

**2017-18**



**Student Code of  
Conduct**

# 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.

Please read this publication thoroughly and discuss it with your child. If you have any questions about the required conduct and consequences for misconduct, ask for an explanation from your child's teacher or campus administrator.

The student and parent should each sign this page in the space provided below and then return the page to the student's school.

Thank you,

Mr. Jay Tullos, Superintendent

.....  
We acknowledge that CISD has offered the option to receive a paper copy of the CISD Student Code of Conduct for the 2017-2018 school year or to electronically access it on the district website ([www.cantonisd.net](http://www.cantonisd.net)). We understand that students will be held accountable for his/her behavior at school, at school-sponsored and school-related activities, and during school-sponsored travel. We understand that students will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

- Received a paper copy of the Student Code of Conduct
- Accepted responsibility for accessing the Student Code of Conduct on the District's website.

Print name of student: \_\_\_\_\_

Signature of student: \_\_\_\_\_

Print name of parent: \_\_\_\_\_

Signature of parent: \_\_\_\_\_

Date: \_\_\_\_\_

School: \_\_\_\_\_

Grade level: \_\_\_\_\_

# TABLE OF CONTENT

STUDENT CODE OF CONDUCT .....	1
Purpose.....	1
School District Authority and Jurisdiction .....	2
Reporting Crimes .....	2
Revoking Transfers.....	2
Standards for Student Conduct .....	3
General Conduct Violations.....	4
Disregard for Authority.....	4
Mistreatment of Others .....	4
Sexual Harassment .....	5
Property Offenses.....	5
Possession of Prohibited Items .....	6
Possession of Telecommunications Devices .....	6
Illegal, Prescription, and Over-the-Counter Drugs.....	7
Misuse of Computers and the Internet .....	7
Safety Transgressions .....	8
Miscellaneous Offenses .....	8
Discipline Management Techniques.....	9
Students with Disabilities .....	9
Techniques .....	9
Notification .....	10
Appeals .....	10
Removal From the School Bus.....	10
Levels of Student Misbehavior and Related Disciplinary Actions.....	11
Removal from the Regular Educational Setting .....	15
Routine Referral.....	15
Formal Removal.....	15
Returning Student to Classroom.....	15
Out of School Suspension.....	17

Misconduct.....	17
Process .....	17
Disciplinary Alternative Education Program (DAEP) Placement .....	18
Discretionary Placement: Misconduct That May Result in DAEP Placement .....	18
Misconduct Identified in State Law .....	18
Mandatory Placement: Misconduct That Requires DAEP Placement.....	19
Sexual Assault and Campus Assignments .....	20
Emergencies .....	20
Process for Manditory Placement In DAEP .....	20
Conference .....	20
Placement Order.....	21
Length of Placement .....	21
Exceeds One Year.....	21
Exceeds School Year.....	21
Appeals .....	22
Restrictions during Placement .....	22
Placement Review.....	22
Additional Misconduct.....	23
Notice of Criminal Proceedings.....	23
Withdrawal during Process .....	23
Newly Enrolled Students .....	24
Emergency Placement Procedure .....	24
Placement and/or Expulsion for Certain Serious Offenses.....	25
Registered Sex Offenders .....	25
Review Committee.....	25
Newly Enrolled Student.....	25
Appeal.....	25
Certain Felonies .....	26
Hearing and Required Findings .....	26
Length of Placement .....	26
Newly Enrolled Students .....	27
Expulsion .....	28

Discretionary Expulsion: Misconduct That May Result in Expulsion .....	28
Any Location .....	28
At School, Within 300 Feet, or at School Event.....	28
Within 300 Feet of School .....	29
Property of Another District .....	29
While in DAEP .....	30
Mandatory Expulsion: Misconduct That Requires Expulsion .....	30
Under Federal Law .....	30
Texas Penal Code.....	31
Under Age Ten.....	32
Emergency .....	32
Process .....	32
Hearing.....	32
Board Review of Expulsion .....	32
Expulsion Order .....	33
Length of Expulsion.....	33
Withdrawal during Process .....	33
Additional Misconduct.....	34
Restrictions during Expulsion.....	34
Newly Enrolled Students .....	34
Emergency Expulsion Procedures .....	34
DAEP Placement of Expelled Students .....	35
Transportation Rules.....	36
Bus Rules, Regulations, and Consequences.....	36
Student Dress Code and Grooming Policy.....	38
Hair.....	38
Clothing.....	38
Footwear.....	39
Accessories.....	39
Student Searches and Seizures.....	40
Searches of Lockers and Vehicles.....	40
Use of Trained Dogs.....	40
Parent Notifications .....	40

Acceptable Use of Technology Guidelines.....	41
Technology Use.....	41
Personal Safety.....	41
Illegal Activities.....	41
Security.....	42
Inappropriate Language/Netiquette.....	42
Respect for Privacy.....	42
Respecting Resource limits.....	42
Plagiarism and Copyright Infringement.....	43
Inappropriate Access to Material.....	43
Rights and Responsibilities.....	43
Search and Seizure.....	43
Due Process.....	44
Limitations of Liability.....	44
Personal Technology Use and Electronic Communication.....	45
Guidelines.....	45
Cell Phone Rule.....	45
Misuse of Computers, Electronic Devices and the Internet.....	46
Questioning Students at School.....	46
Glossary.....	48

# 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, suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Canton 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 website [www.cantonisd.net](http://www.cantonisd.net). 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.

## **School District 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.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the district.

The district has the right to search a student's locker when there is reasonable cause to believe it contains articles or materials prohibited by the district.

District administrators may conduct routine blanket inspection and searches of lockers and desks.

