

Student Code of Conduct

The Board shall adopt a Student Code of Conduct for the School, with the advice of the District Advisory Committee (DAC). The Student Code of Conduct must:

1. Specify the circumstances, in accordance with Education Code Chapter 37, Subchapter A, under which a student may be removed from a classroom, campus, disciplinary alternative education program (DAEP), or vehicle owned or operated by the School.
2. Specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a DAEP.
3. Outline conditions under which a student may be suspended, so long as it is consistent with IDEA, as provided by Education Code 37.005 [see FOB], or expelled, as provided by Education Code 37.007 [see FOD].
4. Specify that consideration will be given, as a factor in each decision concerning suspension, removal to a DAEP, or expulsion regardless of whether the decision concerns a mandatory or discretionary action, regarding:
 - a. Whether or not the action was self-defense;
 - b. The intent or lack of intent at the time the student engaged in the conduct;
 - c. A student's disciplinary history;
 - d. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
 - e. A student's status in the conservatorship of the Department of Family and Protective Services; or
 - f. A student's status as a student who is homeless.
5. Provide guidelines for setting the length of removal to a DAEP or of expulsion. Except as provided by Education Code 37.007(e) (Gun-Free Schools Act [see FOD]), the School is not required to specify a minimum term of removal or expulsion.
6. Address the notification of the parent or guardian of a student's violation of the Student Code of Conduct that results in suspension, removal to a DAEP, or expulsion.
7. Prohibit bullying, harassment, and making hit lists and ensure that School employees enforce those prohibitions.

8. Include information regarding the referral back to the local school district in the event that a TSD student commits an expellable offense.

“Bullying” has the meaning provided by Education Code 37.0832. [See FFI] “Harassment” means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student’s physical or emotional health or safety.

“Hit list” means a list of people targeted to be harmed using a firearm, as defined by Penal Code 46.01(3) [see FNCG]; a knife, as defined by Penal Code 46.01(7) (any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument); or any other object to be used with intent to cause bodily harm.

9. Provide, as appropriate for students at each grade level, methods, including options, for:
- a. Managing students in the classroom, on school grounds, and on a vehicle owned or operated by the School;
 - b. Disciplining students; and
 - c. Preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.
10. Include an explanation of the provisions regarding refusal of entry to or ejection from School property under Education Code 37.105 [see GKA], including the appeal process established under 37.105(h).

The methods adopted must provide that a student who is enrolled in a special education program under Education Code Chapter 29, Subchapter A, may not be disciplined for bullying, harassment, or making hit lists until an admission, review, and dismissal (ARD) committee meeting has been held to review the conduct. [See FOF]

Education Code 37.001(a)–(b-1), (e)

Changes in SCOC

Once a Student Code of Conduct is promulgated, any change or amendment shall be approved by the Board.

Posting

The Student Code of Conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal.

Education Code 37.001(b-1)–(c)

Notice to Parents Each school year, TSD shall provide parents with notice of and information regarding the Student Code of Conduct. *Education Code 37.001(d)*

Noncustodial Parent

A noncustodial parent may request in writing that, for the remainder of the school year in which the request is received, the School provide that parent with a copy of any written notification that is generally provided to a student's parent or guardian, relating to student misconduct under Education Code 37.006 or 37.007. The School may not unreasonably deny the request. Notwithstanding this requirement, TSD shall comply with any applicable court order of which the School has knowledge. *Education Code 37.0091*

Copies to Staff

The School shall provide each teacher and administrator with a copy of Education Code Chapter 37, Subchapter A regarding student discipline and with a copy of the related local policy. *Education Code 37.018*

District Behavior Coordinator

A person at the School must be designated to serve as the District Behavior Coordinator (DBC). The DBC is primarily responsible for maintaining student discipline and the implementation of Education Code Chapter 37, Subchapter A.

Duties

The specific duties of the DBC will be established by Superintendent, designated administrator, or School policy. Unless the policy provides otherwise, when the DBC performs these duties, they have the same power granted to a department principal or supervisor.

