator shall notify a student's parent by phone or in writing of any violation that may result in an out-of-school suspension, placement in a DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy Online at the following address: www.abileneisd.org.

(The Board encourages resolution of complaints through informal conferences with appropriate teacher, principal, or other campus administrator.)

Consequences shall not be deferred pending the outcome of a grievance.

Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

Routine Referral

A routine referral occurs when a teacher sends a student to the principal's office as a discipline management technique. The principal may then employ additional techniques.

Formal Removal

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher **may** also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

At the conference, the appropriate administrator shall inform the student of the misconduct for which he or she is charged and the consequences. The administrator shall give the student an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

Returning Student to Classroom

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent.

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent, if the placement review committee determines that the teacher's class is the best or only alternative available.

Out-of-School Suspension

Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

In deciding whether to order out-of-school suspension, the district shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Process

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the appropriate administrator, who shall advise the student of the conduct of which he or she is accused. The student shall be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension shall be determined by the appropriate administrator, but shall not exceed three school days.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and co-curricular activities.

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12.

Summer programs provided by the district shall serve students assigned to a DAEP in conjunction with other students.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the district shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student may be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code.

Misconduct Identified in State Law

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Any criminal mischief (vandalism), including a felony.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

The appropriate administrator **may**, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Disciplinary Alternative Education Program (DAEP) Placement

Mandatory Placement: Misconduct That Requires DAEP Placement

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school, if the student is not expelled for such conduct.
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
 - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense, if the student is not expelled for such conduct. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for —under the influence.”)
 - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 - a. The student receives deferred prosecution (see glossary),
 - b. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
 - c. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

Disciplinary Alternative Education Program (DAEP) Placement

Sexual Assault and Campus Assignments

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

Emergencies

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis.

Disciplinary Alternative Education Program (DAEP) Conference

When a student is removed from class for a DAEP offense, an appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

At the conference, the appropriate administrator or designee shall inform the student, orally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

Disciplinary Alternative Education Program (DAEP) Placement Order

After the conference, if the student is placed in the DAEP, an appropriate administrator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete coursework required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

Disciplinary Alternative Education Program (DAEP) Placement

Length of Placement

The duration of a student's placement in a DAEP shall be determined by the Director of Student Services and/or the Administrative Review Committee if the placement is more than 20 successful days. The campus principal may assign students up to 20 successful days at the Jefferson Center/Elementary Reassignment Center, for which up to 30 days may be allowed for completion.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year except as provided below.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended placement is in the best interest of the student.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

Exceeds School Year

Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that 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 Director of Student Services and/or the Administrative Review Committee must determine that:

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 (see glossary) that violates the district's Code.

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

Disciplinary Alternative Education Program (DAEP) Placement

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy Online at the following address: www.abileneisd.org. Please note the 15 day timeline as per exhibits in FNG (LOCAL).

(The Board encourages resolution of complaints through informal conferences with appropriate teacher, principal, or other campus administrator.)

Disciplinary consequences shall not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

Restrictions During Placement

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or co-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

The district shall provide transportation to students in a long term DAEP. This does not include students sent to the Reassignment Center or to a JJAEP.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the Director of Student Services at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator may enter an additional disciplinary order as a result of those proceedings.

Disciplinary Alternative Education Program (DAEP) Placement

Notice of Criminal Proceedings

The office of the prosecuting attorney shall notify the district if a student was placed in a DAEP for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon, and:

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

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal during Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the district may complete the proceedings and issue a placement order. If the student then reenrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the appropriate administrator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Disciplinary Alternative Education Program (DAEP) Placement

Newly Enrolled Students

The district shall decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district. The district may place the student in the district's DAEP or a regular classroom setting.

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement Procedure

When an emergency placement occurs, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Placement and/or Expulsion for Certain Serious Offenses

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

Registered Sex Offenders

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

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

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

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

Review Committee

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

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

Newly Enrolled Student

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

Placement and/or Expulsion for Certain Serious Offenses

Appeal

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

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 Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or its designee makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

The district may expel the student and order placement under these circumstances regardless of:

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

Hearing and Required Findings

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

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

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

Placement and/or Expulsion for Certain Serious Offenses

Length of Placement

The student is subject to the placement until:

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

Newly Enrolled Students

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the district will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Any Location

A student **may** be expelled for:

- Engaging in the following, no matter where it takes place:
 - Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
 - Breach of computer security.
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at a School Event

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. (See glossary for —under the influence.”)
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)

Within 300 Feet of School

A student may be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

Property of Another District

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in DAEP

A student **may** be expelled for engaging in serious offenses or persistent misbehavior (see glossary) that violates the district's Code, while placed in a DAEP.

