



CODE OF STUDENT CONDUCT

Approved by the Southwest Public Schools' Board of Directors: August 30, 2023



Dr. Felicia Adams, Superintendent

W. Mark Beshears, President, Board of Directors



2023- 2024

Southwest Public Schools

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Felicia Adams, Ed.D.

Superintendent of Schools

Dear Southwest Public Schools Parents and Legal guardians:

Welcome to the 2023-2024 school year. We know that you have a choice when selecting a school for your child, and we appreciate your decision to enroll your child in Southwest Public Schools, a "Destination School District."

As we enter the new school year, we would like to assure you that our dedicated school team of educators stand ready to welcome your child and provide a safe, respectful, and inclusive school climate for learning. Knowing that classrooms are places where all children can thrive academically, we encourage families to partner with administrators and teachers to ensure learners are personally and socially responsible.

One of the highest priorities for Southwest Public Schools is providing a safe learning environment for all students. In order to help us meet this goal, please read and review the 2023-2024 Code of Student Conduct. This Code provides important information for parents/legal guardians and students about the rights and responsibilities of all members of the Southwest Public Schools community. It outlines the expectations for student behavior to foster a safe, positive, and supporting learning environment.

Please note that protecting the health and well-being of all students is of utmost importance to Southwest Public Schools. This is consistent with Goal 6 of our District Strategic Plan. An electronic copy of this Code is available on the district website at: <https://www.swschools.org/page/code-of-conduct>.

On behalf of our Board of Directors, principals, teachers and staff, food service team, bus drivers, and everyone here at Southwest Public Schools, we thank you for your support and extend our best wishes for a school year that is safe and productive for your family.

We can and will continue to do great work together!

Dr. Felicia Adams

Felicia Adams, Ed.D.

Superintendent of Schools

Southwest Public Schools is an equal opportunity employer and does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment matters, in its admissions policies, or by excluding from participation in, denying access to, or denying the benefits of district services, academic and/or vocational and technology programs, or activities as required by Title VI and Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, the First Amendment of the United States Constitution, the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, as amended, and Title II of the Americans with Disabilities Act.



Mission, Vision, Core Beliefs, Values, and Commitments

Southwest Public Schools' Mission Statement

Our mission is to prepare college and career-ready students for postsecondary success.

Our Vision

We are a premier district of choice that meets the diverse needs of all students by creating an inclusive community that fosters a strong sense of self-worth.

Our Core Beliefs

We believe that:

- All students can learn if we meet their needs.
- Innate learning depends on a safe, nurturing, inclusive, and flexible environment.
- All decisions should be based on what is the best for the student.
- A learning organization focused on excellence will continually transform through meaningful and relevant work that engages students in profound learning.
- Education is the shared responsibility of the community.
- Genuine transformation requires disruptive innovations.

Our Values

Safety

Learning

Quality

Community

Common Decency

Human Capital

Our Commitments

Southwest Public Schools is committed to creating an outstanding learning environment resulting in skillful, knowledgeable, well-equipped citizens who will become successful members of society, enabling them to adapt to the cultural, intellectual, and social challenges in a changing world.

Statement of Non-Discrimination

Southwest Public Schools prohibits discrimination, including harassment, against any student or employee on the basis of race, color, ethnicity, religion, sex, gender, national origin, age, disability, sexual orientation, genetic information, gender identity, or gender expression, in providing educational services, activities, and programs, including vocational and career and technical education programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendment of 1972; Title II of

the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; and any other legally-protected classification or status protected by applicable law.

In accordance with Title IX of the Education Amendments of 1972, SWPS does not and is required not to discriminate on the basis of sex in its education programs or activities. The requirement not to discriminate on the basis of sex extends to the admission of students in the District's education programs or activities and to applicants for employment.

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.

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact Carmen Jimenez at cjimenez@swschools.org or by phone at 713.784.6345 ext. 214.

Sex Discrimination and Sexual Harassment Prohibited

In accordance with Title IX, Southwest Public Schools does not and is required not to discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends to admissions and employment inquiries about the application of Title IX may be referred to Southwest Public Schools' Title IX Coordinator (see below), to the Assistant Secretary for Civil Rights of the Department of Education, or both.

Other federal laws that prohibit discrimination include Title VI, Section 504, the Age Discrimination Act, the Boy Scouts Act, and Title II.

Reporting Procedures

Southwest Public Schools has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment: Please contact Natalie Hernandez, Human Resources Partner at nhernandez@swschools.org 713-784-6379.

The following school representatives have been designated to address concerns or inquiries about other kinds of discrimination:

- For concerns regarding discrimination on the basis of disability, see the ADA/Section 504 Coordinator: Natalie Hernandez, Human Resources Partner at nhernandez@swschools.org 713-784-6379.
- For all other concerns regarding discrimination please contact: Natalie Hernandez, Human Resources Partner at nhernandez@swschools.org 713-784-6379.

SWPS does not discriminate on the basis of disability by denying access to the benefits of District services, programs, or activities. To request information about the applicability of Title II of the Americans with Disabilities Act (ADA), interested persons should contact Natalie Hernandez, Human Resources Partner at nhernandez@swschools.org 713-784-6379.



Academic Calendar Year 2023 - 2024

23 July 2023 - (E-0 S-0) S M T W T F S 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	August 2023 - (E-23 S-12) S M T W T F S 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	September 2023 - (E-19 S-18) S M T W T F S 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
October 2023 - (E-20 S-20) S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	November 2023 - (E-17 S-16) S M T W T F S 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	December 2023 - (E-11 S-10) S M T W T F S 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
24 January 2024 - (E-21 S-19) S M T W T F S 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	February 2024 - (E-19 S-18) S M T W T F S 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29	March 2024 - (E-14 S-14) S M T W T F S 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
April 2024 - (E-22 S-22) S M T W T F S 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	May 2024 - (E-22 S-17) S M T W T F S 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	June 2024 - (E-0 S-0) S M T W T F S 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
Instructional Days 156 Full + 10 Half = 166 Total Minutes 77,940 KEY E-# = Employee Days S-# = Student Days New Teacher In-Service Days Teacher In-Service Days District Welcome Back First and Last day of School Holidays Early Dismissal for Students Professional Dev. Days (No Students) End of Six Weeks Teacher Prep. Days (No Students) First day of Second Semester	HOLIDAYS Labor Day September 4, 2023 Fall Holiday September 25, 2023 Fall Break October 6-9, 2023 Thanksgiving November 20-24, 2023 Winter Break December 18-29, 2023 New Year Break January 1, 2024 MLK Day January 15, 2024 Mid-Winter Break February 16-19, 2024 Spring Break March 11-15, 2024 District Observance of Chavez/Huerta Day March 28, 2024 Spring Holiday March 29, 2024 Memorial Day May 27, 2024 Juneteenth June 19, 2024	Report Cards Dates October 2, 2023 November 13, 2023 January 5, 2024 February 20, 2024 April 12, 2024 May 30, 2024
SIGNIFICANT DATES First Day for all Teachers August 1, 2023 New Teacher Orientation August 7, 2023 First Day of School August 16, 2023 Last Day of First Semester December 14, 2023	SEMESTER DATES First Semester August 16, 2023-December 14, 2023 Second Semester January 3, 2024-May 23, 2024	
Six Weeks Grading Periods Cycle I 08/16/2023-09/22/2023 27 Days Cycle II 09/26/2023-11/03/2023 26 Days Cycle III 11/06/2023-12/14/2023 23 Days	Cycle IV 01/03/2024-02/09/2024 26 Days Cycle V 02/12/2024-04/05/2024 30 Days Cycle VI 04/08/2024-05/23/2024 34 Days	

Instructional Days: 166

Employee Work Days: 188

District Academic Calendar 188



GRADING GUIDELINES

Types of Grades:

- Daily Grade (50%): include classroom activities, quizzes, in-class writing samples, exit tickets, labs, phases in the project, and interactive notebook.
- Major Grade (40%): include teacher-made tests, curriculum-based assessments, and final projects.
- Homework (10%): completion of homework only

Mastery of Texas Essential Knowledge and Skills

Tex. Educ. Code Section 28.0216 requires a student's grade to reflect their relative mastery of the TEKS for that grade level. Grades shall reflect academic achievements and shall not be based on nor adjusted for non-academic criteria, such as discipline, attendance, tardies, or participation in extracurricular activities, except as provided by state law.

Southwest Public Schools utilizes ongoing mastery assessment to determine which students need intervention (re-teaching and/or acceleration). A balanced approach to assessment, which may include district and campus benchmark tests, teacher-made tests, and performance assessments, will help determine which students are mastering and which are not mastering instructional objectives.

If it is determined that students have yet to demonstrate mastery of the TEKS on an assignment or an assessment, the teacher should plan for re-teach/assessment opportunities.

Required Reteach

If at least 25% of the students in a single course preparation (which includes all of the students that a teacher teaches in a like course during a grading period) per teacher do not demonstrate mastery of the TEKS on a graded classroom assignment or assessment, the teacher will provide an in-class opportunity for re-teaching and re-assessment and record the re-assessed grade in Ascender.

Minimum Number of Grades

Teachers are encouraged to provide sufficient grades to allow multiple opportunities for students to demonstrate mastery of the TEKS.

- Teachers must take at least one (1) daily grade per week beginning the first full week of school.
- Teachers must take at least two (2) major grades per grading period.
- Teachers must take at least one (1) homework grade per week beginning the first full week of school.

ATTENDANCE POLICIES AND PROCEDURES

Absences

State law requires that students be in attendance 90% of the school year to be promoted at the end of the year, this **includes excused and unexcused absences**. An absence is an absence no matter if it is excused. Each time a student misses a day of school he/she must bring a note that provides:

1. The full name of the student
2. The date of the absence(s)
3. Date the note was written
4. The reason for the absence
5. A daytime contact number for the parent(s)
6. The signature of the parent

If a written note is not received within three (3) school days, the absence remains '**unexcused**' and any and students may not receive credit for classwork missed. Students are required to complete all assignments that were missed due to absence(s). If students miss more than three (3) consecutive days, they are required to bring a doctor's note.