### ***Reporting Crimes***

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

### ***Revoking Transfers***

At the end of each school year, the district has the right to revoke the transfer of a nonresident student for violating the district's Code of Conduct. Students whose transfers have been revoked may no longer apply to the district as transfer students.



## **Standards for Student Conduct**

In order to promote a positive educational experience for all students, the District expects students to adhere to basic standards of conduct.

Each student is expected to:

- Exercise self-control, self-respect, and self discipline.
- Demonstrate courtesy and a positive attitude, even when others do not.
- 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.
- Pay required fees and fines, as applicable.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Seek changes to school policy and regulations in an orderly and responsible manner using appropriate channels.
- Adhere to the requirements of the Student Code of Conduct.

Because of significant variations in student conduct, it is not always possible for the Student Code of Conduct to address each and every act of student misbehavior. To that end, the District retains discretion to address student misconduct that is inconsistent with the above standards even though the conduct may not be specifically included in 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 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 or exhibit disrespectful behavior toward teachers, administrators, school employees, and volunteers.
- Failure to immediately report to a school employee knowledge of a device, object, substance, or event that could cause harm to self or others.

### ***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)
- Make ethnic or racial slurs including derogatory statements and name-calling.
- 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, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
- 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.

### ***Sexual Harassment***

- Students shall not engage in unwanted and unwelcome 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 sexual conduct, including requests for sexual favors.
- All reports of sexual harassment which are not minor shall be referred to the Title IX Coordinator (CISD Superintendent). Oral complaints shall be reduced to writing to assist in the district's investigation. To the greatest extent possible, complaints will be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation. The district shall not retaliate against a student who in good faith reports perceived harassment.
- A student or parent who has a complaint alleging sexual harassment by another student may request a conference with the principal, designee, or the Title IX Coordinator (CISD Superintendent). The student may be accompanied by a parent or other advisor at the initial conference and throughout the complaint process. The initial conference with the student ordinarily shall be scheduled and held as soon as possible, but in any event within five school days. At the conference, the person(s) bringing the complaint shall be informed of the right to file a complaint with the Office of Civil Rights.
- The principal, designee, or the Title IX Coordinator (CISD Superintendent) shall coordinate an appropriate investigation, which ordinarily shall be completed within ten school days. The student or parent shall be informed if extenuating circumstances delay the investigation.
- Nothing in the complaint process shall have the effect of requiring a student alleging sexual harassment to present the matter to the person who is the subject of the complaint.

### ***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 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, brass knuckles or any other object used in a way that threatens or inflicts bodily injury to another person;
- a “look-alike” weapon;
- an air gun, BB gun, pistol, or rifle;
- ammunition;
- a stun gun;
- a pocket knife or any other small knife;
- mace, pepper spray, poisons, caustic acids or other materials that may be toxic;
- 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 Devices***

Elementary students shall not:

- Display, turn on, or use a cellular telephone or other telecommunications device on school property during the school day.

Intermediate students shall not:

- Display, turn on, or use cellular telephone or other telecommunications device on school property, unless designated as a Technology Day by the student’s homeroom teacher.

Junior High and High School students shall:

- Adhere to the district’s policy on personal technology use and electronic communication.

## ***Illegal, Prescription, and Over-the-Counter Drugs***

Students shall not:

- Possess or sell seeds or pieces of marijuana in less than 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 “abuse”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. Be under the influence of any synthetic substance including herbal incense. (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.

Canton ISD students involved in extra-curricular activities or park a vehicle on school property shall be subject to random drug testing.

## ***Misuse of Computers and the Internet***

Students shall not:

- Violate policies, rules or agreements signed by the student or the student’s parents regarding the use of technology...
- 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 computer 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 or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment.

- Make, participate in making, transmit or post to the Internet a digital, video, or audio recording of an actual or simulated act that involves prohibited conduct.

Use e-mail or Web sites at school to encourage illegal behavior or threaten school safety.

### ***Safety Transgressions***

Students shall not:

- Possess published 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.
- Be truant or tardy.

The district may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

## **Discipline Management Techniques**

Discipline will be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline will 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, the student's disciplinary history 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 will 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, the district will 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 “time-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
- 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 parents or guardian has provided a signed statement prohibiting its use
- Out-of-school suspension, as specified in the 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 or identified in co-curricular or extracurricular handbooks

### ***Notification***

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

### ***Appeals***

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and 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 the *Policy On Line* link found on the district website: [www.cantonisd.net](http://www.cantonisd.net)

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

### ***Removal from the School Bus***

A bus driver may refer a student to the principal's office to maintain effective discipline on the bus. The principal must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.



## Levels of Student Misbehavior and Related Disciplinary Actions

<b>LEVEL OF MISBEHAVIOR</b>	<b>CONSEQUENCES</b>
<p><b>MINOR</b></p> <ul style="list-style-type: none"> <li>• Tardiness</li> <li>• Throwing Objects</li> <li>• Refusal to participate in classroom activities</li> <li>• Mild disrespect</li> <li>• Minor classroom disruption</li> <li>• Sleeping in class</li> <li>• Hall violation</li> <li>• Possession of food or drink in an undesignated area</li> <li>• Scuffling of horseplay</li> <li>• Fighting (EL/INT)</li> <li>• Littering</li> <li>• Inappropriate display of affection</li> <li>• Violation of dress code</li> <li>• Chewing gum</li> <li>• Uncovered, damaged, or lost instructional materials or school property</li> <li>• Loitering</li> <li>• Buying, trading, or selling personal items at school</li> <li>• Unauthorized presence of students on any CISD campus</li> <li>• Minor violation of the Acceptable Use of Technology Guidelines</li> </ul>	<p><b>MINOR</b></p> <ul style="list-style-type: none"> <li>• Send home to change clothes</li> <li>• Conference with student</li> <li>• Counseling with student</li> <li>• Parent Contact</li> <li>• Detention</li> <li>• Work detail</li> <li>• Suspension of technology use privileges for up to 10 days as determined by the campus principal or designee</li> <li>• Assessment of fees or fines</li> <li>• Corporal punishment according to district policy</li> <li>• On-campus suspension</li> <li>• Out-of-school suspension</li> <li>• Saturday School</li> <li>• Temporary or permanent removal of senior off-campus lunch privileges. Note: This may be applied even if the offense occurs when the student is a freshman, sophomore, or junior.</li> </ul>