Mandatory Expulsion: Misconduct That Requires Expulsion

Federal Law

A student **must** be expelled for bringing to school a firearm, as defined by federal law, when the offense occurs on school property or while attending a school-sponsored or school-related activity on or off school property. —Firearm" under federal law includes:

- Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
- The frame or receiver of any such weapon.
- Any firearm muffler or firearm weapon.
- Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Texas State Law

A student **must** be expelled for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
 - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.
 - An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
 - A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
 - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, a zip gun, or a tire deflation device. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

Under Age Ten

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

Emergency

In an emergency, the principal or the principal's designee **may** order the immediate expulsion of a student for any reason for which expulsion may be made on a nonemergency basis.

Process

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

Until a hearing can be held, the principal may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

Hearing

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the district's witnesses.

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees delegates to the Director of Student Services authority to conduct hearings and expel students.

Length of Expulsion

The length of an expulsion shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

Expulsion Order

After the due process hearing, if the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the Director of Student Services shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review. It may give notice of the decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision. Consequences shall not be deferred pending the outcome of the hearing.

Withdrawal During Process

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then reenrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the appropriate administrator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator or the board may issue an additional disciplinary order as a result of those proceedings.

Restrictions During Expulsion

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Newly Enrolled Students

The district shall decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or an open-enrollment charter school upon enrollment in the district.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the district with a copy of the expulsion order, and
2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

1. The student is a threat to the safety of other students or district employees, or
2. Extended placement is in the best interest of the student.

Emergency Expulsion Procedures

When an emergency expulsion occurs, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

Glossary

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Texas Penal Code 29.03(a) when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
 - a. 65 years of age or older, or
 - b. A disabled person.

Armor-piercing ammunition is handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
 - a. Any vegetation, fence, or structure on open-space land; or
 - b. Any building, habitation, or vehicle:
 - 1) Knowing that it is within the limits of an incorporated city or town,
 - 2) Knowing that it is insured against damage or destruction,
 - 3) Knowing that it is subject to a mortgage or other security interest,
 - 4) Knowing that it is located on property belonging to another,
 - 5) Knowing that it has located within it property belonging to another, or
 - 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - a. Recklessly damages or destroys a building belonging to another, or
 - b. Recklessly causes another person to suffer bodily injury or death.

Assault is defined in part by Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another.

Bullying is written or oral expression or physical conduct that a school district's board of trustees or the board's designee determines:

1. To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

Chemical dispensing device is a device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

Corporal punishment is permitted as a corrective action to certain rules infraction in order to preserve an effective and orderly educational environment. Factors of student size and age, and the physical, mental and emotional conditions of the student shall be considered before the administration of any corporal punishment.

In order to exempt a student from corporal punishment, if desired, a parent or guardian or other person having lawful control over the student must provide a signed statement prohibiting the use of corporal punishment as a method of student discipline. Such a statement may be provided by checking where indicated on the comprehensive student/parent information card at the beginning of each year. Corporal punishment shall be limited to spanking or paddling and shall be administered only in accordance with the following guidelines:

1. The student will be informed of the reason(s) for corporal punishment.
2. Corporal punishment may be administered by the teacher, school principal, or assistant principal.
3. The instrument to be used in administering corporal punishment shall be approved by the principal.
4. The administration of corporal punishment shall be performed in the presence of one other professional employee of the District, and in a designated place out of view of other students.

Criminal street gang is three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

Cyberbullying is the use of any electronic communication device to engage in bullying or intimidation.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

Deadly conduct occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

Deferred adjudication is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

Deferred prosecution may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

Delinquent conduct is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

Discretionary means that something is left to or regulated by a local decision maker.

Explosive weapon is any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

False Alarm or Report occurs when a person 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:

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

Firearm silencer means any device designed, made, or adapted to muffle the report of a firearm.

