

# **Pampa I.S.D. 2016-17 Student Code of Conduct**



## ACKNOWLEDGMENT

### *Student Code of Conduct and Student Handbook Electronic Distribution*

Dear Student and Parent:

As required by state law, the board of trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or appropriate campus administrator.

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

Thank you.

Tanya Larkin-Pampa I.S.D. Superintendent

We acknowledge that we have been offered the option to receive a paper copy of the Pampa Student Code of Conduct and Student Handbook for the 2016–17 school year or to electronically access them on the district's website at [www.pampaisd.net](http://www.pampaisd.net). We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

- Receive a paper copy of the Student Code of Conduct and the Student Handbook.
- Accept responsibility for accessing the Student Code of Conduct and the Student Handbook on the district's website.

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

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

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

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

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

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

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

Please sign this page, remove it, and return it to the student's school. Thank you.

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# Student Code of Conduct

## Purpose

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

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

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

This Student Code of Conduct has been adopted by the Pampa Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside the school year until an updated version adopted by the board becomes effective for the next school year.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be available at the office of the campus behavior coordinator and posted on the district’s website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

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

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

# School District Authority and Jurisdiction

## Campus Behavior Coordinator

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district maintains a current list of the persons serving as a campus behavior coordinator in the Student Handbook or on the district's website at [www.pampaisd.net](http://www.pampaisd.net).

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

The district has disciplinary authority over a student:

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

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

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

## **Reporting Crimes**

The principal or campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

## **“Parent” Defined**

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

## **Participating in Graduation Activities**

The district has the right to limit a student’s participation in graduation activities for violating the district’s Code.

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

See **DAEP—Restrictions During Placement** on page 17, for information regarding a student assigned to DAEP at the time of graduation.



## **Standards for Student Conduct**

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

## **General Conduct Violations**

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Offenses, and Expulsion, certain offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in Removal from the Regular Educational Setting as detailed in that section.

### **Disregard for Authority**

Students shall not:

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

### **Mistreatment of Others**

Students shall not:

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

## Property Offenses

Students shall not:

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

## Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon;
- An air gun or BB gun;
- Ammunition;
- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms, see DAEP Placement and Expulsion.)

## Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Use a telecommunications device, including a cellular telephone, or other electronic device in violation of district and campus rules.

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

Students shall not:

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

## **Misuse of Technology Resources and the Internet**

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and “sexting,” either on or off school property, if the conduct causes a substantial disruption to the educational environment.
- Use e-mail or websites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.

## **Safety Transgressions**

Students shall not:

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

## **Miscellaneous Offenses**

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

## **Discipline Management Techniques**

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

Because of these factors, discipline for a particular offense, including misconduct in a district vehicle owned or operated by the district, unless otherwise specified by law, may bring into consideration varying techniques and responses.

## **Students with Disabilities**

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

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

In deciding whether to order suspension, DAEP placement, or expulsion, 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.

## **Techniques**

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

- Verbal correction, oral or written.
- Cooling-off time or "time-out."
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.

- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

## **Notification**

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

## **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the

principal's office, the campus behavior coordinator's office, or the central administration office or through *Policy On Line* at the following address: [www.pampaisd.net](http://www.pampaisd.net).

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



## **Removal from the School Bus**

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

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

## Removal from the Regular Educational Setting

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

### Routine Referral

A routine referral occurs when a teacher sends a student to the campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

### Formal Removal

A teacher **may** also initiate a formal removal from class if:

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

Within three school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

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

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

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

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

### Returning a Student to the Classroom

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

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

# **Out-of-School Suspension**

## **Misconduct**

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

## **Process**

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

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

The number of days of a student's suspension shall be determined by the campus behavior coordinator, but shall not exceed three school days.

In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

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

## **Disciplinary Alternative Education Program (DAEP) Placement**

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12.

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

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

## **Discretionary Placement: Misconduct That May Result in DAEP Placement**

A student **may** be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code.

### **Misconduct Identified in State Law**

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

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

## **Mandatory Placement: Misconduct That Requires DAEP Placement**

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)

- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engages in conduct punishable as a felony.
  - Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
  - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for “under the influence.”)
  - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
  - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  1. The student receives deferred prosecution (see glossary),
  2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
  3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

## **Sexual Assault and Campus Assignments**

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim’s parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to

another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

## **Emergencies**

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

## **Process**

Removals to a DAEP shall be made by the campus behavior coordinator.