<b>LEVEL OF MISBEHAVIOR</b>	<b>CONSEQUENCES</b>
<p><b>INTERMEDIATE</b></p> <ul style="list-style-type: none"> <li>• Racial or ethnic remarks and slurs, i.e., demeaning, insulting, or inflammatory remarks, gestures, suggestions, or actions which relate to an individual’s race or culture and which may reasonably result in the offense of the individual.</li> <li>• Cursing or any use of profanity</li> <li>• Persistent occurrences of MINOR offenses</li> <li>• Blatant refusal to obey teachers or administrators</li> <li>• All tobacco offenses on school property or within 100 ft. of school property</li> <li>• Possession of matches, lighters, or any laser device</li> <li>• Truancy</li> <li>• Leaving campus or class without permission</li> <li>• Failure to accept or adhere to prescribed punishments</li> <li>• Gambling</li> <li>• Cheating</li> <li>• Presence in unauthorized areas on school property</li> <li>• Forging parent signatures on school-related documents.</li> <li>• Repeated violation of any of the terms and conditions of the Acceptable Use of Technology Guidelines</li> <li>• Lying to school personnel</li> <li>• Threats to other students</li> <li>• Retaliation toward another student</li> <li>• Destruction, alteration, coloring, or painting of students IDs</li> <li>• Unauthorized use of an electronic communication device including cell phones, blackberries, pagers, etc.</li> <li>• Other offenses as determined by the campus administrator</li> </ul>	<p><b>INTERMEDIATE</b></p> <ul style="list-style-type: none"> <li>• Detention</li> <li>• Corporal punishment administered according to district policy</li> <li>• Removal from class and placement in “time out” or “cooling off” area for a period to be determined by the campus administrator</li> <li>• Report to local police and possible fines to the legal limit for tobacco offenses</li> <li>• Out-of-school suspension for up to 3 consecutive days</li> <li>• On-campus suspension</li> <li>• Saturday School detention</li> <li>• Prohibition from attendance or participation in extracurricular activities</li> <li>• Suspension of technology use privileges for a period of time not to exceed one semester as determined by the campus administrator plus additional intermediate consequences</li> <li>• Unauthorized communication devices will be confiscated and returned according to district policy.</li> <li>• Any MINOR consequence which may be applicable</li> </ul>

<b>LEVEL OF MISBEHAVIOR</b>	<b>CONSEQUENCES</b>
<p><b>SERIOUS</b></p> <ul style="list-style-type: none"> <li>• Persistent occurrences of INTERMEDIATE offenses</li> <li>• Threats to school personnel</li> <li>• Abusive language in oral or written form or abusive behavior directed toward teachers or other school employees</li> <li>• Lying to school personnel</li> <li>• Altering and/or providing false information on school records</li> <li>• Stealing</li> <li>• Gambling</li> <li>• Extortion</li> <li>• Participation in boycotts, walkouts, protests, and student demonstrations</li> <li>• Hazing</li> <li>• Vandalism</li> <li>• Fighting (JH/HS)</li> <li>• Instigating a fight</li> <li>• Indecent exposure</li> <li>• Sexual harassment</li> <li>• Use of possession of electronic device</li> <li>• Distribution of publications and materials not approved by the campus administration</li> <li>• Blatant insubordination</li> <li>• Intent to commit bodily harm</li> <li>• Tampering with food or drink</li> <li>• Transmittal, sale, or attempted sale of what is represented to be a prohibited substance</li> <li>• Possession or use of devices which disrupt the school's learning environment, including firecrackers, stink bombs, smoke bombs, or other incendiary devices</li> <li>• Possession of sexually explicit, suggestive, or pornographic materials</li> <li>• Possession of drug paraphernalia</li> <li>• Sexual Harassment</li> </ul>	<p><b>SERIOUS</b></p> <ul style="list-style-type: none"> <li>• Out-of-school suspension for up to 3 consecutive days</li> <li>• Law enforcement agency contact</li> <li>• Time-out</li> <li>• Electronic devices confiscated and disposed of according to district policy</li> <li>• On-campus suspension</li> <li>• Reimbursement for stolen or damaged property</li> <li>• Suspension of technology use privileges for a period of time not to exceed one school year as determined by the campus administrator, notification of law enforcement agencies, filing of criminal charges, plus additional SERIOUS consequences</li> <li>• Expulsion</li> <li>• Disciplinary Alternative Education Program (DAEP)</li> <li>• Any MINOR or INTERMEDIATE consequences that may be applicable</li> </ul>

<p><b>SERIOUS OFFENSES</b> (continued)</p> <ul style="list-style-type: none"><li>• Repeated and/or serious violation of the terms and conditions of the Acceptable Use of Technology Guidelines</li><li>• Solicitation of drugs or drug related materials from another person while on school property or at school related activities</li><li>• Possession of stolen property</li><li>• Destruction of school property</li><li>• Possession of a knife</li><li>• Harassment or bullying</li><li>• Taking items from a teacher’s desk</li><li>• Throwing food or drink in the cafeteria.</li><li>• Obscene gestures</li><li>• Possession or use of a skateboard on school property</li><li>• Making false reports or statements that may damage the reputation of teachers or other students by mouth, phone, or technology.</li><li>• Other offenses as determined by the campus administrator</li></ul>	
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## **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 will 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 will inform the student of the misconduct for which he or she is charged and the consequences. The administrator will 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 suspension, 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.