Parents will be notified by letter after a student has missed three (3) days of school. After a child misses five (5) days of school, the child is considered truant and the parent/guardian is required to follow a **Student Attendance Behavior Improvement Plan (SABIP)**. Parental involvement will be required including mandatory scheduled meetings with the truancy team, and attending the truancy program afterschool with your child. Beyond five (5) absences, the truancy prevention measures will escalate to meetings and support from school administration, district truancy tribunal court, and Harris County Justice of The Peace, Precinct 5 Court.

Tardy Arrivals

If a child arrives at school past 7:40 AM for students attending an elementary school and 7:45 AM for students attending a middle or high school, the parent must accompany the student to the front desk and sign the log acknowledging the tardy arrival. Parents may not accompany students to their classroom. Frequent late arrivals interrupt classroom instruction and create a difficult transition for the tardy student.

Please Note: Excessive absences and/or tardy contribute to chronic absenteeism. If late arrivals or absences become excessive, Truancy Prevention measures will begin. If the measures are not effective at improving attendance and on-time arrival, the student will be placed on an attendance contract and may be ultimately removed from Southwest Public Schools.

Elementary students who arrive after 9:50 AM and secondary students who arrive after 9:30 AM without verification of a doctor's appointment will be marked absent for that day.

Early Departures

Parents may only pick up their children early from school if there is a family emergency, if the student is ill, or if the student has a medical appointment that could not be scheduled during non-school hours. School must be notified as soon as possible if a student needs to be picked up early for medical appointments. The school must receive a doctor's note upon return. Parents must report to the front office and indicate the reason for requesting their child's early dismissal.

Dismissal Due to Illness or Injury

School personnel will contact parents to pick up any student who has suffered a possible serious injury, has an elevated temperature or who is experiencing vomiting or diarrhea. Students may be permitted back to school after all symptoms have cleared for at least twenty-four (24) hours. If parents cannot be contacted, a relative or emergency contact person listed on the enrollment card will be called and asked to pick up the child. Parents are expected to keep all contact information current as well as inform school administrators of all medical conditions related to their child's health.

Except in an emergency, all students **must** have a pass before being sent to the school's office. If the student needs to go home due to sudden illness or injury, the main office staff will contact the parent, guardian, or emergency contact person. In the event a student needs more than minor first aid attention, the parent or guardian will be notified and the student may be transported to the nearest hospital.

Southwest Public Schools District is not responsible for the costs of treating injuries and cannot assume liability for any other costs associated with an injury (including transportation costs).

Bad Weather/Emergency School Closing Information

Stay tuned to local radio and television stations, email accounts, and Southwest Public Schools' Facebook, Twitter, and Instagram for information about school closures during inclement weather and other emergency situations. Parents are expected to maintain a current phone number on file in the office as an additional means of communicating urgent messages.

Texas 90% Rule

The 90% rule is a provision in the Texas Education Code (TEC) that applies to a student in any grade level from kindergarten through grade 12. TEC Section 25.092 provides that a student may not be given credit or a final grade for a class unless the student is in attendance 90% of the days the class is offered.

All absences count, whether excused or unexcused, in determining whether the student has attended the requisite number of days to receive class credit or a final grade. According to the Texas Education Agency the 90% attendance requirement in Section 25.092 applies regardless of whether the student is exempt from compulsory attendance under Section 25.086 for the period of the absence or whether the absence is otherwise excused by the school district.

The Texas attendance rules say that a student must be in a class at least 90% of the time if they want to be sure to get credit for that class. This rule applies to students who have Individualized Education Program (IEP) or a Section 504 plan.

Students at Southwest Schools attend 175 instructional days for which the 90% rule applies. So, your child can miss no more than 17 days of school in order to earn course credit. The district will use nine (8) absences for semester one and 9 absences for semester two as the benchmark to determine if credit can be awarded for a class.

Students with excessive absences will go before a campus attendance committee who will make a plan that describes how the student will get their credit back. Possible ways to get credit back include:

- Additional work
- Tutoring or after school time
- Afterschool SAT or TSIA test skills practice
- Taking another class after school, on Saturday, or in the summer

If your student has missed 25% of a class (44 days) the school will send you a letter asking you to come to a meeting with the attendance committee to explain the absences. Once a student has missed 44 days there is no opportunity to regain the credit for the course.

Even with your best efforts your child is going to miss some days of school for important reasons. While it might take some time and work to get class credit, Southwest Schools wants to be sure you know that missed days don't have to keep them from moving forward with their education.

Southwest Public Schools' Code of Student Conduct

Section 1: Overview of Code of Student Conduct

Southwest Public Schools' Code of Student Conduct, approved by the Southwest Public Schools' Board of Directors, provides information and direction to students and parents regarding behavioral expectations and consequences for code of student conduct violations. Parents/legal guardians and students are encouraged to read and regularly review Southwest Public Schools' Code to ensure a successful, safe, and productive school year for all.

Student Responsibilities

1. Follow the district's or campus dress code.
2. Attend school for the entire instructional day, except when ill or otherwise lawfully excused, and be on time for all classes.
3. Follow the rules and regulations established by the teacher and the school as stated in the Code of Student Conduct, campus handbooks and the procedures concerning appropriate behavior.
4. Cooperate with all lawful and reasonable directives issued by school personnel.
5. Respect and be polite to staff, students, and school visitors.
6. Do not use profanity or threatening statements towards anyone.
7. Do not post threatening messages on social-media outlets, directed at students, parents, staff or school property.
8. Help keep the campus safe by reporting any verbal threats or incidents of violence toward other students, staff, or district property.
9. Be prepared to learn something new every day; prepare yourself to be successful in college, career, and community leadership.
10. Comply with campus administrator's authority to determine appropriate possession and use of electronic devices (cell phones included) on campus and at school-sponsored activities.
11. Respect the district's electronic communication systems; use of school computers and internet services is a privilege.
12. Students are responsible for all items they bring on campus and are encouraged to inspect items in their personal belongings before arriving at school.
13. Drugs, alcohol, firearms, and other illegal weapons, as outlined in this Code, are prohibited on campus, on district vehicles, and at school-related and school-sponsored events.

Campus administrator and teacher responsibilities

1. Promote a positive learning environment for all.
2. Demonstrate a positive attitude toward students and parents/legal guardians.
3. Assist students in the development of good study habits.
4. Work with students and parents/legal guardians to solve problems at the classroom level.
5. Value parents/legal guardians as partners to assist their children with academic success. Promptly work with parents/legal guardians and other district professionals to address behaviors of concern.

6. Promptly notify parents/legal guardians when students are suspended due to serious or persistent misconduct.
7. As required by law, notify law enforcement when a student's inappropriate behavior breaks local and state laws.
8. Follow local and state guidelines to maintain discipline and keep all students safe.

Responsibilities of Security Personnel

Southwest Public Schools utilizes police officers and security personnel to ensure the security and protection of students, staff, and property.

The law enforcement duties of are police officers and security personnel:

1. Protect the safety and welfare of any person in the jurisdiction of Southwest Public Schools and protect the property of its schools.
2. Provide security at school-sponsored and school-related events.
3. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed.
4. Complete mandated state training and remain current on legal issues.
5. Arrest and file charges for crimes occurring on District property, in school zones, at bus stops, or at school events
6. Network and cooperate with area law enforcement agencies in the area as necessary.
7. Develop positive relationships with students, staff, parents, and the community.
8. Comply with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
9. Carry out all other duties as directed by the Superintendent.

The district has the authority to handle discipline to give consequences when

- The interest of the school is involved on or off school grounds in conjunction with or independent of classes and school-sponsored activities.
- Students violate the code of student conduct during the school day while attending or participating in a school-related or school-sponsored activity, including in any contracted transportation services.
- Students engage in cyberbullying, on-line harassment, cybercrime, or computer related crime, that creates or is likely to create a substantial disruption to the educational environment, regardless of time or location.
- Students engage in specific criminal activities, as determined by law enforcement, regardless of time or location.
- During the regular school day, the student is within 300 feet of the school's property boundary line and while the student is going to and from school on district transportation.

Determining consequences

- As required by law, the principal or the assistant principal will serve as the Campus Behavior Coordinator (CBC). The CBC is primarily responsible for maintaining student discipline.
- Before the CBC recommends a suspension, in-school or out-of-school, they must consider:
 - If the student acted in self-defense;
 - The student's intent or lack of intent at the time the student engaged in the conduct;
 - The student's disciplinary history;
 - Whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of their conduct, regardless of whether the decision involves a mandatory or discretionary action.
- The CBC can offer students the following options to restore order, help students with their social and emotional development and keep students engaged with their academic progress at their home campus:
 - Parent/teacher conference;
 - Conflict resolution;
 - Classroom circles (used to establish respect agreement, build school community, repair harm, and teach decision-making strategies and/or content);
 - Behavior coaching;
 - Behavior improvement plan;
 - Referral to the campus student support team;
 - Referral to social services in the community;
 - Transfer the student to another classroom or change seating assignment;
 - In-school suspension or out-of-school suspension
- Students are afforded due-process, before they are removed from their regular school setting.
- Students are not allowed to visit their home campus during the time of removal.

Right to a High-Quality Education

All students have a right to a high-quality education. As such, school disciplinary measures should not be used to exclude students from school or otherwise deprive them of such an education, unless it is necessary to preserve the safety of students and staff.

The goal of student discipline is to teach students to behave in ways that contribute to academic achievement and school success and support a school environment where students and staff are responsible and respectful. Successful school discipline is guided by the following principles:

- Effective and engaging instruction and classroom management are the foundation of effective discipline.
- School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions after it occurs.
- School safety and academic success are formed and strengthened when all school staff and personnel build positive relationships with students and are actively engaged in their lives and learning.

- School staff should promote high standards of behavior by teaching, modeling, and monitoring behavior, and by fairly and consistently correcting misbehavior as necessary.
- School discipline that is paired with meaningful instruction and guidance offers students an opportunity to learn from their mistakes and contribute to the school community and is more likely to result in getting the student re-engaged in learning.
- Effective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students are removed from their classrooms due to misbehavior.