Fighting is defined as physical conflict between two or more individuals where there is a willful intent to inflict physical pain. A fight has occurred if a student who is attacked strikes back. To avoid penalty, a student under attack should seek to detach himself/herself from the situation and get school personnel or adult help.

Graffiti are markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

Hazing is an intentional or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

Hit list is a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Knuckles are any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles. This also includes a set of rings attached to a bar such as a double or triple ring.

Machine gun is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

Mandatory means that something is obligatory or required because of an authority.

Paraphernalia are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

Persistent misbehavior is two or more violations of the Code in general or repeated occurrences of the same violation.

Possession means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any other school property used by the student, including but not limited to a locker or desk.

Public school fraternity, sorority, secret society, or gang means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are excepted from this definition.

Reasonable belief is a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

Self-defense is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

Serious offenses include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Sexual harassment of a student or district employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

Switchblade is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force. The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

Terroristic threat is a threat of violence to any person or property with intent to:

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

Tire deflation device is defined in part by Section 46.01 of the Penal Code as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

Title 5 offenses are those that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC(EXHIBIT)]

Under the influence means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student ~~under the influence~~" need not be legally intoxicated to trigger disciplinary action.

Use means voluntarily introducing into one's body, by any means, a prohibited substance.

Zip gun is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

Compliance Statements

Equal Educational Opportunities

No officer or employee of the District, when acting or purporting to act in official capacity, shall refuse to permit any student to participate in any school program because of the student's race, religion, color, sex, or national origin.

The District shall provide a free appropriate public education, including regular or special education and related services designed to meet the individual educational needs of each qualified student with a disability, regardless of the nature or severity of the disability, as adequately as the needs of nondisabled students. The District shall comply with federal law concerning education of the disabled in the areas of educational setting, evaluation and placement, and procedural safeguards.

All students, including women, members of minority groups, students with disabilities, disadvantaged students, and persons of Limited English Proficiency (LEP), shall have equal access to vocational education programs, services, and activities.

The District has designated the following school official to coordinate its efforts to comply with these policies, and any complaint shall be directed to: Kari Leong

Section 504 of The Rehabilitation Act of 1973

Section 504 of The Rehabilitation Act of 1973 prohibits discrimination on the basis of disability. A disabled person is any person who has a physical or mental disability, which substantially limits one or more major life activities, has a record of such a disability, or is regarded as having such a disability. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. A student between the ages of 3 and 21 whose disability substantially limits a major life activity may qualify for services under Section 504. It must be determined that an educational need exists because of the student's disability.

No qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from financial assistance.

Inquiries regarding services for students under Section 504 should be made to the campus principal. The campus principal is designated under District guidelines as the campus 504 coordinator.

Title IX

The Abilene Independent School District does not discriminate on the basis of race, religion, color, national origin, sex, or disability in providing education services and/or programs. Kari Leong has been designated to coordinate compliance with the nondiscrimination requirements of Title IX. She may be contacted at the Administration Building, 241 Pine Street. Bud Turnage has been designated to coordinate compliance with the nondiscrimination requirements of Section 504 of the Rehabilitation Act and Title IX of the Americans with Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973.

Credit by Examination

Students currently enrolled in or living within the boundaries of the Abilene Independent School District may apply for grade level or individual course credit by examination without prior instruction. These examinations are administered by the AISD during the summer when school is not in session. Interested students must register with their school counselor before 3:00 p.m., April 11, 2012, to take the examinations that would apply to the 2011-2012 school year. Additional information is available from the school counselor. This is in compliance with Board Policy EEJB (LOCAL).

General Authority

The Texas legislature has delegated the authority of managing independent school districts and the disciplining of those students attending school within the District to the Board and those persons employed by the Board, *Texarkana ISD v. Lewis*, 470 S.W.2d 727 (Tex. Civ.App.-Texarkana, 1971, no writ).

If a particular type of conduct has the effect of disrupting the learning atmosphere, it should be subject to regulations. The Board possesses considerable leeway in promulgating regulations for the proper conduct of students. *Passel v. Ft. Worth ISD*, S.W.2d 888 (Tex. Civ.App. Ft Worth, 1970, Writ ref'd n.r.e.)