## **Conference**

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

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

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

## **Consideration of Mitigating Factors**

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

## **Placement Order**

After the conference, if the student is placed in the DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

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

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

### **Coursework Notice**

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

### **Length of Placement**

The duration of a student's placement in a DAEP shall be determined by the campus behavior coordinator.

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

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

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

### **Exceeds One Year**

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees.

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

### **Exceeds School Year**

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

For placement in a DAEP to extend beyond the end of the school year, the campus behavior coordinator or the board's designee must determine that:

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

### **Exceeds 60 Days**

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



## Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through *Policy On Line* at the following address: ([www.pampaisd.net](http://www.pampaisd.net)).

Appeals shall begin at *(Level One with the lowest administrator who has the authority to remedy the alleged problem.)*

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

## Restrictions During Placement

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

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

## Placement Review

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

## Additional Misconduct

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

## Notice of Criminal Proceedings

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

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

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

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

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

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

## **Withdrawal During Process**

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

## **Newly Enrolled Students**

The district shall decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district. The district may place the student in the district's DAEP or a regular classroom setting.

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

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

### **Emergency Placement Procedure**

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

## **Placement and/or Expulsion for Certain Offenses**

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

### **Registered Sex Offenders**

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

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

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

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

### **Review Committee**

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

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

### **Newly Enrolled Student**

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

### **Appeal**

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

### **Certain Felonies**

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a

student may be expelled and placed in either DAEP or JJAEP if the board or campus behavior coordinator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code.

The student must:

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

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

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

### **Hearing and Required Findings**

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

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

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

### **Length of Placement**

The student is subject to the placement until:

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

**Newly Enrolled Students**

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

## Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

## Discretionary Expulsion: Misconduct That May Result in Expulsion

### Any Location

A student **may** be expelled for:

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

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

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as

authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See glossary for “under the influence.”)

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)

### **Within 300 Feet of School**

A student **may** be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school’s real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student’s person a handgun, an illegal knife, or a club, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal law. (See glossary.)

### **Property of Another District**

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

### **While in DAEP**

A student **may** be expelled for engaging in documented serious misbehavior that violates the district’s Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;



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

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

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

#### **Under Federal Law**

- Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See glossary.)

*Note:* Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

#### **Under the Texas Penal Code**

- Carrying on or about the student's person the following, as defined by the Texas Penal Code:
  - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.) Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
  - An illegal knife, as defined by state law. (See glossary.)
  - A club, as defined in state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary.)

- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See glossary.)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous sexual abuse of a young child or children.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

## **Under Age Ten**

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

## **Emergency**

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

## **Process**

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

Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:

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

## Hearing

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.

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

The board of trustees delegates to the (Executive Director of Human Resources and Administrative Services) authority to conduct hearings and expel students.

## Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

## Expulsion Order

Before ordering the expulsion, the board or campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the (Executive Director of Human Resources and Administrative Services) shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

## **Length of Expulsion**

The length of an expulsion shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year, except as provided below.

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

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

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

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

## **Withdrawal During Process**

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

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

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

## **Additional Misconduct**

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

## **Restrictions During Expulsion**

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

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

### **Newly Enrolled Students**

The district shall decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or an open-enrollment charter school upon enrollment in the district.

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

1. The out-of-state district provides the district with a copy of the expulsion order, and
2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

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

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

### **Emergency Expulsion Procedures**

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

### **DAEP Placement of Expelled Students**

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

## Glossary

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by Texas Penal Code 29.03(a) as when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
  - a. 65 years of age or older, or
  - b. A disabled person.

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

**Arson** is:

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

**Assault** is defined in part by Texas Penal Code §22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly

causing physical contact with another that can reasonably be regarded as offensive or provocative.

**Bullying** is when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior:

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

This conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student's education or substantially disrupts the operation of a school.

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

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

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

**Cyberbullying** is the use of any electronic communication device to engage in bullying or intimidation.

**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.

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

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

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

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

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

**E-cigarette** means 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.

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

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

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

**Firearm** is defined by federal law (18 U.S.C. § 921(a)) as:

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

Such term does not include an antique firearm.

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

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

**Handgun** is defined by Texas Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.

**Harassment** is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or



2. Conduct that threatens to cause harm or bodily injury to another 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 and substantially harms another student's physical or emotional health or safety.

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

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

**Illegal knife** is defined by Texas Penal Code 46.01(6) as a

1. Knife with a blade of over five and one-half inches;
2. Hand instrument designed to cut or stab another by being thrown;
3. Dagger, including, but not limited to, a dirk, stiletto, or poniard;
4. Bowie knife;
5. Sword; or
6. Spear.