Southwest Public Schools will make every reasonable effort to correct misbehavior through school-based resources at the lowest possible level, and to support students in learning the skills necessary to enhance a positive school environment and avoid negative behavior. Most disciplinary issues should be addressed at the classroom level by teachers. In all instances, school discipline should be reasonable, timely, fair, age-appropriate, and should match the severity of the student's misbehavior.

School district staff responsible for implementing this Policy shall do so without discrimination based on ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, age, and disability.

Section 2: Disciplinary Interventions

The District's Code of Student Conduct is based on a system of Levels (I, II, III, IV) to categorize infractions and the model of support (intervention) needed for the infraction. Teachers and administrators should consider utilizing different types of intervention, or strategies, or multiple strategies simultaneously, to deal with misbehavior, especially for repeat infractions of the same disruptive or inappropriate behavior.

In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, Southwest Public Schools will comply with applicable federal law, including the Title IX formal complaint process.

When choosing consequences for students' misbehavior, teachers, administrators, and staff must consider the following:

- Age, health, and disability or special education status of the student;
- Appropriateness of student's academic placement;
- Student's prior conduct and record of behavior;
- Student's attitude;
- Student's willingness to repair the harm;
- Seriousness of the offense and the degree of harm caused; and
- Impact of the incident on the overall school community.

Level I – Behaviors that impede academic progress

At Southwest Public Schools we aim to improve the social, emotional, behavioral, and academic outcomes for our students leading to success and well-being.

Level I offenses are minor acts of misconduct that interfere with the orderly operation of the classroom, a school function, extracurricular/co-curricular program, or approved transportation.

The Southwest Public Schools' employee should intervene in the misconduct.

Intervention at Level I is whole-school and provided to all learners across academic, emotional, and behavioral dimensions of learning. The focus of Level I intervention is on all learners and staff across all settings: whole school, classroom, and non-classroom settings.

Typically, Level I offenses occur in the classroom and can be corrected by the teacher. Responses aim to teach, correct behavior, and promote the practice of prosocial behaviors, self-discipline, and healthy well-being. Intervention is intended to prevent further behavioral issues while keeping the student in school.

Level II – Behaviors related to school operations

Approximately 15% of all learners may require additional support to meet behavioral expectations. These students may have difficulty meeting behavioral expectations in a particular period or as part of a learning area, so focused teaching and classroom management strategies are critical to assist the student to achieve success.

Level II offenses are more serious acts of misconduct than Level I offenses. Level II includes repeated acts of misconduct from Level I and behaviors that interfere with the daily operation of school procedures. Students exhibiting these behaviors may need to develop self-management, self-awareness, or social awareness skills.

The misconduct must be reported to the appropriate school administrator for further investigation. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedure designation for Level II violations in investigating the matter and deciding on the progressive disciplinary action.

Level II Intervention is designed to prevent further behavioral issues and attempt to keep the student in school. Depending upon the severity of the behavior, short-term removal of the student from the classroom or removal from the school setting a limited time may be appropriate.

Level III – Behaviors that present a safety concern

Level III behaviors create unsafe conditions for students, staff, and visitors to the school. These behaviors may be negative relationships between two or more people. Relationship behaviors affect the whole school community in that the school climate is often a reflection of how people treat one another. The underlying reasons for this type of behavior may lie in any of the social-emotional competencies, so the administrator should investigate the underlying motivation for the student's behavior.

Students may require **Level III intervention** that is highly individualized to support a tailored learning program. Intervention choice for the student will be based on data collected from the student's teachers, administrators, and other school staff following consultation with the student's family. Interventions for Level III behaviors include, but are not limited to conferencing with an administrator, student, parent, administrator, referral for counseling, community service, in-school suspension, out-of-school suspension, and expulsion.

Level IV – Persistently dangerous behaviors

Level IV behaviors are clearly defined by the Texas Legislature and can be found in Chapter 37 of the Texas Education Code (TEC). They are acts which result in violence to another person's property, or which pose a serious threat to the safety of others in school, or which cause serious disruption to the educational process. These acts are so serious that they always involve administrative action and must be approved by the Southwest Public Schools' department of Operations, Strategy, and Innovation.

Texas Education Code, Chapter 37 clearly addresses which **Level IV interventions** are mandatory and which are discretionary. Interventions include administrative conferencing, student-parent-administrator conferencing, suspension, and expulsion.

The Following Section Outlines Specific Behavior Descriptions and Intervention Options That Fall Under Each of the Four Levels of Behavior

Section 3: Level 1 Behaviors with Intervention Options/Strategies

Level I Behaviors	On the first instance of an inappropriate or disruptive behavior, use one or more interventions from the lowest level indicated below. If the same behavior is repeated during the same school year, one or more interventions from the next highest level may be used.
Interfering with learning in the classroom and outside: ● Inappropriate talking ● Excessive Noise ● Off-Task ● Out of Seat ● Horse Playing ● Making rude noises ● Using profanity ● Disrespect	<div style="text-align: center;"> <u>Level I Intervention Options/Strategies</u> Teacher/Student Conference Reminders and Re-Directions Teaching of Expectations and Skills Written Apology Reflective Essay Independent Study Parent/Guardian Outreach In-Class Time-Out Seat Change Self-Charting Behavior Daily Report Card on Behavior, Task Completion, and Achievement Reprimand/Warning by Administrator Loss of Privileges Behavior Intervention Plan Detention Bus Warning After School Tutorials </div>
Disruptive behavior	
No ID or ID not visible	
Littering grounds or bus	
Violation of Dress Code Policy	
Giving false information to a staff member	
Failure to follow directions in the classroom or on the bus	
Sleeping in class or refuses to lift head off desk	
Using cell phone in class for personal business	
Mild physical contact on school property or bus	
Scholastic dishonesty ● Cheating ● Plagiarism ● Giving or receiving unauthorized aid or unfair advantage on any academic work	
Unexcused tardiness to class	
Unexcused tardiness to school	

Section 4: Level II Behaviors with Intervention Options/Strategies

Level II Behaviors	On the first instance of an inappropriate or disruptive behavior, use one or more interventions from the lowest level indicated below. If appropriate, you may use any Level I intervention. If the same behavior is repeated during the same school year, one or more interventions from the next highest level may be used.
Altering an official document or record.	<p style="text-align: center;"><u>Level II Intervention Options/Strategies</u></p> <p style="text-align: center;">Any Lower-Level Intervention</p> <p style="text-align: center;">Student/Teacher/Parent Conference</p> <p style="text-align: center;">Referral to In-District Support Staff (e.g., counselor, social worker, nurse)</p> <p style="text-align: center;">Referral to Community Based Services (e.g., counseling)</p> <p style="text-align: center;">Referral to Substance Abuse Treatment Program</p> <p style="text-align: center;">Modification of the IEP (if applicable)</p> <p style="text-align: center;">Short-term Behavioral Progress Reports</p> <p style="text-align: center;">Change in Schedule/Class</p> <p style="text-align: center;">Referral to After School Program</p> <p style="text-align: center;">Community Service</p> <p style="text-align: center;">Mentoring Program</p> <p style="text-align: center;">Peer Mediation</p> <p style="text-align: center;">Referral to Truancy Prevention Measures Program</p> <p style="text-align: center;">Bus Suspension</p> <p style="text-align: center;">In-School Suspension (1 day)</p> <p style="text-align: center;">Out-of-School Suspension (1 day)</p>
Leaving campus without permission.	
Giving false information, misrepresentation: ● Verbal or written statements ● Counterfeit money ● Imitation alcohol or drug look-alike	
Refusal to comply with requests of staff in a way that interferes with the operation of the school. ● Refusal to work in class ● Minor insubordination ● Improper vehicle use ● Repeated refusal to comply or display appropriate behavior	
Failure to be in one's assigned place. ● Includes truancy, skipping class or school, and being in an unauthorized area	
Failure to attend assigned disciplinary setting: ● Detention ● In-school suspension ● Tutoring	
Failure to attend and/or completed substance abuse treatment program.	
Dress Code Violation	
Gambling ● Playing or being present at a game of skill or chance for money, property, or profit; to include shooting dice.	
Possessing items that are inappropriate for school. ● Toys ● Lighters ● Tobacco free dip	

Level II Behaviors Continued

Level II Behaviors Continued	<p>On the first instance of an appropriate or disruptive behavior, use one or more interventions from the lowest level indicated below. If the same behavior is repeated during the same school year, one or more interventions from the next highest level may be used.</p>
Possession of stolen items (property obtained without permission of owner).	<div style="text-align: center;"> <p><u>Level II Intervention Options/Strategies</u></p> <p>Any Lower-Level Intervention</p> <p>Student/Teacher/Parent Conference</p> <p>Referral to In-District Support Staff (e.g., counselor, social worker, nurse)</p> <p>Referral to Community Based Services (e.g., counseling)</p> <p>Referral to Substance Abuse Treatment Program</p> <p>Modification of the IEP (if applicable)</p> <p>Short-term Behavioral Progress Reports</p> <p>Change in Schedule/Class</p> <p>Referral to After School Program</p> <p>Community Service</p> <p>Mentoring Program</p> <p>Peer Mediation</p> <p>Referral to Truancy Prevention Measures Program</p> <p>Bus Suspension</p> <p>In-School Suspension</p> <p>Out-of-School Suspension</p> </div>
Unauthorized use of school electronics or other equipment. ● *1 see below	
Violation of the Acceptable use of Technology/Internet Policy. ● *2 see below	
Vandalism, graffiti, or other damage to school or personal property. ● Student or parent/guardian may be held financially responsible, as allowed by state law, for willful or malicious destruction of school property.	
Bullying with no physical injury on campus or bus. ● *3 see below	
Posting, distributing, displaying, or sharing inappropriate material or literature, including using electronic means. ● Includes videoing school disruptions ● *4 see below	
Saying or writing either directly or through electronic communication sexually suggestive comments, innuendoes, propositions, or other remarks of a sexual nature. ● Includes obscene phone calls and sexual harassment ● *5 see below	
Stealing money or property without physical force (intentionally take or attempt to take property of another without consent).	