Notice to Parents

The DBC shall promptly notify a student's parent or guardian if the student is placed into in-school or out-of-school suspension, placed in a DAEP, has committed an expellable offense or is taken into custody by a law enforcement officer.

A DBC must provide notice by promptly contacting the parent or guardian by telephone or in person; and making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.

If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a DBC shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

If a DBC is unable or not available to promptly provide notice, the principal, supervisor, or other designee shall provide the notice.

*Education Code 37.0012***Website
Requirement**

TSD shall post on the School's website, the email address and dedicated telephone number of a person clearly identified as:

1. The District Behavior Coordinator; or
2. If the School has been designated as a district of innovation under Education Code Chapter 12A [see AF] and is exempt from the requirement to designate a behavior coordinator under the district's local innovation plan, a campus administrator designated as being responsible for student discipline.

*Education Code 26.015***Continuation of
Disciplinary Action**

If the School takes disciplinary action against a student and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, the School shall provide to the district or school in which the student enrolls, at the same time other records of the student are provided, a copy of the order of disciplinary action.

"Disciplinary action" means a suspension, expulsion, placement in an alternative education program, or other limitation in enrollment eligibility of a student.

"District or school" includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.

*Education Code 37.022***Opportunity to
Complete Courses**

If a student is placed in in-school suspension or other alternative setting other than a DAEP, TSD shall offer the student the opportunity to complete the requirements of his or her individualized education plan (IEP) before the beginning of the next school year. TSD may provide the opportunity by any method available, including a correspondence course, distance learning, or summer school. *Education Code 37.021* [For DAEP notice requirements, see FOCA.]

**Alternative Means to
Receive Coursework**

TSD shall provide to a student during the period of the student's suspension under Education Code 37.005, regardless of whether the student is placed in in-school or out-of-school suspension, an alternative means of receiving all coursework provided in the classes in the foundation curriculum under Education Code 28.002(a)(1) that the student misses as a result of the suspension. The School must provide at least one option for receiving the coursework that does not require the use of the internet.

Seclusion	<p><i>Education Code 37.005(e)</i></p> <p>A School employee or volunteer or an independent contractor of the School may not place a student in seclusion. <i>Education Code 37.0021(c)</i></p> <p>“Seclusion” means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:</p> <ol style="list-style-type: none"> 1. Is designed solely to seclude a person; and 2. Contains less than 50 square feet of space.
Exceptions	<p><i>Education Code 37.0021(b)(2)</i></p> <p>This section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:</p> <ol style="list-style-type: none"> 1. Is employed or commissioned by a the School; or 2. Provides, as a school resource officer, a regular police presence on the TSD campus under a memorandum of understanding between the School and a local law enforcement agency. <p><i>Education Code 37.0021(h)</i></p> <p>This prohibition on seclusion does not apply to:</p> <ol style="list-style-type: none"> 1. A peace officer performing law enforcement duties; or 2. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a the School.
<i>Law Enforcement Duties</i>	<p>“Law enforcement duties” means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.</p>
Restraint Reports	<p><i>Education Code 37.0021(b)(4), (g)</i></p> <p>The School shall report electronically to the Texas Education Agency (TEA), in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities [see FOF]. <i>Education Code 37.0021(i)</i></p>

