

Student Code of Conduct



2010-2011

IRVING

Independent School District

Where Children Come First

**STUDENT CODE OF CONDUCT
SIGNATURE FORM
2010 – 2011 ACADEMIC YEAR**

Students and parents are requested to complete all blanks on the front and back of this form and return it to the school within seven (7) days. Your signature below indicates that you have received and read the handbook containing the student code of conduct.

Student Signature

Parent/Guardian Signature

Date

Date

Grade Level/Homeroom Teacher

Parent/Guardian Signature

Date

Please complete and sign both sides

Please cut on dotted line and return to your child's school.

IISD Guidelines/Acceptable Use of Technology Resources

SIGNATURE FORM

2010 - 2011

Student Section

Student name (print)

Grade

School

I have read the Guidelines/or Acceptable Use of Technology Resources, Pages 23-24. I agree to follow the rules contained in this policy. If I violate the rules I will lose my access privilege to the I-Net including Internet access and may face disciplinary action.

Student signature

Date

Parent Section

I have read the Guidelines for Acceptable Use of Technology Resources. I understand that the Internet is a world-wide group of hundreds of thousands of computer networks. I agree that the Irving Independent School District does not control the content of these Internet networks. I understand if my child violates the Acceptable Use Guidelines, his/her access privilege to the District network including the Internet may be revoked and my child may be subject to disciplinary action. The Irving Independent School District has my permission to give I-Net (Internet) access to my child. I understand that my child will maintain this privilege as long as the procedures described in the Acceptable Use Guidelines are followed.

I also grant permission for examples of my child's schoolwork to be published on the World Wide Web as an extension of classroom studies, provided that the home address, home phone number, student's last name or a close-up photograph is not included.

NOTE: Parents who do not want their child to have Internet access and/or have their schoolwork published on the web, should submit a written request to restrict these in writing annually to their child's principal. While the district will attempt to restrict access, it is ultimately the responsibility of the parent to ensure their child does not violate this request.

Parent or Guardian signature

Date

Parent name (print)

Home address

Phone

FOREWORD

The mission of the Irving Independent School District is to work in partnership with families and the community to meet the diverse needs of all students by providing educational opportunities that cultivates the skills of learning, thinking, and communicating. This lofty mission can best be achieved by adhering to principles embodied in the research on effective schools. We know that truly effective schools have common characteristics, one of which is establishing and maintaining a safe and orderly climate for learning. The public schools of the Irving Independent School District strongly support the belief that orderly and well-disciplined campuses and classrooms are of highest priority in providing a learning climate in which students may work toward gaining maximum benefit from the opportunities provided by the District and community.

It is well recognized that today's world of work demands evidence of self-discipline, respect for others' thoughts and beliefs, and the ability to work effectively in a team environment. These are at least partially the goals of the accompanying Student Code of Conduct which was formulated through a collaborative effort involving professional educators of the Irving ISD, parents, business leaders, and students of the Irving community.

The Irving ISD Student Code of Conduct complies with the legal requirements of the State of Texas. This document also reflects the commitment of all persons associated with the Irving schools to assure and protect the rights of all students whose primary current need is to engage in quality academic pursuits, free from disruptions or incidents that may interfere with such rights. It is hoped that these provisions will not be viewed as unnecessarily restrictive, but most certainly constructive assurance to students and parents that all reasonable measures will be taken to protect their rights to expect a safe, secure, orderly and respectful environment in which students may actively engage optimally in the learning process.

Efforts of parents, students, and school district employees to become familiar with this document are not only greatly appreciated, but are an absolute necessity as a demonstration of support for the Irving ISD to continue to maintain a positive educational climate that makes academic achievement our highest priority.