Level II Behaviors Continued

Level II Behaviors Continued	<p>On the first instance of an appropriate or disruptive behavior, use one or more interventions from the lowest level indicated below. If the same behavior is repeated during the same school year, one or more interventions from the next highest level may be used.</p>
Speaking to another in an uncivil, discourteous manner (e.g., talking back).	<p style="text-align: center;"><u>Level II Intervention Options/Strategies</u></p> <p style="text-align: center;">Any Lower-Level Intervention</p> <p style="text-align: center;">Student/Teacher/Parent Conference</p> <p style="text-align: center;">Referral to In-District Support Staff (e.g., counselor, social worker, nurse)</p> <p style="text-align: center;">Referral to Community Based Services (e.g., counseling)</p> <p style="text-align: center;">Referral to Substance Abuse Treatment Program</p> <p style="text-align: center;">Modification of the IEP (if applicable)</p> <p style="text-align: center;">Short-term Behavioral Progress Reports</p> <p style="text-align: center;">Change in Schedule/Class</p> <p style="text-align: center;">Referral to After School Program</p> <p style="text-align: center;">Community Service</p> <p style="text-align: center;">Mentoring Program</p> <p style="text-align: center;">Peer Mediation</p> <p style="text-align: center;">Referral to Truancy Prevention Measures Program</p> <p style="text-align: center;">Bus Suspension</p> <p style="text-align: center;">In-School Suspension</p> <p style="text-align: center;">Out-of-School Suspension</p>
Teasing, taunting, engaging in verbal confrontation.	
Using profane or vulgar language or gestures: ●Swearing/cursing ●Inappropriate gestures	
Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, identity, gender expression, religion, sexual orientation, or disability.	
Failure to respond to questions or requests by staff. ●Includes refusing to identify self properly or correctly.	
Unwanted or inappropriate physical contact: ●Offensive touching ●Unwanted/undesirable contact ●Amorous behavior ●Pantsing (pulling down pants or underwear).	
Being in hallway without permission and not returning to class when asked.	
Possession of matches, lighters, or any combustible device.	
Gang activity to include: ●Threat or intimidation ●Physical and/or cyber bullying ●Recruiting ●Display of gang affiliation through clothing, accessories, tattoos or specific color or colors that represent.	

*1 School electronic equipment/computer technology includes, but is not limited to, all computers, electronic tablets, electronic readers, network devices, telecommunication devices, printers, scanners, and peripheral equipment (such as headphones, microphones, flash drives). School electronic equipment/computer technology shall not be used to conduct illegal activities or to send, receive, view, or download illegal materials (e.g., student uses school-issued laptop to send inappropriate photos).

*2 Network systems include local and wide area networks, internet access, software, apps, application systems, web resources, data, and digital content. Network systems shall not be used to conduct illegal activities or to send, receive, view, or download illegal material. (e.g., hacking, bypassing network security and/or accessing inappropriate websites on personal or school-issued devices). Any violation of usage policy which disrupts or interferes with the learning environment, students, or staff members in any manner; or involvement in willful acts that cause physical, financial, social, emotional, or other harm in any manner is prohibited and may result in recommendation for expulsion. Students may lose system privileges and be subject to appropriate legal action.

*3 Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. Bullying does not include ordinary teasing, horseplay, argument, or peer conflict.

*4 Using information and communication technologies, such as cell phone text messages and pictures, internet email, social networking websites, defamatory personal websites, and defamatory online personal polling websites to support deliberate, hostile, behavior intended to harm others.

*5 Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work environment.

Section 5: Level III Behaviors

This chart is designed to assist Southwest Public Schools in determining the appropriate disciplinary responses to student misconduct both on and off campus. Although the Level III behaviors are not specifically addressed in Chapter 37, Southwest Public Schools chooses to impose the following consequences through this approved Code of Student Conduct.

Level III Behaviors	In School Suspension up to 3 days Or Detention	Out-of-School Suspension up to 3 days	Expulsion With Approval
Weapons			
Possessing or using look-alike weapons	✱	✱	✱
Possessing or using air guns or BB guns	✱	✱	✱
Possessing or using razors, box cutters, pocketknives, or other knives with a blade of less than 5.5 inches	✱	✱	✱
Possessing or using various other dangerous objects, including knuckles	✱	✱	✱
Violence			
Fighting or scuffling	✱	✱	✱
Threats against students, staff, or school property.	✱	✱	✱
Sexual Misconduct			
Inappropriate exposure of body parts	✱	✱	✱
Sexual or gender-based harassment	✱	✱	✱
Inappropriate sexual conduct toward a student or employee	✱	✱	✱
Substance Abuse			
Sells, gives, or delivers to another person, or possesses or uses an e-cigarette		✱	✱
Level III Behaviors Continued	In School Suspension up to 3 days Or Detention	Out-of-School Suspension up to 3 days	Expulsion With Approval
Possessing, selling, giving, or using drug paraphernalia		✱	✱

Possessing, selling, or using look-alike drugs or items attempted to be passed off as drugs		*	*
Improper use of being under the influence of over-the-counter drugs		*	*
Off-campus non-violent felony, with special findings by superintendent or designee [see TEC 37.006(d)]			*
Retaliation			
Bullying [TEC 37.0832(a)] that occurs on or is delivered to the site of a school-sponsored or school-related activity on or off property	*	*	*
Bullying [TEC 37.0832(a)] that occurs on a publicly or privately owned school bus or vehicle used for transportation of students to or from school or a school-sponsored or school-related activity		*	*
Cyberbullying [TEC 37.0832(a)] that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying: ●Interferes with a student's educational opportunities ●Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity	*	*	*
Mistreatment of Others			
Directing profanity or obscene gestures at students or staff	*	*	*
Hazing [TEC 37.151], dating violence [TEC 37.0831] harassment [TEC 37.001(b)(2)], or making a hit list [TEC 37.001(b)(3)]		*	*

Level III Behaviors Continued	In School Suspension up to 3 days Or Detention	Out-of-School Suspension up to 3 days	Expulsion With Approval
Assault with threat of imminent bodily injury but not bodily injury {TPC 22.01(a)(2)} ●Intentionally or knowingly threatens another with imminent bodily injury		✱	✱
Assault by offensive or provocation physical contact but no bodily injury [TPC 22.01(a)(3)] ●Intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative		✱	✱
Other Misconduct			
Non-felony criminal mischief ●Intentionally or knowingly damages or destroys the tangible property of the owner ●Intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person ●Intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner ●The amount of pecuniary loss is less than \$100 or it causes substantial inconvenience to others	✱	✱	✱
Stealing	✱	✱	✱
Other violations of the Code of Student Conduct	✱	✱	✱
Circumventing school safety protocols, including opening secured exterior doors to permit access to another person	✱	✱	✱

Section 6: Level IV Behaviors

Chapter 37 Discipline Chart published by the Texas Association of School Boards

This chart is designed to assist Southwest Public Schools in determining the appropriate disciplinary responses to student misconduct both on and off campus. When indicated with a “☆”, Chapter 37 states that a district “shall” take this action in response to the misconduct. When indicated with a “✓” Chapter 37 states that a district “may” take this action in response to the misconduct. Although Southwest Public Schools is an Open Enrollment Charter School and may impose different or harsher penalties than those outlined in Chapter 37, Southwest Public Schools uses this information as a guide in assigning disciplinary consequences.

Level IV Behaviors	Expulsion
Weapons	
<p>Intentionally, knowingly, or recklessly carrying on or about the student’s person a handgun on school property or at a school-related activity</p> <ul style="list-style-type: none"> ●The federal Gun-Free Schools Act, which is incorporated into Chapter 37, requires expulsion for one year except that a superintendent may modify the expulsion in writing on a case-by-case basis. [20 U. S. C. §7151(b)(1); Tex. Educ. Code §37.007(e).] Exception: The Act does not apply to a firearm that is lawfully stored inside a locked vehicle on school property, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety. [20 U. S. C. §7151(g).] 	<p>20 U. S. C. 7151; TEC 37.007(a)(1) 37.007(e) ☆</p>
<p>Possessing a firearm within 300 feet of school property</p> <ul style="list-style-type: none"> ●Exception: Use, exhibition, or possession of a firearm at an approved off-campus target range facility while participating in or preparing for a shooting sports competition or activity sponsored by the district or affiliated with Texas Parks and Wildlife Department [TEC 37.007(k)] 	<p>TEC 37.007(b)(3) ✓</p>
<p>Intentionally, knowingly, or recklessly carrying on or about the minor student’s person a <i>location-restricted knife</i> on school property or at a school-related activity</p> <ul style="list-style-type: none"> ●<i>Location-restricted knife</i> means a knife with a blade of over 5.5 inches. [TPC 46.01(6)] ●Same conduct withing 300 feet of school property or while on the property or at a school-related activity of another Texas district 	<p>TEC 37.007(a)(1); TPC 46.02(a-4) ☆</p> <p>TEC 37.007 (b)(3)(A) (i) ✓</p>

Level IV Behaviors Continued	Expulsion
<p>Intentionally, knowing, or recklessly going with or possessing a <i>location-restricted knife</i> on the premises of a school, any grounds or building where a school-sponsored activity is taking place, or a passenger vehicle of the school.</p> <p>● Possessing a <i>location-restricted knife</i> on school premises, school passenger vehicle, or a school-sponsored activity is a felony offense. [TPC 46.03(a)(1), (g-1)]</p>	<p>TEC 37.006(a)(2)(A); TPC 46.03(a)(1), (g-1) ✓</p>
<p>Intentionally, knowingly, or recklessly carrying, or intentionally or knowingly possessing, manufacturing, transporting, repairing, or selling a <i>prohibited weapon</i>, on school property or at a school-related activity.</p> <p>● Same conduct within 300 feet of campus or while on the property or at a school-related activity of another Texas district</p>	<p>TEC 37.007(a)(1) ★</p> <p>TEC 37.007(b)(3), (i) ✓</p>
<p>Intentionally, knowingly, or recklessly possessing or going with a <i>club</i>, on the physical premises of the district, any grounds or building in which a school-sponsored activity is being conducted, or a passenger vehicle of the district.</p> <p>● Possessing a <i>club</i> (e.g., a blackjack, nightstick, mace, or tomahawk) in certain locations is a felony offense. [TPC 46.03(a)(1), (g)]</p>	<p>TEC 37.006(a)(2)(A) ✓</p>
Violence	
<p><i>Aggravated robbery</i> on school property or at a school-related activity</p> <p>● Same conduct within 300 feet of school property or while on the property or at a school-related activity by another Texas district</p>	<p>TEC 37.007(a)(2)(F) ★</p> <p>TEC 37.007(b)(3), (i) ✓</p>
<p>Aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, or aggravated robbery against another student, on or off school property</p>	<p>TEC 37.007(b)(4) ✓</p>
<p><i>Manslaughter</i>, on school property or at a school-related activity</p> <p>● Recklessly causes the death of an individual</p> <p>● Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district</p>	<p>TEC 37.007(a)(2)(G) ★</p> <p>TEC 37.007(b)(3), (i) ✓</p>