Asbestos

All District facilities were re-inspected by a Texas Department of Health licensed asbestos consultant during the summer of 2009 to determine the conditions of previously identified asbestos-containing materials. The results indicate we are in compliance with current federal standards. Additionally, an Inspection of AISD Asbestos records and facilities was conducted in April 2001 by the Texas Department of Health and confirmed that AISD is in compliance.

Asbestos Management Plans have been conformed to current standards with updates. Copies of the original management plans and updates are on file in each principal's office or facility manager's office and at the maintenance office located 3757 Amarillo.

There is in effect a continuous management and maintenance program designed to assure that no asbestos hazard is allowed.

Herbicides and Pesticides

By state law, strict controls direct the use of herbicides and pesticides in schools and on campuses. Such materials can only be applied by **licensed** personnel and, normally, must be applied only at times when students will not be on campus for a period of 12 hours after application. However, there are provisions for emergency application(s) during school hours. A number of District employees hold non-commercial applicator licenses and AISD is in full compliance with all herbicide and pesticide laws. The District has an active Integrated Pest Management Program.

Pesticides are periodically applied in school buildings. Information concerning these applications may be obtained by calling 692-7234. Ask to speak to Mike Mort, General Maintenance Supervisor.

Bacterial Meningitis

What is Meningitis

Meningitis is an inflammation of the covering of the brain and spinal cord. It can be caused by viruses, parasites, fungi, and bacteria. Viral meningitis is most common and the least serious. Bacterial meningitis is the most common form of serious bacterial infection with the potential for serious, long-term complications. It is an uncommon disease, but requires urgent treatment with antibiotics to prevent permanent damage or death.

What are the Symptoms

Someone with meningitis will become very ill. The illness may develop over one or two days, but it can also rapidly progress in a matter of hours. Not everyone with meningitis will have the same symptoms.

Children (over 1 year old) and adults with meningitis may have a severe headache, high temperature, vomiting, sensitivity to bright lights, neck stiffness or joint pains, and drowsiness or confusion. In both children and adults, there may be a rash of tiny, red-purple spots. These can occur anywhere on the body.

The diagnosis of bacterial meningitis is based on a combination of symptoms and laboratory results.

How Serious is Bacterial Meningitis

If it is diagnosed early and treated promptly, the majority of people make a complete recovery. In some cases it can be fatal or a person may be left with a permanent disability.

How is Bacterial Meningitis Spread

Fortunately, none of the bacteria that cause meningitis are as contagious as diseases like the common cold or the flu, and they are not spread by casual contact or by simply breathing the air where a person with meningitis has been. The germs live naturally in the back of our noses and throats, but they do not live for long outside the body. They are spread when people exchange saliva (such as by kissing; sharing drinking containers, utensils, or cigarettes).

The germ **does not** cause meningitis in most people. Instead, most people become **carriers** of the germ for days, weeks or even months. The bacteria rarely overcome the body's immune system and causes meningitis or another serious illness.

How Can Bacterial Meningitis be Prevented

Do not share food, drinks, utensils, toothbrushes, or cigarettes. Limit the number of persons you kiss.

While there are vaccines for some other strains of bacterial meningitis, they are used only in special circumstances. These include when there is a disease outbreak in a community or for people traveling to a country where there is a high risk of getting the disease. Also, a vaccine is recommended by some groups for college students, particularly freshmen living in dorms or residence halls. The vaccine is safe and effective (85-90%). It can cause mild side effects, such as redness and pain at the injection site lasting up to two days. Immunity develops within 7 to 10 days after the vaccine is given and lasts for up to 5 years.

What You Should Do if You Think Your or a Friend Might Have Bacterial Meningitis

Seek prompt medical attention.

For More Information

Your school nurse, family doctor, and the staff at your local or regional health department office are excellent sources for information on all communicable diseases. You may also call your local health department or Regional Texas Department of Health office to ask about meningococcal vaccine. Additional information may also be found at the web sites for the Centers for Disease Control and Prevention: www.cdc.gov and the Texas Department of Health: www.tdh.state.tx.us.