## ***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 will 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 will 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 will be determined by the appropriate administrator, but will not exceed three school days.

The appropriate administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular 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 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 grade 6-12.

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

In deciding whether to order placement in a DAEP, 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 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 the code.

1. Serious misbehavior (see page 13)
2. Persistent misbehavior, defined to be two (2) or more violations of school/classroom rules, or the Student Code of Conduct.
3. Insubordination toward an administrator.
4. Use or possession of prohibited weapons (see p. 6) at school or at school-related activities, including articles not generally considered to be weapons but which the administrator determines constitutes a danger for student(s), school employee(s), or school property.
5. Conduct or actions that is humiliating, degrading, or offensive to another person.

### **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)
  - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.



- Involvement in criminal street gang activity. (See glossary)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

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 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.

### ***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. (See glossary)
- 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, give, 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. (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 under Expulsion.)
- Is involved with a criminal street gang or encourages, solicits, recruits, enables, or causes another to become a member of a street gang.
- Engages in conduct punishable as 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:
  1. The student receives deferred prosecution (see glossary),
  2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or  
 The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

### ***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 will 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 non-emergency basis.

### ***Process for Mandatory Placement in DAEP***

Removals to a DAEP will be made by the campus principal or designee. Out-of-school suspension for a period of up to 3 consecutive days may be assigned to the student in addition to the DAEP placement.

### ***Conference***

When a student is removed from class for a DAEP offense, the appropriate administrator will 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 will inform the student, orally or in writing, of the reasons for the removal and will 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.

### **Placement Order**

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

Not later than the second business day after the conference, the board's designee will 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 will give notice of the inconsistency.

### ***Length of Placement***

The duration of a student's placement in a DAEP will be determined by the campus principal or designee.

DAEP placement will be made for the remainder of the current semester (minimum duration) or until the end of the following semester (maximum duration). Placement made during the final nine-week period of the fall or spring semester may be extended through the end of the following semester at the principal's discretion. DAEP placement duration is 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.

### **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 appropriate administrator 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

The student has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

## ***Appeals***

Questions or complaints 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 the Policy On Line link on the district's website:

[www.cantonisd.net](http://www.cantonisd.net)

Disciplinary consequences will 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***

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

A student placed in a DAEP is not provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

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 will be the last instructional day, and the student will be allowed to participate in the graduation ceremony and subsequent graduation activities at the discretion of the principal.

## ***Placement Review***

In some circumstances, a student placed in a DAEP may be allowed to return to his/her home campus before the end of the DAEP assignment. After thirty (30) instructional days of the student's DAEP placement have been completed, a review process will be conducted by the campus principal or designee provided that the student has no unexcused absences, no classroom discipline referrals, and all course grade averages meet or exceed 75%. These reviews will be scheduled by the campus principal or designee during the last week of each nine-week grading period according to the current CISD school calendar. All students meeting the conditions of the review at that time may be allowed to return to their home campus on the first day of the new nine-week grading period according to the current CISD school calendar. 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.

### ***Notice of Criminal Proceedings***

The office of the prosecuting attorney will 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 will 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 will, 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 will 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.

### ***Newly Enrolled Students***

The district will continue the DAEP placement of a student who enrolls in the district and was assigned to DAEP in an open-enrollment charter school or another district.

A newly enrolled student with a DAEP placement from a district in another state will 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, will 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 will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will 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 will 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 will 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.

### **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 a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

### **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, 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.
  - Criminal mischief, as punishable as a felony.
- 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 School Event**

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.

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- 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 Gloss)
- 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).

\* A student will not be expelled solely for using, exhibiting or possessing a firearm in the following circumstances:

- (1) at an approved target range not located on a school campus,
- (2) while participating in or preparing for a school-sponsored shooting sport competition, or
- (3) while participating in or preparing for a shooting sport educational activity sponsored or supported by the Parks and Wildlife Department or a shooting sport sanctioned organization working with the department so long as the firearm is not brought on school property.

### **Property of Another District**

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 documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while in a DAEP. For purposes of discretionary expulsion from DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under Section 21.07, Penal Code;
  - b. Indecent exposure under Section 21.08, Penal Code;
  - c. Criminal mischief under Section 28.03, Penal Code;
  - d. Personal hazing under Section 37.152; or
  - e. Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

## ***Mandatory Expulsion: Misconduct That Requires Expulsion***

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:

### **Under Federal Law**

- Bringing to school a firearm\*, as defined by federal law. "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.

\* A student will not be expelled solely for using, exhibiting or possessing a firearm in the following circumstances:

- (1) at an approved target range not located on a school campus,
- (2) while participating in or preparing for a school-sponsored shooting sport competition, or
- (3) while participating in or preparing for a shooting sport educational activity sponsored or supported by the Parks and Wildlife Department or a shooting sport

sanctioned organization working with the department so long as the firearm is not brought on school property.

### **Under Texas Penal Code**

- 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).
  - An illegal knife, such as a knife with a blade over 5 ½ 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, or a zip gun. (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 will not be expelled, but will be placed in a DAEP. A student under age six will 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 non-emergency basis.

## ***Process***

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator will schedule a hearing within a reasonable time. The student's parent will 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 will 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 superintendent or designee the authority to conduct hearings and expel students.

## ***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 will 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 will 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. The board will make and communicate its decision orally at the conclusion of the presentation. Consequences will not be deferred pending the outcome of the hearing.