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

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

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

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

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

**Prohibited weapon** under Texas Penal Code 46.05(a) means

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. A zip gun; or
8. A tire deflation device.

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

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

**Self-defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

**Serious misbehavior** means:

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

**Serious or persistent misbehavior** includes, but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.

- Refusal to accept discipline assigned by the teacher or principal.

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

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

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

**Tire deflation device** is defined in part by Section 46.01 of the Penal Code as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

**Title 5 offenses** are those crimes listed in Title 5 of the Texas Penal Code that involve injury to a person and may include:

- Murder;
- Kidnapping;
- Trafficking of persons;
- Smuggling or continuous smuggling of persons;
- Assault;
- Aggravated assault;
- Sexual assault;
- Aggravated sexual assault;
- Unlawful restraint;
- Voyeurism;
- Indecency with a child;
- Invasive visual recording;
- Disclosure or promotion of intimate visual material;
- 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; and
- Tampering with a consumer product.

[See FOC(EXHIBIT).]

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

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

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

## **Pampa ISD Random Drug Testing Program**

Board approved May 2016

### **Philosophy**

Pampa ISD believes that participants who represent our school and community, their classmates and families, have an obligation to perform at the highest level of their ability and to behave in a manner that casts a positive light on everyone and everything they represent.

Illegal mood-altering chemicals are a health problem to many students and adults. They have a negative effect on behavior and learning. They are proven to be completely destructive of team concept and total development of the individual. They affect not only the person using, but also every other person involved.

### **Objectives**

- A. To allow students an opportunity to say “NO” to drugs.
- B. To further the Pampa ISD’s important interest in preventing and deterring drug use among its school children.
- C. To help maintain a drug-free school environment.
- D. To reduce the risk of injuries or addiction.
- E. To ensure that positive testing students are required to obtain drug counseling and/or education.
- F. To further the Pampa ISD’s responsibilities as guardian and tutor of the children entrusted to its care.

### **Plan**

- A. All students who wish to participate in extracurricular activities at Pampa ISD must submit to the regulations of the Drug Testing Program. Approximately 1,000 students will be tested initially. A minimum of 75 students per month, drawn from a pool of all students involved in the Drug Testing Program, will be tested on a random selection basis.
- B. The student and his or her parent/guardian must sign the drug testing authorization form.
- C. A Third Party Administrator accredited with the State of Texas will be in charge of the entire testing procedure including random selection of students to be tested, collection of specimens, and analysis processes. Accepted immunological screening procedures and confirmation techniques will be used before positive results are reported.
- D. Each student selected will be required to provide a urine sample to the supervising technician upon request.
- E. After student numbers are drawn, they will be placed back into the pool.
- F. A refusal to be tested will be treated as a positive test result.
- G. Drugs for which testing may be conducted include: Amphetamines, Cocaine, Marijuana, Methamphetamines, Opiates, and other illegal drugs and controlled substances. (Tests may also be run for synthetic marijuana, commonly known as “spice”, “K2”, or other

names, Steroids, and other over-the-counter substances that may cause impairment of physical and mental faculties).

- H. This drug-testing program does not in any way seek to modify the Student Code of Conduct or regulations in Chapter 37 of the Education Code. If a student is involved in selling, giving, delivering, possessing, using, or being under the influence of marijuana, a controlled substance or a dangerous drug, Chapter 37 regulations will be followed. Student Code of Conduct policies are found in the Pampa ISD Student Code of Conduct.

### **Testing Procedures and Protocol**

- A. Random testing: All students in the Drug Testing Program in grades 7-12 will be placed in a pool making them eligible for testing during the entire school year (first day of school to the last day of school). A predetermined number of the participant's names will be randomly selected from a computer program each month. They will be required to submit a urine sample immediately upon request. All specimens will be collected under the supervision of a technician, provided by the testing company, adhering to strict chain of custody procedures.
- B. A student wishing to contest a positive test result may have the split sample of his or her original urinalysis tested by a lab approved by Pampa ISD.
- C. The testing company will submit test results to the Superintendent or designee, who will notify the appropriate principal, director, and/or sponsor in writing.
- D. The noncompliance by any student with the above testing procedures will be considered a violation of the policy. The noncompliance will also be reported to the principal, director, and/or sponsor.
- E. Any student who refuses to be tested will be referred to the principal, director, and/or sponsor for removal from the extracurricular activities. The student's parent/guardian will be notified of the student's refusal to be tested and of the consequences of that refusal.