School Clinic

Children are seen in the school clinics to receive their medication and for various physical ailments. Depending on the presenting symptoms, the school nurse/LVN/health extender may use the following over the counter products: antacid, chloraseptic throat spray, toothache medication, benadryl or generic equivalent, orabase, campho-phenique, hydro-cortisone cream, 911 Relief Spray, triple antibiotic ointment, petroleum jelly, benzalkonium chloride wipes, peroxide and alcohol. It is important that the school nurse/LVN/health extender be informed of any allergies to either drugs or environmental conditions that a student might have.

AISD has a School Physician Consultant, and each year he signs standing orders regarding the above listed products. These standing orders are posted in each school clinic. The school nurses, LVNs and health extenders wish a safe and healthy school year for the children of the Abilene Independent School District.

Comprehensive Developmental Guidance and Counseling Program

The Abilene Independent School District provides a comprehensive developmental guidance and counseling program to all students enrolled in the district. The certified school counselors of the district have planned and implemented this program. Their goals are 1) to promote an atmosphere which will enable students to develop to their fullest potential in both cognitive and affective learning; 2) to give students an opportunity to

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utilize their skills in dealing with problem situations; 3) to assist students to develop decision-making skills; 4) to provide activities which incorporate educational, social and career domains; and 5) to provide opportunities for all students to gain a positive self-image and interpersonal skills.

In order to achieve these goals specific services are provided in four major areas. The district's professional counselors deliver a seven strand guidance curriculum to help students develop basic life skills. The skill areas addressed are 1) self-esteem; 2) motivation to achieve; 3) decision-making, goal-setting, planning, and problem-solving; 4) interpersonal effectiveness; 5) communication skills; 6) cross-cultural effectiveness; and 7) responsible behavior. The counselors also offer responsive services such as individual and small-group counseling in order to intervene on behalf of those students whose immediate personal concerns or problems put their continued personal-social, career, and/or educational development at risk. In addition, the counselors assist students in the development of an individual planning system. In this area, they provide an atmosphere in which students can set challenging educational, career, and personal-social goals that are based on self-knowledge and information about school, the world of work, and their society. Finally, the counselors are involved in system support activities which indirectly benefit students. These activities include consultation with teachers, consultation with parents, community relations, campus-based school improvement planning, and student advocacy when working with policy-makers and instructional/curriculum planners.

The State of Texas has mandated this program for all Texas public school districts. If for some reason you do not wish your child to participate in the district's developmental guidance and counseling program, please notify your child's school counselor in writing.

Student Assistance Services Counseling Program

The Abilene Independent School District provides a Student Assistance Services Counseling Program to all secondary students enrolled in the district. All Student Assistance Services Counselors are Master's level certified mental health professionals. The mission of the program is to provide intervention, prevention, education, and support services to students with addictions or related issues in order that they may take full advantage of their educational experience. The Student Assistance Services program maintains confidentiality in accordance with state and federal regulations.

Confidentiality of Information

Abilene ISD/Special Education

Abilene ISD/Special Education is located at 241 Pine Street, Abilene, TX, 79601. The telephone number is 325.677.1444. Policies and procedures concerning confidentiality and access of student records are available for review at the above address during working hours, 8:00 a.m. until 5:00 p.m., Monday through Friday.

Individual student records are kept at this location and may be reviewed during regular business hours by parents and eligible students by submitting a written request to Larry Davis, Executive Director of Special Education, Abilene Independent School District, 241 Pine Street, Abilene TX 79601.

Complaints concerning confidential records are to be directed to the above office.

In compliance with state and federal regulations, the parents of special education students or eligible students of Abilene ISD are informed annually of the types and locations of education records, along with the official responsible for their maintenance and access. This information is shown below for convenience in accessing educational records in both the principal's office and the special education office.

Directory Type Information

LOCATION: Individual School

RESPONSIBLE OFFICIAL: Title: Building Principal; Address; Refer to School Directory

Educational Records (Cumulative Folders)

LOCATION: Individual School

RESPONSIBLE OFFICIAL: Title: Building Principal; Address; Refer to School Directory

Psychological/Intellectual/Academic Testing Results/Medical

LOCATION: Department of Special Education

RESPONSIBLE OFFICIAL: Title: Executive Director of Special Education; Address: 241 Pine Street, Abilene, TX

APPENDIX 1

Electronic Communication System Acceptable Use Guidelines (AUG) and Internet Safety

I. Overview

The Abilene Independent School District Network (AISDnet) offers access to the District's electronic communication system for educational purposes. Our goal is to promote educational excellence in the Abilene schools by providing needed tools for more effective and meaningful classroom instruction while ensuring a safe, ethical and productive learning environment. With this educational opportunity comes responsibility. It will be each student's responsibility to follow the rules for appropriate and acceptable use.