### **Expulsion Order**

After the due process hearing, if the student is expelled, the board or its designee will 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 superintendent or designee will 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 will give notice of the inconsistency.

### ***Length of Expulsion***

The length of an expulsion will 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 will 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.

### ***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 will 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 continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of expulsion is completed.

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 will 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 will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will 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.

# TRANSPORTATION RULES

Transportation is a privilege provided for district students. Campus administration has the discretion to assign consequences based on the individual situation. Listed below are the rules and regulations to be followed by students riding the bus. These rules and regulations are necessary for the safe and orderly operation of the school transportation system. Student cooperation is absolutely necessary for the safety of our students. Students being transported in school-owned vehicles shall comply with these rules in addition to the Student Code of Conduct. Any student who fails to comply with this code of conduct while waiting, riding, or leaving on school transportation may be denied transportation services and shall be subject to disciplinary action.

Disciplinary sanction and changes in transportation for handicapped students shall be made in accordance with the provisions of the student's IEP.

## ***Bus Rules, Regulations, and Consequences***

The following is a guide for dealing with bus/discipline problems. Occasionally, problems arise that may require more immediate or severe measures. Therefore, some steps in these procedures may be bypassed at the discretion of the campus administrator. Students involved in inappropriate actions involving the school bus will be disciplined according to the severity of the offense even though they may not have been on the bus at the time. Once a major offense has occurred, the first three steps under minor offenses will no longer be considered for disciplinary actions assigned to Jr. High or High School students.

*For the safety of everyone, students are not to carry balloons or other large objects on the bus that may obstruct the driver's view or pose a safety hazard to others.*

<b>LEVEL OF MISBEHAVIOR</b>	<b>CONSEQUENCES</b>
<p><b>MINOR</b> Including, but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Out of seat</li> <li>• Feet in aisle</li> <li>• Talking too loudly</li> <li>• Food, drinks, or candy on the bus</li> <li>• Uncooperative behavior</li> </ul>	<p><b>MINOR</b> <u>Sequence of Consequences for EI/INT.</u> (This sequence will start over at the beginning of the second semester).</p> <ul style="list-style-type: none"> <li>• Conference with student</li> <li>• Parent contact</li> <li>• Probation</li> <li>• Three days off the bus</li> <li>• Five days off the bus</li> <li>• Ten days off the bus</li> <li>• Fifteen days off the bus</li> <li>• 30 days off the bus</li> <li>• Semester off the bus</li> </ul> <p><u>Sequence of Consequences for JH/HS.</u></p>

	<p>(This sequence does <b>NOT</b> start over at the beginning of the second semester).</p> <ul style="list-style-type: none"> <li>• Probation</li> <li>• Two days off the bus</li> <li>• Three days off the bus</li> <li>• Five days off the bus</li> <li>• Ten days off the bus</li> <li>• Fifteen days off the bus</li> <li>• 30 days off the bus</li> </ul>
<p><b>MAJOR</b> Including, but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Insubordination to the driver or others</li> <li>• Horseplay</li> <li>• Verbal or physical harassment of others</li> <li>• Hanging head or other extremities out the window</li> <li>• Throwing objects of any kind on the bus or out the window</li> <li>• Profanity, obscene gestures, or inappropriate conversation</li> <li>• Fighting</li> <li>• Destruction of property</li> <li>• Use or possession of tobacco products</li> <li>• Playing with emergency equipment</li> <li>• Disturbing or distracting the bus driver</li> </ul>	<p><b>MAJOR</b> <u>Sequence of Consequences for EI/INT.</u> (This sequence will start over at the beginning of the second semester).</p> <ul style="list-style-type: none"> <li>• Parent contact</li> <li>• Probation</li> <li>• Three days off the bus</li> <li>• Five days off the bus</li> <li>• Ten days off the bus</li> <li>• Fifteen days off the bus</li> <li>• 30 days off the bus</li> <li>• Semester off the bus</li> <li>• One year off the bus</li> </ul> <p><u>Sequence of Consequences for JH/HS.</u> (This sequence does <b>NOT</b> start over at the beginning of the second semester).</p> <ul style="list-style-type: none"> <li>• Five days off the bus</li> <li>• Ten days off the bus</li> <li>• Fifteen days off the bus</li> <li>• 30 days off the bus</li> <li>• Semester off the bus</li> <li>• One year off the bus</li> </ul>
<p><b>SERIOUS</b> Including, but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Exposing body parts</li> <li>• Playing with emergency equipment</li> </ul>	<p><b>SERIOUS</b> <u>Sequence of Consequences for EI/INT.</u></p> <ul style="list-style-type: none"> <li>• 30 days the bus</li> <li>• Semester off the bus</li> <li>• Year off the bus</li> </ul> <p><u>Sequence of Consequences for JH/HS.</u> (This sequence does NOT start over at the beginning of the second semester).</p> <ul style="list-style-type: none"> <li>• Semester off the bus</li> <li>• Year off the bus</li> </ul>

## **Student Dress Code and Grooming Policy**

Dress and grooming policies are in effect each day of the school year. **The campus principal has total discretion in determining the appropriateness of dress and hair.**

If the principal or designee determines that the dress or grooming of a student is inappropriate, he/she will advise the student of why the dress/grooming fails to conform to guidelines and allow the student to give an explanation. The principal, or designee, shall notify one of the parents or guardians of the student whose dress/grooming is inappropriate. Parents will be informed that the student must conform to the guidelines before returning to school. Students under 18 years of age whose parents cannot be reached will not be permitted to attend classes until they conform to the guidelines. The dress code shall be met by all participants in all school activities such as athletic events, musicals, field trips, and off-campus school events and commencement exercises. Violations of the dress and grooming code may warrant disciplinary action. Students will be placed in in-school suspension until they meet guidelines for the dress code.