Level IV Behaviors Continued	Expulsion
<p><i>Criminally negligent homicide</i>, on school property or at a school-related activity</p> <ul style="list-style-type: none"> ● Causes the death of an individual by criminal negligence. ● Same conduct within 300 feet of school property or while on the property or at school-related activity of another Texas district 	<p>TEC 37.007(a)(2)(H) ★</p> <p>TEC 37.007(b)(3), (i) ✓</p>
<p><i>Assault with bodily injury</i>, on or within 300 feet of school property or at a school-related activity</p>	<p>TEC 37.006(a)(2)(B) ✓</p>
<p><i>Title 5 felony</i> or aggravated robbery off campus and not at a school-sponsored or school-related activity if: student receives deferred prosecution; a court or jury finds that student engaged in delinquent conduct based on the conduct; or superintendent reasonably believes that student engaged in the conduct.</p> <ul style="list-style-type: none"> ● Title 5 felonies are violent offenses defined in Texas Penal Code chapters 19-22. 	<p>TEC 37.006(c) ✓</p>
<p>Same conduct plus charges, referral to juvenile court for delinquent conduct, probation, deferred adjudication, arrest, or conviction for a violent felony [TPC Title 5 or aggravated robbery], with special findings by board or designee, regardless of location or time or whether the student was enrolled at the time or completed court requirements</p>	<p>TEC 37.0081 ✓</p>
Sexual Misconduct	
<p>Sexual assault or aggravated sexual assault, on school property or at a school-related activity</p> <ul style="list-style-type: none"> ● Same conduct within 300 feet of school property or while on property or at a school-related activity of another Texas district 	<p>TEC 37.007(a)(2)(A) ★</p> <p>TEC 37.007(b)(3), (i) ✓</p>
<p>Sexual assault, or aggravated sexual assault against another student, on or off school property</p>	<p>TEC 37.007(b)(4) ✓</p>
<p>Conviction, deferred adjudication, or probation based on continuous sexual abuse of a child or disabled individual, sexual assault, or aggravated sexual assault of another student attending the same campus, upon request of the victim's parent and if there is not another campus in the district to which the offending student may be transferred</p>	<p>TEC 25.0341(b)(2), 37.0051 ★</p>

Level IV Behaviors Continued	Expulsion
Indecency with a child , on school property or at a school-related activity ● Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district	TEC 37.007(a)(2)(D) ☆ TEC 37.007(b)(3), (i) ✓
Continuous sexual abuse of a young child or disabled individual on school property or at a school-related activity ● Same conduct within 300 feet of school property or while on property or at a school-related activity of another Texas district	TEC37.007(a)(2)(I) ☆ TEC37.007(b)(3), (i) ✓
Public lewdness or indecent exposure , on or within 300 feet of school property or at a school-related activity	TEC 37.006(a)(2)(F) ☆
Voyeurism , on or within 300 feet of school property or at a school-related activity, if victim is a child under the age of 14. ● Voyeurism is punishable as a felony if the victim is a child under the age of 14 at the time of the offense	TEC 37.006(a)(2)(A) ☆
Invasive visual recording on or within 300 feet of campus or at a school-related activity	TEC 37.006(a)(2)(A) ☆
Unlawful disclosure or promotion of intimate visual material on or within 300 feet of school property or at a school-related activity	TEC 37.006(a)(2)(A) ☆
Sexual misconduct punishable as Title 5 felony off campus and not at a school-sponsored or school-related activity if: student receives deferred prosecution; court finding of delinquent conduct; or superintendent reasonable believes that the student engaged in the conduct. ● Title 5 felonies are violent offenses defined in Texas Penal Code chapters 19-22.	TEC 37.006(c) ☆
Possession or promotion of child pornography on or within 300 feet of school property or at a school-related activity	TEC 37.006(a)(2)(A) ☆
Registered sex offender-under court supervision	TEC 37.304 ☆
Registered sex offender-not under court supervision	TEC 37.305 ✓

Substance Abuse	
<p>Drug-or-alcohol related misconduct [TEC 37.006(a)(2)(C), (D)], on school property or at a school-related activity, if punishable as a felony</p> <ul style="list-style-type: none"> ● Same conduct within 300 feet of school property or while on property or at a school-related activity of another Texas district ● Student sells, gives, or delivers to another person or possesses or uses or is under the influence of any amount of marijuana, controlled substance as defined by Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, or by 21 U.S.C. Section 801 et.seq.; or a dangerous drug, as defined by Chapter 483 (Dangerous Drugs), Health and Safety Code ● The district may not prohibit possession of low-THC cannabis pursuant to a valid prescription as authorized by Texas Health & Safety Code chapter 487 	<p>TEC 37.007(a)(3) ★</p> <p>TEC 37.007(b)(3), (i) ✓</p> <p>TEC 37.007(b)(2)(A) ✓</p>
<p>Selling, giving, delivering, possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, on or within 300 feet of school property or at a school-related activity, if not punishable as a felony</p>	<p>TEC 37.007(b)(2)(A) ✓</p>
<p>Abusable volatile chemical offense, on or within 300 feet of school property or at a school-related activity.</p> <ul style="list-style-type: none"> ● Abusable volatile chemical: a chemical including, but not limited to aerosol paint and nitrous oxide. ● Under Texas Health & Safety Code sections 485.031-034, address elements of offenses related to abusable volatile chemicals including possession, use, and delivery to a minor 	<p>TEC 37.007(b)(2)(B) ✓</p>
<p>Off-campus non-violent felony, with special findings by superintendent or designee [see TEC 37.006(d)]</p>	<p>TEC 37.006(d) ✓</p>
Retaliation	
<p>On or off campus retaliation through conduct containing the elements of a violent or weapons-related offense [TEC 37.007(a)] against a school employee or volunteer</p>	<p>TEC 37.007(d)</p>
<p>Assault with bodily injury against a school employee or volunteer, on or within 300 feet of school property or at a school-related activity</p> <ul style="list-style-type: none"> ● Intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse; ● Intentionally, knowingly threatens another with imminent bodily injury, including the person's spouse; or ● Intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe 	<p>TEC 37.007(d) ✓</p>

that the other will regard the contact as offensive or provocative	
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Level IV Continued	Expulsion
On-or-off campus retaliatory assault with bodily injury on a school employee or volunteer	TEC 37.007(d) ✓
On-or-off campus retaliation against any school employee	TEC 37.006(b) ✓
Mistreatment of Others	
Bullying [TEC 37.0832(a) that encourages a student to commit or attempt to commit suicide	TEC 37.0052 ✓
Inciting violence against a student through group bullying [TEC 37.0832(a)]	TEC 37.0052 ✓
Releasing, or threatening to release intimate visual material [Tex. Civ. Prac. & Rem. Code 988.001] of a minor or of an adult student without the student's consent ●Intimate visual material means film, photographs, or other physical medium allowing an image to be displayed on a screen that depicts a person with the person's intimate parts exposed or engaged in a sexual conduct.	TEC 37.0052 ✓
Harassment of a district employee in the form of initiating a communication and in the course of the communication making an obscene comment, request, suggestion, or proposal with intent to harass, annoy, alarm, abuse, torment, or embarrass the employee, on or within 300 feet of school property or while attending a school- related activity ●Obscene means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function [TPC 42.07(a)(3)]	TEC 37.006(a)(2)(G) TPC 42.07(a)(1) ☆
Harassment of a district employee in the form of threatening to inflict bodily injury on the employee or to commit a felony against the employee, a member of the employee's family or household, or the employee's property, on or within 300 feet of school property or while attending a school-related activity	TEC 37.006(a)(2)(G) TPC 42.07(a)(2) ☆
Harassment of a district employee in the form of conveying a false report regarding the death or serious bodily injury of another person, on or within 300 feet of school property or while attending a school-related activity	TEC 37.006(a)(2)(G) TPC 42.07(a)(3) ☆
Harassment of a district employee by sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend the employee, on or within 300 feet of school property or while attending a school-related activity	TEC 37.006(a)(2)(G) TPC 42.07(a)(7) ☆

Other Misconduct	
<p>Arson, on campus or at a school-related activity</p> <p>● Same conduct within 300 feet of school property or while on the property or at a school-related activity of another Texas district</p>	<p>TEC 37.007(a)(2)(b) ☆</p> <p>TEC 37.007(b)(3), (i) ✓</p>
<p>Terroristic threat or false alarm involving a public school</p>	<p>TEC 37.007(b)(1) ✓</p>
<p>Deadly conduct, on or within 300 feet of school property or at a school-related activity</p>	<p>TEC 37.007(b)(2)(D) ✓</p>
<p>On-or-off campus felony criminal mischief</p> <p>● Felony criminal mischief includes damage to property equal to or in excess of \$2,500 [TPC28.03]</p>	<p>TEC 37.0007(f) ✓</p>
<p>Any felony on or within 300 feet of school property or at a school-related activity</p> <p>● Some felonies require expulsion and other felonies the school district may use expulsion</p>	<p>TEC 37.006(a)(2)(A) ✓ ☆</p>
<p>Off-campus non-violent felony, with special findings by superintendent or designee [TEC37.006(d)]</p>	<p>TEC 37.006(d)-(e) ✓</p>
<p>Breach of computer security if a student accesses a district's computers, computer system, or computer network and knowingly alters, damages, or deletes district property or information</p>	<p>TEC 37.007(b) ✓</p>
<p>Any serious misconduct not otherwise addressed with this Code of Student Conduct that directly or indirectly jeopardizes the health, safety, or property of a school, the School District, school personnel, other students, oneself, or other individuals who are present or acting within the school's jurisdiction will be fully investigated and appropriate discipline issued that includes out-of-school suspension and expulsion</p>	

Section 7: Title IX Sex-Based Harassment Response and Prevention

Title IX Sex-Based Harassment Response and Prevention

Prohibited Conduct

Southwest Public Schools prohibits discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as defined below and/or in the Glossary, even if the behavior does not rise to the level of unlawful conduct. Prohibited conduct also includes sex-based discrimination and harassment as defined by Title IX and. Sexual harassment and gender-based harassment of a student by an employee, volunteer, or another student are prohibited.