The "electronic communication system" is defined as the District's network, servers, computer workstations, peripherals, applications, databases, software, online resources, Internet access, and any other technology designated for use by students.

The Internet is a network of many types of communication and information networks. With access to computers and people all over the world, also comes the availability of adult content or material students (or parents) might find objectionable and may not be considered to be of educational value in the school setting. In compliance with the Children's Internet Protection Act (CIPA), the school district has installed active content filtering and/or blocking software to restrict access to Internet sites containing material harmful to minors. The software works by scanning for objectionable words or concepts, as determined by the School District. While the District uses filtering technology and protection measures to restrict access to such material, it is not possible to absolutely prevent such access. A user who incidentally connects to an inappropriate site must immediately disconnect from the site and notify a teacher or administrator. If a user sees another user accessing inappropriate sites, he or she should notify an administrator immediately.

In addition, the smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided in this document so that you are aware of the responsibility to follow the rules for appropriate and acceptable use you are about to acquire. In general, this requires efficient, ethical and legal utilization of the network resources. If an AISDnet user violates any of these provisions, his or her account will be terminated and future access could possibly be denied along with other appropriate disciplinary or legal action in accordance with the Student Code of Conduct.

APPENDIX 1: Electronic Communication System AUG and Internet Safety

II. Philosophy

- 1. Risk** – Even with filtering, blocking, and anti-virus software, controlling all materials on the AISDnet is impossible. Sites accessible via the AISDnet may contain material that is illegal, defamatory, inaccurate or harmful. With global access to computers and people, a risk exists that students may access material that may not be of educational value in the school setting.
- 2. User Responsibility** – AISDnet users, like traditional library users, are responsible for their actions in accessing available resources. Should inappropriate materials become available, user must notify a teacher, campus principal, and/or district system operator immediately.

III. Terms and Conditions

Acceptable Use: Abilene ISD Electronic Communication System (AISDnet) access may be used to improve learning and teaching consistent with the educational goals of Abilene ISD. Abilene ISD expects legal, ethical and efficient use of the AISDnet.

- 1. Privilege:** Use of a personal Abilene ISD Network account is a privilege, not a right.
- 2. Subject to System Administration:** All Abilene ISD Network accounts and computer usage is subject to perusal by the system administrator for virus scanning and monitoring for inappropriate use.

Inappropriate Use: Inappropriate use includes, but is not limited to, those uses that violate the law, that are specifically named as violations in this document, that violate the rules of network etiquette, or that hamper the integrity or security of Abilene ISD's electronic communication system.

- 1. Violation of Law:** Transmission of any material in violation of any U.S. or State law is prohibited. This includes, but is not limited to: copyrighted material; threatening, harassing, obscene material; or material protected by trade secret. Any attempt to break the law through the use of an AISDnet account may result in litigation against the offender by the proper authorities. If such an event should occur, Abilene ISD will fully comply with the authorities to provide any information necessary for the litigation process.
- 2. Commercial Use:** Use for commercial, income-generating or —for profit activities, product advertisement, or political lobbying is prohibited.
- 3. Vandalism/Mischief:** Vandalism and mischief are prohibited. Vandalism is defined as any malicious attempt to harm or destroy data of another user, AISDnet, or any other networks that are connected to AISDnet. This includes, but is not limited to, the creation or propagation of computer viruses. Any interference with the work of other users, with or without malicious intent, is construed as mischief and is strictly prohibited.