### ***Hair***

1. Students are to wear their hair clean and well-groomed. Boys' hair must not extend below the top of the collar of a dress shirt on the back. Hair must not extend below the eyebrow in front or below the earlobe on the sides. Unusual or distracting haircuts are not permitted, including but not limited to, disproportionate hair length, mohawks, and letters/symbols cut in hair. Boys may not wear ponytails. Facial hair is not permitted. Sideburns may not extend below the ear.
2. If a student dyes or bleaches his or her hair, only natural colors will be permitted and should be predominantly one color.

### ***Clothing***

1. Articles of clothing which advertise alcoholic beverages, tobacco, or drugs are prohibited. Articles of clothing that contain politically sensitive, vulgar or rude slogans or pictures are prohibited. Articles of clothing that promote violence, criminal activity, suicidal tendencies, or contain pictures or writing that fails to meet the standards of good taste outlined in this code are prohibited.
2. Sleeveless shirts are permitted with an appropriate fit around the armhole.
3. Blouses should be modest and should not expose bare shoulders, cleavage, or midriffs in the front or back when standing or seated. Halter tops or tube-tops may not be worn. Student may not wear clothing that is sheer, mesh, or "see-through". Tank-top shirts may not be worn unless worn over or under another regulation shirt.
4. Students must wear appropriate undergarments.
5. Students in Canton ISD may wear shorts throughout the school year. They must be one-piece and should not be worn in combination with another style of shorts. They must be loose fitting.
6. Intermediate, Junior High and High School students are to wear shorts, dresses, and skirts whose length can be no higher than three inches above the kneecap.

7. Elementary and Intermediate Students may wear leggings or tights but **MUST** be worn with a shirt, shorts, dress or skirt that is no shorter than mid-thigh.
8. Junior High and High School Students may wear shorts, dresses or skirts over leggings, tights or other apparel but **MUST** meet the length requirement of three inches above the kneecap.
9. Students may not wear clothing which is designed to attract attention including tight-fitting clothes, clothes such as spandex tights, compression gear, yoga pants, over-sized or baggy clothing, or clothing which exposes undergarments.
10. Students may not wear jeans or pants with holes, excessive fraying, or slits above the knees. Any other holes should not exceed one-inch in diameter. Cut-off jeans are not allowed.
11. Trench coats are not allowed.
12. Pajama tops, bottoms, or sleepwear of any kind are not allowed.
13. With the approval of the principal, the sponsors, coaches or other persons in charge of extracurricular activities may regulate the dress and grooming of students who participate in each activity.

### ***Footwear***

1. Students must wear appropriate footwear. Inappropriate footwear may include house shoes, shower shoes, cleats, and skate shoes.
2. Students at Canton Elementary and Canton Intermediate may not wear flip-flops or any type of sandal or slip-ons that do not have a heel strap during gym.

### ***Accessories***

1. Students may not wear hats, caps, hoods, distracting eyewear, headbands, or sunshades inside the school building. Students in violation will have the items taken up and returned at the principal's discretion.
2. Students are not allowed to wear make-up, accessories, or clothing which is not appropriate to their gender.
3. Boys may not wear earrings or ear studs to school.
4. Female students are permitted to wear pierced earrings; however, a maximum of two earrings per ear may be worn. Jewelry or spacers worn in conjunction with body piercing are not allowed.
5. Visible tattoos are prohibited.
6. Bandannas are not allowed.
7. Spiked jewelry is not allowed.
8. When buckled, any extra belt length must be threaded through the belt loops.
9. Elementary and Intermediate students may not wear make-up or face paint.
10. Students are not allowed to wear gauges in their ears.

## **Student Searches and Seizures**

Students shall be free from unreasonable searches and seizures by school officials. School officials may search a student's outer clothing, pockets, school property, personal property, electronic equipment, or method of transportation in order to establish reasonable cause or securing the student's voluntary consent.

### ***Searches of lockers and vehicles***

Students have full responsibility for the security of their lockers and vehicles parked on school property and shall make certain they are locked and that the keys and combinations are not given to others. Students shall not place, keep, or maintain any article or material in lockers or vehicles parked on school property, which is forbidden by district policy.

School lockers and vehicles parked on school property may be searched by school officials if there is reasonable cause to believe they contain articles or materials prohibited by district policy. Students shall be responsible for any prohibited items found in their lockers or vehicles parked on school property.

If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the principal or designee shall contact the student's parent. If the parent also refuses to permit the vehicle to be searched, the principal or designee may contact law enforcement officials and turn the matter over to them.

### ***Use of trained dogs***

The district may use specially trained non-aggressive dogs to sniff out and alert to the current presence of concealed weapons, drugs, alcohol, and other prohibited items. This program is implemented to maintain a safe school environment conducive to education.

Visits to schools shall be unannounced. The dogs shall be used to sniff the air in vacant classrooms, in vacant common areas, around student lockers, and around vehicles parked on school property. The dogs shall not be allowed to sniff students. If a dog alerts to a locker, vehicle, or an item in a classroom, it may be searched by school officials.

### ***Parent notification***

The student's parent or guardian shall be notified if any prohibited articles or materials are found in a student's locker or vehicle parked on school property, or on the student's person as a result of a search conducted in accordance with district policy.

## **Acceptable Use of Technology Guidelines**

Internet access is coordinated through a complex association of government agencies as well as regional and state networks. In addition, the smooth operation of the network relies upon the proper conduct of the users who must adhere to strict guidelines. This policy is provided to make all users aware of the responsibilities of access to the Canton ISD computer network.

