

Midway Independent School District

Student Code of Conduct



2011-2012

# MIDWAY INDEPENDENT SCHOOL DISTRICT 2011-2012 STUDENT CODE OF CONDUCT

## FOREWORD TO PARENTS

This Student Code of Conduct is designed to provide you with the information you need to understand the rules and regulations which govern the schools in the Midway Independent School District. The Student Code of Conduct is designed to be in harmony with Board Policy. This document is updated annually. Policy adoption and revision is an ongoing process. Changes in policy between revisions that affect the Student Code of Conduct will be communicated to all staff, students, and parents. Policy changes during the year supersede the provisions found in this Student Code of Conduct. If you have any questions concerning this Student Code of Conduct, contact the administrative office at your child's school.

## TABLE OF CONTENTS

### Code of Conduct

I.	Standards for Student Performance	1
II.	Discipline Management Strategies	2
III.	Prohibited Activities	4
IV.	Consequences for Major Offenses	7
V.	Disciplinary Alternative Education Program (DAEP)	9
VI.	Expulsion to JJAEP	11
VII.	Formal Removal By Teacher	13
VIII.	Reviews, Hearings, and Appeals	13
IX.	Bus Transportation	16
X.	MISD Relationship with Outside Agencies	17
	<b>Electronic Communication And Data Management Acceptable Guidelines</b>	<b>19</b>
	<b>Glossary Of Terms</b>	<b>21</b>

# MIDWAY ISD STUDENT CODE OF CONDUCT

Midway ISD is dedicated to establishing and maintaining a positive, safe, and enriching environment for its students. In order to achieve this goal, the District must set standards for student behavior, and personal interaction. This Midway ISD Student Code of Conduct was approved by the Midway ISD Board of Trustees. The Student Code of Conduct will be displayed on each campus and made available to each student. Parent verification of receipt of the handbook is required to be returned by each student.

The Midway ISD Student Code of Conduct guides students toward achieving the established standards. The District exercises supervisory authority over its students during all school-related activities. The code of conduct establishes student behavior standards whenever the District has supervisory authority over its students.

The Midway ISD Student Code of Conduct informs parents and students of the standards of behavior for students and the procedures used to ensure an orderly and safe school environment. A glossary of terms is located at the end of the document to help clarify terminology. If you have any questions regarding the Midway ISD Student Code of Conduct, please do not hesitate to call the Midway ISD administration office or your child's school.

## I. STANDARDS FOR STUDENT PERFORMANCE

Midway ISD is committed to the highest levels of student performance in all areas of academic, co-curricular, and extracurricular endeavors. In addition to this Student Code of Conduct, these standards are defined elsewhere in policy, curriculum documents, and co-curricular and extracurricular activity policies and procedures. The standards for behavior and personal interaction described in the Student Code of Conduct are designed to create a learning environment in which all students will have the best possible opportunity to achieve those high levels of performance.

### STANDARDS FOR BEHAVIOR AND PERSONAL INTERACTION

#### Responsibilities of Students and Parents/Guardians

Each member of the school community must fulfill certain responsibilities if a positive learning environment is to be achieved. MISD expects students to relate in a manner that promotes and encourages positive behaviors from themselves and their peers. Students must not participate, either individually or in a group, in bullying, taunting, or other disrespectful behaviors toward another student. A cooperative relationship among students, parents, and educators requires that:

#### Students:

- Demonstrate courtesy and respect for others, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Be well groomed and dressed appropriately, as articulated in the Midway ISD Student Handbook.
- Obey all district, campus, and classroom rules.
- Encourage and respect each other in promoting positive behavior.
- Help create and maintain a safe environment.
- Report any harmful threats made by another student to school officials.
- Respect the rights and privileges of all students, teachers, district staff, and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with or assist the school staff in maintaining safety, order and discipline in the building, on the playground, in eating areas, on buses, and at school-sponsored activities.
- Give parent/guardian a copy of all notices, including discipline notices, promptly.
- Return papers requiring a parent signature promptly.
- Pay required fees and fines in a timely manner.
- Seek changes in school policies and regulations through approved channels in an orderly and responsible manner.
- Avoid violations of the Student Code of Conduct.

#### Parents/Guardians:

- Demonstrate courtesy and respect when communicating with school employees other students, and volunteers;
- Maintain up-to-date home, work, and emergency telephone numbers and medical information at the school;
- Review the *Student Code of Conduct* and discuss the contents with their child;
- Ensure their child's compliance with school attendance requirements and promptly report and explain absences and tardies to appropriate campus personnel;
- Assist their child in selecting appropriate attire for school and school-related activities that adhere to Midway ISD's dress code policy;

- Communicate with campus personnel regarding concerns about their child's educational progress or conduct;
- Send their child to school each day on time except in the case of illness or extenuating circumstances;
- Ensure their child's immunizations are up-to-date according to state requirements and provide the school with documentation in a timely manner;
- Provide an appropriate area in the home for their child to use for study;
- Ensure their child's attendance at required tutorials;
- Be responsible for the negligent, willful, or malicious conduct of their child;
- Be knowledgeable of state, district, and campus policies, regulations, and requirements;
- Supply all records required for enrollment; and
- Participate in meaningful conferences with school personnel regarding their child's academic progress, behavior, or general welfare

### **Communicating with School Personnel**

Student success in Midway ISD depends upon a successful relationship between school personnel and a student's parent/guardian. The success of this relationship is most likely when effective lines of communication exist between the school and the home. It is the expectation of the Midway Independent School District that a commitment to open communication exist in every area of a student's educational experience. Parents should use the following process when communicating with MISD campuses:

#### **Step #1 – Contact the appropriate personnel at the campus level.**

- Classroom issues should first be addressed with the teacher followed by the designated assistant principal and principal.
- Behavior or discipline issues should first be addressed to the designated Assistant Principal followed by the principal.
- General issues should first be addressed to the principal.

#### **Step #2 – Contact the appropriate personnel at the district level.**

- Issues pertaining to curriculum and instruction for grades PK-12 should be addressed to the appropriate academic content coordinator in the department of Curriculum and Instructional , at 13885 Woodway Drive, Woodway TX 76712, 254-761-5613.
- Issues pertaining to special education services should be addressed to Dr. Kim Muschaweck, at 13885 Woodway Drive, Woodway TX 76712, 254-761-5625.
- Issues pertaining to services related to Section 504 should be addressed to Tami Wiethorn, at 13885 Woodway Drive, Woodway TX 76712, 254-761-5613.

#### **Step #3 – Contact the appropriate Assistant Superintendent**

- Dr. Chris Allen, Assistant Superintendent of Administrative Services, at 13885 Woodway Drive, Woodway TX 76712, 254-761-5610 ext. 1103
- Dr. David Young, Assistant Superintendent for Curriculum and Instruction, at 13885 Woodway Drive, Woodway TX 76712, 254-761-5613.
- Mary Lou Glaesmann, Assistant Superintendent for Human Resources (Title IX Coordinator) at 13885 Woodway Drive, Woodway TX 76712, 254-761-5611.

#### **Step #4 – Contact the Superintendent of Schools**

- Dr. Brad Lancaster, at 13885 Woodway Drive, Woodway TX 76712, 254-761-5610.