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4. **Electronic Mail Violations:** Forgery of electronic mail messages is prohibited. Reading, deleting, copying, or modifying the electronic mail of other users is prohibited. Sending unsolicited junk mail, spam, chain e-mails, or that of commercial content is prohibited.
5. **File/Data Violations:** Deleting, examining, copying, or modifying files and/or data belonging to other users are prohibited.
6. **System Interference/Alterations:** Attempts to exceed, evade or change resource quotas are prohibited. Causing network congestion through mass consumption of system resources, attempts to disable the AISDnet filter or compromising the integrity of the firewall are prohibited. System users may not attach or install any equipment to the District's system without prior approval from the Chief Technology Officer or his representative.
7. **Inappropriate Speech/Messages:** The following restrictions against inappropriate speech and messages apply to all communication sent and/or accessed through AISDnet, including all e-mails, instant messages, texts, web pages, and blogs or wikis. Students shall not send obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful messages. Students shall not post information that could cause damage, danger, or disruptions, or engage in personal attacks, including prejudicial or discriminatory attacks. Students shall not harass another person, or knowingly or recklessly post false or defamatory information about a person or organization.
8. **Home/Personal Internet:** Student's home and personal Internet use can have an impact on the school and on other students. If a student's personal Internet expression, such as a threatening message to another student, or a violent or sexual web site, text or posting creates a likelihood of material or substantial disruption of the school's operation, the student may face school discipline and criminal penalties.
9. **Bullying/Harassment:** Our district takes cyber bullying and harassment by electronic communication very seriously, and it will not be tolerated. Students shall not use any Internet or other communication device to intimidate, threaten, bully, harass, or embarrass other students or staff members. Students who engage in such activity on school grounds or who engage in such activity off campus and create a material or substantial disruption of school operations (or the reasonable potential exists) shall be subject to disciplinary actions, as well as possible criminal penalties.

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Consequences of AUG Violation: Any attempt to violate the provisions of these procedures will result in revocation of the user's account, regardless of the success or failure of the attempt. In addition, school disciplinary action (Student Code of Conduct), and/or appropriate legal action may be taken. In the event of a claim that a student has violated these guidelines, the district will provide the student with notice and an opportunity to be heard in the manner set forth in the Student Code of Conduct..

1. **Final Determination:** The Superintendent or the designee will make the final determination as to what constitutes inappropriate use.
2. **Denial, Revocation, or Suspension of Accounts:** The superintendent/designee, campus principal, and/or the system administrator in accordance with Abilene ISD disciplinary procedures, may deny, revoke, place restrictions, or suspend an account.

IV. SECURITY

1. **High Priority:** Security of the District's electronic communication system is a high priority.
2. **Reporting Security Problems:** If a user identifies or has knowledge of a security problem on the AISDnet, the user must notify a teacher, campus principal, system administrator, and/or the superintendent's designee for Abilene ISD. The user shall not reveal or demonstrate the problem to others. Any user who attempts or causes a breach of system security shall have his/her privileges revoked and may be subject to additional disciplinary and/or legal action.
3. **Impersonation:** Attempts to log on to the AISDnet as a system administrator or another student will result in suspension of access to the District's electronic communication system, as well as other appropriate disciplinary or legal action in accordance with the Student Code of Conduct.
4. **Security Risks Denied Access:** Any user identified as a security risk or having a history of problems with other computer systems may be denied access to AISDnet.
5. **Supervision:** Staff must supervise student use of the District's electronic communication system in a manner that is appropriate to the students' age and the circumstances of use.
6. **Filtering Software:** Students and staff may not disable the District's filtering software at any time when students are using the Internet system if such disabling will cease to protect against access to inappropriate materials. Authorized staff may temporarily or permanently unblock access to sites containing appropriate material if the filtering software has inappropriately blocked access to such sites.

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7. **Bandwidth:** In order to protect and reserve bandwidth and other resources for educational use, students may not:
- Download software that is not for an educational purpose.
 - Download any file without prior teacher approval.
 - Play interactive online games without prior teacher approval.
 - Participate in chat rooms or instant messaging applications outside of curriculum use.
 - Browse the Internet without a curriculum objective and supervision of a district employee.
 - Print anything not required by the curriculum or approved by staff.
 - View non-curriculum based streaming videos/movies.
 - Set their Internet browser home page to a digital media rich site (i.e. CNN, Yahoo, MSN).
 - Bandwidth utilization is monitored. Users who routinely monopolize excessive amounts of bandwidth will be notified and their usage will be examined.
- V. **INTERNET SAFETY: Internet safety of students in their use of electronic communication is a high priority.**
1. Elementary and middle school students are blocked from emailing outside their home campus without written permission from the student's parent/guardian.
 2. NEVER give your username/password to anyone.
 3. NEVER tell anyone online your full name, home address, phone number, age, friend's name or where you go to school.
 4. NEVER share photos of yourself, your family, or your home with people you meet online.
 5. NEVER open e-mail attachments from someone you don't know.
 6. NEVER make appointments to meet people whom you meet on-line and report to a teacher or administrator if you receive any request for such a meeting.
 7. If someone says something that makes you feel unsafe or uncomfortable, don't respond. Tell your teacher or administrator.
 8. Always tell about any threatening or bad language you see online.
 9. Don't accept things from strangers (e-mail, files, and Web page addresses).
 10. People you meet online are not always who they say they are.
 11. Be aware that online information is not necessarily private.
 12. Disconnect from the Internet when not using it.