In return for permission to use any of Canton ISD's computer and technology-related hardware, software, and network system, including access to other networking systems such as the Internet and World Wide Web, each student user must agree to comply with these guidelines. Failure to do so may result in disciplinary action.

### ***Technology Use***

- **Personal Safety**

- Students must not post personal contact information about themselves or anyone else. Personal contact information includes addresses, telephone numbers, or any information that an unauthorized person might use to locate or contact someone against their will.
- Students must agree not to meet someone they have met online using the district's system.
- Students must immediately inform their teacher or other school officials of any message received that is inappropriate or makes them feel uncomfortable.
- Students must not make, participate in making, transmit or post to the Internet a digital, video, or audio recording of an actual or simulated act that involves conduct prohibited by the Code of Conduct.

- **Illegal Activities**

- Students must not attempt to gain unauthorized access to Canton ISD servers or network systems. This includes attempting to log in through another person's account or accessing another person's files. These activities are illegal, even if the student user is only browsing.
- Students must not make deliberate attempts to disrupt the computer network system or destroy data by spreading computer viruses or by any other means. Such attempts will be considered vandalism.
- Students must not use any of the school's computer equipment to engage in any illegal or terroristic act. This would include arranging for drug or alcohol sales or purchase, engaging in criminal gang activity, threatening the safety of a person, or harassing any individual or group.
- Students must not read, move, copy, rename, edit, or in any way alter files created or organized by others including district and campus websites.

- Students must not alter the hardware or software setup on Canton ISD computers or servers without teacher permission. This includes windows desktop and screen savers.
- Students must adhere to all copyright laws. Students must not bring or attempt to use unauthorized software on school computers or network systems.
- **Security**
  - Students are responsible for their individual account and will take all reasonable precautions to prevent others from accessing their account. Under no conditions should a student give out their password. If a student inadvertently discovers another person's password, he/she must notify that person at once and must not give the information to anyone.
  - Students must immediately notify a teacher or the Technology Director if they have identified a possible security problem. Students are not allowed to browse for the sake of finding such problems as this may be construed as an illegal attempt to gain access.
  - Students will avoid the inadvertent spread of computer viruses by following the district's virus protection policy and procedures.
- **Inappropriate Language/Netiquette**
  - Students must understand that the District's restrictions against inappropriate language apply to public messages, private messages, assignments, or postings on web pages.
  - Students must not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.
  - Students must not engage in personal attacks, including prejudicial or discriminatory attacks.
  - Students must not harass another person or group. Harassment is persistently acting in a manner that distresses or annoys. If a user is told by a person to stop sending them messages, then they must stop.
  - Students must not knowingly or recklessly post false or defamatory information about a person or organization.
- **Respect for Privacy**
  - Students must not report a message that was sent to them privately without permission of the person that sent the message.
  - Students must not post private information about another person.
- **Respecting Resource Limits**
  - Students must use school technology for educational and career development activities only.



- Students must not download large files unless they have prior authorization of the teacher or Technology Director.
- Students must not post chain letters or engage in “spamming”. Spamming is sending an annoying or unnecessary message to a large number of people.
- **Plagiarism and Copyright Infringement**
  - Students must not plagiarize works that they find on the Internet or on the computers at Canton ISD. Plagiarism is taking the ideas or writings of others and presenting them as if they were your own.
  - Students must respect the rights of copyright owners. Copyright infringement occurs when student users inappropriately reproduce a work that a copyright protects. If a work contains language that specifies appropriate use, student users must follow the expressed requirements. If a student is unsure whether or not he/she can use a work, they must request permission from the copyright owner. If copyright law confuses a student user, they must ask a teacher for guidance.
  - Transmission of any material in violation of any law is prohibited. This includes but is not limited to: copyrighted material, threatening or obscene material or material protected by trade secrets.
- **Inappropriate Access to Material**
  - Students must not use the Canton ISD computer network to access material that (a) is profane or obscene, such as pornography, (b) advocates illegal acts, or (c) advocates violence, threats, or discrimination toward other people or groups.
  - If a student mistakenly accessed inappropriate information, he/she must immediately turn off their monitor and report it to a teacher or an administrator. This will protect the user against a claim that they intentionally violated the Acceptable Use of Technology Guidelines.
  - The use of chatrooms is strictly forbidden.
  - The student’s parents will instruct them if there is additional material that the parent feels would be inappropriate for the student user to access. The District expects that each student will follow their parent’s instruction in this matter.

## ***Rights and Responsibilities***

- **Search and Seizure**
  - Students can expect only limited privacy in the content of their personal files and records of their online activity on the district’s computer hardware or network system. All files on computers or telephones on the network are considered Canton ISD property and are subject to search.

- Routine maintenance and monitoring of the district's computers may lead to discovery that a student user(s) has (have) violated the Acceptable Use Guidelines, the District's Student Code of Conduct, or law.
- All student's parents and school officials have the right to view the contents of a student's files.
- Canton ISD reserves the right to periodically purge data files, including student home directories. Students will be notified and given reasonable time to save their data.
- **Due Process**
  - Canton ISD will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through a district computer or network.
  - In the event that there is a claim that a student has violated these Acceptable Use Guidelines or the Canton ISD Code of Conduct in their use of the district's computers and/or network system, the district will give the student notice and an opportunity to be heard according to the Canton ISD Code of Conduct.
  - If the violation also involves a violation of other provisions of the Canton ISD Student Code of Conduct, it will be handled in a manner described in the Student Code of Conduct.

### ***Limitations of Liability***

Canton ISD makes not guarantee that the functions or the service provided by or through the district's network system will be accessible, error-free, or without defect. The district will not be responsible for any damage a student may suffer, including but not limited to loss of data or interruption of service. The district is not responsible for the accuracy or quality of the information obtained through or stored on the system. The district will not be responsible for financial obligations arising through the unauthorized use of the system.