Retaliation against a person because the person has made a report or complaint of sexual harassment, sexual assault, dating violence, domestic violence, or stalking or because the person testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding reported sexual harassment, sexual assault, dating violence, domestic violence, or stalking is prohibited. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitute retaliation. An individual's exercise of rights protected by the First Amendment of the United States Constitution does not constitute prohibited retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX investigation or grievance proceeding also does not constitute retaliation.

SEXUAL HARASSMENT is conduct on the basis of sex that satisfies one or more of the following:

- An employee of the District conditioning the provisions of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment)
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sex- or Gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, and pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact. Use of e-mail, the internet, or other technologies may constitute sexual harassment as much as use of in-person, postal mail, handwritten, or other communications.

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact that a reasonable person would not construe as sexual in nature. However, romantic, sexual, and other inappropriate social relationships between students and District employees are prohibited, even if consensual.

Confidentiality

To the greatest extent possible, Southwest Public Schools respects the privacy of the complainant, persons against whom a report is filed, and witnesses. Southwest Public Schools keeps the identity of complainants, respondents, and witnesses confidential, unless disclosure is required by law or necessary to carry out a Title IX proceeding. Limited disclosures may be necessary for Southwest Public Schools to conduct a thorough investigation and to preserve the rights of complainants, respondents, and witnesses.

Reporting Sex-Based Harassment

Any person may report sex discrimination, including sexual harassment, sexual assault, dating violence, domestic violence and/or stalking, regardless of whether the person is the alleged victim of the reported conduct. Reports of sex discrimination, including sexual harassment, sexual assault, dating violence, domestic violence and/or stalking can be made at anytime, including during non-business hours, by mail, by phone, or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's report. Reports can also be made in person. A person who has knowledge of a student who is believed to have been sexually harassed by a school employee may also seek assistance from Texas Department of Family and Protective Services at 1-800-252-5400.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the Southwest Public Schools. The Title IX Coordinator may also sign a complaint, thus triggering an investigation; however, this does not make the Title IX Coordinator a party in the grievance process. However, a third party reporter may not file a formal complaint. If the complainant/alleged victim is not a willing participant in

the investigation, he or she will have access to supportive measures and receive written notice of steps in the grievance procedures.

Upon the District receiving notice or an allegation of sex-based discrimination or harassment, the Title IX Coordinator will promptly respond in accordance with the process described in FFH(LOCAL).

Response to Sex-Based Harassment

Upon Southwest Public Schools receiving notice or an allegation of sex-based discrimination, harassment or retaliation—regardless of whether a formal complaint is filed—the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the process for filing a formal complaint.

If a formal complaint is filed, the matter will proceed through the District's Title IX Formal Complaint Process, including an investigation and decision process, which is set forth below.

Emergency Removal Based on Allegations of Sexual Harassment

If a student is the alleged perpetrator of sex-based discrimination, sexual harassment, or retaliation, the respondent student may be subject to immediate emergency removal from his or her campus after the District conducts an individualized analysis and if the District finds it necessary to protect a student or other individual from immediate threat to their physical health or safety. If the District decides to remove the respondent student from campus, it will notify the respondent student and provide the respondent student an immediate opportunity to challenge the removal decision. An emergency removal does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Supportive Measures

The District's response to sex-based harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate and without charge, before or after the filing of a formal complaint and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent. Supportive measures are non-disciplinary, non-punitive, individualized services that are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party. Examples of supportive measures include counseling, course modifications, schedule changes, increased monitoring or supervision. 34 C.F.R. § 106.44.

Title IX Formal Complaint Process, Investigation, and Related Procedures

Southwest Public Schools' Title IX Formal Complaint Process specifically applies to allegations of sex-based harassment, including dating violence. The District's general grievance policies do not apply to reports of sex-based harassment.

Southwest Public Schools has wide latitude to consolidate formal complaints against more than one respondent, by more than one complainant against one or more respondents, or by one party against another party, where the allegations arise out of the same facts or circumstances. 34 C.F.R. § 106.45(b)(4).

In accordance with Policy FFH(LEGAL), Southwest Public Schools' Title IX Formal Complaint Process provides the following:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence, both inculpatory and exculpatory, and the prohibition of credibility determinations based on a party's status as complainant, respondent, or witness;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause (e.g., law enforcement involvement, absence of a party, witness, or attorney/advisor, translation or accommodation needs) and written notice to both parties explaining the reason for the delay;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sex-based harassment;
7. A statement that the standard of evidence to be used to determine responsibility will be preponderance of the evidence for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege; and
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b) and Policy FFH (Legal), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures.
12. Other local procedures as determined by the Superintendent.

The following procedural steps shall be followed after a formal complaint of Title IX sexual harassment or Title IX retaliation is submitted:

1. **WRITTEN NOTICE OF INVESTIGATION:** Upon receipt of a written complaint, written notice of the complaint shall be provided to known parties in sufficient time to allow respondent to prepare a response before any initial interview. The written notice shall include:
 - a. Notice of Southwest Public Schools' grievance process, including any informal resolution process;
 - b. Notice of the allegations in sufficient detail to allow respondent to prepare a response (names of known parties, conduct alleged, date and location of conduct, if known);
 - c. A statement that respondent is presume not responsible and that responsibility is determined at the conclusion of the grievance process;
 - d. Notice of parties' rights to have an advisor (who may be, but is not required to be, an attorney);
 - e. Notice of parties' rights to inspect and review evidence submitted by the other parties; and
 - f. Notice that the Southwest Public Schools Student Code of Conduct prohibits knowingly making false statement or providing false evidence during the grievance process.

If, during the course of the investigation, the District decides to investigate allegations about the respondent or complainant that were not included in the original written notice, notice of the additional allegations will be provided in writing to both parties.

34 C.F.R. § 106.45(b)(2)

2. **DISMISSALS:** A formal Title IX complaint **must** be dismissed if (1) the allegations, if true, would not constitute sexual harassment; (2) the conduct did not occur in the school's program or activity or the conduct did not occur in the United States. A formal Title IX complaint **may** be dismissed if (1) the complainant requests to withdraw the complaint; (2) the respondent's enrollment in or employment with Southwest Public Schools ends; or (3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination (e.g., passage of time, lack of cooperation by complainant, etc.).

Dismissal of a Title IX formal complaint does not preclude taking action under other law or policy. If the District dismisses a formal Title IX complaint, written notice will be promptly provided to both parties simultaneously, including the reasons for mandatory or discretionary dismissal.

34 C.F.R. § 106.45(b)(3)

3. **INVESTIGATION:** When investigating a complaint, and throughout the grievance process, the Southwest Public Schools investigator will do the following:
- a. Ensure the burden of proof and of gathering evidences rests on the District rather than the parties, except that certain treatment records cannot be obtained without voluntary, written consent from the party or parent;
 - b. Provide an equal opportunity for the parties to present witnesses and evidence;
 - c. Not restrict either party's ability to discuss the allegations or gather and present evidence;
 - d. Provide the parties with the same opportunities to have others present during interviews or other related proceedings, including an advisor who may but is not required to be an attorney;
 - e. Provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, or other meeting with enough time to allow the party to prepare to participate;
 - f. Provide both parties and their advisors, if any, an equal opportunity to review all evidence that is directly related to the allegations in the formal complaint, including evidence on which the District does not intend to rely and any exculpatory or inculpatory evidence from any source; such evidence must be provided prior to the completion of the final investigation report and in time to give the parties at least 10 days to prepare a written response, which the investigator must consider prior to completing the investigation report; and
 - g. Prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to the parties and their advisors, if any, at least 10 days before a determination of responsibility is made.

Cross-Examination: Upon receipt of the investigative report, but before a determination of responsibility is made, the decision-maker will provide each party an opportunity to submit written, relevant questions that the party wants asked of another party or witness, provide each party with the answers, and provide for limited follow-up questions. The decision-maker will explain to the party proposing the questions any decision to exclude questions as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless (1) such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (2) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

A student who intentionally makes a false claim or offers false statements shall be subject to appropriate disciplinary action in accordance with law. Charging an individual with a

code of conduct violation for making a materially false statement in bad faith in the course of a Title IX investigation or grievance proceeding also does not constitute retaliation. 34 C.F.R. § 106.45(b)(5)

4. **DETERMINATION OF RESPONSIBILITY:** The decision-maker—who is neither the investigator nor the Title IX coordinator—must issue a written determination that:
 - a. Identifies the allegations in the complaint;
 - b. Describes the procedural steps taken in response to the complaint;
 - c. Includes the decision-maker’s findings of fact supporting the determination;
 - d. Includes conclusions regarding application of the Southwest Public Schools Student Code of Conduct to the facts;
 - e. Includes a statement of, and rationale for, the result as to each allegation including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the educational program or activity will be provided to the complainant; and
 - f. Includes procedures and permissible basis for appeals.