APPENDIX 1: Electronic Communication System AUG and Internet Safety

VI. Disclaimer

Abilene ISD makes no warranties of any kind, whether expressed or implied, for the service it is providing and is not responsible for any damages suffered by the users. This includes loss of data resulting from delays, non-deliveries, misdeliveries, intrusion by computer virus, or other service interruptions or malfunctions. Abilene ISD is not responsible for phone/credit card bills or any other charges incurred by users. Use of any information obtained via the AISDnet is at the user's own risk. Abilene ISD is not liable for an individual's inappropriate use of District's electronic communication systems or violations of copyright restrictions or other laws, or for costs incurred by users through use of Abilene ISD's electronic communication system.

Responsible use of Abilene ISD's Electronic Communications System

The Acceptable Use Guidelines of electronic communication facilities and services direct and require that all users:

1. Respect all Internet safety practices including online behavior, ethics, and netiquette.
2. Respect the legal protection provided by copyright and license to programs, applications, and data.
3. Respect the rights of others by complying with all present and future AISD policies regarding privacy and intellectual property.
4. Respect the rights of others by complying with all present and future AISD policies regarding sexual, racial, and other forms of cyber bullying, harassment, and by preserving the privacy of personal data accessed.
5. Respect the privacy of others by not tampering with their files, storage devices, passwords, and/or accounts in any manner.
6. Limit storage on the network to educational materials. Users will be assigned a fixed amount of storage. Users will be required to routinely review and purge unwanted or unneeded files.
7. Use only computer identification numbers, codes, accounts and facilities which are duly authorized for the user and use them only for the purposes intended and in a manner consistent with the intended purpose.
8. Respect the integrity of computing systems and data, including but not limited to, not intentionally developing programs or making use of already existing programs that harass other users, not infiltrating a computer system, and/or not damaging and/or altering the software components and/or hardware components of a computer or system, and/or not gaining unauthorized access via the network.
9. Use computing and communication facilities in a manner which is consistent with the ethical principles set forth by the school district and within acceptable community standards.

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10. Respect and adhere to local, state, or federal law which may govern the use of computing and communication facilities in Texas and in the United States of America.

Student email accounts are activated by the student's teacher or campus and are an integral part of the educational communication and learning experience. All email sent and received using AISDnet is scanned, filtered and monitored for inappropriate content, words, and images. Elementary and middle school student accounts are blocked from emailing outside their campus. Parents may request the email be unblocked so students can send/receive scanned and filtered email from outside sources. High school student accounts are open to send/receive email from all local outside sources.

Students authorized access to the AISDnet and services will read the Code of Conduct, adhere to the Acceptable Use Guidelines and sign the Code of Conduct Acknowledgment indicating an understanding students will be held accountable for their behavior and will be subject to disciplinary consequences outlined in the Code.

The parents or guardians of students authorize general filtered Internet browsing rights beyond basic educational online resources by signing the Student Permissions Sheet bearing the signature of the parent/guardian and their child before access is granted.

The District cautions all users to be aware of unacceptable conduct when using the electronic communication system. The District has and will use monitoring capabilities when unacceptable conduct is suspected.

THE CAMPUS ADMINISTRATOR, SUPERINTENDENT / DESIGNEE OR DISTRICT SYSTEM ADMINISTRATOR(S) MAY WITH OR WITHOUT WARNING SUSPEND THE ACCESS OF A USER AND DISABLE ANY USER ACCOUNT WITH REASONABLE CAUSE AND BELIEF.