### **Confidentiality**

- A. The collection and coding of the specimen samples will be executed in a manner insuring total confidentiality and proper identification.
- B. All test results shall be kept in confidential files separate from a student's other educational records, and may be released to school personnel only on a "need to know" basis.
- C. All test results will be destroyed when the student completes his or her enrollment in Pampa I.S.D. Test results are not transferrable to another school district.
- D. Test results will not be turned over to any law enforcement authority unless compelled by court order or subpoena.

### **Consequences for Positive Results**

- A. First offense – The student testing positive in random drug testing will be suspended from participation from all competitive afterschool extracurricular practices, performances, competitions, and/or activities for 15 school days. The campus administrator acting as

the drug testing campus contact will arrange for a conference between the student, parent/guardian, appropriate sponsor(s), at-risk counselor and the administrator to discuss the offense. The student will be required to participate weekly in at-risk counseling provided by the school or show proof of external counseling. Any costs resulting from outside counseling are the responsibility of the student and/or parent/guardian. If the results of the 15 school day test are negative, the student will be eligible to practice and participate in performances, competitions, and/or activities on the day following confirmation of a negative test. A student may return to practice prior to the 15 school day suspension upon receiving written doctor's approval. The student will be required to test during each subsequent random testing sessions, for a minimum of one calendar year. If the 15 school day test is positive the result will be labeled a second offense.

- B. Second Offense – The student testing positive in random drug testing will be suspended from participation from all competitive afterschool extracurricular practices, performances, competitions, and/or activities for 30 school days. The campus administrator acting as the drug testing campus contact will arrange for a conference between the student, parent/guardian, appropriate sponsor(s), at-risk counselor and the administrator to discuss the offense. The student will be required to participate weekly in at-risk counseling provided by the school or show proof of external counseling. Any costs resulting from outside counseling are the responsibility of the student and/or parent/guardian. If the results of the 30 school day test are negative, the student will be eligible to practice and participate in performances, competitions, and/or activities on the day following confirmation of a negative test. A student may return to practice prior to the 30 school day suspension upon receiving written doctor's approval. The student will be required to test during each subsequent random testing sessions, for a minimum of one calendar year. If the 30 school day test is positive the results will be labeled a third offense.
- C. Third Offense – The student testing positive in random drug testing will be suspended from participation from all competitive afterschool extracurricular practices, performances, competitions, and/or activities for a period of one (1) calendar year from the date of confirmation of the third positive drug test result. The administrator acting as the drug testing campus contact will arrange for a conference between the student, parent/guardian, appropriate sponsor(s), at-risk counselor and the administrator to discuss the offense. The student will be required to participate weekly in at-risk counseling provided by the school or show proof of external counseling. Any costs resulting from outside counseling are the responsibility of the student and/or parent/guardian. Any positive test after the one year suspension will result in a one calendar year suspension from the date of the test. The student will be required to test during each subsequent random testing sessions.

\*The term “extracurricular” will be understood to include but not limited to the following activities: Band, Color Guard, Cheerleading, Choir, DECA, FFA, National Honor Society, One

Act Play, Mascot, Speech and Debate, STEM, Student Council, Theatre Performances, and all UIL competitive activities including team managers.

## **Pampa ISD Responsible Use Technology Agreement**

### **TECHNOLOGY RESOURCES**

To prepare students for an increasingly technological society, The Pampa Independent School District ("Pampa ISD" or "District") provides an array of technology resources to its students and staff for educational and administrative purposes. The goal in providing these resources is to promote educational excellence in the District's schools by facilitating resource sharing, innovation, creativity, and communication with the support and supervision of parents, teachers, and staff. The use of these technology resources is a privilege, not a right.

This agreement sets forth the standards governing Pampa ISD staff and student use of those technology resources. This agreement also sets forth the rules under which authorized users may continue their access to and use of the resources. This agreement promotes the ethical, legal, and school-related use of the Pampa ISD Network "Network" and ensures Pampa ISD's compliance with the Children's Internet Protection Act. Personal electronic devices will be governed under this agreement when such devices are attached to the Network.

Access to computers brings the potential availability of material that may not be considered to be of educational value into school setting. Pampa ISD firmly believes that the value of information, interaction, and research capabilities available outweighs the possibility that users may obtain material that is not consistent with the educational goals of the District.