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.
34 C.F.R. § 106.45(b)(7)

5. **APPEALS:** Appeals are available to both parties for dismissals and final determinations in the following circumstances:
 - a. Procedural irregularity that affected the outcome
 - b. New evidence was not reasonably available at the time of the determination and could affect the outcome
 - c. Conflict of interest on the part of the Title IX coordinator, investigator, or decision maker that affected the outcome

The District may also offer both parties the opportunity to appeal for other reasons.
34 C.F.R. § 106.45(b)(8)

6. **INFORMAL RESOLUTION:** After a formal complaint of sexual harassment is filed, the Title IX coordinator, facilitator, or an external attorney may offer to facilitate a voluntary informal resolution process to resolve allegations (other than allegations of sex-based harassment by an employee against a student). The informal resolution process may proceed at any time during the formal complaint process. Both parties must be provided written notice of their rights under section 106.45(b)(9)(i) before consenting in writing to the informal resolution process. Informal resolution may encompass a broad range of

conflict resolution strategies, including, but not limited to, mediation or restorative justice. 34 C.F.R. § 106.45(b)(9)

Section 8: Procedures for In-School Suspensions, Out-of-School Suspensions, and Expulsions

In-school and Out-of-School Suspensions:

Before a student is suspended (in-school or out-of-school), he or she has the right to an informal conference with the principal or designee. At the conference, the student must:

- Be allowed to call a parent/guardian, and have the parent/guardian attend the conference if they are able to within a reasonable amount of time;
- Be informed of the allegations and evidence against him or her;
- Have an opportunity to respond to the allegations, verbally or in writing, and present his or her version of events;
- Be informed of the right not to submit a written statement, if a written statement is requested; and
- Have an opportunity to present evidence in his or her defense, including the right to have witnesses interviewed by the principal or designee.

If after the informal conference, the principal or designee decides an in-school or out-of-school suspension is warranted, the school must make a reasonable attempt to contact the parent/guardian at once by phone. The school must also provide a written notice of suspension in a language that the parent/guardian can understand. Both the oral and written notices must:

- Inform the parent/guardian that the student has been suspended;
- Include the grounds for the suspension, the period of the suspension, and offer to schedule a time and place for the parent/guardian to meet with the principal or designee to review the suspension prior to or concurrent with reinstatement; and
- State that make-up work will be provided during the period of suspension.

If an emergency requires immediate removal of the student from school, the informal hearing shall follow as soon after the student's removal as practicable. If immediate removal from school is necessary, the school shall immediately notify the parent/guardian to determine the best way to transfer custody of the student to the parent/guardian.

While suspended, in-school or out-of-school, students shall be provided the opportunity to earn equivalent grades and academic credits as other students. They must also be provided with the opportunity to make up tests, final exams, and complete class and homework assignments without penalty while on suspension or within a reasonable time following the completion of the suspension. The intent of this provision is to not doubly punish students with suspensions and academic sanctions, while also providing an opportunity for the student to reintegrate into the educational program of the district following the suspension period.

Students who are suspended, in-school or out-of-school, during the administration of state or district assessments must be provided an opportunity to take the test and may be allowed to participate in related test preparation activities, upon approval by the school principal or designee.

Southwest Public Schools will not assign out-of-school suspension for students experiencing homelessness unless the student engages in certain conduct outlined in TEC §37.005(c)(1)-(3) (TEC §37.005 (d)). In addition, Southwest Public Schools, operating as an open enrollment charter school, must expel a student who brings a firearm to school (TEC §37.007(e)); must provide current disciplinary orders, if there are any, to a receiving school district of a student who withdraws from the charter school (TEC §37.022); and must hold an expulsion hearing, as applicable, when expelling a student. Southwest Public Schools has the right to report to local law enforcement certain conduct constituting assault or harassment under TEC §37.0151.

Southwest Public Schools does not place a student in out-of-school suspension who is below third grade unless the student engages in misconduct that is drug-or alcohol-related or that contains the elements of certain weapons offenses or violent offenses under the Texas Penal Code. [TEC 37.005]

Expulsions:

When a student is recommended for expulsion, the school administrator must, at the time of making the recommendation, give the student and the student's parent/guardian written notice of the recommendation for expulsion in a language that they can understand. The notice must contain:

- A statement of the reasons for the recommended action;
- A statement that a campus hearing will be held within ten days after the date of the notice;
- A statement that the student may be present at the campus hearing to hear the evidence, may have an opportunity to present relevant evidence, and may be accompanied by a parent/guardian and a representative of choice.

There shall be no expulsion without a campus hearing at which time evidence is presented by the campus administration. A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

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

If, at the conclusion of the campus hearing, a recommendation for expulsion is made, the parent/guardian must be made aware of the right to appeal the decision in a language they can understand. The parent/guardian must be given the name and address, directions, and timeline of how to file an appeal.

The first level of appeal is with a hearing officer at the Southwest Public Schools' district administrator level. The second level of appeal is with the Superintendent of Southwest Public Schools and the third level of appeal is with the Southwest Public Schools' Board of Directors. A final decision of the board of directors with respect to actions taken under the code of conduct may not be appealed further. In all cases of appeal, each level must:

- Make a determination of whether there was sufficient evidence to find:
 - That the alleged violation occurred; and
 - Whether the penalty imposed was appropriate.
- Provide a written decision within five days of the meeting.

If, at any level, it is determined that no violation occurred, all school records pertaining to the expulsion will be expunged from the student's file. If the penalty was not appropriate to the violation, all school records will be revised to indicate only the facts leading to the reduced penalty imposed by the level that issued the reduced penalty.

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

Information will be provided to the parent/guardian of an expelled student regarding educational alternatives available during the period of expulsion. Students who are under the age of twenty will be expected to enroll in their geographically zoned school or a school of choice in their community.

Section 9: Discipline for Students with Disabilities

The discipline of Students with disabilities is subject to applicable state and federal law in addition to this Code of Conduct. In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see glossary) until an Admission, Review, and Dismissal (ARD) committee meeting has been held to review the conduct. In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Prior to administering disciplinary action that would result in a change in placement (disciplinary removal for more than 10 days), particularly if the student had more than one disciplinary referral during the school year, the school administrator should:

- Contact the Executive Director of Special Education;
- Review eligibility documents regarding effect of the disability;
- Review the IEP/Section 504 Plan for behavioral supports and implementation;
- Identify if the team met to review student's instructional needs;
- Determine if the team considered and proposed a Functional Behavioral Assessment (FBA) and/or Behavioral Intervention Plan and/or revision; and
- Determine if there is a need for a referral to the Special Education campus committee to consider the possible need for updated assessments.

Campus administrators should consider options to continue to provide IEP/Section 504 accommodations, supports, and services so that students have access to their educational programming during removals from the classroom. The benefits of providing educational programming in these instances ensure that students do not fall behind in coursework and offer the opportunity for students to acquire skills necessary to modify behavior upon return to school.

When a student with disabilities accumulates a series of short-term suspensions totaling more than ten days it is considered a change in placement. The student must have a manifestation determination review (MDR) to determine whether the behavior was due to the student's disability prior to assigning a discipline action that would impact Free, Appropriate, Public Education (FAPE). If the conduct is determined to be a

result of the student's disability, the appropriate committee must meet to review and possibly modify the student's current IEP or 504 plan to address any behavior concerns. If the conduct is determined not to be a result of the student's disability, the student may be given a discipline action that a student without a disability would receive.

A parent/guardian must be notified on the date a decision is made to make a removal that constitutes a change of placement of a child with a disability due to a student code of conduct violation. If a student who receives special education services is subject to an emergency placement or expulsion, the emergency placement or expulsion is subject to federal law and regulations and must be consistent with the consequences that would apply to a student without a disability. A parent/guardian has the right to appeal against a decision made by an MDR or ARD committee.

Section 10: Regulations for Passengers Riding School Buses

Students at Southwest Public Schools who ride a district bus to school are subject to all conditions of the Code of Student Conduct while at the bus stop, going to and from the bus stop, or riding the bus. Students must be on time. It is recommended that students be at their bus stop five minutes before the scheduled arrival time of the bus. Students must not stand on the traveled portion of the roadway or on unauthorized private property while waiting for the bus. While waiting at a school bus stop, students must respect the property of business owners in the area. Students must not run alongside a moving bus, but must wait until it has stopped, then walk to the front door.

Conduct On the Bus

Ensuring appropriate behavior on the bus ensures safety for all students and the driver of the bus.

- Students must obey the driver and be courteous to him/her and to fellow students. The driver is in charge of the bus and students and has the authority to assign seats to maintain discipline or promote safety.
- Students must never mark or deface the bus. Willful or careless damage must be paid for by the student/parent/guardian performing the act.
- Students must not extend their arms, legs, or heads out of the bus. No body part may extend out of the bus.
- Students must not talk to the driver while the bus is in motion except in an emergency.
- Students must not tamper with the emergency door.
- Students must not wave or shout at pedestrians or passengers in other vehicles.
- Students must not throw objects about the bus or out the window.
- Eating and drinking on the bus is prohibited.
- Items that are prohibited at school will not be permitted on the bus. This includes, but is not limited to live animals, glass objects, skateboards, scooters, and other items that do not directly support the educational process.
- The bus driver has the right to refuse transportation to any student who has an unsafe object (matches, knife, firearm, etc.) in his/her possession.
- Students must provide written request from their parents/legal guardians to go home any other way than their regular route, subject to the approval of their school administrator.

- Students must use the bus to which they are assigned unless asked to board another bus by a Southwest Public Schools' employee.

Leaving the School Bus

- Students must remain seated until the bus comes to a full stop.
- Students must leave the bus at their regular stops.
- Riding the school bus is a privilege. Should any student be reported to the school Principal, the Principal will be responsible for disciplinary action including loss of the privilege of bus transportation.

Section 11: After School Activities

Students are subject to conditions set forth in the Code of Student Conduct while attending and participating in after-school student activities and athletic events on and off district property. Regulations outlined in the Code of Student Conduct apply to all after-school activities including, but not limited to, athletic events, club meetings, dances, After-School Program, field trips and overnight sponsored excursions. If the Principal or his/her designee determines that the student's presence at any after-school activity creates a continuing danger to persons or property or creates an ongoing threat of disruption, the student may be removed from the activity immediately.

Section 12: Compulsory Attendance and Truancy

Texas law requires students ages 6-19 to attend school each day that instruction is provided. Compulsory attendance also applies to students who are younger than six who have previously been enrolled in first grade and to students below the age of six who are voluntarily enrolled in prekindergarten or kindergarten. For students over 19, truancy may result in revocation of enrollment in certain circumstances. TEC §§ 25.085-.086

If a student has unexcused absences on three days or parts of days within a four-week period, Southwest Public Schools will send a warning notice to inform the parent that the student is subject to truancy prevention measures (TPMs). Generally, tardies are not considered absences. Unexcused absences do not include absences that are excused by state law and local school district policy. TEC §§25.086-.087, .095.