	<p>“Restraint” means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student’s body. <i>Education Code 37.0021(b)(1)</i></p>
Corporal Punishment	<p>The Board prohibits the use of corporal punishment allowable under Education Code 37.0021(b)(1).</p>
Definition	<p>“Corporal punishment” means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. The term does not include physical pain caused by reasonable physical activities associated with athletic training, competition, or physical education or the use of restraint as authorized under Education Code 37.0021 [see FOF]. <i>Education Code 37.0011(a)</i></p>
Use of Force to Maintain Discipline	<p>The use of force, but not deadly force, against a student is justified if the teacher or administrator is entrusted with the care, supervision, or administration of the student when, and to the degree the teacher or administrator reasonably believes the force is necessary, to further the purpose of education or to maintain discipline in a group. <i>Penal Code 9.62</i></p>
Aversive Techniques	<p>A TSD employee or volunteer or an independent contractor of the School may not apply an aversive technique, or by authorization, order, or consent, cause an aversive technique to be applied, to a student.</p> <p>"Aversive technique" means a technique or intervention that is intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain. The term includes a technique or intervention that:</p> <ol style="list-style-type: none"> 1. Is designed to or likely to cause physical pain, other than an intervention or technique permitted under Education Code 37.0011 [see Corporal Punishment, above]; 2. Notwithstanding the above corporal punishment provisions, is designed to or likely to cause physical pain through the use of electric shock or any procedure that involves the use of pressure points or joint locks; 3. Involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face; 4. Denies adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility; 5. Ridicules or demeans the student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse;

6. Employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint;
7. Impairs the student's breathing, including any procedure that involves:
 - a. Applying pressure to the student's torso or neck; or
 - b. Obstructing the student's airway, including placing an object in, on, or over the student's mouth or nose or placing a bag, cover, or mask over the student's face;
8. Restricts the student's circulation;
9. Secures the student to a stationary object while the student is in a sitting or standing position;
10. Inhibits, reduces, or hinders the student's ability to communicate;
11. Involves the use of a chemical restraint;
12. Constitutes a use of timeout that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's individualized education program, including isolating the student by the use of physical barriers; or
13. Except as provided below, deprives the student of the use of one or more of the student's senses.

Education Code 37.0023(a)–(b)

An aversive technique that deprives the student of the use of one or more of the student's senses may be used if the technique is executed in a manner that:

1. Does not cause the student discomfort or pain; or
2. Complies with the student's individualized education program or behavior intervention plan.

Nothing in this section may be construed to prohibit a teacher from removing a student from class under Education Code 37.002. [See FOA]

Education Code 37.0023(c)–(d)

A TSD employee is not required to obtain the consent of a child's parent before the employee may make a videotape of the child or

Videotapes and Recordings

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authorize the recording of a child if the videotape or recording is to be used only for purposes of safety, including the maintenance of order and discipline in common areas of the school, dormitories, or on school buses. *Education Code 26.009(b)(1)*

**Teacher
Documentation**

A teacher may document any conduct by a student that does not conform to the Student Code of Conduct and may submit that documentation to the principal. The School may not discipline a teacher based on the submitted documentation. *Education Code 37.002(b-1)*

Reports

Disciplinary
Alternative
Education
Programs

For each placement in a disciplinary alternative education program (DAEP), The School shall annually report to the commissioner:

1. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;
2. Information indicating whether the placement was based on:
 - a. Conduct violating the Student Code of Conduct;
 - b. Conduct for which a student may be removed from class by a teacher [see FOA and the Student Code of Conduct];
 - c. Conduct for which placement in a DAEP is required [see FOC and the Student Code of Conduct]; or
 - d. Conduct occurring while a student was enrolled in another district and for which placement in a DAEP is permitted by Education Code 37.008(j);
3. The number of full or partial days the student was assigned to the program and the number of full or partial days the student attended the program; and
4. The number of placements that were inconsistent with the guidelines on length of placement in the Student Code of Conduct.

Expulsions

TSD does not report expulsions to TEA. When TSD students commit expellable offenses they are referred back to the LEA and that district determines the specific follow up actions.

Out-of-School
Suspensions

For each out-of-school suspension under Education Code 37.005, the School shall report:

1. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare

placement data with information collected through other reports;

2. Information indicating the basis for the suspension;
3. The number of full or partial days the student was suspended; and
4. The number of out-of-school suspensions that were inconsistent with the guidelines included in the Student Code of Conduct under Education Code 37.001(a)(3) [see Student Code of Conduct, item 3, above].

Education Code 37.020