### **DISTRICT RESPONSIBILITIES**

Pampa ISD's Superintendent, Administrators, Director of Technology, and Teachers will serve to oversee the District's system and will work with the Texas Education Agency, Region 16 Education Service Center, and other agencies as necessary to ensure the safety of all users of the Network and Internet.

The Technology Department will establish a process for setting up individual accounts for storage of information, establish procedures for the storage of images, video, and music files, establish a training and information as needed, establish a district virus protection process, and coordinate other activities related to the use of the Network.

The District utilizes software designed to block access to certain Internet sites, and to monitor and log all activity of users of the Network, or otherwise act to verify or enforce compliance with District policies and purposes.

### **Disclaimer**

Pursuant to the Children's Internet Protection Act, Pampa ISD uses filtering software to screen Internet sites for offensive material. The goal is to filter pages containing offensive, sexually explicit, and inappropriate material, including, but not limited to the following categories: Adult Content; Nudity; Sex; Gambling; Violence; Weapons; Hacking; Personals/Dating; Lingerie/Swimsuit; Racism/Hate; Obscene/Indecent/Vulgar; and Illegal/Questionable. Innocuous



search requests may lead to sites with highly offensive content. Additionally, having an e-mail address may lead to receipt of unsolicited e-mail containing offensive content. With this in mind, the Pampa ISD reminds authorized users that accessing the Internet is done at the risk of the user. No filtering software is one hundred percent effective and it is possible that the software could fail. In the event that the filtering software is unsuccessful and children and staff gain access to inappropriate and/or harmful material, Pampa ISD will not be liable. To minimize these risks, staff and student use of the Network is governed by this agreement. Furthermore, staff and students are responsible for seeking assistance in the event they need help in safely conducting Internet searches.

### **Definition of District Technology Resources**

The District's computer systems and networks include any configuration of hardware and software. The systems and networks include all of the computer hardware, operating system software, application software, stored text, and data files. This includes electronic mail, local databases, externally accessed databases (such as the Internet), optical media, digital images, digitized information, communications technologies, and new technologies as they become available. The District reserves the right to monitor/review all technology resource activity.

## **GENERAL PROVISIONS**

### **Authorized Users**

All authorized users shall adhere to the provisions of this agreement (and any other applicable District policy, regulation or administrative directive) as a condition for continued use of the Network. It is a general policy of Pampa ISD to promote the use of computers in a manner that is responsible, legal and appropriate. This agreement is enacted anytime there is a connection to the District's hardwired or wireless network or from an outside lines such as Fiber, T-1, BRI, PRI, VPN, Dialup, DSL, Distance Learning Equipment, and other personal electronic devices.

## **TERMS AND CONDITIONS FOR USE OF THE PAMPA ISD NETWORK**

### **Acceptable Uses**

Pampa ISD staff and students may use the various resources provided by the Network to pursue educationally-related activities consistent with the District's mission and goals. Commercial use of the District's system is strictly prohibited.

The District will make training available to all users in the proper use of the system and a copy of the responsible use guidelines is available in the Pampa ISD Student Code of Conduct and on the Pampa ISD website. All training in the use of the District's system will emphasize the ethical use of this resource.

Teachers and other staff should help guide students in their use of the Network so that students will learn how Internet resources such as discussion boards, wikis, and blogs can provide valuable educational information from classrooms, schools, and other national and international sources. In addition to using the Network strictly for educational pursuits, authorized users will be expected to follow generally accepted rules of digital citizenship and network etiquette (also known as netiquette). These include, but are not limited to, the following:

1. Use appropriate language.
2. Do not pretend to be someone else when sending or receiving messages.

3. Do not submit, publish, or display any defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually-oriented, or threatening materials or messages either public or private.
4. Never reveal personal information such as addresses or phone numbers of users or others with their knowledge or consent, or if not required to do so by law or duty.
5. Never use the network in such a way that would disrupt the use of the network by other users.
6. Be polite.
7. Follow existing copyright laws, copies of which may be found in each campus library.
8. Post only allowable Podcasts, Blogs, Forums, WIKIs and Streaming Media. Allowable items:
  - a. Support of district goals and/or supports the Pampa ISD approved curriculum.
  - b. Are student or teacher-created.
  - c. Are loaded on a district's website or district approved resource.
9. Use only Applications (Apps) that:
  - a. Support of district goals and/or the Pampa ISD approved curriculum.
  - b. Are not disruptive to district systems or applications.
10. Electronic Mail provides a powerful and nearly instantaneous way to communicate and collaborate with people around the world.
  - a. Students may be granted e-mail access only through a district approved e-mail system.
  - b. District employees will be provided with an individual e-mail account.
    - While most people consider e-mail to be private, users of E-mail should clearly understand that the level of privacy afforded is actually much lower than for postal correspondence. Pampa ISD reserves the right to review all e-mail as it deems appropriate, including for purposes of enforcing adherence to the guidelines for use set forth in this Agreement, other District policies, or other legal requirements.
    - The District is providing e-mail access for the purpose of furthering its educational mission. It is expected that members of the school community will make use of that access for educational purposes. Commercial use of the District's e-mail access or other electronic communications access is not permitted.