The student is responsible for the district's hardware and software that they are using. The student is accountable for his/her actions while they are online. The district is not accountable for a student's actions if they fail to follow the correct procedures listed in these guidelines. The district will cooperate fully with law enforcement or other legal authority's investigation of wrongdoing and may impose disciplinary action in addition to any civil or criminal penalty.

# Personal Technology Use and Electronic Communication

Beginning with the 2012-2013 school year, Canton ISD will allow the use of personal technology devices by students at specified times. Personal technology devices include but are not limited to the following: cell phones, smart phones, mp3 players, iPod Touches, iPads and eReaders.

It is not mandatory for students to bring their own mobile learning devices. Students who choose to bring their personal devices must use the Canton ISD filtered wireless network during the school day.

**NOTE: Students bring electronic communication devices to school at their own risk. The District will not be held responsible if a phone or other item is lost, stolen, or misplaced, including those that have been confiscated.**

Students may utilize personal technology devices in the classroom for educational purposes when the teacher deems appropriate. While the district encourages students to use personal technology devices for educational purposes in the classroom, these devices may also be used during lunch, and before/after school (**CHS Students Only**) at the discretion of the Principal. **Use is strictly prohibited during passing periods due to safety issues.** Use of personal technology devices during the school day is a privilege. Adherence to the guidelines below is essential to maintaining an academic environment and the integrity of the classroom.

## Guidelines

Students must comply with staff directives, including but not limited to, using appropriate device volume. When in use, devices must be on vibrate or silent mode so that no audible tone is heard. Using functions on electronic devices in any manner that disrupts the educational environment, from within or from outside the classroom, or violates the rights of others, including, but not limited to using the device to cheat, violate school conduct rules, harass or bully staff or students or use their device for unlawful purposes will be subject to disciplinary action, up to and including suspension, expulsion and will be reported to the local authorities.

## Cell Phone Rule

The purpose of the PTU program is to provide for instructional opportunities. The program is not intended for cell phone conversations. Any cell phone conversations during the school day should only take place under the supervision of CISD personnel. **Any audio or video recording without teacher or administrator approval is prohibited.** Using any device to record the voice or image of another in any way that either disrupts the educational environment, invades the privacy of others, or is made without the prior consent of the individuals being recorded is prohibited. Also, using any device to record the voice or image of another to take, disseminate, transfer or share audio, images, video or photographs that reveal private parts of the body that are

ordinarily covered by clothing is prohibited. The possession of pornographic images or video on any electronic device is prohibited.

### **Misuse of Computers, Electronic Devices and the Internet**

#### **The following are prohibited and may result in loss of privilege or disciplinary action.**

- Violating policies, rules, or guidelines.
- Using the Internet or other electronic communications to threaten students or employees or cause disruption to the educational program.
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation or illegal.
- Using email or Web sites at school to encourage illegal behavior or threaten school safety.
- Students should not send or read text messages during class without teacher permission. Texting other students while they are in class is strictly prohibited.
- Students are prohibited from using any type of electronic device to record video, take pictures or audio recordings in restrooms, or any area that students may be dressing. In most situations, this will be treated as a "Serious" infraction.

**Note: Students will not be allowed to bring personal technology devices until the CISD Personal Technology Use Agreement has been received.**

### ***Questioning Students at School***

As school officials, we have the right to question your child about his or her own conduct at school and, in the investigation of alleged misconduct by other students, to question him or her about the conduct of others. We expect students to cooperate in this process, and the refusal to cooperate will be treated as insubordination and disciplined accordingly. We will not ordinarily contact you before questioning your child about his or her own conduct or about the conduct of other students, but certainly will contact you as provided in the Student Code of Conduct if our investigation shows that your child has violated school conduct rules. The Code of Conduct provides a complete explanation of the discipline processes and when you will be contacted. Our investigation of possible violations of the Code of Conduct is not a criminal proceeding, and there is no such thing as "taking the Fifth" or a student's right not to incriminate himself or herself in a school discipline investigation.

Sometimes law enforcement officials or investigators from Child Protective Services (CPS) ask to interview students at school. In the case of an investigator from Child Protective Services conducting a child abuse or neglect investigation, we are required by state law to permit the investigator to talk to the child at school. We will also make every effort to cooperate with law enforcement officials conducting an investigation that requires talking to students.

Ordinarily, we will attempt to contact you before the interview by an outside personal takes place. However, if the CPS investigator or the law enforcement official asks or tells us not to contact you, we will comply.

## 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.

**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 a crime that involves starting a fire or causing an explosion with intent to destroy or damage:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle:
  - a. Knowing that it is within the limits of an incorporated city or town,
  - b. Knowing that it is insured against damage or destruction,
  - c. Knowing that it is subject to a mortgage or other security interest,
  - d. Knowing that it is located on property belonging to another,
  - e. Knowing that it has located within it property belonging to another, or
  - f. 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.

**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.

**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.

**Dating violence** is the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship, 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.

**Graffiti** are markings with aerosol paint or an indelible pen or marker 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** is 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.

**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; 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 other device located on the handle or opens or releases a blade from the handle or sheath by the force of gravity or centrifugal force. It 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 (also known as one-handed openers or assisted openers).

**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).

**Title 5 offenses** are offenses against the person that, depending on the circumstances, may include murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; trafficking of persons; unlawful transport; assault; aggravated assault; sexual assault; aggravated sexual assault; improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or disabled person; abandoning or endangering a child; improper photography or visual recording; coercing, soliciting, or inducing gang membership; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in correctional facility; continuous sexual abuse of a young child or children; 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.