Dr. Dana T. Bedden

Superintendent of Schools, Irving Independent School District

IRVING INDEPENDENT SCHOOL DISTRICT
STUDENT CODE OF CONDUCT

Points of Emphasis

1. All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity free from discrimination. District schools shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and District staff. Students shall exercise their rights responsibly, in compliance with rules established for the orderly conduct of the District's educational mission. The District's rules of conduct and discipline are established to achieve and maintain order in the school. Students who violate the rights of others or who violate District or school rules shall be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to responsible citizenship.
2. No student shall, on the basis of sex, race, religion, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity sponsored by this school district except as specifically provided in the Title IX implementing regulations.
3. Respect is an essential element for the effective operation of any organization. To maximize opportunities for a quality education, students are expected to demonstrate respect for themselves, others and their school at all times.
4. The Irving ISD Student Code of Conduct has been revised to comply with legislation passed by the 81th Texas Legislature. Addenda to the Code may be issued as the district receives updates on changes to the laws that govern school discipline or as changes in Board policy are adopted. The Irving ISD will adhere to requirements of all laws as they apply to schools and school districts. The Irving ISD Board of Trustees will be adopting policies addressing all provisions of these laws. A copy of the board policies referred to in this document may be obtained from the campus principal's office or the district's web site at www.irvingisd.net
5. Parents are requested to read the Student Code of Conduct with their child, complete the signature form on the preceding page, and return the form to the school within seven (7) days.

PHILOSOPHY OF DISCIPLINE

Positive Proactive Discipline

For the purpose of this Student Code of Conduct discipline refers to the behavior or orderly conduct of an individual. It is expected that each school campus will provide appropriate discipline in a safe environment in which all students have the right to learn, and educators have the right to teach, free from disruptions which interfere with the educational process. Each campus will promote **Positive Proactive Discipline** to include:

- a sense of belonging, a sense of community, with mutual and self-respect evidenced by all persons;
- relationships, knowing each student personally, whereby teachers and administrators strive to share positive rapport with students;
- having adult mentors and friends to teach and model appropriate behaviors whereby all persons accept responsibility for their actions and demonstrate self-discipline; and,
- a fair, democratic discipline management system that protects the rights of the individual, assures that no student will be discriminated against on the basis of sex, race, religion, color, or national origin, and guarantees discipline based on a careful assessment of the circumstances of each case. The following factors will be considered:
 - a. seriousness of the offense
 - b. student's age
 - c. the frequency of the misconduct
 - d. student's attitude
 - e. potential effect of the misconduct on school environment
 - f. the requirements of Chapter 37 of the Education Code
 - g. the Student Code of Conduct adopted by the Board
 - h. self defense
 - i. intent or lack of intent at the time the student engages in the conduct
 - j. the student's disciplinary history
 - k. a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct

Commitment of the District

The Irving Independent School District is committed to the fair and equitable treatment of all students. No teacher, administrator, nor staff shall discriminate against any student on the basis of sex, race, religion, color, or national origin. The district shall monitor disciplinary placements to ensure removals from the regular classroom setting are based on thorough and careful assessment of the circumstances of each case.

There are always consequences for behavior, whether the behavior is appropriate or inappropriate. Recognition of appropriate behavior, attendance, punctuality and/or academic progress provides students with a positive consequence for their actions and creates a positive classroom and school environment. The use of positive reinforcement plays an important role in the learning of appropriate behaviors. The District commits that teachers, administrators, counselors, and other staff members will continually strive to find creative, positive ways to recognize and reinforce responsible behaviors of students.

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STUDENT CODE OF CONDUCT

Purpose

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

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

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

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

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

Contents

This Code is organized into the following sections:

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

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

School District Authority and Jurisdiction

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

The district has disciplinary authority over a student:

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

Attendance

Regular attendance and punctuality are required of every student, and students are required by law to attend school until their eighteenth birthday. Students who have good attendance generally achieve higher grades, enjoy school, and are much more employable after leaving high school. The Irving ISD expects all students to attend school regularly and be on time for classes in order to gain maximum benefit from the instructional program and develop habits of punctuality, responsibility, and self-discipline. The Irving ISD Attendance Policy is published in the Student Handbooks.

Attendance, Compulsory Notice to Parents and Students

Parents of students absent without an excuse for ten or more days or parts of days in a six-month period or three days within a four week period shall be subject to prosecution under the compulsory attendance law (TEC 25.093). **A student** absent without an excuse ten or more days or parts of days in a six-month period or three days within a four week period shall be subject to prosecution under section 25.094 of the Texas Education Code.

Automobile Usage

Only high school students possessing a valid automobile driver's license and insurance are authorized to drive cars to and from school. Students are to exercise utmost caution driving on the school parking area and must observe a maximum speed of 10 mph. Students must obtain parking permits and must park in the designated area. Back-in parking is not permitted. Permits may be revoked for abuse of parking rules. Students will not loiter on the parking lot or in cars. Cars may not be removed during school hours without a pass signed by an administrator. No adult or outsider will be permitted to remove a car without a pass signed by the principal or vice-principal. Principals may establish posted tow away zones at various locations at their campus. Violators will be dealt with by the school administration and, in some cases, the cars may be towed away or wheel immobilizer (boots) may be placed on wheels. Owners are responsible for paying towing and storage and/or immobilizer fees or costs. A law or ordinance regulating traffic on a public highway or street applies to the operation of a vehicle on school property (TEC 37.102)

Bus Conduct

A bus is considered an extension of the classroom. The district has jurisdiction over student behavior on a school bus. Rules for Bus Conduct are published in the Student Handbooks. A student may lose bus privileges as well as receive consequences as outline in the Student Code of Conduct.

Extracurricular Standards of Behavior - Board Policy FO(LOCAL)

With the annual review and approval of the principal and Superintendent or designee, sponsors and coaches of extracurricular activities, including interscholastic athletics and marching band, may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs any time, on or off school property. No provision of an extracurricular behavioral standard shall have the effect of discriminating on the basis of sex, race, disability, religion, or ethnicity. Students shall be informed of any extracurricular behavior standards at the beginning of each school year, or in the case of interscholastic athletics and marching band, at the time the students report for workout or practices that occur prior to the actual beginning of classes. Students and their parents shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity. Organizational standards of behavior of an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violations of organizational standards of behavior of an extracurricular activity or for violation of the Student Code of Conduct.

Interrogations, Searches and Electronic Surveillance – Board Policy FNF(LOCAL)

School authorities may search a student, student lockers, student automobiles or other possessions or property under their control and may seize any prohibited, illegal or otherwise unlawful contraband, including weapons, discovered as a result of the search. Such searches may be conducted because there is reasonable cause or upon securing the student's voluntary consent. The administration is authorized to utilize canines whose reliability and accuracy for sniffing out contraband has been established to aid in the search for contraband in school-owned property and automobiles parked on school property. Metal detectors may be used on a random basis to detect and deter weapons-related infractions. If any contraband, including weapons, is found, the student is subject to appropriate disciplinary action, including removal, suspension, or expulsion. Electronic surveillance may be used to monitor student behavior and school owned property. Student behavior recorded on electronic surveillance equipment is subject to all provisions of the student code of conduct.

Reporting Crimes

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

Revoking Transfers

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

School Resource Office (SRO) Program – Board Policy GRA(Local)

Through an inter-local agreement between the District and the City of Irving, the District and the Police Department of Irving have instituted a cooperative School Resource Officer (SRO) Program at various secondary schools of the District. These commissioned peace officers shall assist District personnel in protecting District property and the security and safety of its students and personnel. The SRO is expected to deter the commission of criminal acts and shall conduct investigations regarding such acts that may occur on school property within his or her jurisdiction.

Student Publications

All publications edited, printed, or distributed in the name of or within one of the District's schools shall be under the control of the school administration and the board pursuant to Board Policy FMA (LOCAL).

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Never engage in bullying, harassment, or coercion of another person.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

Administrators have the responsibility to:

- Assume the administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus (TEC 11.202- (b) (4))
- Ensure that discipline is managed free from discrimination.
- Provide appropriate support for teachers in dealing with student discipline problems.
- Interpret and consistently enforce school rules, codes and policies.
- Promote effective training and discipline based upon fair and impartial treatment of all students.
- Encourage parents to keep in regular communication with the school, and encourage parental participation in required parent-teacher conferences.

Teachers have the responsibility to:

- Use appropriate discipline management techniques.
- Strive to use discipline techniques that keep the student in the best educational environment – the classroom.
- Ensure good student discipline by regular attendance, promptness, and appropriate preparation.
- Maintain an orderly classroom atmosphere conducive to learning.
- Establish a rapport and an effective working relationship with parents, students, and other staff members.
- Teach students to strive to develop and practice self-discipline.
- Give praise and positive reinforcement to students when appropriate.
- Encourage work habits that will lead to the accomplishment of both short-term and long-term goals.
- Serve as appropriate role models for their students in accordance with the standards of the teaching profession.
- Respect cultural differences within students and never discriminate.

General Conduct Violations

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

General Conduct Violations include, but not limited to the following:

Disregard for Authority

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

Mistreatment of Others

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement, page 11 and Expulsion, page 18).
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in cyber-bullying, bullying, harassment, or making hit lists. (See glossary for all four terms.)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer.
- Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary “hazing”.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

- Damage or vandalize property owned by others. (For felony criminal mischief see DAEP Placement, page 11 or Expulsion, page 18).
- Deface or damage school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery and theft see DAEP Placement, page 11 and Expulsion, page 18).

Possession or Use of Prohibited Items

- fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another.
- a “look-alike” weapon;
- an air gun or BB gun;
- ammunition;
- a stun gun;
- a pocket knife or knife not defined as an illegal weapon;
- mace or pepper spray;
- pornographic material;
- tobacco products;
- matches or a lighter;
- a laser pointer for other than an approved use; or
- articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement, page 11 and Expulsion, page 18).

Possession of Cell Phones or Other Electronic Devices

Paging devices, beepers, cellular phones, and other electronic communication devices are not to be used during the entire school day, including passing periods and lunch. These devices must be kept in the student's locker or concealed in the student's backpack, purse, or pocket in a deactivated mode (turned off) during the school day. The device must be kept out of view at all times. Students in violation of these guidelines will have the item confiscated and only returned at the end of the regular school year unless the owner of the device or the student's parent come to the school and pays an administrative fee of \$15. Students in attendance as an active member of an emergency medical services organization are exempt from this rule.

Illegal, Prescription, and Over-the-Counter Drugs

- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement, page 11 and Expulsion, page 18).
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary "paraphernalia").
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event. (See glossary "abuse").
- Abuse over-the-counter drugs. (See glossary "abuse").
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary "under the influence").
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Safety Transgressions

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

Miscellaneous Offenses

- Failure to wear a student ID badge during school hours or possess a valid means of identification at all school sponsored event after school hours.
- Failure to follow the procedure for the pledges of allegiance and/or moment of silence (see Glossary "Senate Bill 83").
- Violate dress and grooming standards as communicated in the Student Handbook.
- Failure to complete classroom assignments, homework, projects, and reports as prescribed in the Irving ISD grading policy as communicated in the Student Handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.
- Selling or trading items other than those approved as fund raising projects.
- Any action that could cause injury or harm to another.
- Engages in inappropriate public display of affection; and/or inappropriate physical or sexual contact.
- Sexting (see Glossary "sexting").

Discipline Management Techniques

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

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

Students with Disabilities

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

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

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

Techniques

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

- Verbal correction, oral or written.
- Cooling-off time or "time-out."
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Detention – after school, lunch detention, Friday and Saturday detention.
- Sending the student to the office or other assigned area, or to In-School Suspension, see page 10.
- Assignment to school beautification duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code, page 10.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Notification

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

Appeals

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG(LOCAL), considered Level I. A copy of the policy may be obtained from the principal's office or the central administration office or through Policy online at the following address: <http://www.tasb.org/policy/pol/private/057912/>.

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may appeal with the Director of Campus Operations or designee, considered Level II. The appeal notice must be filed in writing, on a form provided by the District, within five days of the date of the written Level One response or, if no response was received, within five days of the Level One response deadline.

Note: Consequences will not be deferred pending the outcome of an appeal.

Removal from the Regular Educational Setting

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

Routine Referral

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

Formal Removal – Texas Education Code 37.002

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

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

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

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

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

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

Returning Student to Classroom

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

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

In-School Suspension

Misconduct

Students may be removed from the regular classroom and assigned to In-School-Suspension for any behavior in this Code as General Conduct Violations, pages 4-6.

Process

A special area in each school may be designated as the In-School Suspension (ISS) room and supervised by a teacher, administrator, or other designated staff member. In this setting, the student receives, to the extent possible, assignments/instruction in each course with little or no opportunities for social interaction with peers. The intent of this disciplinary action is to deter student misbehavior, reduce incidences of school disruption, and provide students the best educational opportunities possible. The length of time for this action will be determined by the nature of the discipline problem and the cooperation of the student and his/her parents or guardians.

Although the length of assignment to In-School-Suspension is unlimited, no student should accumulate more than 30 days of placement in ISS during the school year.

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

Out-of-School Suspension

Misconduct

Students may be suspended for any behavior listed in the Code as a General Conduct Violation, DAEP offense, or expellable offense.

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

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

Process

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

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

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

Suspended students are prohibited from being on school grounds or attending school-sponsored or school-related extracurricular activities except by special permission from the principal.

Scholastic Penalties

If a student is suspended, the student's absence shall be considered to be an excused absence if the student satisfactorily completes the assignments for the period of suspension. Make-up work from a suspended student shall not be penalized. The number of days the student has to make up the work after returning to school is equal to the length of the suspension.

Disciplinary Alternative Education Program (DAEP) Placement

If removal from the home campus is deemed necessary due a serious misbehavior, serious disruption and/or a violation of the law, the student may be placed in a DAEP. The Secondary Reassignment Center (SRC) is located at 3207 Pioneer, Irving, Texas. The Wheeler Development Center (WDC) is located at the Earlie May Wheeler Center at 1600 E. Shady Grove, Irving, Texas. The staff of both centers has the services of an administrator, a counselor, and teachers. The objectives of the discipline alternative education program are:

- To provide at a separate location a highly structured environment, a strong counseling program, a place for the student to continue to learn, and an opportunity for the student to earn the privilege of returning to his/her regular school setting.
- To provide assistance and encouragement for the student to correct his/her behavior, stressing that each individual is responsible for himself/herself and his/her actions; to receive assistance in academic subjects where he/she is experiencing difficulty; and to learn to make short- and long-range plans and goals.

A short term SRC placement will be from four weeks (20 days) to six weeks (30 days), and attainment of the specified number of conduct points at SRC (first placement only or when applicable); or at WDC the length determined by the successful completion of the behavior management program. A student may be placed on a long term, End-of-Year (EOY) assignment for persistent misbehavior at the alternative school. Assignments for all SRC placements will be provided from the student's home campus. Teachers at Wheeler will provide appropriate elementary level instruction for the students placed at WDC.

For the purposes of DAEP, elementary classification shall be K- 5 and secondary classification shall be grades 6-12.

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

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

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

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student may be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this code. Careful assessment of the circumstances outlined on page iii, must be made and documented before a discretionary placement is ordered.

Misconduct Identified in State Law

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

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

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

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

Mandatory Placement: Misconduct That Requires DAEP Placement

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (see glossary “false alarm”)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see glossary “assault”) under Texas Penal Code 22.01(a)(1).
 - Possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug. (school-related felony drug offenses are addressed in the Expulsion section, page 18). (See glossary “under the influence”).
 - Commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section, page 18).
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code).
- Engages in conduct punishable as a felony listed under Title 5 (see glossary, page 35) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 1. The student receives deferred prosecution (see glossary “deferred prosecution”),
 2. A court or jury finds that the student has engaged in delinquent conduct (see glossary “delinquent conduct”), or
 3. The superintendent or designee has a reasonable belief (see glossary “reasonable belief”) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

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

Emergencies

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

Process

Removals to a DAEP will be made by the Principal or the campus discipline administrators.

Conference

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

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

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

Placement Order

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

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

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

Length of Placement

The duration of a student's placement in a DAEP will be determined by the Principal or the campus discipline administrators.

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

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

Exceeds One Year

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

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

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

Exceeds School Year

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

For placement in a DAEP to extend beyond the end of the school year, the Board or Board's must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see glossary "persistent misbehavior") that violates the district's Code.

Exceeds 60 Days

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

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to the Division Director of Campus Operations in accordance with policy FOC(LEGAL). All other appeals regarding a placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy online at the following address:

<http://www.tasb.org/policy/pol/private/057912/>

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

Restrictions during Placement

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

The district will provide transportation to students in a DAEP.

For seniors who are eligible for graduation and are assigned to a DAEP at the time of graduation, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremonies and related graduation activities.

Placement Review

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

Additional Misconduct

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

Notice of Criminal Proceedings

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

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

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

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

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

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

Withdrawal during Process

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

Newly Enrolled Students

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

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

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

Emergency Placement Procedure

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

Placement and/or Expulsion for Certain Serious Offenses

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

Registered Sex Offenders

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

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

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

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

Review Committee

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

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

Newly Enrolled Student

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

Appeal

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

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the board or its designee makes certain findings and the following circumstances exist in relation to a felony offense under Title 5 (see glossary "Title 5") of the Texas Penal Code. The student must:

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

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

Newly Enrolled Students

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

Expulsion

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

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

Discretionary Expulsion: Misconduct That May Result in Expulsion

Any Location

A student **may** be expelled for:

- Engaging in the following, no matter where it takes place:
 - Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
 - Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.

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

Committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person; or felony level possession, or felony level use or under the influence of marijuana, a controlled substance, or a dangerous drug.
- Selling, giving, or delivering to another person an alcoholic beverage or commits a serious act or offense punishable as a felony while under the influence of alcohol; or felony level possession, or felony level use or under the influence of an alcoholic beverage. (See glossary “under the influence.”)
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary “deadly conduct”)

Within 300 Feet of School

Engaging in the following conduct while within 300 feet of school property, as measured from any point on the school’s real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary “arson”)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.

- Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

Property of Another District

Committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in DAEP

Engaging in serious offenses or persistent misbehavior (see glossary “persistent misbehaviors”) that violates the district’s Code, while placed in a DAEP.

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Federal Law

Bringing to school a firearm, as defined by federal law. “Firearm” under federal law includes:

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

Texas Penal Code

Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:

- A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.
- An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
- A club (see glossary “club”) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
- A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun. (See glossary “zip gun”)

Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary “arson”)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Aggravated robbery.
- Manslaughter.
- Criminally negligent homicide.
- Continuous sexual abuse of a young child or children.

- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

Under Age Ten

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

Emergency

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

Process

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

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

1. Another appropriate classroom.
2. In-school suspension.
3. Out-of-school suspension.
4. DAEP.

Hearing

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

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

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

The board of trustees delegates to the Principal the authority to conduct hearings and expel students.

Appeal Process

Upon request of an appeal of the Principal's decision to expel, the student will be assigned to the district's Discipline_Alternative Education Program in order to continue their education services throughout the appeal process. A request to appeal a decision of the principal to expel a student shall be made in writing to the Director of Campus Operations within five working days after notice of expulsion in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or Campus Operations office at central administration or through policy online at the following address: <http://www.tasb.org/policy/pol/private/057912/>.

The following sequence will be utilized for appeals of the principal's decision:

1. Director of Campus Operations
2. Special Assistant to the Superintendent

The decision by the Special Assistant to the Superintendent (Superintendent's designee) may be appealed to the board by submitting to the Superintendent a written request to place the matter on the agenda of the next regular board meeting. The board shall conduct a hearing in accordance with policy BE (LOCAL). Pending an appeal of an expulsion to the Board, a student will be allowed to remain current on all course work. However, if the appeal is denied, no district credit will be earned for work missed during the period of expulsion unless the student is enrolled in the Dallas County Juvenile Justice Alternative Education Program (DCJJAEP) or another district approved program. Students with disabilities will receive education services during expulsion as determined by the Admission, Review and Dismissal (ARD) committee.

Expulsion Order

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

Not later than the second business day after the hearing, the Principal of the Secondary Reassignment Center will deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

The length of assignment to the Dallas County Juvenile Justice Alternative Education Program will be not less than 90 good days, and terminating at the end of a six weeks grading period as established by the guidelines in the memorandum of understanding between the Irving ISD Board of Trustees and the Dallas County Juvenile Board.

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

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

The student is a threat to the safety of other students or to district employees, or

Extended expulsion is in the best interest of the student.

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

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

Withdrawal during Process

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

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

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

Additional Misconduct

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

Restrictions during Expulsion

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

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

Newly Enrolled Students

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

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

The out-of-state district provides the district with a copy of the expulsion order, and

The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

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

The student is a threat to the safety of other students or district employees, or

Extended placement is in the best interest of the student.

Emergency Expulsion Procedures

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

DAEP Placement of Expelled Students

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

Guidelines for Acceptable Use of Technology Resources

These guidelines are provided here so that students and parents are aware of the responsibilities students accept when they use District-owned computer hardware, operating system software, application software, stored text, data files, electronic mail, local databases, CD ROMs, digitized information, communication technologies, and Internet access. In general, this requires efficient, ethical, and legal utilization of all technology resources.

Expectations are as follows

- Student use of computers, other technology hardware, software, and computer networks, including the Internet, is only allowed when supervised or granted permission by a staff member.
- All users are expected to follow existing copyright laws. Copyright guidelines are posted and/or available in the media center of each campus as well as posted on the District's Web site.
- Although the District has an Internet safety plan in place, students are expected to notify a staff member whenever they come across information or messages that are inappropriate, dangerous, threatening, or make them feel uncomfortable.
- Students who identify or know about a security problem are expected to convey the details to their teacher without discussing it with other students.

Unacceptable conduct includes, but is not limited to the following

- Using the network for illegal activities, including copyright, license, or contract violations or downloading inappropriate materials, viruses, and/or software, such as but not limited to hacking and host file-sharing software.
- Using the network for financial or commercial gain, advertising, or political lobbying.
- Accessing or exploring online locations or materials that do not support the curriculum and/or are inappropriate for school assignments, such as but not limited to pornographic sites.
- Vandalizing and/or tampering with equipment, programs, files, software, system performance, or other components of the network. Use or possession of hacking software is strictly prohibited.
- Causing congestion on the network or interfering with the work of others, e.g. chain letters or broadcast messages to lists or individuals.
- Intentionally wasting finite resources, i.e., online time, real-time music.
- Gaining unauthorized access anywhere on the network.
- Revealing the home address or phone number of one's self or another person.
- Invading the privacy of other individuals.
- Using another user's account, password, or ID card or allowing another user to access your account, password, or ID.
- Coaching, helping, observing, or joining any unauthorized activity on the network.
- Posting anonymous messages or unlawful information on the system.
- Engaging in cyber-bullying, sexting, sexual harassment or using objectionable language in public or private messages, e.g., racist, terroristic, abusive, sexually explicit, threatening, demeaning, stalking, or slanderous.
- Falsifying permission, authorization, or identification documents.
- Obtaining copies of or modifying files, data, or passwords belonging to other users on the network.
- Knowingly placing a computer virus on a computer or network.

Acceptable use guidelines for the District's network computer online services are as follows

- Students will have access to all available forms of electronic media and communication that is in support of education and research, and in support of the educational goals and objectives of the District.
- Students are responsible for their ethical and educational use of the computer online services in the District.
- All policies and restrictions of the District's computer online services must be followed.

- Access to the District's computer online services is a privilege and not a right. Each employee, student, and/or parent will be required to sign the Acceptable Use Policy Agreement Sheet and adhere to the Acceptable Use Guidelines in order to be granted access to District computer online services.
- The use of any District computer online services in the District must be in support of education and research and in support of the educational goals and objectives of the District.
- When placing, removing, or restricting access to specific databases or other District computer online services, school officials will apply the same criteria of educational suitability used for other education resources.
- Transmission of any material that is in violation of any federal or state law is prohibited. This includes, but is not limited to confidential information, copyrighted material, threatening or obscene material, and computer viruses.
- Any attempt to alter data, the configuration of a computer, or the files of another user without the consent of the individual, campus administrator, or technology administrator, will be considered an act of vandalism and subject to disciplinary action in accordance with the District's Student Code of Conduct booklet.

Parents concerned with the District's computer online services at their child's school should refer to EFA(LOCAL): Instructional Resources: Instructional Material Selection and Adoption policy and follow the stated procedure. Any parent wishing to restrict their children's access to any District computer online services will provide this restriction request in writing. Parents will assume responsibility for imposing restrictions only on their own children.

Network Etiquette

- Be polite.
- Use appropriate language.
- Do not reveal personal data (home address, phone number of other people).
- Remember that the other users of the District's computer online services and other networks are human beings whose culture, language, and humor have different points of reference from your own.
- Users should be polite when forwarding e-mail. The intent of forwarding email should be on a need-to-know basis.

E-mail

- E-mail should be used for educational or administrative purposes only.
- E-mail transmissions, stored data, transmitted data, or any other use of the District's computer online services by students, employees, or any other user shall not be considered confidential and may be monitored at any time by designated staff to ensure appropriate use.
- All e-mail and all e-mail contents are property of the District.

Consequences are as follows

- The student in whose name a system account and/or computer hardware is issued will be responsible at all times for its appropriate use.
- Noncompliance with the guidelines published here, in the Student Code of Conduct, and in Board policy CQ (Local) may result in suspension or termination of technology privileges and disciplinary actions. Use or possession of hacking software is strictly prohibited and violators will be subject to disciplinary consequences of the Student Code of Conduct. Violations of applicable state and federal law, including the Texas Penal Code, Computer Crimes, and Chapter 33 will result in criminal prosecution, as well as disciplinary actions by the District.
- Electronic mail, network usage, and all stored files will not be considered confidential and may be monitored at any time by designated District staff to ensure appropriate use
- The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to violations of computer crime laws. Contents of e-mail and network communications are governed by the Texas Open Records Act; therefore, proper authorities will be given access to their content.

Glossary

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

Abuse is improper or excessive use.

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

Arson is:

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

Any vegetation, fence, or structure on open-space land; or

Any building, habitation, or vehicle:

Knowing that it is within the limits of an incorporated city or town,

Knowing that it is insured against damage or destruction,

Knowing that it is subject to a mortgage or other security interest,

Knowing that it is located on property belonging to another,

Knowing that it has located within it property belonging to another, or

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;

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

A crime that involves intentionally starting a fire or causing an explosion and in so doing:

Recklessly damages or destroys a building belonging to another, or

Recklessly causes another person to suffer bodily injury or death.

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

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

To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or

To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

Cyber-bullying occurs when child, or teen is repeatedly tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another child or teenager using text messaging, email, instant messaging or any other type of digital technology.

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

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

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

Dating violence is the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship, as defined by Section 71.0021 of the Family Code.

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

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

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

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

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

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

False Alarm or Report occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

Cause action by an official or volunteer agency organized to deal with emergencies;

Place a person in fear of imminent serious bodily injury; or

Prevent or interrupt the occupation of a building, room, or place of assembly.

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

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

Harassment is:

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 the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

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

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

Knuckles are any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

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

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

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

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

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

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

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

Self-defense is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself. A claim of self defense in the use of force will not exempt a student from discipline when:

1. The student provokes, invites or encourages the use of force by another person; 2. The student has an opportunity to avoid physical force or to inform a school official of the threatened use of force; and/or 3. The student uses physical force after the other party abandons or attempts to abandon a fight or confrontation.

Senate Bill 83, passed in 2003 by the Texas Legislature, requires students to recite the pledge to the United States and Texas Flags followed by one-minute of silence during which a student may, as the student chooses, reflect, pray, meditate, or engage in any other silent activity that is not likely to interfere with or distract another student.

Serious offenses include but are not limited to:

Murder.

Vandalism.

Robbery or theft.

Extortion, coercion, or blackmail.

Actions or demonstrations that substantially disrupt or materially interfere with school activities.

Hazing.

Insubordination.

Profanity, vulgar language, or obscene gestures.

Fighting, committing physical abuse, or threatening physical abuse.

Possession or distribution of pornographic materials.

Leaving school grounds without permission.

Sexual harassment of a student or district employee.

Possession of or conspiracy to possess any explosive or explosive device.

Falsification of records, passes, or other school-related documents.

Refusal to accept discipline assigned by the teacher or principal.

Sexting is the act of sending sexually explicit messages and/or photographs, primarily between mobile phones. Sexting could result in child pornography charges against the sender and the receiver.

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

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

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

Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;

Place any person in fear of imminent serious bodily injury;

Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;

Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;

Place the public or a substantial group of the public in fear of serious bodily injury; or

Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

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

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

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

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

2010-2011 School Calendar

IRVING INDEPENDENT SCHOOL DISTRICT

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JULY 2010

5 Holiday

AUGUST 2010

13, 16-17 New Teacher Orientation
18-19 Staff Development
20 Campus Work Day
23 First Semester Begins

SEPTEMBER 2010

6 Student/Teacher Holiday

OCTOBER 2010

7 Parent Conference Day/
Student Early Dismissal
11 Staff Development/
Student Holiday

NOVEMBER 2010

22-23 Staff Development/
Student Holidays
24-26 Student/Teacher Holidays

DECEMBER 2010

20-24 Student/Teacher Holidays
27-31 Student/Teacher Holidays

JANUARY 2011

13-14 Student Early Dismissal
14 First Semester Ends
17 Student/Teacher Holiday
18 Campus Work Day/
Student Holiday
19 Second Semester Begins

FEBRUARY 2011

21 Staff Development/
Student Holiday

MARCH 2011

7-11 Texas Public Schools Week
14-18 Student/Teacher Holidays

APRIL 2011

22 Student/Teacher Holiday
(Weather Day If Needed)

MAY 2011

30 Student/Teacher Holiday
(Weather Day If Needed)

JUNE 2011

1-2 Student Early Dismissal
2 Second Semester Ends
3 Campus Work Day

LEGEND

- Progress Reports
- Elementary Report Cards
- Secondary Report Cards
- Student/Teacher Holiday
- Staff Development/Student Holiday
- Campus Work Day/Student Holiday
- Energy Savings Day
- Student Early Dismissal
- Weather Day If Needed
- State Testing Day
- Semester Begins/Ends
- Six Weeks Begins/Ends