### **Unacceptable Uses**

Unacceptable uses of the Network include, but are not limited to:

1. Downloading or installing unauthorized games, programs, files, electronic media, and/or stand-alone applications from the Internet or placing external data on any computer, whether stand-alone or networked to the District's system, without permission from the Technology Department.
2. Attempting to log on or logging on to a computer or e-mail system by using another's password. Assisting others in violating this rule by sharing information or passwords is

also unacceptable.

3. Attempting to bypass the district's telecommunication system through the use of software or outside proxy systems. Assisting others in violating this rule by sharing information or passwords is also unacceptable.
4. Bypassing the Internet filter by connecting a district device to an external network, including 3G/4G, while on Pampa ISD property.
5. Improper use of any computer or the network. This includes the following:
  - a. Submitting, publishing, or displaying any defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually-oriented, or threatening materials or messages, either public or private, to teachers, students, parents, or other individuals or groups.
  - b. Using the network for cyber-bullying
  - c. Using the network for financial gain, political, or commercial activity.
  - d. Attempting to harm or harming equipment, materials, or data.
  - e. Attempting to send or sending anonymous messages of any kind.
  - f. Using the network to access inappropriate material.
  - g. Knowingly placing a computer virus on a computer or the network.
  - h. Using the network to provide addresses or other personal information that others may use inappropriately.
  - i. Accessing information resources, files, and documents of another user without authorization.
6. Using inappropriate or impolite language.
7. Disclosing personal information, including the names, addresses, and telephone numbers of students or colleagues. If a Pampa ISD employee receives a Public Information Act Request or Freedom of Information Act Request, the request must be immediately forwarded to the Superintendent.
8. Intentionally disrupting the use of the Network for other users, including, but not limited to, disruptive use of any processes or programs, utilizing tools for ascertaining passwords, or engaging in "hacking" of any kind.
9. Intentionally spreading computer viruses or programs that loop repeatedly, or for the purpose of infiltrating a computer system without authorization or for damaging or altering the software components of a computer or computer system.
10. Disclosing the contents or existence of Pampa ISD computer files, confidential documents, e-mail correspondence, or other information to anyone other than authorized recipients.
11. Attempting to harm or destroy Pampa ISD equipment or materials, data of another user of the District's system, or any of the agencies or other networks to which the District has access.

## **SYSTEM ACCESS**

Access to the District's network systems will be governed as follows:

1. Student and staff members are the only authorized user of their assigned device.

2. Students and staff members will have access to the District's resources for class assignments and research.
3. Students and staff members with accounts will be required to maintain password confidentiality by not sharing the password with anyone.
4. Any system user identified as a security risk or having violated the Responsible Use Agreement may be denied access to the District's system. Other consequences including discipline or adverse employment action, as applicable may also occur. See "Sanctions" below.
5. Any system user having been denied access rights may be reinstated with a limited access account to reduce the level of security risk to the system. Limits on this type of account may include time limitations, station access limitations, file access restrictions, and a revocation of Internet access privileges.
6. The Technology Department or District Administration has the right to prohibit any technology device without prior notification.
7. Student and staff members may be allowed network access using their personal devices. This access may be revoked at any time by the Technology Department.

### **Campus Level Responsibilities**

The campus principal or designee will:

1. Be responsible for disseminating, collecting signed permission forms, and enforcing the Responsible Use Agreement.
2. Ensure that employees supervising students who use the District's systems provide information emphasizing the appropriate and ethical use of this resource.