The Truancy Measures Program (TMP) at Southwest Public Schools promotes consistent school attendance while addressing the underlying risk factors that may lead to truancy. TEC §25.0915. The TMP ensures ongoing communication with students and parents on the actions to be taken to improve attendance. For a student with a disability, Southwest Public Schools will notify the admission, review, and dismissal (ARD) committee or the Section 504 committee of attendance issues.

If through the TMP it is determined that a student's truancy is the result of pregnancy, being in the state foster care program, homelessness, or being the principal income earner for the student's family, the district will offer additional counseling to the student and will not refer the student to truancy court.

Southwest Public Schools has the option of filing a complaint for criminal prosecution of a parent for contributing to a student's failure to attend school if the parent fails to require the student to attend school on 10 or more parts of days within a six-month period. A complaint against a student's parent can be made in the county, justice, or municipal court if the district provides evidence and meets the statute's other requirements. The offense of contributing to a student's failure to attend school is a misdemeanor, punishable by fine. TEC §25.093.

It is the goal of the Southwest Public Schools' TMP to identify the root cause of the student's unexcused absences and offer behavioral improvement plans, impose school-based community service, and refer the student to counseling, mediation, mentoring, and other in-school or out-of-school services aimed at addressing and correcting the truant behavior.

Section 13: Glossary

Breach of computer security: Knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and the student knowingly alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system.

Bullying: A single significant act or pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means or physical conduct that a school district's board or the board's designee determines:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the act or threat creates an intimidating, threatening or abusive educational environment for a student; or
3. Infringes on the rights of the victim at school; and
4. Includes cyberbullying.

The conduct is considered bullying if:

1. Interferes with a student's educational opportunity; or
2. Substantially disrupts the operation of a classroom, school, school-sponsored or school-related activity.

The school has discipline authority if bullying:

1. Occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property,
2. Occurs on a publicly, or privately owned school bus, or vehicle being used for transportation of student to or from school or a school-sponsored, or school-related activity; and
3. Cyberbullying that occurs off school property or outside of school-sponsored or school-related activity.

Community Service: An approved duty or activity meant to make restitution for actions and/or benefit both the student's personal growth and the school community. The assignment must be a written agreement between parent/legal guardian, student, and administrator.

Conference: Conferences can involve students, teachers, administrators, and parents/guardians in discussion about student misbehavior and potential solutions that address social, academic, and personal issues related to the behavior. The conference can be in person or by virtual means.

Confiscation: Temporary possession of the student's personal property.

Cyberbullying: Bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant

messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

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

Detention: Detaining a student for disciplinary reasons. The parent/legal guardian will be informed in advance of the detention. Students are supervised by a teacher, administrator, or teacher aide.

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

E-Cigarette: An electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part or accessory for the device, regardless of whether the component, part or accessory is sold separately from the device.

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

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

Graffiti: Marks 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: Conduct that:

1. Threatens to cause harm or bodily injury to another person, including a district student, employee, board member or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously or substantially harms another student's physical or emotional health or safety; or
2. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
 - a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
 - b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

- c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
- d. Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
- e. Making a telephone call and intentionally failing to hang up or disengage the connection;
- f. Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section;
- g. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and
- h. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law; or
- i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

Hit List: A list of peoples' names who are targeted to be harmed, using a firearm, a knife, or any object to be used with intent to cause bodily harm.

In-School Suspension (up to 3 days): The administrator may assign the student to in-school suspension (ISS) for up to 3 school days. During a period of ISS, the student is assigned to a classroom for up to 3 days and is given class assignments. Students are given an excused absence for all classes missed while in ISS. Refusal to attend ISS will result in out-of-school suspension (OSS).

Knuckles: Any instrument that consists of finger rings or guards made of a hard substance and designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

Mentoring Program: A student is paired with a mentor (a counselor, teacher, student, or community member) who helps the student in personal, academic, and social development.

Out-of-School Suspension (up to 3 days): The campus administrator may assign a student to out-of-school suspension (OSS) for a period of up to 3 days. During the period of OSS, the student is not permitted on school property or at school-sponsored activities. Any student who is under OSS is expected to complete all work assignments placed on the district learning platform. If work assignments are completed, the student absence is considered excused. If the student does not complete assignments, the student's absence is unexcused. The parent/legal guardian shall be required to confer with the campus administrator prior to the student's reinstatement from OSS.

Parent/Guardian Outreach: Parent/Guardian outreach requires school staff to inform parents/guardians of their child's behavior and seek the parent/guardians' assistance with correcting inappropriate or disruptive behavior.

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

Peer Mediation: Problem-solving youth-to-youth. In peer mediation, two or more students involved in a dispute meet in a private, safe, and confidential setting to work out problems with the assistance of a trained student mediator.

Possession: Actual care, custody, control or management of an object or substance. A student shall be considered in possession of any substance or object prohibited or regulated by this code if the substance or object is:

1. On the student's person or in the student's personal property, including but not limited to the student's clothing, purse, telecommunication or electronic devices, book bag or briefcase;
2. In any private vehicle used by the student for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle or bicycle; or
3. In any school property used by the student, including but not limited to a locker or desk.

Probation: A written agreement with the student for a defined period of good behavior in lieu of suspension.

Prohibited Weapon under Texas Penal Code 46.05:

1. An explosive weapon;
2. A machine gun;
3. A short-barrel firearm or firearm silencer, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives or classified as a curio or relic by the U.S. Department of Justice;
4. Knuckles;
5. Armor-piercing ammunition;
6. A chemical dispensing device;
7. Zip gun; or
8. Tire deflation device.

Reasonable Belief: A determination made by the superintendent or designee using all available information, including information furnished under Article 15.27 of the Code of Criminal Procedure.

Referral to Support Staff: A referral to support staff may be made in order to gain targeted assistance to meet a student's specific behavioral needs. Support staff may include any of the following: school social worker, school counselor, school psychologist, and other support staff.

Referral to Substance Abuse Treatment Services: Students with behavior related to substance abuse and/or when there is reason to believe substance abuse counseling is needed, may be referred to school-based or community-based services.

Referral to School-Based Health and Mental Health Clinics: These services provide counseling and assessments to students who are in need. Students are allowed to privately share issues or concerns that lead to inappropriate or disruptive behavior or negativity affect academic success. In counseling sessions, students discuss goals and learn techniques that help them overcome personal challenges.

Parents/guardians are to be regularly informed of student progress during counseling sessions and at school. Sessions can also involve family members or can be done in groups.

Restriction: The temporary denial of the student's right to participate in designated activities.

Restorative Circle Process: A community process for supporting those in conflict. It brings together the three parties to a conflict – those who have acted, those directly impacted and the wider community – within an intentional systematic context to dialogue as equals.

Revocation of Privileges: The removal of a student privilege (e.g., use of technology, ability to possess electronic devices) for a defined length of time.

Seat or Schedule Change: A student's immediate environment may be altered in order to assist the student in behavioral success. This may include actions such as assigning a seat, changing the student's seat and/or changing the student's schedule.

Self-defense: The use of force against another to the degree a person reasonably believes force is immediately necessary to protect themselves.

Time out: The temporary removal of the student from class.

Verbal Warning/Reprimand: The staff member will remind the student of appropriate behavior/tell the student not to engage in inappropriate behavior. Every effort should be made to conduct warnings/reprimands privately.

Title 5 Offenses: Those crimes listed in Title 5 of the Texas Penal Code that involve injury to a person and may include:

- Murder, manslaughter, or homicide;
- Kidnapping;
- Trafficking of persons;
- Smuggling or continuous smuggling of persons;
- Assault;
- Aggravated assault;
- Sexual assault;
- Unlawful restraint;
- Continuous sexual abuse of a young child or disabled individual;
- Bestiality;
- Improper relationship between educator and student;
- Voyeurism;
- Indecency with a child;
- Invasive visual recording;
- Disclosure or promotion of intimate visual material;
- Sexual coercion;
- Injury to a child, an elderly person, or a disabled person of any age;
- Abandoning or endangering a child;
- Deadly conduct;
- Terroristic threat;

- Aiding a person to commit suicide;
- Tampering with a consumer product.

Under the Influence: Lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, or 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: Voluntarily introducing into one's body, by any means, a prohibited substance.

Acknowledgement Form

Acknowledgement of the Code of Student Conduct

Dear Students and Parents/Legal guardian(s):

We know that you share Southwest Public Schools' priority of providing a safe and orderly learning environment for all students. We urge you to read this Code of Student Conduct thoroughly and discuss it with your family.

In our continued efforts to be as effective as possible, Southwest Public Schools' website is the primary and most up-to-date source for access to the Code of Student Conduct. Families who do not have internet access may receive a copy at their campus upon request at any time during the school year. To ensure that every district student has had the opportunity to access the information contained with the Code of Student Conduct, we require a parent or legal guardian of every student to complete the requested information below and return it to your child's homeroom teacher or the school's administrative team. This form will remain in your child's cumulative folder.

_____ I acknowledge that I can electronically access the Southwest Public Schools' Code of Student Conduct by visiting the district website address: <https://www.swschools.org/page/code-of-conduct>

_____ I acknowledge that I can obtain a paper copy by visiting the administrative office of my child's school. The Southwest Public Schools Code of Student Conduct will be available annually in the school's administrative office.

You are responsible for reading the rules, expectations, and other information contained herein and signing and returning the acknowledgement form. All students will be held accountable for their behavior and will be subject to disciplinary consequences outlined in the Code of Student Conduct. Failure to read the Code of Student Conduct does not excuse the student from any consequences if they are in violation of the Code.

Each year, a paper copy of the Code will be available to you in the administrative office of your child's school. Please visit this office to obtain the most recent copy of the Code of Student Conduct.

Student Name (Print): _____ ID #: _____ Grade: _____

Student Signature: _____ Date: _____

Parent/Legal guardian Signature:

_____ Date: _____