## **II. DISCIPLINE MANAGEMENT STRATEGIES**

### **DISCIPLINARY AND SUPERVISORY AUTHORITY**

Midway ISD has disciplinary and supervisory authority over students in the following circumstances:

- During the regular school day
- During lunch periods, including those during which the student leaves campus
- Anytime students are being transported under the supervision of Midway ISD employees (specific guidelines related to bus transportation are presented on pages16-18).
- Anytime students are on Midway ISD property
- For certain offenses committed within 300 feet of school property
- Anytime students are in attendance at any school sponsored or school-related activity, regardless of time or location
- As provided in extracurricular or organization handbooks, by-laws, or constitutions
- Anytime students are involved in school-related/school sponsored misconduct, regardless of time or location
- When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location
- When the student commits a felony, as provided by Education Code 37.006 or 37.0081
- When the student is required to register as a sex offender

### **DISCIPLINE MANAGEMENT TECHNIQUES**

When students do not comply with classroom, campus, and/or district Code of Conduct rules, intervention with discipline management techniques becomes necessary. These techniques are designed to help students learn from the natural and/or logical consequences of their behavior, to act responsibly, and to adhere to the rules governing

their behavior. Disciplinary action will draw on the professional judgment and discretion of teachers and administrators using a range of discipline management techniques. When administering discipline, students will be treated fairly and equitably. Discipline will be based on a careful assessment and consideration of the circumstances by the administrator on a case by case basis. The administrator's review will include, but is not limited to the following factors:

- Seriousness of the offense;
- Self-defense;
- Student age and grade level;
- Intent or lack of intent at the time the student engaged in the conduct;
- A student's disciplinary history;
- The effect of the misbehavior on the school environment;
- Statutory requirements; and
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct

The following discipline management techniques may be used alone or in combination to encourage proper student behavior:

- Assigned reports regarding discipline incident
- Assigned duties other than class tasks
- Behavioral contracts
- Community service requirements
- Cooling off time or time out
- Confiscation of items that disrupt the educational process
- Counseling by teachers, counselors, or administrators
- Demerits in grades 7-12
- Detention
- Expulsion and referral to the McLennan County Juvenile Justice Alternative Education Program
- In-School Suspension
- Parent-teacher conferences
- Parent(s) attending classes with the student
- Positive reinforcers as appropriate
- Referral to outside agency and/or legal authority for criminal prosecution in addition to school disciplinary measures
- Referral to the principal or his/her designee for disciplinary action
- Removal from class and placement into the Disciplinary Alternative Education Program
- School assessed and school administered probation
- Seating changes
- Suspension for attending school functions and activities
- Suspension from School
- Verbal correction
- Withdrawal of privileges such as extracurricular activities, or eligibility to seek and hold honorary offices
- Withdrawal or restriction of district transportation privileges
- Other strategies and techniques as provided by or in Board Policy and this Student Handbook and Student Code of Conduct

## **DISCIPLINE FOR 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 disciplinary consequences that will amount to a change in the educational placement of the student regardless of whether the action is mandatory or discretionary, the district will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

### III. PROHIBITED ACTIVITIES

#### DISCIPLINARY CONSEQUENCES

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 District's established standards for behavior and personal interaction even though the conduct may not be specifically identified in the Student Code of Conduct.

#### MINOR OFFENSES

Minor offenses are offenses which violate campus or classroom rules and which are not listed as major offenses in this Student Code of Conduct. Minor offenses should normally be handled by the classroom teacher. Teachers are not required to formally document and file with the principal a record of this type of offense, but may document for their records. In addition, the principal is not required to notify parents. Repeated violations of class rules or infractions which substantially disrupt or interfere with classroom instruction should be documented and referred to the appropriate campus administrator. The following is an example list of minor offenses:

- Trading or selling anything without approval
- Bringing visitors to school without permission
- Loitering or being in an unauthorized area of a building or campus
- Failure to follow classroom or campus rules
- Violating safety rules
- Violating dress or grooming standards
- Violating standards of behavior at extracurricular activities
- Engaging in teasing, insults, name-calling, or put-downs against others

#### MAJOR OFFENSES

When the following activities/behaviors occur while students are under the authority of Midway ISD, they are considered major offenses and will result in disciplinary action under this Student Code of Conduct and the guidelines of the applicable campus handbook(s). In addition to the use of disciplinary management techniques listed on p. 2-3, the campus administrator serving students in grades 7-12 may choose to assign 1-3 demerits based on his/her investigation of the incident and any other mitigating circumstances. Law enforcement authorities will be contacted by the school administrator when a student is involved in illegal activities. The following activities are prohibited for students while under the supervision of the Midway Independent School District:

1. PERSISTENT MISCONDUCT – Repeated infractions of minor or major offenses.
2. UNDER THE INFLUENCE, POSSESSION, USE, SALE OR ATTEMPTED SALE OF DRUGS, ALCOHOL, AND/OR ILLEGAL SUBSTANCES – Includes possession, sale, and/or delivery of fake or look-alike drugs or drug paraphernalia and/or alcohol. Any student may also be subject to disciplinary action who has pled guilty, nolo contendere, or who has been convicted of a misdemeanor or felony for the possession, use or sale of a drug, alcohol, and/or illegal substance. In the event of a drug dog alert on a person or vehicle, if the responsible party (student/ parent/other) leaves or moves the vehicle before the proper authorities can investigate the situation, the student will be deemed in violation of the alcohol/drug policy. Whenever applicable, violations of the drug and alcohol policy will be addressed in accordance with TEC 37.006 and TEC 37.007.
3. POSSESSION OF FIREARMS, AIR GUNS, CO2 GUNS, KNIVES, RAZORS, CHAINS, CHEMICAL SPRAYS, RAKES, AND/OR ANY ITEM IDENTIFIED AS AN ILLEGAL WEAPON OR EXPLOSIVE BY THE TEXAS STATE PENAL CODE (CHAPTER 46), STUN GUNS, LASER POINTERS, OR ANY SIMILAR ITEMS CAPABLE OF INFLECTING SERIOUS BODILY INJURY – Under the Gun Free Schools Act, a student who brings a firearm, weapon, or illegal knife as defined in Chapter 46 of the Penal Code will face expulsion from school for one year. Students under 10 years of age will be assigned to DAEP for up to one calendar year. Appropriate legal action may be taken and local law enforcement authorities will be contacted. Any look-alike device which may cause alarm or reaction is also prohibited. Any such items will be confiscated and disciplinary action will be taken as mandated by the MISD Code of Conduct and state or federal law.
4. POSSESSION OF PYROTECHNICS – Fireworks, matches/lighters, and or explosive devices of any size or kind are prohibited in the building or on the campus. Students with such paraphernalia in their possession will be subject to disciplinary action and the items will be confiscated. In addition, appropriate legal action may be taken.
5. POSSESSION AND/OR USE OF TOBACCO PRODUCTS – Possession/Use of any tobacco product by any person, while in attendance at any school related activity, on Midway ISD property, or while being transported by the Midway ISD transportation department is strictly prohibited. Students younger than 18 years of age may be reported to local law enforcement authorities.

6. USE OF COMMUNICATION/ELECTRONIC DEVICES – Use of these devices during regular academic school hours is prohibited. These devices are expected to be turned off and stored out of sight. At no time may a communication/electronic device be used in a way that interferes with student/staff safety or normal operation of school procedures.
  - First offense: Device will be confiscated, \$15.00 administrative fee assessed for cell phones before release to parents/guardians
  - Second Offense: Device will be confiscated and held for 5 days, \$15.00 administrative fee assessed for cell phones before release to parents/guardians
  - Third Offense: Device will be confiscated and held for 10 days, \$15.00 administrative fee assessed for cell phones before release to parents/guardians
  - Fourth or more offenses: Device will be confiscated and held for 30 days, \$15.00 administrative fee assessed for cell phones before release to parents/guardians.

Students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the Student Code of Conduct and may, in certain circumstances, be reported to law enforcement.

7. POSSESSION OF VULGAR, PORNOGRAPHIC, OR DRUG RELATED MATERIALS - This includes commercially available materials, student created materials, and materials generated by computers or computer accessed sources.
8. FIGHTING - For students to avoid disciplinary action for involvement in fighting, the circumstances must show that the student was in danger of bodily injury, AND that they did everything reasonable to avoid fighting. Any physical contact made in anger will be regarded as fighting. Self-defense, the student's discipline history, and a disability that substantially impairs the capacity to appreciate wrongfulness of conduct will be considered. The administrator may contact local law enforcement and criminal charges may be filed (example: disorderly conduct, assault, disturbing the peace, etc.).
9. RECKLESS BEHAVIOR - Misbehavior which violates the reasonable expectation for safe and orderly conduct includes actions resulting in an unsafe situation, including but not limited to horseplay, throwing objects, running, pushing and shoving. This becomes a major offense when school officials reasonably believe that it will disrupt the school environment or incite violence.
10. EXTORTION, COERCION, BLACKMAIL, AND HAZING - Obtaining items of value from another under threat of violence or force (extortion, coercion, blackmail), forcing another student to act or behave unwillingly under threat of violence or force (hazing or retaliation).
11. GANG ACTIVITY INVOLVEMENT IS PROHIBITED - Solicitation of others to join a gang and participation in a gang, or a gang like activity, is considered a major offense of the Student Code of Conduct. Gang symbols, clothing, and signs are prohibited. GANG-FREE ZONES: Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the district, a gang-free zone includes a school bus and a location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.
12. USE OF OFFENSIVE AND/OR DISRUPTIVE EXPRESSION AT OR WITHIN 500 FEET OF DISTRICT PROPERTY - Includes profane, obscene, and vulgar language; obscene gestures or displays; racial or ethnic slurs; making loud noises; trying to entice a student away from school or a school activity or class; verbal abuse including teasing, taunting, and statements defined as sexual harassment (See #13. SEXUAL HARASSMENT); any statements or displays that school officials reasonably believe will disrupt the school environment or incite violence. These types of expressions directed at school personnel may result in class reassignment. The administrator may contact local law enforcement and criminal charges may be filed.
13. SEXUAL HARASSMENT - Physical sexual harassment includes but is not limited to any unwanted sexually oriented physical contact. The first incident of physical contact of this nature will be considered sexual harassment. Verbal sexual harassment includes but is not limited to offensive sexually oriented words and comments spoken publicly or privately to a person. Nonverbal sexual harassment includes but is not limited to sexually oriented gestures, staring, or written communication. Verbal and nonverbal incidents will be considered sexual harassment only after multiple incidents by an individual have been documented. Documented occurrences may result in complaints filed with the police.

14. TEEN DATING VIOLENCE - Teen Dating violence includes but is not limited to the intentional use of physical, sexual, verbal or emotional abuse by a person to harm, threaten, intimidate or control another person in a dating relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense. Teen dating violence is a pattern of coercive behavior that one partner exerts over the other for the purpose of establishing and maintaining power and control.
15. THEFT OR DAMAGE OF PROPERTY - Theft or robbery (stealing), sale or attempted sale of stolen property, possession of stolen property, defacing and/or vandalizing of property belonging to students, school personnel, visitors, or Midway ISD. This is prohibited with respect to school personnel at any place or any time. Students will be required to make restitution to the owner. Criminal complaints may also be filed.
16. INSUBORDINATION - Failure to comply with rules, directives, requests, and instructions from teachers, administrators or other school staff members. This includes, but is not limited to, disobedience or repeated failure to adhere to school or classroom rules.
17. PUBLIC DISPLAY OF AFFECTION - Students at school and school related activities are prohibited from public displays of affection as determined by the school administration. This may include, but is not limited to, intimate embraces, kissing, inappropriate touching or hugging.
18. GAMBLING - Gambling and games of chance in which money or personal possessions are exchanged or intended to be exchanged. PTA sponsored or approved raffles, etc. is not included in this rule.
19. TRUANCY - Truancy charges may be filed with the attendance court when students stay out of or leave school or class without permission in accordance with the Texas Compulsory Attendance Law. This will result in parents being contacted and disciplinary action being taken.
20. TARDINESS - Students are tardy if they are not in their rooms at the beginning of the instructional period or school day. Excessive tardies may result in additional consequences deemed appropriate by administration (including the potential for charges being filed for violating the Texas Compulsory Attendance Law).
21. DISHONESTY IN SCHOOL WORK AND FORGERY – This includes tests, homework, reports, projects, discipline reports sent home for parent signatures, progress reports, plagiarism, dishonesty, forgery, etc. A pupil found to be dishonest in any phase of schoolwork is subject to being penalized to the extent of a “0” in the gradebook and a “U” in conduct.
22. COMPUTER OR COMPUTER NETWORK MISUSE OR ABUSE - See a detailed explanation in the Acceptable Use Guidelines for Computers and Network in this Student Code of Conduct. Any violation of the District Acceptable Use Guidelines for Computers and Networks may result in the suspension of the privilege to use District computers and other consequences including placement in DAEP.
23. OFFENSES REQUIRING REMOVAL - Offenses which require removal as provided in TEC 37.006 and TEC 37.007 will be enforced.
24. THREATS OF PHYSICAL VIOLENCE - Students making verbal or written threats of violence against another person are subject to placement in an alternative setting, and referral to the campus Intervention Team for evaluation. Police will be contacted when the threat is considered serious.
25. ON-CAMPUS ASSAULT – Any assault, as defined by the Texas Penal Code, will result in administrative action which may include contacting local law enforcement.
26. ASSAULT ON AN EMPLOYEE OR A VOLUNTEER IN RETALIATION – An assault on an employee or a volunteer in retaliation for or as a result of the employee’s employment with the District, regardless of where or when the assault occurs, may result in the student being expelled.
27. BULLYING- If one is a witness to or is being bullied, please call your campus or bully tip-line at 761-5700. Engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school related activity, or in a vehicle operated by the district that:
  1. has the effect or will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property; or
  2. is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

28. **HARASSMENT** - Conduct that meets the definition established in district policies DIA (LOCAL) and FFH(LOCAL); or Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to 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.
29. **HIT LISTS** - 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.

#### **TEACHER REPORTING OF MAJOR OFFENSES**

A teacher with knowledge that a student has violated one of the major offenses listed in the Midway ISD Code of Conduct will document the violation with the school principal or the other appropriate administrator. The principal or the other appropriate administrator will, under the guidelines established under Section 37.001 (b) of the Texas Education Code, notify the student's parents or guardians of the report and any consequences.

### **IV. CONSEQUENCES FOR MAJOR OFFENSES**

The following are examples of consequences that may be applied alone or in combination when students engage in the major offenses listed in the previous section:

- **Detention** – A student who is assigned to detention is required to report to a designated area to make up time due to misbehavior. Detention settings may vary by campus, but examples of times when detention may occur are lunch, recess, before-school, after-school or on Saturday.
- **Assignment to Another Classroom** (TEC 37.002c) – The principal or principal's designee may assign a student who engages in conduct which is considered as a major offense to another appropriate classroom.
- **In-School Suspension (ISS)** – The principal or principal's designee may assign a student to in-school suspension who engages in conduct which is considered a major offense in the Midway Student Code of Conduct. In-school suspension under this policy may not exceed ten consecutive school days. While serving in-school suspension, the student is prohibited from attending or participating in school-related activities.
- **Out-of-School Suspension** – The principal or principal's designee may suspend from school a student who engages in conduct which is considered a major offense in the Midway Student Code of Conduct except as provided by TEC 37.004 (for students with disabilities).
  - A suspension under this policy may not exceed three school days.
  - While serving suspension from school, the student is prohibited from attending or participating in school-sponsored or school-related extracurricular or co-curricular activities during the period of placement, including seeking or holding honorary positions and or membership in school-sponsored clubs and organizations.
- **Demerit System (Grades 7-12)** – In grades 7-12, the Midway Independent School District utilizes a Demerit System for dealing with major offenses that are not designated as expellable offenses in TEC 37.007. Demerits are cumulative over the course of the school year. Additional penalties may occur in addition to the issuance of demerits. Upon the issuance of a demerit, parents will be notified of the infraction(s) with a phone call and/or in writing. The administrator will conference with the student about the misbehavior that occurred and the consequences if further demerits are earned. When students move into the district, the discipline status for the current school year will be reviewed and aligned with Midway ISD standards and parents will be notified of that status.

#### **Accrual of demerits may result in the following disciplinary actions:**

One Demerit

- Student Conference

Two Demerits

- Student Conference
- Up to three days of in-school suspension (ISS)

Three Demerits

- Student conference
- Up to five days in-school suspension (ISS)

Four Demerits

- Student conference
- Up to three days out-of-school suspension and/or up to five days in ISS

Five Demerits

- DAEP Placement Conference with parent and student
- Recommended Disciplinary Alternative Education Program placement for a minimum of 40 school days

Six Demerits or More

- DAEP Placement Conference with parent and student
- Recommended Disciplinary Alternative Education Program placement for a minimum of 60 school days.
- Additional demerits received while in DAEP may result in a student being recommended for expulsion.

**Middle School Dance Regarding Demerits** - Anyone receiving a demerit during the period between dances will not be allowed to attend the dance. Anyone who has received three demerits for the year will not be allowed to attend any of the remaining dances for that year.

**Removal of Demerits Through Community Service** – Community service at designated locations may be used to remove one demerit during the school year. Community Service information/packets can be obtained from the assistant principal's office. A demerit received for any of the following major offenses listed is not eligible for removal: drug/alcohol use or possession; possession of weapons; possession of pyrotechnics; possession or use of tobacco products; fighting; extortion, coercion or blackmail; or threats of physical violence. A middle school student must complete 12 hours of community service in order to have a demerit removed. A high school student must complete 24 hours of community service in order to have a demerit removed. While working off a demerit, the student must serve the disciplinary measures taken against the student (e.g. DAEP assignment, ISS, detentions).

- **Removal to a Disciplinary Alternative Education Program (DAEP)** – DAEP is a setting other than the student's regular classroom. It may be located on or off the regular school campus. The DAEP focuses on academics and the development of self-discipline. It provides for students' educational and behavioral needs through structured supervision. During placement in the disciplinary alternative education program, the student is prohibited from attending or participating in school-sponsored or school-related extracurricular or co curricular activities. For the remainder of the school year, a student returning from DAEP placement may not seek or hold honorary positions in school clubs or organizations and may only participate in extra curricular activities at the discretion of the building principal.

If a DAEP placement occurs during the second semester, parents will be notified whether the placement ends on the last day of instruction or continues through graduation and graduation-related activities.

- **Emergency Placement to DAEP (TEC 37.019)** – The student may be immediately placed into the Disciplinary Alternative Education Program if the principal or the principal's designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operations of school or a school-sponsored activity.

Oral notice of the reason for the action is provided to the student. The District shall make a reasonable effort to notify the parent(s) prior to emergency placement, but an inability to contact a parent shall not preclude an emergency placement removal. If the student receives special education services, the term of the student's emergency placement is subject to the requirements of 20 U.S.C. Section 1415(e)(3) and 34 CFR 300.513. A principal or principal's designee is not liable in civil damages for an emergency placement.

- **Emergency Expulsion to Juvenile Justice Alternative Education Program (JJAEP)** - The principal or the principal's designee may order the immediate expulsion of a student if the principal or the principal's designee reasonably believes that action is necessary to protect persons or property from imminent harm. Examples of situations in which immediate expulsion may be appropriate include, but are not limited to, a student being under the influence of alcohol or drugs, a student being highly agitated, or a student being in any other condition that temporarily threatens the student's welfare, other individuals' welfare, or property of the school. If a violation of law has occurred, law enforcement officials shall be notified. An emergency expulsion may not exceed five school days. A principal or principal's designee is not liable in civil damages for an emergency expulsion.
- **Limitation of Participation in Commencement Exercises** - The district has the right to limit a student's participation in graduation activities for committing a major offense as defined by the student code of conduct.

## V. DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)

In accordance with Education Code 31.008 the district provides a Disciplinary Alternative Education Program (DAEP) for students who have committed certain serious offenses. The DAEP is characterized by the following:

- is in a setting other than the student's regular classroom;
- is located on or off a regular school campus;
- separates students in the DAEP from students in the regular program;
- separates elementary school students assigned to DAEP from secondary school students assigned to DAEP;
- focuses on academics and the development of self-discipline;
- provides for students' educational and behavioral needs; and
- provides supervision and counseling.

### Location of DAEP

The Midway ISD's DAEP is located at the Midway Alternative School. Students are transferred to that campus for a disciplinary placement period as determined at the due process conference. Parents are responsible for transporting the student to and from DAEP and making sure the student attends while assigned.

### Procedures for Removal to a DAEP

When a recommendation is made for a student to be placed at DAEP, a due process conference will be held to consider the recommendation. This conference shall be scheduled within three days unless an extension is mutually agreed upon. During the conference the administrator recommending placement at DAEP will explain the misconduct for which placement is recommended. The student and/or their parent/guardian will have an opportunity to explain or respond to the reasons for recommended removal. The campus principal or other designated administrator will preside over the conference and notify the student's parents/guardians of his/her decision regarding the recommended placement no later than two days after the conclusion of the conference. If the principal approves the recommendation for DAEP, the written notice will state the length of the removal to the DAEP and any conditions or other requirements related to the DAEP assignment. If the parent and student cannot attend the conference, the district may proceed with the conference without the parents or student present as long as the parents have been properly notified of the conference.

### DAEP Placement

There are two general conditions, discretionary and mandatory, for removal of a student from campus to a disciplinary alternative education program. The campus principal or other appropriate administrator may recommend a discretionary placement at a DAEP if a student commits any serious offense 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. A mandatory assignment of a student to a DAEP is required by law if a student commits 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 (TEC 37.006):

1. engages in conduct that contains the elements of the offense of assault under Section 22.01(a)(1), Penal Code, or terroristic threat under Section 22.07, Penal Code;
2. sells, gives, or delivers to another person or possesses or uses or is under the influence of:
  - (a) marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; or
  - (b) a dangerous drug, as defined by Chapter 483, Health and Safety Code;
3. sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;
4. engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint under Sections 485.031 through 485.035, Health and Safety Code, or relating to volatile chemicals under Chapter 484, Health and Safety Code; or
5. engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code.
6. engages in conduct punishable as a felony including aggravated robbery.
7. Except as provided by TEC Section 37.007(c), a student will be removed from class and placed in an alternative education program under TEC Section 37.008 if the student engages in conduct that contains the elements of the offense of retaliation under Section 36.06 of the Texas Penal Code against any school employee.

### Off-Campus Title 5 Felony Conduct

A principal shall remove a student to DAEP if the principal has a reasonable belief that the student has engaged in a conduct defined as a felony offense in Title 5, Penal Code

Title 5 offenses are crimes against the person, identified in Title 5 of the Texas Penal Code. Specifically, Title 5 offenses include, but are not limited to: murder; capital murder; manslaughter; criminally negligent homicide; kidnapping; aggravated kidnapping; indecency with a child; continuous sexual abuse of a young child or children; sexual assault; aggravated assault; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

#### **Off-Campus Felony– Non-Title 5 Conduct**

A student may be removed from class and placed in DAEP for off-campus criminal conduct punishable as a felony, other than offenses defined by Title 5, Texas Penal Code, if the campus principal determines that the student's continued presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

#### **Emergency Placement**

A campus administrator or the superintendent may order a student immediately placed in an alternative education program for any reason for which placement in a DAEP may be made on a non-emergency basis.

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 DAEP.

#### **Length of Assignment**

A placement period in DAEP may exceed one year when a review by the District determines that:

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

The statutory limitation on 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.

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

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

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

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

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

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

#### **Additional DAEP Information**

##### **Effect of Withdrawal**

Withdrawing a student from school does not affect the district's authority to schedule and conduct a conference on the student's conduct and enter an order of removal, if appropriate, regardless of whether the student or parent is present to participate. Students who transfer out of this district to another public or private school, including students who withdraw from this district for the purpose of home schooling, and who do not attend a DAEP for the duration of the placement will be required upon return to Midway ISD to complete the number of days missed in the DAEP before being allowed to return to their regular campus. The order of removal will be included with the records sent to a transferring school.

If a student transfers into this district from another school district in which the student was placed in a DAEP, Midway ISD may continue, modify, or reject the placement at DAEP after considering the terms provided by the sending school district.

### **Coursework Notice**

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

### **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:

- Threatens the safety of other students or teachers,
- Will be detrimental to the educational process, or
- Is not in the best interest 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 spend 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/guardian 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.

## **VI. EXPULSION TO JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM (McLennan County Challenge Academy)**

### **EXPULSION BY SUPERINTENDENT OR DESIGNEE**

The Superintendent of Schools or designee will serve as the hearing officer for expulsion hearings. The Superintendent of Schools or designee may assign a student for violation of major offenses to the following programs:

1. MIDWAY ISD DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)
2. TRANSFER TO A DIFFERENT SCHOOL CAMPUS  
In lieu of placement in the Midway ISD DAEP, the student may be assigned by the Superintendent of Schools or his/her designee to another alternative campus setting.
3. CHALLENGE ACADEMY  
According to the guidelines established by the McLennan County Juvenile Justice System, a student will be assigned to this program when expelled from Midway ISD and referred to the McLennan County Juvenile Justice Alternative Education Program.

### **EXPULSION FOR SERIOUS OFFENSES (TEC 37.007) –**

- 1) A student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property or while attending a school-sponsored or school-related activity of another school district in Texas:

- (A) uses, exhibits, or possesses:
    - a) a firearm as defined by Section 46.01(3), Penal Code;
    - b) an illegal knife as defined by Section 46.01(6), Penal Code, or by local policy;
    - c) a club as defined by Section 46.01(1), Penal Code; or
    - d) a weapon listed as a prohibited weapon under Section 46.05, Penal Code
  - (B) engages in conduct that contains the elements of the offense of:
    - (a) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
    - (b) arson under Section 28.02, Penal Code;
    - (c) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;
    - (d) indecency with a child under Section 21.11, Penal Code; or
    - (e) aggravated kidnapping under Section 20.04, Penal Code; or
    - (f) aggravated robbery under Section 29.03, Penal Code
    - (g) manslaughter under Section 19.04, Penal Code;
    - (h) criminally negligent homicide under Section 19.05, Penal Code;
    - (i) continuous sexual abuse of young child or children under Section 21.02, Penal Code; or
  - (C) engages in conduct specified by Section 37.006(a)(3) or if the conduct is punishable as a felony
- 2) A student may be expelled if the student:
    - (A) engages in conduct involving a public school that contains the elements of the offense of false alarm or report (including a bomb threat) or a terroristic threat;
    - (B) while on school property or while attending a school-related activity on or off of school property.
      - (a) sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:
        - (i) marijuana or a controlled substance, as defined in Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
        - (ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or
        - (iii) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code; engages Sections 485.031 through 485.035, Health and Safety Code, or relating to volatile chemicals under Chapter 484, Health and Safety Code; or
      - (C) engages in conduct that contains the elements of an offense under Section 22.01(a)(1), Penal Code, against a school district employee or a volunteer as defined by Section 22.053.
    - 3) A student may be expelled if the student, while placed in an alternative education program for disciplinary reasons, continues to engage in serious or persistent misbehavior that violates the district's student code of conduct.
    - 4) A student shall be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a), and may be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (b)(3), against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off school property.
    - 5) Discretionary expulsion includes these offenses when committed against another student regardless of the time or location:
      - Aggravated assault under Penal Code §22.02
      - Sexual assault under Penal Code § 22.011
      - Aggravated sexual assault under Penal Code §22.021
      - Murder under Penal Code §
      - Capital murder under Penal Code §15.03
      - Criminal attempt to commit murder or capital murder under Penal Code §15.01
      - Aggravated robbery under Penal Code §29.03 against another student
    - 6) Mandatory expellable offenses include:
      - Aggravated robbery
      - Manslaughter
      - Criminally negligent homicide
      - Behavior punishable as a felony that involves the selling, giving, or delivering to another person, possessing, using, or being under the influence of marijuana a controlled substance, dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol
      - Retaliation against a school employee combined with one of the above listed offenses on or off school property or at a school-related event.
    - 7) In accordance with federal law, a local education agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:
      - a) the superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U.S.C. Section 2891, may modify the length of the expulsion in the case of an individual student;
      - b) the district or other local educational agency shall provide educational services to an expelled

student in an alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and

- c) the district or other local educational agency may provide educational services to an expelled student who is older than 10 years of age in an alternative education program as provided by Section 37.008
- 8) A student who engages in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, may be expelled at the district's discretion if the conduct is punishable as a felony under that section. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.
- 9) A school district shall inform each teacher of the conduct of a student who has engaged in any violation listed in this section. A teacher shall keep the information received in this subsection confidential. The State Board for Educator Certification may revoke or suspend the certification of a teacher who intentionally violates this subsection.
- 10) Subject to Subsection (e), notwithstanding any other provision of this section, a student who is younger than 10 years of age may not be expelled for engaging in conduct described by this section.
- 11) Students under the age of six will not be removed from class and placed in a DAEP unless they commit a federal firearms offense.
- 12) The duration of a student's expulsion, will be determined on a case-by-case basis. The maximum period for expulsion will be 180 days of attendance.

#### **PLACEMENT OF STUDENTS WITH DISABILITIES (TEC 37.004)**

The placement of a student with a disability who receives special education services may be made only by a duly constituted Admission, Review, and Dismissal Committee. A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes if the student does not also meet the criteria for alternative placement in TEC 37.006 (a) or 37.007(a).

#### **DISCIPLINARY ACTION**

If Midway ISD takes disciplinary action (suspension, DAEP placement, or expulsion) against a student and the student subsequently enrolls in another district before the expiration of the period of disciplinary action, Midway ISD shall provide to the district in which the student enrolls, at the time the other records are provided, a copy of the order of disciplinary action.

#### **SEXUAL ASSAULT AND CAMPUS ASSIGNMENTS**

If a student has been 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 or the victim's parents request that the board transfer the offending student, the offending student shall be transferred to a DAEP or JJAEP.

### **VII. FORMAL REMOVAL BY TEACHER (TEC 37.002)**

1. A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal will respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct.
2. A teacher may remove a student from class:
  - a. who has been documented by the teacher for repeatedly interfering with the teacher's ability to communicate effectively with the student in the class or with the ability of the student's classmates to learn; or
  - b. whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.
3. If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by TEC Section 37.008. The principal may not return the student to that teacher's class without the teacher's consent unless the Placement Review Committee established under TEC Section 37.003 determines that such placement is the best or only alternative available. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities.
4. A teacher will remove from class and send to the principal for placement into a disciplinary alternative education program as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's consent unless the Placement Review Committee established under Section 37.003 determines that such placement is the best or only alternative available.

### **VIII. REVIEWS, HEARINGS, AND APPEALS**

It is the intent of this district to resolve issues of concern as quickly as possible and at the lowest level possible, in accordance with Board Policy FNG (LOCAL). If parents have a concern regarding the action of a teacher or assistant principal, they should first discuss the issue with the teacher or assistant principal concerned. If the issue is not resolved, the parents may bring the issue forward to the principal within 10 days. (Level One)

If the issue is still not resolved, they may take the concern to the assistant superintendent or superintendent. (Level Two) If the issue is not resolved, the parents may make a formal complaint to the Board of Trustees. (Level Three)

Formal procedures are required for specific disciplinary actions if parents disagree with the disciplinary decision. The disciplinary actions that have special appeal procedures are:

- Formal teacher removals of a student from the classroom
- Discretionary disciplinary alternative education placement (pg. 8)
- Mandatory disciplinary alternative education placement
- Formal expulsion (pg. 15)
- Sexual harassment/sexual abuse complaints (pg. 16)
- Any disciplinary action taken against a student with disabilities who is receiving special education services

The appeals procedure for each of these formal situations is explained in further detail in this section of the Student Code of Conduct. All other complaints must follow district complaint procedures as outlined in Board Policy FNG (LOCAL). Students are required to serve disciplinary consequences until a decision is rendered.

#### **A. APPEAL OF DISCIPLINARY ACTION TAKEN AGAINST STUDENTS WITH DISABILITIES**

1. A parent (or adult student) who has concerns regarding disciplinary actions taken against a student with disabilities who is receiving special education services may call an ARD Committee meeting to discuss the concerns and to consider development of or changes to a Behavior Intervention Plan.
2. If a parent of a student with disabilities (or adult student with disabilities) disagrees with an ARD Committee decision, the parent's or adult student's options include meeting with the Director of Special Education or other administrators or teachers, requesting mediation through TEA, filing a complaint with TEA, or requesting a formal due process hearing procedure through TEA. These options are outlined in the document entitled *An Explanation of Rights and Procedural Safeguards*, which has been provided to the parent of every student with disabilities who is receiving special education services). Extra copies of the document are available through the evaluation specialist or the Special Education Department.

#### **B. CONFERENCE, REVIEW, AND APPEAL OF TEACHER REMOVALS (TEC 37.009)**

1. No later than the third class day after the day on which a student is removed from class under TEC Section 37.002(b) or (d), the school principal or principal's designee will schedule a conference with a parent or guardian of the student, the teacher removing the student from class, and the student. The student may not be returned to the regular classroom pending the conference. Following the conference and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal or principal's designee will order the placement of the student for a period consistent with the Midway ISD Code of Conduct. The placement may be another class, in-school suspension or into a disciplinary alternative education program (DAEP).
2. The principal or principal's designee will set a term for a student's placement in an alternative education program under TEC Section 37.002 or 37.006.
3. A review of both the discipline and the academic status of students assigned to the DAEP will be reviewed at least every 120 calendar days. At the review, the parents may make arguments for the student's return to the regular classroom. If the student is in high school and is to remain in the DAEP, the administration, together with the parents, will establish a plan designed to assist the student's progress toward meeting high school graduation requirements. The district is not obligated to provide any courses other than English, math, science, and history to students assigned to the DAEP. Education Code 37.009(e)
4. If a student's placement in a disciplinary alternative education program is to extend beyond 60 days or the end of the next grading period, whichever is earlier, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the board or the board's designee as provided by policy of the Board of Trustees of the District.
5. Before a student is placed in a disciplinary alternative education program for a period that extends beyond the end of the school year, the Board or the Board's designee (the campus principal) must determine that:
  - a. the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or
  - b. the student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct
5. The student or student's parent may appeal the principal's decision to continue a student's DAEP placement to the Assistant Superintendent of Administrative Services. The student or parent/guardian shall submit a written request to the Assistant Superintendent of Administrative Services within ten days after receipt of the written placement order. The appeal decision of the Assistant Superintendent of Administrative Services is final (FOC Legal). The student may not be returned to the regular classroom pending the appeal. Sec. 37.006 (i)/(h)

### **C. REVIEW OF DAEP PLACEMENT**

Discretionary placement in a DAEP occurs when a student accumulates five or more demerits. A conference with the principal or principal's designee, a parent or guardian of the student, the student, and possibly the classroom teacher is required. Following the conference, the principal or principal's designee may order the placement of the student into the Disciplinary Alternative Education Program. In the conference, the student and the parents will be informed of the offense he/she is alleged to have committed and the basis of the accusation. The student will also be given an opportunity to explain his/her side of the story. If a student, on or off campus, commits any of the offenses as defined on pages 10 and 11 of this student code of conduct, the student must be placed in DAEP.

1. The principal or principal's designee will set a term for a student's placement in a disciplinary alternative education program under TEC Section 37.002 or 37.006.
2. A review of both the discipline and the academic status of students assigned to the DAEP will be reviewed at least every 120 calendar days. At the review, the parents may make arguments for the student's return to the regular classroom. If the student is in high school and is to remain in the DAEP, the administration, together with the parents, will establish a plan designed to assist the student's progress toward meeting high school graduation requirements. The district is not obligated to provide any courses other than English, math, science, and history to students assigned to the DAEP. Education Code 37.009(e)
3. If a student's placement in a disciplinary alternative education program is to extend beyond 60 days or the end of the next grading period, whichever is earlier, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the board or the board's designee as provided by policy of the Board of Trustees of the District.
4. Before a student is placed in a disciplinary alternative education program for a period that extends beyond the end of the school year, the Board or the Board's designee (the campus principal) must determine that:
  - a. the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or
  - b. student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct
5. The student or student's parent may appeal the principal's decision to continue a student's DAEP placement to the Assistant Superintendent of Administrative Services. The student or parent/guardian shall submit a written request to the Assistant Superintendent of Administrative Services within ten days after receipt of the written placement order. The appeal decision of the Assistant Superintendent of Administrative Services is final (FOC Legal). The student may not be returned to the regular classroom pending the appeal. Sec. 37.006 ( i)/(h)

### **D. FORMAL EXPULSION HEARING PROCEDURES AND APPEALS**

Formal due process hearings are provided for any student who faces either mandatory expulsion or discretionary expulsion. These procedural requirements under TEC 37.009(f) include the following:

Before a student may be expelled under Section 37.007, the Superintendent of Schools or the superintendent's designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution. The student's parent or guardian is invited, in writing, to attend. At the hearing, the student must be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district. The decision may be appealed to the Board. The decision of the Board may be appealed by trial de novo to a district court of the county in which the school district's central administrative office is located. (FOD Legal and TEC states: If the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the District may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.)

1. The Superintendent of Schools or superintendent's designee will deliver to the student and the student's parent or guardian a copy of the order placing the student in a disciplinary alternative education program under TEC Section 37.002 or 37.006 or expelling the student under TEC Section 37.007. Prior written notice of the charges and the proposed sanctions will be provided in order to afford a reasonable opportunity for preparation, including a written invitation to the student's parent or guardian to attend the expulsion hearing.
2. The student has a right to a full and fair hearing before the Superintendent of Schools or their designee.
3. An adult representative or legal counsel who can provide guidance to the student and who is not an employee of the District may attend.
4. The student will be provided an opportunity to testify and to present evidence and witnesses in his/her defense.
5. The student will be provided an opportunity to examine the evidence presented by the school administration and to question the administration's witnesses.

6. A formal appeal to the Board may be made provided the request for Board Review is made in writing to the Superintendent of Schools within ten school days after receipt of the written decision. This is in accordance with Board Policy FOD (LEGAL).
  - A student expelled by order of the Board's designee after the due process hearing [see FOD (LEGAL)] may request that the Board review the expulsion decision. The student or parent/guardian shall submit a written request to the Superintendent within ten days after receipt of the written decision. The Superintendent shall provide the requestor(s) written notice of the date, time, and place of the meeting at which the Board will review the decision.
  - The Board shall review the record of the due process hearing on the expulsion in closed meeting unless the parent/guardian requests in writing that the matter be heard in open meeting. The Board may also hear a statement from the student or parent/guardian and from the Board's designee.
  - The Board shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The Board shall make and communicate its decision orally at the conclusion of the presentation.
7. After a school district notifies the parents or guardians of the expelled student, the parent or guardian will provide adequate supervision of the student during the period of expulsion.

Midway ISD will deliver a copy of the order expelling a student to the authorized officer of the juvenile court not later than the second business day after the date the expulsion hearing is held. [TEC 37.010(a)] The District will also provide copies of all supporting documentation of the events warranting the expulsion to the authorized officer of juvenile court.

#### **E. SEXUAL HARASSMENT/SEXUAL ABUSE/TEEN DATING VIOLENCE COMPLAINT PROCEDURES**

All students are expected to treat other students and District employees with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. The District encourages parental and student support in its efforts to address and prevent sexual harassment, sexual abuse and/or teen dating violence in the public schools. Students and/or parents are encouraged to discuss their questions or concerns about the expectations in this area with a teacher, counselor, principal or designee, or Mrs. Mary Lou Glaesmann, who serves as the District Title IX coordinator for students.

A substantiated complaint against a student will result in appropriate disciplinary action, according to the nature of the offense and the Student Code of Conduct.

The District will notify the parents of all students involved in sexual harassment by student(s) and/or teen dating violence by student(s), and will notify parents of any incident of sexual harassment or sexual abuse by an employee. To the greatest extent possible, complaints will be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

A complaint alleging sexual harassment and/or teen dating violence by another student or sexual harassment or sexual abuse by a staff member may be presented by a student and/or parent in a conference with the principal or designee or with the Title IX coordinator. The parent or other advisor may accompany the student throughout the complaint process. The conference will be scheduled and held as soon as possible, but no later than five days after the request. The principal, the principal's designee or Title IX coordinator will conduct an appropriate investigation, which ordinarily will be completed within ten days. The student and/or parent will be informed if extenuating circumstances delay completion of the investigation.

The student will not be required to present a complaint directly to the person who is being accused of sexual harassment and/or teen dating violence. Students adjudicated for sexual assaults may not be assigned to the same class as the victim of the offense without consent of the victim's parent (or the victim if 18 or older).

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent may, within ten days, request a conference with the Superintendent or designee. Prior to or at this conference, the student and/or parent must submit the complaint in writing and must include (1) a complete statement of the complaint, (2) any evidence supporting the complaint, (3) a statement about how the matter should be resolved, (4) the student's and/or parent's signature, and the date of the conference with the principal, the principal's designee, or the Title IX coordinator.

If the resolution by the Superintendent or designee is not satisfactory, the student and/or parent may present the complaint to the Board at the next regular meeting. Information on the procedure for addressing the Board can be obtained from any campus office or the Superintendent's office.

## **IX BUS TRANSPORTATION**

Midway ISD provides bus transportation for students residing two or more miles from their campus. Safety is a priority on all buses. All Midway ISD school bus drivers are trained through the Texas Department of Public Safety School Bus Driver Certification Course. Each driver has also earned a Class B Commercial Driver License. Bus

drivers are required to pass a pre-employment drug test along with an annual physical and are subject to random drug and alcohol testing. School buses are designed to provide safe transportation for large number of students under the following conditions:

1. Children remain seated at all times the bus is in motion
2. Children face forward with arms, legs and feet remaining out of the center aisle

The bus driver must watch the road at all times to ensure the safety of riders, pedestrians and other motorists, therefore any actions by students that distract the driver creates unsafe driving conditions. Midway ISD has developed a progressive discipline structure to help maintain a safe bus environment for all students. The Midway ISD Student Code of Conduct applies at all times. These guidelines are designed to emphasize safety for all students and provide a progressive set of consequences for inappropriate behavior.

**Minor Offenses (examples)**

- Chewing gum
- Horse play
- Not sitting in assigned seat
- Not sitting properly in seat
- Arms, legs or feet in aisle
- Throwing items inside/out of bus (minor, low risk)
- Eating/drinking on the bus
- Standing or changing seats when bus is in motion
- Possession of inappropriate items on the bus (not illegal)
- Any behavior that distracts the driver

**Major Offenses (examples)**

- Profanity
- Fighting
- Opening emergency exit unnecessarily
- Throwing items inside/out of bus (dangerous, high risk)
- Inappropriate talk or touching of a sexual nature
- Behavior resulting in an emergency stop by the driver
- Insubordination towards driver
- Threats toward driver or another student
- Smoking
- Possession of any weapon
- Possession of any illegal items (drugs, cigarettes, lighter, etc...)
- Vandalism of bus or student property

**Consequences**

Violations of the Student Code of Conduct by a student being transported on a school bus may result in disciplinary action at the campus and/or suspension of riding privileges. The campus principal or assistant principal will determine the severity of the offense based on information provided by the bus driver. On all referrals the campus administrator will conference with the student and attempt to contact a parent/guardian. The principal or assistant principal will use his or her professional judgment and discretion in applying consequences for behavior that occurs while students are riding district-provided transportation. Referrals and their accompanying progressive consequence will be considered separately between Minor and Major offenses.

**Minor Offenses**

Consequences for Minor Offenses are addressed using the following table:

Minor Referrals	Consequence
1 <sup>st</sup>	Warning, Parent Contact
2 <sup>nd</sup>	Campus-level discipline, Parent Contact
3 <sup>rd</sup>	Bus suspension for 5 days
4 <sup>th</sup>	Bus suspension for 10 days
5 <sup>th</sup>	Bus suspension for the remainder of the semester (20 day minimum)*
6 <sup>th</sup>	Bus suspension for remainder of the second semester (20 day minimum)*

\*Suspensions on 5<sup>th</sup> & 6<sup>th</sup> referrals occurring with fewer than 20 school days to the end of the semester or the end of the school year will carry over to the next semester or the following school year.

**Major Offenses**

Major offenses result in the automatic suspension of bus riding privileges. Principals, upon their determination of severity, have the authority to suspend bus riding privileges for the remainder of the semester or year at any time. Major offenses are addressed using the following table:

Major Referrals	Consequence
1 <sup>st</sup>	Bus suspension for 5 days
2 <sup>nd</sup>	Bus suspension for 10 days
3 <sup>rd</sup>	Bus suspension for the remainder of the semester (20 day minimum)*
4 <sup>th</sup>	Bus suspension for remainder of the second semester (20 day minimum)*

\*Suspensions on 3<sup>rd</sup> & 4<sup>th</sup> referrals occurring with fewer than 20 school days to the end of the semester or the end of the school year will carry over to the next semester or the following school year.

### **Video Cameras on Buses**

Midway Independent School District installs video cameras on buses to enhance student safety. The videos assist drivers, transportation officials, and school administrators in monitoring student bus activity. Student awareness of this program provides them with an incentive to exhibit positive behavior on the bus. This also results in a much safer bus environment.

Pursuant to [Texas Education Code § 26.009\(b\)](#), schools can videotape students without parent permission for purposes of maintaining order and discipline. However, under the [Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#), the parent may only view the video if that child is the only student in the video. If the video reveals other students then that video cannot be viewed by any parent. The Texas Attorney General has addressed this issue and determined that videotapes made on school buses, on which the driver addresses some students by name and which "show the faces, bodies, and behavior of students of the district" are education records under [FERPA](#) and are exempted from disclosure.

### **Special Transportation**

School bus discipline policies as described in this section are not applicable (unless otherwise specified by the student's ARD committee) to students with disabilities who receive special transportation as a related service under the Individuals with Disabilities Education Act.

The following rules shall also apply to students provided school transportation:

1. Students ride only one "home" address eligible bus.
2. Pickup is generally at corner intersections (driver has authority to designate stops).
3. Students are not allowed to ride alternate buses unless the principal or designee determines the need based on an emergency situation.
4. Students will not be allowed to ride the bus to and from baby sitters (unless on the same route and bus already goes by that address).
5. Students should be picked up and let off at same stop unless driver is notified beforehand.
6. No guest riders allowed without signatures from parent and principal.

## **X. MIDWAY ISD RELATIONSHIPS WITH OUTSIDE AGENCIES**

**REPORTING TO LOCAL LAW ENFORCEMENT (TEC 37.015)** The principal or principal's designee of each campus will notify the police or sheriff responsible for that campus if the principal or principal's designee has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school sponsored or school-related activity on or off school property, whether or not the activity is investigated by school security officers:

1. conduct that may constitute an offense listed under Section 8(c), Article 42.18, Code of Criminal Procedure;
2. deadly conduct under Section 22.05, Penal Code;
3. a terroristic threat under Section 22.07, Penal Code;
4. the use, sale, or possession of a controlled substance, drugs, paraphernalia, or marijuana under Chapter 481, Health and Safety Code;
5. the possession of any of the weapons or devices listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal Code; or
6. engagement in organized criminal activity under Section 71.02, Penal Code;
7. conduct that may constitute a criminal offense for which a student may be expelled under section 37.007 (a), 37.007 (d), or 37.007 (e).

A person who makes notification as required by law is not liable for civil damages when reporting in good faith. The person who makes notification under this section shall include the name and address of each student the person believes may have participated in criminal activity.

A police report will be requested from law enforcement officials when the administrator indicates it is warranted. Administrators at the high school level must contact the police for a police report anytime there has been a fight, alcohol/drugs have been found, or when illegal weapons have been found on school property, during a school activity, or when traveling on school district transportation to and from a school activity.

# ELECTRONIC COMMUNICATION AND DATA MANAGEMENT ACCEPTABLE USE GUIDELINES

## Overview

The Midway Independent School District makes Internet access available to the staff and students enrolled in the District. The Internet offers vast, diverse, and unique resources. Our goal in providing this service is to promote educational excellence in the Midway schools by facilitating resource sharing, innovation, and communication.

The Internet is an electronic highway connecting thousands of computers all over the world to millions of individual subscribers who have access to electronic mail communication with one another; information and news from research institutions, colleges and libraries; public domain software as well as discussion groups on a wide variety of topics.

With access to computers and people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting. On a global network, it is impossible to control all materials, and an industrious user may discover controversial information. Midway ISD firmly believes that the valuable information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the educational goals of the District.

Internet access is coordinated through a complex association of government agencies, and regional and state networks. In addition, the smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided to make you aware of the responsibilities you are about to acquire. In general, this requires efficient, ethical, and legal utilization of the network resources. If a Midway user violates any of these provisions, his or her account will be terminated and future access may be denied. The signatures on the verification document are legally binding and indicate the parties who signed have read the terms and conditions carefully and understand their significance.

## Student Agreement for Acceptable Use of the District Networked Communications System

You are being given access to the Midway's networked communications system. Through this system you will be able to communicate with people around the world through the Internet and other networked information systems. You will have access to databases, libraries, and computer services all over the world.

With this educational opportunity comes responsibility. Access to Midway's networked communications system is a privilege, not a right. It is important that you read the District policy and the agreements form. Ask questions if you need help in understanding them. Copies of the policy are available on the district web page at <http://www.midwayisd.org>. Inappropriate system use will result in the loss of the privilege to use this educational tool.

Please note that the Internet is a network of many types of communication and information networks. It is possible that you may run across areas of adult content and some materials you (or your parents) might find objectionable. While the District will take reasonable steps to restrict access to such material, it is not possible to absolutely prevent access. It will be your responsibility to follow the rules for appropriate use.

### A. RULES FOR APPROPRIATE USE

1. Students in grades 5-12 will be assigned an individual account, and you are responsible for not sharing the password for that account.
2. Students in grades Pre-K through 4 will have access through computer lab or class accounts.
3. The account is to be used primarily for identified educational purposes.
4. You will be held responsible at all times for the proper use of your account, and the District may suspend or revoke your access if you violate the rules.
5. Remember that people who receive e-mails from you with a school address might think your message represents the school's point of view.
6. Downloading of files from the Internet requires teacher approval.
7. Play only educational games on the Internet after obtaining approval from a teacher.

### B. INAPPROPRIATE USE

1. Using the system for any illegal purpose
2. Borrowing someone's account without permission from campus administrator or District Director/Coordinator
3. Installing any program onto any computer without approval from a teacher
4. Posting personal information about yourself or others
5. Downloading or using copyrighted information without permission from the copyright holder
6. Posting messages or accessing materials that are abusive, obscene, sexually oriented, threatening, contain the elements of bullying, harassing, and/or damaging to another's reputation

7. Assessing materials that are abusive, obscene, sexually oriented, threatening, harassing, and/or damaging to another's reputation
8. Wasting school resources through the improper use of the computer system
9. Gaining unauthorized access to restricted information or resources
10. Using the system for commercial, income-generating, entering contest, "for-profit" activities, product advertisement, or political lobbying is prohibited. Sending unsolicited junk mail or chain letters is prohibited

**C. CONSEQUENCES FOR INAPPROPRIATE USE**

Inappropriate use may result in:

1. Suspension of access to the system
2. Revocation of the computer system account, and/or
3. Other disciplinary or legal action, in accordance with the Student Code of Conduct and applicable laws including possible assignment to DAEP.

## GLOSSARY OF TERMS

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** – Improper or excessive use.

**ARMOR-PIERCING AMMUNITION** – handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**ARSON** is:

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

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

**BOARD POLICY** - a compilation of policies adopted by the Midway ISD to govern the operation of this District.

**BODILY INJURY** – Physical pain, illness, or impairment of a physical condition.

**BULLYING** - Engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school related activity, or in a vehicle operated by the district that:

1. has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

**CHALLENGE ACADEMY** – an alternative education institution governed by the McLennan County Juvenile Justice Board. Students who are expelled from Midway ISD are placed into the Challenge Academy. The Challenge Academy provides students who would otherwise be removed from the educational setting an opportunity to earn academic credit.

**CHEMICAL DISPENSING DEVICE** – 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** – 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.

**COCURRICULAR** - a student activity in which the student participates in an academic course during the school day and is also involved in activities such as a performance after the school day as a part of the class assignment. The student is not engaged in activities in which he/she is in competition with other schools.

**CONTROLLED SUBSTANCE** –Substances as defined by Chapter 481 of the Texas Health & Safety Code or 21 U.S.C. § 801 et seq.

**CRIMINAL STREET GANG** – 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.

**DANGEROUS DRUG** – Substances as defined by Chapter 483 of the Texas Health & Safety Code.

**DEMERIT SYSTEM** - a student behavior management system used in Grades 7-12 to create a consistent form of discipline. A student is given demerits for major offenses of the Student Code of Conduct. Each time a student receives a demerit; additional consequences may be imposed on the student involved.

**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** – 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** – 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.

**DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)** - a setting other than the student's regular classroom; located on or off the regular school campus which provides for students' educational and behavioral needs in a setting other than a regular classroom. The student works on assignments in coordination with his/her classroom teacher. Students may be assigned to this program conditionally for a period from three weeks to the entire calendar year.

**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.

**EXPULSION** - a student being prohibited from attending Midway ISD for a specified time and placed into the Challenge Academy if the student is between the ages of 10-17. If the child is 10 or younger, the child will be placed in an alternative education setting instead of being prohibited from attending school in Midway ISD.

**EXTRACURRICULAR** - student activities in which the student is engaged in practices and/or competition before or after the school day. Usually the activity is governed by University Interscholastic League (UIL) rules.

**FALSE ALARM OR REPORT** – occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

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

**FIREARM (Federal law)** – (1) 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: (2) the frame or receiver of any such weapon: (3) any firearm muffler or firearm weapon: or (4) any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

**FIREARM (State law)** – 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.

**FIREARM SILENCER** – any device designed, made, or adapted to muffle the report of a firearm.

**FORMAL HEARING** - full due process procedures provided to students who are subject to an expulsion hearing or a hearing to determine continued placement in an alternative education program beyond any grading period, or the next school year.

**HARASSMENT** - Conduct that meets the definition established in district policies DIA (LOCAL) and FFH(LOCAL); or Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to 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** – 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.

**HEALTH AND SAFETY CODE** - is the legal guide of state laws that govern the health and safety of Texas citizens.

**HIT LIST** - 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.

**ILLEGAL KNIFE** – 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.

**IN-SCHOOL SUSPENSION (ISS)** - a short-term alternative instructional arrangement in which the student receives assignments from the teacher(s) and is supervised by a teacher or instructional assistant in the school, away from other regular classes.

**INFORMAL CONFERENCES** - meetings provided for students who are given in-school suspension or suspension from school. In an informal conference, the student will be informed of the offense he/she is alleged to have committed and the basis of the accusation. The student will also be given a chance to explain his/her side of the story. Parents will be notified of the offense and the action taken.

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

**MAJOR OFFENSES** - district conduct rule violations that must be reported to parents and for which disciplinary action must be taken. In Grades 7-12, demerits are issued for major offenses.

**MANDATORY ASSIGNMENT OR EXPULSION** - major offenses that, according to Texas state law and/or Federal law, require the student to be assigned to an alternative education program or in some cases expelled from the school district. These conditions are described in detail in the Student Code of Conduct.

**MINOR OFFENSES** - classroom rule violations that do not require formal notification to parents. The teacher normally handles the rule violations in the classroom.

**PAGING/COMMUNICATION/ELECTRONIC DEVICE** - a telecommunications device that emits an audible signal, vibrates, displays a message or otherwise summons or delivers a communication to the possessor.

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

**PARENTS** - includes the single parent, legal guardian, or person having lawful control of the child.

**PENAL CODE** - is the compilation of state laws that law enforcement officials are charged with enforcing.

**PERSISTENT MISBEHAVIOR** – is two or more violations of the Code in general or repeated occurrences of the same violation.

**PLACEMENT REVIEW COMMITTEE (PRC)** - a committee of teachers and school representatives who review the decision of the teacher to remove the student from the classroom.

**POSSESSION** – 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.

**PROHIBITED WEAPON** – A prohibited weapon includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, switchblade knife, or zip gun.

**PUBLIC SCHOOL FRATERNITY, SORORITY, SECRET SOCIETY, OR GANG** – 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 exempted from this definition.

**REASONABLE BELIEF** – 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.

**SCHOOL CHOICE OPTION** – Students who are enrolled in a persistently dangerous school or who have been the victim of a violent criminal act as defined by Public Law 107-110 Section 95.32 have the option to transfer to a safe

public school.

**SCHOOL SPONSORED AND SCHOOL RELATED ACTIVITIES** - includes events, ceremonies, dances, prom, ROTC trips, contests, sports, etc.

**SELF-DEFENSE** – the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect him or herself without escalating the encounter.

**SHORT-BARREL FIREARM** – 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.

**SUSPENSION FROM SCHOOL** - suspension in which the student is prohibited from attending school for up to three school days at a time. Class work missed may be made up by the student.

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

**TEEN DATING VIOLENCE** - defined as the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, Texas Family code.

1. Conduct that is severe, pervasive and objectively offensive in such a manner that can be said to deprive the victim access to the educational opportunities or benefits provided by the school.
2. Conduct that is violent or abusive behavior of a sexual nature in a dating relationship may also be considered sexual harassment when the behaviors occur at school and meet the definition of sexual harassment.

**TERRORISTIC THREAT** – 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).

**TEXAS EDUCATION CODE (TEC)** – a compilation of state laws that relate to school governance.

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

**UNDER THE INFLUENCE** – 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 a student has voluntarily introduced into his or her body by means a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, or speech.

**ZIP GUN** – 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.

#### **MISD VISION STATEMENT**

Midway ISD, in partnership with our community, provides a safe, pleasant, attractive and technologically advanced environment. A curriculum, taught through a variety of strategies, results in a challenging learning experience for our diverse student population, allowing them to be well-adjusted and to achieve their full potential.

## MISD MISSION STATEMENT

The mission of Midway ISD, a district at the forefront of educating today's youth and tomorrow's leaders, is to maximize individual potential within a learner-centered environment to prepare citizens who excel in a global society.

## MISD GOALS

- Goal 1: Meet the academic, social, spiritual and physical needs of a diverse student population
- Goal 2: Provide influential role models through the recruitment and retention of highly qualified faculty and staff
- Goal 3: In partnership with our community, provide a safe, pleasant, attractive and technologically advanced environment



Castleman Creek Elementary	761-5755
Hewitt Elementary	761-5750
South Bosque Elementary	761-5720
Speegleville Elementary	761-5730
Spring Valley Elementary	761-5710
Woodway Elementary	761-5740
River Valley Intermediate	761-5699
Woodgate Intermediate	761-5690
Middle School	761-5680
High School	761-5650