### **Individual User Responsibilities**

The following standards will apply to all users of the District's computer network systems:

1. The user in whose name a system account is issued will be responsible at all times for its proper use. If a user feels that a password has been compromised, the user is responsible for immediately making a report to an administrator.
2. The system may not be used for illegal purposes, in support of illegal activities, or for any other activity prohibited by district guidelines.
3. Users may not use another person's system account.
4. Any App purchased with a Pampa ISD account will become the property of Pampa ISD.
5. Users, if granted access to electronic mail, are asked to archive or delete electronic mail consistent with the District's retention policies.
6. Users are asked to delete unneeded files from the District servers on a regular basis.
7. Users will be responsible for the care and maintenance of their computer systems.
8. Maintenance issues should be reported using the established procedures.
9. School issued devices should never be taken to an outside service repair provider. All

repairs must be done through the authorization of the Technology Department.

Users will be responsible for following all copyright laws.

All authorized users are to promptly report any breaches of security, violations of responsible use, (including inadvertent access to prohibited sites), and the transmission of web addresses or e-mail information containing inappropriate material to the campus principal or Pampa ISD Technology staff member. Failure to report any incident promptly may subject the authorized user to corrective action consistent with the Disciplinary Code, District policies, or applicable directives.

Intentional attempts to degrade or disrupt system performance may be viewed as violations of Pampa ISD guidelines and, possibly, as criminal activity under applicable state and federal laws, including the Texas Penal Code, Computer Crimes, Chapter 33. This includes, but is not limited to uploading or creating of computer viruses, system break-in utilities, or system hacking programs. Vandalism as defined above will result in the cancellation of system use privileges and possible criminal prosecution. The party will be responsible for restitution of costs associated with system restoration, hardware, or software costs.

### **AUTHORIZED USER WEBSITES**

The district will establish a Web site and will develop Web pages that will present information about the district. The district will have a designated Webmaster, responsible for maintaining the District Web site.

Schools and classes are encouraged to establish Web pages that present information about the school or class activities. The building principal or designee will be responsible for managing the school Web site. All sites must be for educational purposes.

Only authorized users may create web pages as a part of a campus or class activity.

Material presented on an authorized users' website must meet the educational objectives of the class activity. Pampa ISD reserves the absolute right to exercise control over the content and/or style of the authorized users' web pages.

Only those students whose parent(s) or guardian(s) have completed the Consent and Release Form may post their work or picture on student or school websites. Students whose work, likeness (as captured by photograph, video or other media) or voices are presented on a student website shall be identified by first name only for confidentiality and safety purposes.

### **MONITORING**

The Network is routinely monitored to maintain efficiency. Authorized users should be aware that use of the Network, including e-mail, is subject to monitoring by the Pampa ISD Technology Department and designated administrators. Any activities related to or in support of violations of this agreement (or other District policy) may be reported and will subject the user to sanctions specified either in the Student Code of Conduct, this agreement, other applicable District policy, or administrative directives.

### **ASSUMPTION OF RISK**

Pampa ISD will make a good faith effort to keep the Network system and its available

information accurate. However, authorized users acknowledge the following:

- There is no warranty of any kind, either express or implied, regarding the accuracy, quality, or validity of any of the data or information available.
- Pampa ISD is not liable for lost or corrupted data. While Pampa ISD utilizes backup software, users are encouraged to safeguard important files.
- Pampa ISD does not warrant that the Network will be error free or free of computer viruses.
- Pampa ISD is not responsible for any damage, physical or software based, that is incurred to personal devices while connected to the Network.
- In making use of these resources, authorized users agree to release Pampa ISD from all claims of any kind, including claims for direct or indirect, incidental, or consequential damages of any nature, arising from any use or inability to use the network, and from any claim for negligence in connection with the operation of the Network.
- The information available through the Internet may be inaccurate. Pampa ISD has no ability to maintain such information and has no authority over these materials. Pampa ISD makes no warranty of any kind, either express or implied, regarding the accuracy, quality, or validity of the data and/or information residing on or passing through the Network from outside networks.
- Use of the Network is at the risk of the authorized user.

## **SOCIAL MEDIA POLICY**

Social media is a communication tool in the form of websites or applications that staff and students use to share information and exchange ideas. Pampa ISD understands the value of social media and encourages its use with the understanding that guidelines will be in place to protect district approved accounts/pages.

Users are responsible for their own behavior when communicating with social media. They will be held accountable for the content of the communications that they state/post on social media. Users are responsible for complying with the School District employee, student and conduct policies. Users may not disrupt the learning atmosphere, educational programs, school activities, and the rights of others.

The School District has the right, but not the duty, to inspect, review, retain, or remove electronic communication created, sent, displayed, received or stored on and over the School District network and to monitor, record, check, track, log, access or otherwise inspect its network system.

The School District is not held accountable for any content published using a personal social media account.

### **Social Media Guidelines – Staff**

Any employee wishing to create a social media account/page for district resources is responsible for obtaining permission from your campus administrator.

- Request must be submitted through Eduphoria Formspace
- All content must be moderated by requestor or campus approved delegate

Any employee publishing content to a district approved social media account/page agrees not to:

- Post material that Pampa ISD determines is threatening, harassing, illegal, obscene, defamatory, slanderous, or hostile to any individual or entity.
- Post phone numbers, email addresses or other confidential information of students, faculty, or any other person other than yourself. If you choose to post your own contact information for any reason, please be aware that the information will be available to the public and is, therefore subject to misuse.
- Post material that infringes on the rights of Pampa ISD or any individual or entity, including private, intellectual property or publication rights.
- Post material that promotes or advertises a commercial product or solicits business or membership or financial or other support in any business, group or organization except those which are officially sponsored by Pampa ISD, except in designated areas specifically marked for this purpose.
- Post chain letters, post the same comment multiple times, or otherwise distribute “spam” via Pampa ISD sponsored site.
- Allow any other individual or entity to use your identification for posting or viewing comments.
- Post comments under multiple names or using another person’s name.

It is the employee responsibility to ensure permission has been granted by the parent/guardian before posting a photo on a social media page.

For information regarding private communication using electronic media see Policy DH in the Employee Handbook.

### **Social Media Guidelines – Student**

This Administrative Regulation applies to all School District environments, whether the social media is used on School District property, or beyond School District property (including but not limited to, at a third-party’s contracted property).

In addition to the regulations provided in the School District’s Social Media Policy, some guidelines include but are not limited to the following. The School District reserves the right to determine if any guideline not appearing in the list below constitutes acceptable or unacceptable social media use.

- Students must not promote or appear to promote illegal drugs, illegal activities, violence, drinking, and cyber bullying.
- Students must not impersonate or access another user’s account/page with or without permission.

- Students should state/post only what they want the world to see. Imagine your parents, teachers, and administrators visiting your social media. Essentially, once a student shares something it is likely available after (s)he removes it from the social media and could remain on the internet permanently.
- Students should comply with the rules that have been established for the School District's educational social media when they use it.

## **INDEMNIFICATION**

The authorized user indemnifies and holds Pampa ISD harmless from any claims, including attorney's fees, resulting from the user's activities while utilizing the Network that cause direct or indirect damage to the user, Pampa ISD, or third parties.

## **SANCTIONS**

### **Students**

Failure to abide by this agreement may subject the authorized Student user to corrective action ranging from suspension of some or all access privileges up to and including expulsion and prosecutions according to the Student Code of Conduct.

- If access to the Network is revoked by a school faculty member the Student user has the right to appeal the revocation within thirty (30) days, in writing, to the principal of the school.
- If access to the Network is suspended by the Pampa ISD Technology Department, the Student user may appeal the suspension to the Superintendent or designee.
- Once an authorized user is removed from the Network, there shall be no obligation to provide a subsequent opportunity to access the Network.

### **Employees**

Failure to abide by this agreement and other related policies or administrative directives may subject the authorized Employee user to corrective action, ranging from a reprimand, denial of access to the Network, or adverse employment action (up to and including termination of employment). Once an authorized Employee user is removed from the Network, there shall be no obligation to provide a subsequent opportunity to access the Network.



**SIGNATURE (To be retained by Pampa ISD)**

I have read the District’s Responsible Use Technology Agreement and its associated administrative regulations and agree to abide by their provisions. By signing this document, I agree as an employee or student of Pampa ISD to adhere to all the terms and conditions specified in this document. I understand that violation of these provisions may result in suspension or revocation of access to the District’s technology resources.

**EMPLOYEE**

Name: \_\_\_\_\_ Campus: \_\_\_\_\_

Employee signature: \_\_\_\_\_ Date: \_\_\_\_\_

**STUDENT**

Name: \_\_\_\_\_ Grade: \_\_\_\_\_

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

Student’s signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PARENT**

I do not give permission for my child to access the District’s technology resources.

**OR**

I have read the District’s Responsible Use Technology Agreement and its associated administrative regulations. In consideration for the privilege of my child using the District’s technology resources, I hereby release the District, its operators, and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my child’s use of, or inability to use, these resources, including, without limitation, the type of damage identified in the District’s policy and administrative regulations.

I give permission for my child to access the District’s technology resources and certify that the information contained on this form is correct.

Signature of parent:

