

Elementary Student Handbook



Sam Houston State University Charter School  
COLLEGE OF EDUCATION

MEMBER THE TEXAS STATE UNIVERSITY SYSTEM

# Elementary Student Handbook

2019-2020

## **SHSU Charter School Student Handbook**

2018–2019 School Year

If you have difficulty accessing the information in this document because of disability, please contact Joseph Mesa at:

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## Parent and School Partnership

Parents are an essential component of a child's successful educational experience. You are encouraged to be an active participant in the education of your child. Below are several areas for you to consider in being a successful "partner" with the school staff and your child.

**Communication:** Keep in close communication with the school staff. Review weekly papers coming home. Look for newsletters, notices from the superintendent and/or principal, or notes from your child's teacher. Communication should be two-way. Initiate questions, respond promptly and stay informed. If questions do arise, do not hesitate to contact the teacher or the school office.

**Monitor Progress:** Respond to requests from teachers for assistance or to attend conferences. Go over schoolwork with your child on a regular basis. If you detect potential problems, don't hesitate to contact your child's teacher. Be sensitive to changes in work habits, behavior, or feelings. Keep teachers informed of events in your child's life that may impact school performance.

**Become Involved:** Consider volunteering if time allows. Attend parent organization meetings whenever possible.

**Build on Success:** Acknowledge your child's successes. Support from the home is very helpful. Reinforce school rules and provide a positive atmosphere for your child. Set high expectations and reward efforts to accomplish goals. Learn from every experience.

**Set a Regular Routine:** Provide a time and place for your child to complete homework assignments. Identify a location where items to be returned to school are placed. Young children need adequate rest to be at their best. Plan and keep a regular routine whenever possible.

**Attendance:** Attending school regularly helps children feel better about school and themselves. It is important for students to arrive on time so they have time to prepare for instruction. Start building this habit early so they can learn right away that going to school on time, every day is important. Good attendance will help children do well in high school, college and at work.

**Keep Education a High Priority:** Hold high the importance of doing one's best, whatever the task. Take any opportunity to link what happens at school to things your child encounters outside of school. Read to and with your child.

Success in the early years in school provides a firm foundation for success in life. Your assistance and support is greatly appreciated. Thank you in advance for your time and effort in making this year a special one for your child.



## **Academic Information**

### **Curriculum**

The SHSU Charter School System provides a comprehensive, sound curriculum designed to meet the needs of all students based on the Texas Essential Knowledge and Skills (TEKS). Subjects taught at the elementary level include: Language Arts, Mathematics, Science, Social Studies, Health, Physical Education, and Fine Arts (Art, Music, and Theater Arts). Specialists provide instruction in Physical Education, Art, and Music.

In accordance with state law (policies at EHAB, EHAC, and FFA), the SHSU Charter School System will ensure that students in kindergarten through fifth grade will engage in moderate or vigorous physical activity for at least 30 minutes per day or 135 minutes per week throughout the school year as a part of the System's physical education curriculum or through structured activity during a school campus' daily recess. Students in sixth grade will be required to have moderate or vigorous physical activity for at least 135 minutes during each school week.

Librarian/ Media Specialists are employed on each campus to teach library skills and staff a comprehensive media center/library.

### **Parent Teacher Communication**

Conferences with school staff regarding your child are highly encouraged. If needed, the teacher will request the opportunity to formally meet with you to review your child's progress. Other conferences will be scheduled as needed. All conferences should focus on ways to assist each student to realize their full potential. Parents may initiate a conference at any time. Simply call the school office, send a note or email to make arrangements for scheduling the conference. Close, frequent communication between home and school is of great value to all concerned.

### **Promotion/Retention**

A student will be promoted on the basis of academic achievement or demonstrated proficiency in the subject matter of the course or grade level, the recommendation of the student's teacher, the score received on any criterion-referenced or state-mandated assessment, and any other necessary academic information as determined by the System. A student who meets the academic standards for promotion in Grades 1-6 cannot be retained by the school or parent.

Promotion to the next grade level will be determined by the student successfully mastering grade level standards.

### **Student Work**

Completed student work is sent home with students on a weekly basis or as designated by the teacher(s). Often a note to parents or a conduct slip will be attached for your information.

Please review the week's work with your child. If questions arise, feel free to contact the teacher or school office.

### **Physical Fitness Assessment**

The System conducts physical fitness assessments of students in grades 3-5 who are currently enrolled in a PE or PE alternative class.

### **Excused from P.E. Participation**

Physical education is an important part of a child's educational experience and is required by state law. A written excuse is required in the event a child needs to be excused from participation in physical education. If he or she cannot participate for a period of more than five days, a doctor's statement must be presented to the school. A note from the physician releasing the student to return to regular participation in physical education will also be required.

### **Teacher and Staff Professional Qualifications**

You may request information regarding the professional qualifications of your child's teachers, including whether a teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; whether the teacher has an emergency permit or other provisional status for which state requirements have been waived; and whether the teacher is currently teaching in the field of discipline of his or her certification. You also have the right to request information about the qualifications of any paraprofessional who may provide services to your child.

## **Student Records**

### **Access to Student Information**

Both federal and state law safeguards student records from unauthorized inspection or use and provides parents and "eligible" students certain rights of privacy. Before disclosing personally identifiable information from a student's records, the System must verify the identity of the person, including a parent or the student, requesting the information. For purposes of student records, an "eligible" student is one who is 18 or older or who is attending an institution of postsecondary education.

### **Directory Information**

The Family Educational Rights and Privacy Act, or FERPA, allows the System to disclose appropriately designated "directory information" from a student's education record without written consent. "Directory information" is information that is generally not considered harmful

or an invasion of privacy if released. Examples include a student's photograph for publication in the school yearbook; a student's name and grade level for purposes of communicating class and teacher assignment; the name, weight, and height of an athlete for publication in a school athletic program; a list of student birthdays for generating school-wide or classroom recognition; a student's name and photograph posted on a System-approved and managed social media platform; and the names and grade levels of students submitted by the System to a local newspaper or other community publication to recognize academic achievement.

The System has designated the following information as "directory information": Parent(s) name, parent email, student name, student email, address, telephone numbers, photograph, school the student attends, current grade level, degrees/honors/awards, participation in officially recognized activities and sports, and height/weight of an athlete.

This "directory information" will be released to those groups set out below that follow the procedures for requesting it. The release of a student's directory information to these groups may be prevented by the parent or eligible student. This objection can be made by completing and submitting the Educational Record Restriction form at the school's main office. The form should be returned to the campus within 10 school days of the child's first day of this school year. Once a request has been made to make all student directory information private, the student's records will remain private until a written request from the parent or eligible student to remove the privacy flag has been received by the System.

The SHSU Charter School System will only release directory information regarding its students to:

- military recruiters;
- accredited colleges or institutions of higher learning; and
- groups that are affiliated with the System and need such information to provide education services to students or the System (school photographers, PTO/PTA, booster clubs, Big Brothers & Big Sisters, System consultants, vendors, advisors, and the like).

If you do not object to your child's information being provided to these groups, the school will release directory information to them when requested for school purposes. To restrict release of your child's directory information to the above named groups submit a written request to do so to your child's campus within 10 days from enrollment.

### **Education Records**

Virtually all other information pertaining to student performance, including grades, test results, and disciplinary records, are considered confidential educational records. Release of these records is restricted only to the following:

- The parents—whether married, separated, or divorced— unless parental rights have been legally terminated and if the school is given a copy of the court order terminating these rights;
- Federal law requires that as soon as the student becomes 18, is emancipated by a court, or enrolls in a post-secondary institution, control of the records goes to student. However, the parents may continue to have access to the records if the student is a dependent for tax purposes and under limited circumstances when there is a threat to the health or safety of the student or other individuals;
- System school officials who have what federal law refers to as a “legitimate educational interest” in a student’s records. “Legitimate educational interest” in a student’s records includes working with the student; considering disciplinary or academic actions; an individualized education program for a student with disabilities; compiling statistical data; or investigating or evaluating programs. School officials would include trustees and employees such as the superintendent, administrators, and principals, teachers, school counselors, diagnosticians, System police officers, attorney, and support staff; a person or company with whom the System has contracted or allowed to provide a particular service or function (such as an attorney, consultant, auditor, medical consultant, therapist, Communities in Schools staff, or volunteer); a third party vendor that offers online programs or software; a parent or student serving on a school committee; or a parent or student assisting a school official in the performance of his or her duties; Various governmental agencies including juvenile service providers, the U.S. Comptroller General’s Office, the U.S. Attorney’s Office, the U.S. Secretary of Education, The U.S. Secretary of Agriculture, TEA and Child Protective Services (CPS) caseworkers or other child welfare representatives;
- A school to which a student transfers or in which he or she subsequently enrolls, including a post-secondary education institution;
- Individuals or entities granted access in response to a subpoena or court order;
- In connection with financial aid for which a student has applied or which the student has received;
- Accrediting organizations to carry out accrediting functions;
- Organizations conducting studies for, or on behalf of, the school, in order to develop, validate, or administer predictive tests, administer student aid programs or improve instruction, or
- Appropriate officials in connection with a health or safety emergency.

Release to any other person or agency, such as a prospective employer or a scholarship application, will occur only with written parental or student permission as appropriate. The System’s General Counsel is the custodian of all records for currently enrolled students and for

students who have withdrawn or graduated.

Copies of student records are available at a cost of ten cents per page. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, one copy of the record will be provided at no charge upon written request of the parent.

Records may be inspected by a parent or eligible student during regular school hours. If circumstances effectively prevent inspection during these hours, the System will either provide a copy of the requested records, or make other arrangements for the parent or student to review the requested records. The records custodian or designee will respond to reasonable requests for explanation and interpretation of the records. In most circumstances, records will be made available for inspection or a copy will be provided within 45 days of the day the request is received. The address of the System's Records Custodian is located at 1908 Bobby K Marks Dr Huntsville, TX 77341.

A parent or eligible student may inspect the student's records and request a correction or amendment if the records are considered inaccurate, misleading, or otherwise in violation of the student's privacy rights. A request to correct a student's record should be submitted to the System's Records Custodian. The request must clearly identify the part of the record that should be corrected and include an explanation of how the information in the record is inaccurate. If the System refuses to amend the records, the requestor has the right to request a hearing. If the records are not amended as a result of the hearing, the requestor has 30 school days to exercise the right to place a statement commenting on the information in the student's records.

The parent's or eligible student's right of access to and copies of student records do not extend to all records. Materials that are not considered educational records—such as teachers' personal notes about a student that are shared only with a substitute teacher—do not have to be made available to parents or students.

Although improperly recorded grades may be challenged, contesting a student's grade in a course or on an examination is handled through the general complaint process found in 300.121. A grade issued by a classroom teacher can be changed only if, as determined by the Board of Trustees, the grade is arbitrary, erroneous, or inconsistent with the System's grading policy.

Parents or eligible students who believe the System is not in compliance with the law regarding records have the right to file a complaint with the following federal agency: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5901.

Forms to further restrict the release of student information can be obtained in the main office of the SHSU Charter School System.

## Contact Information

Campuses will request that you provide contact information such as home address, phone number and email address, in order for the campus to communicate items specific to your student, your student’s campus or the System. By providing a phone number, you are consenting to receive such information through a wireless or landline. The System or campus may generate automated or pre-recorded messages, text messages, real-time phone or email communication that are closely related to the school’s mission. Should there be a change in home address, telephone numbers, email addresses or emergency contact information, please notify your child’s campus immediately. Note: Standard messaging rates of your carrier will apply. If you have specific requests or needs related to how the System or campus contacts you, please notify your child’s principal.

## Enrollment and Withdrawal

### Registration

Parents may register students who are new to the System by visiting any SHSU Charter School campus. Students previously enrolled in the SHSU Charter School are not required to register each year. Students enrolling in SHSU Charter Schools for the first time should present the following documents:

- Birth certificate of student or other legal proof of identity
- Immunization records (See “Health”)
- Proof of residency—current utility bill, purchase or lease agreement
- Child’s Social Security Card
- Custody papers (if applicable) signed by a judge
- If a child is not living with both parents, an identification document of the parent or guardian enrolling the student

Residency Requirements

### Admissions

Non-Discrimination Policy. Sam Houston State University Charter School’s admissions and enrollment shall be free from discrimination based on race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran’s status, sexual orientation, gender identity academic, artistic, or athletic ability; or the district the child would otherwise attend under state law.

**Admission Application Deadline.** Sam Houston State University Charter School's admission application period begins the first Monday in February and ends 60 days thereafter. If more than 20 students apply for any class, a lottery will be used to determine the students who are admitted.

**Exclusion from Admission.** Section 1.3. Exclusion from Admission. Sam Houston State University Charter School reserves the right to exclude from admission a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems *under subchapter A, Chapter 37 of the Texas Education Code within the last three school years, as evidenced by records received from school previously attended by the student, law enforcement, or any other relevant documentation, and may exclude the student from admission on this basis.*

**Acceptance Procedure.** If Sam Houston State University Charter School receives more applications than it has spaces available, then the charter school shall conduct a random lottery.

**Falsification of Information.** If a student who would otherwise be ineligible for admission to the School provides false information on an admissions application or other enrollment document and as a result of the false information is admitted to the School, the student shall be immediately withdrawn from enrollment from the School upon discovery of the falsification. Falsification of information for the purpose of gaining enrollment in a public school is a criminal offense under § 37.10 of the Texas Penal Code. The School may elect to report the falsification to law enforcement or take any other action permitted by law.

### **Immunization Requirements for Enrollment**

Students must present records validated by a physician or health clinic for the following immunizations:

- Polio:
  - K-12th: 4 doses
  - Fourth dose on or after the 4th birthday. If the third vaccination occurs after the 4th birthday, three doses are acceptable.
- DTaP/DTP/DT/Td/Tdap (Diphtheria/Tetanus/Pertussis):
  - K-6th: 5 doses of diphtheria-tetanus-pertussis vaccine; one dose must be on or after the 4th birthday. Four doses meet the requirement if the 4th dose was received on or after the 4th birthday. Students 7 years and older, 3 doses meet the requirement if 1 dose was received on or after the 4th birthday.
  - Td is acceptable in place of Tdap if a medical contraindication to pertussis exists.
- MMR (measles, mumps and rubella):

- K-12th: 2 doses
- First dose must be received on or after the first birthday. Serologic evidence of the disease is acceptable in lieu of immunization.
- Students vaccinated prior to 2009 with 2 doses of measles and one dose each of rubella and mumps satisfy this requirement.
- Hepatitis B: All grades 3 doses
- Hepatitis A: PK-8th 2 doses. First dose must be received on or after the 1st birthday.
- Meningococcal Conjugate (MCV4): 7th-12th 1 dose. Required on or after the 11th birthday. Vaccination received at 10 years of age will satisfy the requirement.
- Varicella:
  - K-12th: 2 doses
  - First dose must be received on or after the first birthday.
  - Varicella Immunization is not required if the student has had the disease (chicken pox). Parents, guardians, school nurses and physicians may document history of illness.
- Haemophilus Influenzae (HIB): A complete series; 1 dose on or after 15 months of age, 2 doses from 12-14 months of age, or 3 doses with one dose on or after 12 months of age. This vaccine is required for any student starting school 4 years old and younger.
- Pneumococcal (PCV): A complete series; 3 doses with one dose on or after 12 months of age, 2 doses with both doses on or after 12 months of age, or one dose on or after 24 months of age. Otherwise, one additional dose is required. This vaccine is required for any student starting school 4 years old and younger.

Doses required on or after the first or fourth birthdays can be received up to and including 4 days before the birthday.

Students who received 4-year boosters before August 1, 2004, could have received them any time in the month prior to the birth month to be accepted.

### **Exemptions for Immunizations**

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized. For exemptions based on reasons of conscience, the System can honor only official forms issued by the Texas Department of State Health Services (TDSHS), Immunization Branch. This form may be obtained by writing the TDSHS Immunization Branch (MC 1946), P.O. Box 149347, Austin, Texas 78714-9347; or on the [TDSHS website](#).



The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student. Please refer to the [SHSU Charter School Health Services' webpage](#) for a list of the required immunizations. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or stamp validation. If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. registered and licensed physician stating that, in the doctor's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a life-long condition. Each school will maintain a list of students exempted from immunizations. In the event an outbreak of a vaccine preventable disease, state health officials may order un-immunized students be excluded from attending school. For further information please see the [TDSHS website](#). Serologic confirmation of immunity for measles, mumps, rubella, hepatitis B, or hepatitis A or serologic evidence of infection is acceptable in lieu of vaccine.

All immunizations should be completed by the first date of attendance. The law requires that students be fully vaccinated against specified diseases. A student may be enrolled provisionally if the student has an immunization record that indicates the student has received at least one dose of each specified age-appropriate vaccine required by state law. To remain enrolled, the student must complete the required subsequent doses in each vaccine series on schedule and as rapidly as is medically feasible and provide acceptable evidence of vaccination to the school. A school nurse or school administrator will review the immunization status of a provisionally enrolled student every 30 days to ensure continued compliance in completing the required doses of a vaccination. If, at the end of the 30-day period, a student has not received a subsequent dose of vaccine, the student is not in compliance, and the school must exclude the student from school attendance until the required dose is administered.

### **Grade Level Eligibility**

A child is eligible to attend kindergarten if he/she is five years of age on or before September 1 of the current school year. A child is eligible to attend first grade if he/she is six years of age on or before September 1 of the current school year.

### **Withdrawal of Students from School**

A student under the age of 18 may be withdrawn from school only by a parent or the legal guardian. The campus registrar will initiate the withdrawal paperwork. The campus must receive notice of intent to withdraw at least three days in advance of the withdrawal. A copy of

the withdrawal form will be provided to the parent and a copy will be placed in the student's permanent record. The System may initiate withdrawal of a student under the age of 18 for nonattendance if the student has been absent ten consecutive school days and repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

## **Attendance and Absences**

### **Absences**

In the event a student is absent, parents must contact the front office as soon as possible. Following an absence, parents must send a note explaining the reason for the absence. Should the student develop a questionable pattern of absences, the principal or attendance committee may require a statement from a doctor or health clinic verifying the illness or condition that caused the student's absence from school.

Attendance for elementary schools is officially recorded at 10:00 a.m. each day. If possible, routine medical appointments should be scheduled before or after this time period. If a child is absent at 10:00am due to a doctor's appointment or begins classes and leaves for a doctor's appointment, he/she will be counted present if the parent brings the child back to school on the same day with a doctor's statement that verifies the appointment. Texas law states that it is the parent's duty to monitor the student's school attendance and require the student to attend school. It also requires the campus to request a conference to discuss the student's absences.

### **Official Attendance-Taking Time**

The System must submit attendance of its students to the Texas Education Agency (TEA) reflecting attendance at a specific time each day. Official attendance is taken at elementary schools at 10:00 a.m.

### **Compulsory Attendance**

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their nineteenth birthday shall attend school for the entire period the program is offered. A child enrolled in pre-kindergarten or kindergarten is required to attend school and is subject to compulsory attendance requirements as long as they remain enrolled.

School employees must investigate violations of the state compulsory attendance law. A student absent without permission to be absent from school; from any class; from any required special programs, such as additional special instruction, termed "accelerated instruction" by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action. A court of law may also impose penalties against both the student and his or her parents if a school-aged student is deliberately not attending school. A complaint against the parent may be filed in court if the student is absent without excuse from school on 10

or more days or parts of days within a six-month period in the same school year. For a student younger than 12 years of age, the student's parent is subject to prosecution under Texas Education Code Section 25.093 and the student is subject to referral to a truancy court for truant conduct under Section 65.003(a) of the Family Code if the student is absent for 10 or more days or parts of days within a six-month period. School officials will notify parents or guardians of these absences and request a conference with the parent or guardian to discuss the absences.

The System has a truancy prevention facilitator. If you have questions about your student and the effect of his or her absences from school, please contact the truancy prevention facilitator or any other campus administrator.

State law requires that students must be in attendance for a minimum of 90% of the instructional days per year in order to be promoted. A student who attends fewer than 90% of the instructional days per year may be referred to the campus attendance committee for review. State law also requires attendance in accelerated reading instruction program when K, 1st or 2nd grade students are assigned to such a program. Parents will be notified in writing if their child is assigned to an accelerated reading instruction program as a result of a diagnostic reading instrument.

### **Exemptions to Compulsory Attendance**

State law allows exemptions to the compulsory attendance requirements for several types of absences if the student makes up the work. These include the following activities and events:

- Documented health care appointments for the student or a child of the student, including absences for recognized services for students diagnosed with autism spectrum disorders. A note from the health care provider must be submitted to the campus upon the student's arrival or return to campus.
- Mental health or therapy appointments
- Court-ordered family visitations or any other court-ordered activity, provided it is not practicable to schedule the student's participation in the activity outside of school hours, if the child is in the conservatorship of the Department of Family and Protective Services
- Accommodations for Children of Military Families
- Authorized school sponsored activities
- Religious holiday observance
- Required court appearances
- Activities related to obtaining United States' citizenship
- Services as an election clerk

- To sound “Taps” at a military honors funeral for a deceased veteran

When a student is absent from school, the student – upon return to school – must bring a note signed by the parent that describes the reason for the absence. A note signed by the student, even with the parent’s permission, will not be accepted unless the student is 18 or older or is an emancipated minor under state law. A phone call from a parent may be accepted, but the System reserves the right to require a written note. The campus will document in its attendance records for the student whether the absence is considered by the System to be excused or unexcused. Please note that unless the absence is for a statutorily allowed reason under compulsory attendance laws, the System is not required to excuse any absence, even if the parent provides a note explaining the absence. Should a student develop a questionable pattern of absences, the principal or attendance committee may require a statement from a doctor or health care provider verifying the illness or condition that caused the student’s absence from school.

### **School Day Hours of Operation**

Students attending the full day kindergarten program through sixth grade attend school for at least seven hours each day, including intermissions and recesses. Elementary school hours are from 8:00 a.m. - 3:30 p.m.

### **Leaving Campus**

Please remember that student attendance is crucial to learning. We ask that appointments be scheduled outside of school hours as much as possible. Also note that picking up a child early on a regular basis results in missed opportunities for learning. Unless the principal has granted approval because of extenuating circumstances, a student will not be released before the end of the school day. State rules require that parental consent be obtained before any student is allowed to leave campus for any part of the school day. The System has put the following procedures in place in order to document parental consent:

- For students in elementary, a parent or otherwise authorized adult must come to the office and sign the student out. Please be prepared to show identification. Once an identity is verified, a campus representative will then call for the student or collect the student and bring him or her to the office. For safety purposes and stability of the learning environment, we cannot allow you to go to the classroom or other area unescorted to pick up a student. If the student returns to campus the same day, the parent or authorized adult must sign back into the main office upon the student’s return. Documentation regarding the reason for the absence will also be required.
- If a student becomes ill during the school day and System personnel determines that the student should go home, the System will contact the student’s parent and document the parent’s wishes regarding release from school. Under no

circumstances will a child in be released unaccompanied by a parent or adult authorized by the parent.

- Students are not authorized to leave campus during regular school hours for any other reason, except with the permission of the principal. Students who leave campus in violation of these rules will be subject to disciplinary action in accordance with the Student Code of Conduct.

### **Tardies and Early Dismissal**

Punctuality is an important trait that shows respect and consideration for fellow students and teachers and prepares students for the academic day. The student who is excessively tardy or the student who consistently leaves the campus early will miss valuable instructional time. This loss of instructional time in a class could result in the student not receiving credit for the class or possibly for the school year. Each campus may have specific tardy policies that will be communicated to students and parents. Compulsory attendance regulations apply to students who may miss a portion of the school day as well as those who are absent.

### **Make-Up Work**

Students are expected to make up any work missed and will receive grades earned on the make-up work. Students will have the same number of days to complete assignments as they were absent. Make-up work will not be given in advance, however during a lengthy illness (no less than three days), special arrangements may be made with the teachers and/or principal.

### **Accommodations for Children of Military Families**

Children of military families will be provided flexibility regarding certain System requirements, including: immunization requirements; grade level, course, or educational program placement; eligibility requirements for participation in extracurricular activities; and graduation requirements. In addition, absences related to a student visiting with his or her parent, including a stepparent or legal guardian, who has been called to active duty for, is on leave from, or is returning from a deployment of at least four months will be excused by the System. The System will permit no more than five excused absences per year for this purpose. For the absence to be excused, the absence must occur no earlier than the 60th day before deployment or no later than the 30th day after the parent's return from deployment.

Additional information may be found at Military Family Resources at the Texas Education Agency.

### **Emergency School Closings and Openings**

Should weather conditions require schools to be closed or to open late, notice will be broadcast over major radio, TV stations, the System's web site, its mass notification service, and social media. Please utilize these resources, rather than calling the School System office or school for

information. Weather– related decisions are usually not made until shortly before 6:00 a.m. since conditions that make roads hazardous may moderate overnight. If weather conditions worsen after buses have begun their scheduled runs, schools will operate on a regular schedule unless utility or weather conditions make the building unsafe. If the campus must close or restrict access to the building because of an emergency, the System will alert the community through its mass notification service, email, or social media.

The System will rely on contact information on file with the System to communicate with parents in an emergency situation, which may include real time or automated messages. It is crucial to notify your child’s school when a phone number previously provided to the school has changed.

### **Safety and Security**

Your child’s safety is of the utmost importance to the System. The cooperation of parents is solicited in emphasizing such common safety hazards such as talking to or riding with strangers; careless operation of bicycles; ensuring your child wears a properly fitted helmet while riding his/her bicycle or skateboard; and street safety by looking both ways, not running into the street, and looking for moving vehicles. Please be sure you emphasize safety to and from school with your child. Information on sex offenders is disseminated through the classified ads in our local newspapers or through a written request to the Sheriff’s Department. In addition, the school appeals to parents to use extreme care around the school while driving in and around the schools and be mindful of the state law prohibiting the use of cell phones in school zones. Parents should pick up and drop off students in the front of the school only. Because it is extremely dangerous, students will not be allowed to load or unload in a vehicle on a street or bicycle path.

#### **Applicability of School Rules**

The System has jurisdiction over its students during the regular school day and while going to and from school on System transportation. Within the System’s jurisdiction is any activity during the school day on school grounds, attendance at any school-related activity, regardless of time or location, and any school-related misconduct regardless of time or location. The System’s jurisdiction also includes any student whose conduct at any time and in any place interferes with or obstructs the mission or operations of the System or the safety or welfare of students or staff members. In addition, in some instances involving criminal conduct, the System’s jurisdiction extends 300 feet beyond the property line of the campus(es).

As required by law, the Board has adopted a Student Code of Conduct that prohibits certain behaviors and defines standards of acceptable behavior – both on and off campus – and consequences for violation of these standards. Students and parents should be familiar with the standards set out in the Student Code of Conduct as well as campus and classroom rules. During

any periods of instruction during the summer months, the Student Handbook and Student Code of Conduct in place for the year immediately preceding the summer period shall apply, unless the System amends either or both documents for the purpose of summer instruction.

### **Authorized Person Picking Up Students**

Under normal circumstances, either parent of the student will be allowed to pick up a student at school. In the event the parents are separated or divorced, and the school is furnished with a copy of a court order wherein one of the parents is granted custody of the child, the child will be released only to the parent who has possession under the order at that time. Anyone picking up a child other than their own should have a note signed by the child's parent or guardian giving them permission to do so. In addition, a picture ID may be requested when picking up a student.

### **Requesting Limited or No Contact with a Student through Electronic Media**

Teachers and other approved employees are permitted by the System to Use electronic communication with students within the scope of the individual's professional responsibilities, as described by System guidelines. For example, a teacher may set up a social networking page for his or her class that has information related to class work, homework, and tests. As a parent, you are welcome to join or become a member of such a page.

If you prefer that your child not receive any one-to-one electronic communications from a System employee or if you have questions related to the use of electronic media by System employees, please contact the campus principal.

### **Electronic Devices**

Use of System-owned equipment and its network systems is not private and will be monitored by the System. Any searches of personal telecommunications or other personal electronic devices will be conducted in accordance with law, and the device may be confiscated in order to perform a lawful search. A confiscated device may be turned over to law enforcement to determine whether a crime has been committed. Students are prohibited from sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition applies to conduct off school property if it results in a substantial disruption to the educational environment. In limited circumstances and in accordance with law, a student's personal electronic device may be searched by authorized personnel. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content will be disciplined according to the Student Code of Conduct and may, in certain circumstances, be reported to law enforcement. If a device is believed to contain illegal contraband, the device will be turned over to law enforcement as required by state law. The device will not be returned to the student or his parent until the illegal contraband is removed from the device. This could take a substantial amount of time, particularly if the device is considered evidence of

a crime.

Each campus will provide more detailed information regarding the possession and use of cellular telephones and other electronic devices on your child's campus.

### **Video/Pictures on Social Media**

Social media allows parents to share special moments and milestones with family and friends. However, it is important to remember that each family approaches posting to social media differently. Parents should be respectful of these choices and not post pictures or videos of other children to social media. During school events, parents should keep this in mind and limit, as much as possible, pictures and video to their own child. Likewise, the System strives to respect the privacy of students on social media. If you do not want your child's photograph on social media affiliated with the school System, notify the campus principal in writing.

### **Online Technology Resources**

Students have access to a variety of technology through the System, including online applications for use on or off campus. Resources such as online encyclopedias, instructional videos, interactive tutorials, and many other applications offer teachers, students, and families an unprecedented variety of tools to enhance effective teaching and learning. All websites, digital subscriptions, and technology tools made available to students through the System have been vetted by System staff for quality and appropriateness, online security, and data privacy. The specific resources available to your child will depend on your child's age and grade level.

Additionally, the System contracts with certain providers of online educational services to provide System services and functions, including essential instructional and logistical programs such as the System's online grade book and the online lunch account management system.

Where personally identifiable student information is implicated, service providers act as System officials and access only the information needed to perform the contracted service. These outside parties are under the System's direct control with respect to the use and maintenance of student data.

### **Video and Audio Recording Students**

State law permits the school to make a video or voice recording without parental permission for the following reasons: school safety, such as in buses and common areas of a campus; relating to classroom instruction or a co-curricular or extracurricular activity such as relating to staff development, improving instructions or providing student or teacher feedback; media coverage of the school; or the promotion of student safety as provided by law for a student receiving special education services in certain settings. Written parental consent will be obtained before any other video or voice recording of your child not otherwise allowed by law is made.

Upon written request of a parent of a student who receives special education services, a staff



member (as this term is defined by law), a principal or assistant principal or the board, a state law requires the System to place video and audio recording equipment in a classroom in which the student spends at least 50 percent of his or her instructional day, referred to in the law as a self-contained classroom. The majority of students in this type of classroom must also be students who receive special education services. Before the System places a video camera in a classroom, the System will provide notice to you. Please speak directly with the principal or Legal Department, who has been designated by the System to coordinate the implementation of and compliance with this law, for further information or to request the installation of this equipment.

### **Notification of Law Violations**

The System is required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been taken into custody, arrested or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who is thought to have committed certain offenses or who has been convicted, received deferred prosecution, received deferred adjudication, or was adjudicated for delinquent conduct for any felony offense or certain misdemeanors.
- All appropriate System personnel in regards to a student who is required to register as a sex offender.

### **Child Sexual Abuse and Other Maltreatment of Children**

The System has established a plan for addressing child sexual abuse and other maltreatment of children, which may be accessed at [www.conroeisd.net](http://www.conroeisd.net). As a parent, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. A person who compels or encourages a child to engage in sexual conduct commits abuse. It is illegal to make or possess child pornography or to display such material to a child. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS). Possible physical warning signs of sexual abuse could be difficulty sitting or walking, pain in the genital areas, and claims of stomachaches and headaches. Behavioral indicators may include verbal references or pretend games of sexual activity between adults and children, fear of being alone with adults of a particular gender, or sexually suggestive behavior. Emotional warning signs to be aware of include withdrawal, depression, sleeping and eating disorders, and problems in school.

A child who has experienced sexual abuse or any other type of abuse or neglect should be encouraged to seek out a trusted adult. Be aware as a parent or other trusted adult that disclosures of sexual abuse may be more indirect than disclosures of physical abuse or neglect, it is important to be calm and comforting if your child, or another child, confides in you.

Reassure the child that he or she did the right thing by telling you.

As a parent, if your child is a victim of sexual abuse or other maltreatment, the school counselor or principal will provide information regarding counseling options available in your area for you and your child. The Texas Department of Family and Protective Services (DFPS) also manages early intervention counseling programs. To find out what services may be available in your county, see the [DFPS webpage for available programs](#).

Information available on [The Child Welfare Information Gateway website](#), [KidsHealth website](#), [Texas Association Against Sexual Assault website](#), and [The Attorney General of Texas website](#) might help you become more aware of child sexual abuse.

### **Child Abuse Reporting**

Any person who has cause to suspect that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect shall make such reports as required by law to Children's Protective Services at 1-800-252-5400 or on the [Texas Department of Family and Protective Services' website](#).

### **Volunteers**

We appreciate the efforts of parents, grandparents and community volunteers who are willing to serve our System and students. If you are interested in volunteering, you must annually complete a volunteer application and criminal history background check. If the System is unable to obtain a criminal history record for you, you may still volunteer. However, you will not be able to supervise or work with students, have access to student information, or serve as a mentor. You might be able to work in the teacher workroom, help with school events, or other similar activities.

### **Visitors to School**

We welcome visitors to our schools and for the safety of your child we document all visitors through a computerized database. All parents and other visitors should be prepared to show identification when they arrive on campus. Visits to individual classrooms during instructional time shall be permitted only with the principal's and teacher's approval in advance and such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment. Typically, approved visits to the classroom can be no more than 30 minutes. All visitors at a school campus shall register at the main office indicating the teacher or area of the building to be visited and the purpose of the

visit. Each visitor shall present a valid Texas driver's license or state identification card. The driver's license will be scanned and a visitor's badge with photo identification will be worn at all times while on campus. Visitors on a campus must have a specific purpose, and the principal reserves the right to deny any person access to any classroom, office, or permission to be on the campus. Visitors other than a parent or guardian will be allowed to visit a student as long as the parent/guardian has sent in written permission to do so. In order to visit a child during the school day, including during lunchtime, a parent whose relationship with the child is governed by a court order must have written permission from the parent who has possession of the child during school hours in accordance with the order issued by the court.

### **Unauthorized Persons**

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or System police officer has the authority to refuse entry or eject a person from System property if the person refuses to leave peaceably on request and the person poses a substantial risk or harm to any person, or the person behaves in a manner that is inappropriate for a school setting and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or rejection.

### **Visitors participating in Special Programs for Students**

Business, Civic and Youth Groups. The System may invite representative from patriotic societies listed in Title 36 of the United States Code to present information to interested students about membership in the society.

### **Outdoor Safety/Heat Precautions**

Historically the outdoor temperatures remain hot at the beginning and end of school each year. The heat index becomes an important factor with outdoor activities. Each campus considers the heat factors (temperature, humidity and sunshine) at their campus and will monitor all outdoor activities carefully. Opportunity to drink plenty of fluids will be provided as well as encouraging students to drink fluids during the evening hours at home. The staff of each campus is aware of the signs and symptoms of heat stress. Students will be taken to the school nurse if symptoms of heat stress are suspected. Dehydration is the most common cause and the effects are cumulative. If symptoms of heat stress become severe and persistent it is important to seek medical care immediately. Inclement weather is carefully monitored. Students will remain indoors if there are warnings of thunderstorms and lightning.

### **Preparedness Drills: Evacuation, Severe Weather and Other Emergencies**

The System will rely on contact information on file with the System to communicate with parents in an emergency, which may include real-time or automated messages. An emergency purpose may include early dismissal or delayed opening because of severe weather or another emergency, or if the campus must restrict access due to a security threat. It is crucial to notify

your child's school when a phone number previously provided to the System has changed.

From time to time, students, teachers and other System employees will participate in preparedness drills of emergency procedures. When the command is given or alarm is sounded, students need to follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

## **General Campus Regulations**

### **Textbooks, Electronic Textbooks, Technological Equipment, and Other Instructional Materials**

Textbooks and other System-approved instructional materials are provided free of charge for each subject or class. Any books must be covered by the student as directed by the teacher and treated with care. A student who is issued a damaged book should report the damage to the teacher. Any student failing to return an item in acceptable condition loses the right to free textbooks or technological equipment until the item is returned or paid for by the parent.

However, a student will be provided the necessary instructional resources and equipment for use at school during the school day. Students will be assessed a fee in accordance with System guidelines for damage occurring to any item assigned to them. Textbooks and library books that are lost or damaged must be paid for, returned, or replaced. Please feel free to contact the school for the price of a lost book. If the book is found at a later date, the money will be refunded to you.

### **Distribution of Materials**

Publications prepared by and for the System may be posted or distributed with prior approval by the principal, sponsor, or teacher. Such items may include school posters, brochures, flyers, etc.

School newspapers and yearbooks are available to students. All student school publications are under the supervision of a teacher, sponsor or principal.

### **Non-school Material from Students**

Students must obtain prior approval from the principal before posting, circulating, or distributing copies of printed or written materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that were not developed under the oversight of the school. To be considered, any non-school material must include the name of the sponsoring person or organization. The decision regarding approval will be made within two school days. Each campus will designate a location for approved non-school materials to be placed for voluntary viewing by students. A student may appeal a principal's decision in accordance with policy 300.121. Any student who sells or posts non-school material without prior approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without the principal's approval will be removed.

### **Non-school Material from Others**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the System or by a System-affiliated school– support organization will not be sold, circulated, distributed, or posted on any System premises by any System employee or by persons or groups not associated with the System, except as permitted by policy. To be considered for distribution, any non-school material must meet the limitations on content established in the policy, include the name of the sponsoring person or organization, and be submitted to the principal for prior review. The principal will approve or reject the materials within two school days of the time the materials are received. The requestor may appeal a rejection in accordance with the appropriate System complaint policy. Prior review will not be required for distribution of materials by an attendee to other attendees of a school-sponsored meeting intended for adults and held after school hours; distribution of materials by an attendee to other attendees of a community group meeting held after school hours in accordance with policy. or a non-curriculum– related student group meeting. and distribution for electioneering purposes during the time a school facility is being used as a polling place, in accordance with state law. All non-school materials distributed under these circumstances must be removed from System property immediately following the event at which the materials are distributed. Non-school related organizations can make a request to post notices regarding special events, programs and activities designed for school age children on the System’s website. These activities and materials are not related to or sponsored by the System.

### **Possession and Use of Electronic Devices**

The System is not responsible for any item brought to school by a student. A student bringing any electronic device including cell phones, smart phones, smart watches, radios, CD players, iPods, MP3 players, video/audio recorders, DVD players, electronic readers, cameras, Apple Watches, etc., does so at his or her own risk.

The System permits students to possess telecommunications devices including cell phones. Generally, these devices must remain turned off during the instructional day, including during all testing. The use of any device that has the capability to take pictures or audio or video record is prohibited in locker rooms and restroom areas. These items are also prohibited if used to cheat, audio/video record, or photograph another student or staff member without that person’s permission, or when the use creates a disruption.

If a student does have an electronic device, it should be put away in a secured locker and turned off during the school day. Permission to use the device at school should come from the principal or classroom teacher. Without such permission, teachers will

collect the items and turn them in to the principal's office. The principal will determine whether to return items to students at the end of the day or to contact parents to pick up the items. The System is not responsible for any damaged, lost, or stolen electronic devices, or other items.

### **Unacceptable and Inappropriate Use of Technology Resources**

Students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages, images or videos that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, whether the equipment used to send such messages is System-owned or personally owned, if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the Student Code of Conduct and may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement. If a device is believed to contain illegal contraband, the device will be turned over to law enforcement as required by state law. The device will not be returned to the student or his parent until the illegal contraband is removed from the device. This could take a substantial amount of time, particularly if the device is considered evidence of a crime. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with the State-developed ['Before you Text' course](#) with your child. This program addresses the consequences of engaging in inappropriate behavior using technology. In addition, any student who engages in conduct that results in a breach of the System's computer security will be disciplined in accordance with the Student Code of Conduct, and, in some cases, the consequence may rise to the level of expulsion.

### **Instructional Use of Electronic Devices**

In some cases, students may find it beneficial or might be encouraged to use personal telecommunications or other personal electronic devices for instructional purposes while on campus. Students must obtain prior approval before using personal telecommunications or other personal electronic devices for instructional use. Students must also sign a user agreement that contains applicable rules for use. When students are not using the devices for approved instructional purposes, all devices must be turned off during the instructional day. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action. The System is not responsible for any item brought to school by a student.

### **Items Not Permitted at School**

Physical education equipment is supplied by the school System and items such as footballs, baseballs, etc., should not be brought to school. Radios, CD players, electronic devices and games, laser lights, toy guns, and other toys should not be brought on the school campus unless they are used as part of a classroom project or requested by the teacher. Knives or any other dangerous objects are not allowed. The System is not responsible for any item brought to school by a student.

### **Lost and Found**

It is advisable to label sweaters and coats that are worn to school. In cooler weather, the children tend to wear these to school and take them off as the day grows warmer. If you are missing an article of clothing, please ask in the front office as to the location of the Lost and Found.

### **Deliveries to School**

The delivery of food, flowers, balloons, etc. to students at school is not permitted. However, if a student forgets a lunch, an assignment or project, money to pay dues or fines, deliveries may be made to the front office for the student to pick up during the school day. Class instruction will not be interrupted to deliver items or messages to students, unless an emergency, as deemed by a school administrator, exists. All deliveries are subject to search at the discretion of the campus administrator.

### **Parent/Teacher Organizations**

Elementary schools may have a parent-faculty/teacher organization. Meeting times and dates vary with each campus. Contact your school principal or school secretary for more information and watch for information in the school newsletters or campus website.

### **Food at School Functions**

In 2010, the United States Department of Agriculture (USDA) established guidelines for all foods served during the school day. These guidelines are referred to as SmartSnacks. A complete list of these guidelines can be found at the [USDA's Food and Nutrition Service website](#). SmartSnack guidelines apply during the school day from midnight to thirty minutes after the last class is dismissed. Exceptions to the SmartSnacks guidelines are allowed for up to four school-wide events during the school year, which are pre-approved by school administrators. School- approved field trips are exempt from the nutrition policy. Birthday recognitions are also considered an exemption but should be served after the classroom has finished eating lunch.

Parents bringing birthday treats should receive prior approval from the classroom teacher and campus principal. Occasionally, special events are celebrated at your child's



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campus. Often punch or cold drinks, pizza from local restaurants, and/or baked goods from local grocers are part of these celebrations. If you do not want your child to consume these items, you must notify your child's teacher in writing no later September 1. Due to allergy, safety and sanitation concerns, any items served during the school day regardless of whether it is an exempt or non-exempt day should be limited to store bought items and served using food safe gloves when items are not packaged individually.

### **Celebrations**

Although a parent or grandparent is not prohibited from providing store bought food for a school-designated function, please be aware that students in the school may have severe allergies to certain food products. Therefore, it is imperative to discuss this with your student's teacher prior to bringing any food to the classroom. Occasionally, the school or a class may host certain functions or celebrations tied to the curriculum that will involve food. The school or teacher will notify students and parents of any known food allergies when soliciting potential volunteers for bringing food products.

A party prior to the winter break may be held prior to dismissal for the winter holidays. Each school will provide the details of the arrangements. Valentine's Day may be celebrated by exchanging valentines. Classroom birthdays may be recognized but must be scheduled after the end of the class lunch period with prior approval from the classroom teacher and campus principal. Please do not bring or send deliveries to your child at school that include balloons, flowers, or other potentially distracting items.

### **Student Dress/Grooming**

Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others. The System prohibits any clothing or grooming that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations. The System prohibits pictures, emblems, or writings on clothing that are any of the following: lewd, violent, suggestive, offensive, vulgar or obscene, or advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under. Halter-tops, muscle shirts, and spaghetti-straps tops are not permitted unless covered by another shirt. Midriff shirts, or shirts exposing the midsection of the body, are not permitted. Blue jean cutoffs or unhemmed shorts are not appropriate dress for elementary school classes. Make-up/cosmetics may not be worn or applied at school. Hats are not to be worn inside a school. Hair and hairstyle should not be distracting. Pants/shorts may not be worn lower than undergarments. Students who choose to wear shorts to school must wear them at fingertip length when the student rests his/her arms at his/her side. Flip flops may not be worn during P.E. classes. Girls may wish to wear shorts under their

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dresses. Dresses and skirts should be of appropriate length (fingertip) and tights should accompany shorter dresses, skirts or shorts. A campus may have additional rules regarding dress code. The student and parent may determine the student's personal dress and grooming standards, provided that they comply with these general guidelines.

### **System Information**

#### **Protecting Student and Parent Rights**

Students will not be required to participate without parental consent in any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education that concerns:

- Political affiliations or beliefs of the student or the student's parent
- Mental or psychological problems of the student or the student's family
- Sexual behavior or attitudes
- Illegal, antisocial, self-incriminating, or demeaning behavior
- Critical appraisals of individuals with whom the student has a close family relationship
- Relationships privileged under law, such as relationships with lawyers, physicians, and ministers
- Religious practices, affiliations, or beliefs of the students or parents
- Income, except when the information is required by law, will be used to determine the student's eligibility to participate in a special program, or to receive financial assistance under such a program

Parents are able to inspect any survey or other instrument and any instructional material used in connection with such a survey, analysis, or evaluation. Parents also have a right to receive notice and opt their child out of participating in:

- Any survey concerning the private information listed above, regardless of funding;
- School activities involving the collection, disclosure or use of personal information collected from a child for the purpose of marketing, selling, or otherwise disclosing that information (Note that this does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions);
- Any non-emergency, invasive physical examination or screening required as a

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condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student. Exceptions: hearing, vision, or scoliosis screenings, or any physical exam or screen permitted or required under the law. These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law. Parents who believe their rights have been violated may file a complaint with: Family Policy Compliance Office U.S. Department of Education, 400 Maryland Avenue, SW • Washington, D.C. 20202-5901

Parents also have the right to:

- Request information regarding the professional qualifications of his or her child's teachers, including whether the teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; whether the teacher has an emergency permit or other provisional status for which state requirements have been waived and whether the teacher is currently teaching in the field of discipline of his/her certification. This includes information about the qualifications of any paraprofessional providing services to your child;
- Review teaching materials, textbooks, and other teaching aids and instructional materials used in the curriculum and to examine tests that have been administered to their child. You are also allowed to request that the school allow your child to take home any instructional materials used by the student. If the school determines that sufficient availability exists to grant the request, the student must return the materials at the beginning of the next school day if requested to do so;
- Review their child's student records when needed. These records include: attendance records; test scores; grades; disciplinary records; counseling records; psychological records; applications for admission; health and immunization information; other medical records; teacher and school counselor evaluations; reports of behavior patterns; teaching materials and tests used in your child's classroom; and state assessment instruments that have been administered to their child;
- Request information regarding any state or System policy related to your child's participation in assessments required by federal law, state law, or System policy;
- Inspect a survey created by a third party before the survey is administered or distributed to their child;

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- Grant or deny any written request from the System to make a videotape or voice recording of their child. State law does permit schools to make videotapes or voice recordings without parent permission if the recording is to be used for school purposes, if it relates to classroom instruction or a co-curricular or extracurricular activity, or if it relates to media coverage of the school;
- Remove his or her child temporarily from the classroom, if an instructional activity in which the child is scheduled to participate conflicts with his or her religious or moral beliefs. The removal cannot be for the purpose of avoiding a test and may not extend for an entire semester. Further, the child must satisfy grade-level and graduation requirements as determined by the System and by the state law;
- Request that their child be excused from daily participation in the recitation of the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag. The request must be in writing. State law does not allow a child to be excused from participating in the required moment of silence or silent activity that follows;
- Request that their child be excused from recitation of a portion of the Declaration of Independence. State law requires students in social studies classes in grades 3-12 to recite a portion of the text of the Declaration of Independence during Celebrate Freedom Week unless (1) the parent or guardian provides a written statement requesting that their child be excused, (2) the System determines that the child has a conscientious objection to the recitation, or (3) the parent or guardian is a representative of a foreign government to whom the United States government extends diplomatic immunity;
- Request in writing, if the parent is the non-custodial parent that he or she is provided, for the remainder of the school year, a copy of any written notice usually provided to a parent related to misconduct that may involve placement in a Disciplinary Alternative Education Program (DAEP) or expulsion. [See the Student Code of Conduct.];
- Request a transfer to another classroom or campus if their child has been determined by the System to have been a victim of bullying, which includes cyberbullying, as defined by Texas Education Code §25.0341. Transportation is not provided for a transfer to another campus. Contact the System's Legal Office for more information;
- Request a transfer of their child to attend a safe public school in the System if their child attends a campus identified by TEA as persistently dangerous of if

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their child has been a victim of a violent criminal offense while at school or on school grounds.

- Request the transfer of their child to another campus if their child has been the victim of a sexual assault by another student on the same campus, whether that assault occurred on or off campus, and that student has been convicted of or placed on deferred adjudication for that assault.
- Request if your children are multiple birth siblings (e.g., twins, triplets, etc.) assigned to the same grade and campus that they be placed either in the same classroom or in separate classrooms if space allows. Your written request must be submitted no later than the 14th day after the enrollment of your children.

### **Discrimination, Harassment, Retaliation, and Dating Violence**

The System believes that all students learn best in an environment free from dating violence, discrimination, harassment, and retaliation and that their welfare is best served when they are free from this prohibited conduct while attending school.

Students are expected to treat other students and System employees with courtesy and respect; to avoid behaviors known to be offensive; and to stop those behaviors when asked or told to stop. System employees are expected to treat students with courtesy and respect. The Board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors that are based on a person's race, color, religion, gender, national origin, disability, or any other basis prohibited by law.

#### **Discrimination**

Discrimination is defined as any conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law that negatively affects the student.

#### **Harassment**

Harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance. Examples of harassment may include, but are not limited to, offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; and graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property. Two types of prohibited

harassment are described below.

### **Sexual Harassment and Gender-Based Harassment**

Sexual harassment and gender-based harassment of a student by an employee, volunteer, or another student are prohibited. Examples of sexual harassment may include but not be limited to touching private body parts or coercive physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact. Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact not reasonably construed as sexual in nature, such as comforting a child with a hug or taking a child's hand. However, romantic and other inappropriate social relationships, as well as all sexual relationships, between students and System employees are prohibited, even if consensual.

Gender-based harassment includes harassment based on a student's gender, expression by the student of stereotypical characteristics associated with the student's gender, or the student's failure to conform to stereotypical behavior related to gender. Examples of gender-based harassment directed against a student regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include, but not be limited to, offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct or other kinds of aggressive conduct such as theft or damage to property.

### **Retaliation**

Retaliation against a person who makes a good faith report of discrimination or harassment, including dating violence, is prohibited. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited. However, a person who makes a false claim or offers false statements or refuses to cooperate with a System investigation may be subject to appropriate discipline. Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

### **Bullying**

Bullying is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, physical conduct that has the effect of physically harming a student, damaging a student's property or placing a student in a reasonable fear of harm to the student's person or of damage to the student's property; is sufficiently severe,

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persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for the student; materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or infringes on the rights of the victim at school.

Bullying includes cyberbullying. Cyberbullying is defined Section 37.0832 of the Education Code as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool. The System is required to adopt policies and procedures regarding: Bullying that occurs on or is delivered to school property or to the site of a school- sponsored or school-related activity on or off school property; bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation or students to or from school or a school sponsored or school-related activity; and cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Bullying is prohibited by the System and could include hazing, threats, taunting, teasing, assault, demands for money, confinement, destruction of property, theft of valued possessions, name- calling, rumor-spreading, or ostracism.

If a student believes that he or she has experienced bullying or has witnessed bullying of another student, it is important for the student or parent to notify a teacher, school counselor, principal, or another System employee to obtain assistance and intervention.

The administration will investigate any allegations of bullying or other related misconduct. The System will also provide notice to the parent of the alleged victim and the parent of the student alleged to have engaged in bullying. A student may anonymously report an alleged incident of bullying by completing the bullying form located on the System's webpage.

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action and may notify law enforcement in certain circumstances.

Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. Available counseling options will be provided to these individuals, as well as to any students who have been identified as witnesses to the bullying. Any retaliation against a student who reports an incident of bullying is prohibited.

The principal, may, in response to an identified case of bullying, decide to transfer a

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student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parent, the student may also be transferred to another campus in the System. The parent of student who has been determined by the System to be a victim of bullying may request that his or her child be transferred to another classroom or campus with the System. A copy of the System's policy is available in the principal's office and on the System's website, and is included at the end of the Handbook in the appendix. A student or parent who is dissatisfied with the outcome of an investigation may appeal.

### **Reporting Procedures**

Any student who believes that he or she has experienced dating violence, discrimination, harassment, bullying or retaliation should immediately report the problem to a teacher, school counselor, principal, or other System employee. The student's parent may make the report.

Upon receiving a report of prohibited conduct, the System will determine whether the allegations, if proven, would constitute prohibited conduct as defined by that policy. If not, the System will determine if the allegations, if proven, would constitute bullying, as defined by law and that policy. If the alleged prohibited conduct, if proven, would constitute prohibited conduct and would also be considered bullying as defined by law, an investigation of bullying will also be conducted. The System will promptly notify the parents of any student alleged to have experienced prohibited conduct involving an adult associated with the System. If the alleged prohibited conduct involves another student, the System will notify the parents of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation.

### **Investigation of Report**

To the extent possible, the System will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which include dating violence, discrimination, harassment, bullying, and retaliation, will be promptly investigated.

If law enforcement or other regulatory agency notifies the System that it is investigating the matter and requests that the System delay its investigation, the System will resume the investigation at the conclusion of the agency's investigation.

During the course of an investigation and when appropriate, the System will take interim action to address the alleged prohibited conduct. If the System's investigation indicates that prohibited conduct occurred, appropriate disciplinary action, and in some cases corrective action will be taken to address the conduct. The System may take disciplinary and corrective action even if the conduct that is the subject of the complaint was not



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unlawful. All parties will be notified of the outcome of the System investigation within the parameters and limits allowed under the Family Educational Rights and Privacy Act. A student or parent who is dissatisfied with the outcome of the investigation may appeal in accordance with policy 300.121.

### **Suicide Awareness and Mental Health Support**

The System is committed to partnering with parents to support the healthy mental, emotional, and behavioral development of its students. If you are concerned about your child, please contact the school counselor for more information related to suicide prevention and to find mental health services available in your area. You may also go to [the Texas Suicide Prevention website](#) and the [Texas Department of State Health Services website](#) for information.

### **Non-Discrimination Statement**

The SHSU Charter School System does not discriminate on the basis of race, color, national origin, sex, gender, religion, age, or disability in providing education services, activities, and programs, and provides equal access to the Boy Scouts and other designated youth groups as required by law. The following System staff members have been designated to coordinate compliance with these requirements: Ronny D Knox, Ed.D., Title IX Coordinator, for concerns regarding discrimination on the basis of sex, including sexual harassment or gender-based harassment: Ronny D Knox, Ed.D. – Superintendent; 1908 Bobby K Marks Drive, Box 2119, Huntsville TX 77341; (936) 294-3347.

### **Students Who Are Homeless**

Students who are homeless will be provided flexibility regarding certain System provisions including: proof of residency requirements; immunization requirements; educational program placement, if the student is unable to provide previous academic records, or misses an application deadline during a period of homelessness; credit-by-exam opportunities; the award of partial credit (award credit proportionately when a student passes only one semester of a two semester course); eligibility requirements for participation in extracurricular activities; and graduation requirements.

Federal law allows a homeless student to remain enrolled in what is called the “school of origin” or to enroll in a new school in the attendance area where the student is currently residing. For more information, please contact the System’s Homeless Liaison (Ronny D Knox, Ed.D.) at 936-294-3347.

### **Students in Conservatorship of the State (Foster Care)**

In an effort to provide educational stability, the System strives to assist any student who

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is currently placed or newly placed in foster care of the state, sometimes referred to as substitute care, or who is in conservatorship of the state with the enrollment and registration process, as well as other educational services throughout the student's enrollment in the System. A student who is placed in foster care and who is moved outside of the System's or school's attendance boundaries is entitled to continue in enrollment at the school he or she was attending prior to the placement or move until the student reaches the highest grade level at the particular school. Students who are in foster care and who enroll after the beginning of the school year will be allowed credit-by-examination opportunities outside the System's established testing windows, and the System will grant proportionate course credit by semester. Please contact the Foster Care Liaison (Ronny D Knox, Ed.D.) at 936-294-3347 for more information.

### **School Safety Transfers**

As a parent you may request the transfer of your child to another classroom or campus if your child has been determined by the System to have been a victim of bullying as the term is defined by Education Code 37.0832. Transportation is not provided for a transfer to another campus. See the Superintendent for information.

You also have a right to consult with System administrators if your child has been determined by the System to have engaged in bullying and the System decides to transfer your child to another classroom or campus. Transportation is not provided in this circumstance. See the campus principal for more information.

Parents can request a transfer to attend a safe public school in the System if their child attends school at a campus identified by TEA as persistently dangerous or if their child has been a victim of a violent criminal offense while at school or on school grounds. Parents can request a transfer to another campus if their child has been the victim of a sexual assault by another student assigned to the same campus, whether the assault occurred on or off campus, and that student has been convicted of or placed on deferred adjudication for that assault.

### **Complaints and Concerns**

Usually student or parent complaints or concerns can be addressed informally —by a phone call or a conference with the teacher or principal. For those complaints and concerns that cannot be handled so easily, the System's Board of Trustees has adopted a standard complaint policy at 300.121, in the System's policy manual. Please be aware that this policy requires that the formal complaint process be initiated within 15 days of the time the person first knew or should have known of the event giving rise to the complaint.

### **Displays of Students' Artwork, Photos, Projects and other Original Work Products**

Students' names, photographs, artwork projects, other original work products and special recognitions may be displayed in community newspapers, classrooms or other areas of the System, including on the System, campus, or classroom website, in printed material, video or any other method of mass communication. Parents may choose not to allow their child's personally identifiable student information or work product to be displayed. Parents wishing to exercise this option must notify the campus principal in writing.

### **Patriotic Activities and Minute of Silence**

Each school day students will recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag. Parents may submit a written request to the principal to excuse their child from reciting the pledges. State law also requires that one minute of silence follow recitation of the pledges. Each student may choose to reflect, pray, meditate, or engage in any other silent activity so long as the silent activity does not interfere or distract others. In addition, state law requires that each campus provide for the observance of one minute of silence at the beginning of the first class period when September 11 falls on a regular school day in remembrance of those who lost their lives on September 11, 2001. State law requires students in social studies classes in grades 3-12 to recite a portion of the text of the Declaration of Independence during Celebrate Freedom Week unless (1) you provide a written statement requesting that your child be excused, (2) the System determines that your child has a conscientious objection to the recitation, or (3) you are a representative of a foreign government to whom the United States government extends diplomatic immunity.

### **Aerosols**

Students should not bring aerosol spray containers to school.

### **Asbestos Management Plan**

The System works diligently to maintain compliance with federal and state law governing asbestos in school buildings.

### **Pesticides**

The System is required to follow integrated pest management (IPM) procedures to control pests on school grounds. Although the System strives to use the safest and most effective methods to manage pests, including a variety of non-chemical control measures, pesticide use is sometimes necessary to maintain adequate pest control and ensure a safe, pest-free environment. All pesticides used are registered for their intended use by the United States Environmental Protection Agency and are applied only

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by certified pesticide applicators. Except in an emergency, signs will be posted 48 hours before indoor application. All outdoor applications will be posted at the time of treatment, and signs will remain until it is safe to enter the area. Parents who have further questions or who want to be notified prior to pesticide application inside their child's school assignment area may contact the Superintendent at 936-294-3347.

### **Prayer**

Each student has a right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt instructional or other activities. The school will not encourage, require, or coerce a student to engage in or to refrain from such prayer or meditation during any school day.

## **System Services**

### **Special Programs**

The System provides special programs for gifted and talented students, homeless students, bilingual students, migrant students, students with limited English proficiency, or who are English language learners, students diagnosed with dyslexia, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, as well as programs and services offered in the System or by other organizations. A student or parent with questions about these programs can learn more about the programs through the SHSU Charter School Office by calling 936-294-3347.

### **Child Find**

The System shall ensure that all children residing within the System who have disabilities, regardless of the severity of their disabilities, who are in need of special education and related services are identified, located, and evaluated. The System shall have a practical method of determining which children are currently receiving needed special education and related services. This requirement applies to highly mobile children (including migrant and homeless children) and children who are suspected of being in need of special education but who are advancing from grade to grade. 20 U.S.C. 1412(a)(3), 1413(a); 34 CFR300.125.

### **Providing Assistance to Students Who Have Learning Difficulties or Who Need Special Education Services**

If a student is experiencing learning difficulties, his or her parent may contact the person listed below to learn about the System's overall general education referral or screening system for support services. This system links students to a variety of support options, including making a referral for a special education evaluation. For those students who are having difficulty in the regular classroom, schools must consider

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tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of Systems to meet the needs of all struggling students.

A parent may request an evaluation for special education services at any time. If a parent makes a written request to a school System's director of special education services or to a System administrative employee for an initial evaluation for special education services, the school must, not later than the 15th school day after the date the school receives the request, either give the parent prior written notice of its proposal to evaluate the student, a copy of the Notice of Procedural Safeguards, and the opportunity for the parent to give written consent for the evaluation or must give the parent prior written notice of its refusal to evaluate the student and a copy of the Notice of Procedural Safeguards.

If the school decides to evaluate the student, the school must complete the initial evaluation and the resulting report no later than 45 school days from the day the school receives a parent's written consent to evaluate the student. However, if the student is absent from school during the evaluation period for three or more school days, the evaluation period must be extended by the number of school days equal to the number of school days that the student is absent.

There is an exception to the 45 school day timeline. If the school receives a parent's consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, the school must complete the written report and provide a copy of the report to the parent by June 30 of that year. However, if the student is absent from school for three or more days during the evaluation period, the June 30th due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply.

Upon completion, the school must give you a copy of the evaluation report at no cost.

Additional information regarding special education is available from the school System in a companion document titled Parent's Guide to the Admission, Review, and Dismissal Process.

The following websites provide information to those who are seeking information and resources specific to students with disabilities and their families:

- [Texas Project FIRST](#)
- [Partners Resource Network](#)

The designated person to contact regarding options for a child experiencing learning

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difficulties or a referral for evaluation for special education services is your campus administrator.

The System will notify the parent of a student, other than a student enrolled in a special education program, who receives assistance from the System for learning difficulties, including intervention strategies, that the System provides assistance to the student.

Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. Districts and charter schools must still comply with all federal prior written notice and procedural safeguard requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline.

### **Students with Physical or Mental Impairments Protected under Section 504**

A child determined to have a physical or mental impairment that substantially limits a major life activity, as defined by law, and who does not otherwise qualify for special education services, may qualify for protections under Section 504 of the Rehabilitation Act. Section 504 is a federal law designed to prohibit discrimination against individuals with disabilities. When an evaluation is requested, a committee will be formed to determine if the child is in need of services and supports under Section 504 to receive a free appropriate public education (FAPE), as this is defined in federal law. The designated person to contact regarding a referral for evaluation applicable to Section 504 is the System's 504 Coordinator. The 504 Coordinator, Ronny D Knox, Ed.D. can be reached at 936-294-3347.

### **Request for the Use of a Service/Assistance Animal**

A parent of a student who uses a service/assistance animal because of the student's disability must submit a written request to the campus principal before bringing the service/assistance animal on campus. The System will try to accommodate a request as soon as possible but will do so within 10 System business days.

### **Cafeteria**

The System participates in the School Breakfast Program and National School Lunch Program and offers students nutritionally balanced meals daily in accordance with standards set forth in state and federal law. Free and reduced-price meals are available based on financial need or household situation. Information about a student's participation is confidential; however, disclosure of a student's eligibility may be made without prior notice or consent to programs, activities, and individuals that are

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specifically authorized access under the National School Lunch Act (NSLA), which is the law that sets forth the disclosure limits for the System's child nutrition programs. A student's name, eligibility status, and other information may be disclosed to certain agencies as authorized under the NSLA to facilitate the enrollment of eligible children in Medicaid or the state children's health insurance program (CHIP) unless the student's parent notifies the System that a student's information should not be disclosed. A parent's decision will not affect the child's eligibility for free and reduced price meals or free milk. Applications for free and reduced price meal service are available through the SHSU Charter School office. Applications may be filled out any time during the school year.

Approval is based on federal guidelines. For more information, please call, Ronny D Knox, Ed.D. at 936-294-3347.

The school cafeteria offers nutritious, appetizing meals daily. Students may select from a variety of menu and a la carte choices. Prices for breakfast are \$2.25 for students. Prices for lunches are \$3.50 for students. Parents are encouraged to prepay for their child's meals. Cash is not accepted by the SHSU Charter School. Check prepayments must be made payable to Sam Houston State University. Checks must have your driver's license number and date of birth along with your child's name, ID number, and grade level on the check and envelope to ensure crediting to the proper account. Checks are verified by Paytek Solutions. Checks returned for any reason will be charged a \$30 processing fee. After a check has been returned due to non-payment, the cafeteria will no longer accept checks for payment.

Students who do not have money for a meal will be allowed to continue purchasing meals, according to the grace period set by the System, and the System will present the parent with a schedule of repayment for any outstanding account balance and an application for free and reduced meals. If the System is unable to work out an agreement with the student's parents or replenishment of the student's meal account and payment of any outstanding balance, the student will receive an alternate meal. The System will make every effort to avoid bringing attention to such a student.

To locate daily menus, and other information about Child Nutrition, please visit the SHSU Charter School website.

### *Special Dietary Needs*

Child Nutrition does not make food substitutions, at their discretion, for individual children who do not have a disability. Students with a life-threatening disability that requires substitution or modification must provide the following to the System's Child Nutrition Department:

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- the child's disability;
- an explanation of why the disability restricts the child's diet;
- the major life activity affected by the disability;
- the food or foods to be omitted from the child's diet, and;
- the food or choice of foods that must be substituted.

A physician must review a copy of the Child Nutrition menu with the appropriate changes made for Child Nutrition staff to follow. Food allergies are not considered a disability unless life threatening.

### **English Language Learner**

A student with limited English proficiency (LEP), sometimes referred to as an English language learner (ELL) in certain statutes and state rules, is entitled to receive specialized services from the System. To determine whether the student qualifies for services, a Language Proficiency Assessment Committee (LPAC) will be formed, which will consist of both System personnel and at least one parent representative. The student's parent must consent to any services recommended by the LPAC for a LEP student. However, pending the receipt of parental consent or denial of services, an eligible student will receive the services to which the student is entitled. In order to determine a student's level of proficiency in English, the LPAC will use information from a variety of assessments. If the student qualifies for services and once a level of proficiency has been established, the LPAC will then designate instructional accommodations or additional special programs the student will require to eventually become proficient at grade level work in English. Ongoing assessments will be conducted to determine a student's continued eligibility for the program. The LPAC will also determine whether certain accommodations are necessary for any state-mandated assessments. The STAAR-L may be administered to a LEP student, or for a student up to grade 5 a Spanish version of STAAR. In limited circumstances, a student's LPAC may exempt the student from otherwise required state-mandated assessments. The Texas English Language Proficiency Assessment System (TELPAS) will also be administered to LEP students who qualify for services. If a student is considered LEP and receives special education services because of a qualifying disability, the student's ARD committee will make instructional and assessment decisions in conjunction with the LPAC.

## **Health Services**

### **Health and Screening**

Health related services, under the guidelines of the Texas Department of Health,



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provides a screening program for vision and hearing for all new students and grades Pre-K, K, 1st, 3rd, 5th, and 7th. Scoliosis screening is required in grades 6 and 9. This screening is mandated by the Texas Department of Health. If you would prefer to have this done by your physician, please send the results to the school nurse. Other areas which may be screened are growth and development (height and weight), dental, blood pressures (fourth grade) and pediculosis (head lice). Please communicate any information regarding a student's health condition or concern. The staff of this campus welcomes the opportunity to work closely with the parents of students to maintain a healthy, safe, successful experience in school.

### **Student Illness**

When your child is ill, please contact the school to let them know he or she won't be attending that day. It is important to remember that schools must exclude students with certain illnesses for periods of time as identified in state rules. For example, if your child has a fever over 100 degrees, he or she must stay out of school until they are fever free for 24 hours without fever-reducing medications. In addition, students with diarrheal illnesses must stay home until he/she is diarrhea free without diarrhea-suppressing medications for at least 24 hours. A full list of conditions for which the school must exclude children can be obtained from the school nurse.

If a student becomes ill during the school day, and it is determined that the student should go home, the parent will be contacted by the campus Lead Teacher. The System is also required to report certain contagious diseases or illnesses to the Texas Department of State Health Services (DSHS) or the local health authority.

In the case of an emergency requiring the care of a physician and school staff are unable to contact you or the person(s) you have designated as your emergency contact, school officials will determine what steps will be taken to protect the health of your child, including calling 911 and transporting your child to a medical facility. Note that the System has no financial responsibility for the emergency care or transportation of your child.

### **Medication at School**

The System will not purchase medication to give to a student. SHSU Charter School policy allows authorized school employees to administer medication to students during school hours. All medications dispensed at school should be necessary for the student's optimum health as well as maintain maximum school performance. The System encourages parents to administer medication at home before and/or after school whenever possible. Any medication must be brought to school and picked up by a parent or designated adult, when the student is withdrawn or before the last day of school, the

parent should make arrangements to pick up the medication from school. Any unclaimed medications will be safely discarded in accordance with state and federal guidelines.

### **Prescription Drugs and Non-prescription Drugs**

The school must receive a written and dated request from the parent or legal guardian to administer any medication. Prescription and non-prescription drugs must be in the original container and properly labeled. Only the guidelines printed on the container will be followed unless a physician order is present. The Surgeon General, the Food and Drug Administration and the Center for Disease Control have recommended that due to the increased risk of developing “Reye’s Syndrome”, aspirin or products containing aspirin not be given to children under 18 years. If your physician orders aspirin for your child, please send a copy of the physician order. Additional guidelines for medication to be administered at school are:

- All medication must be kept in the secured vault during the school day.
- Over-the-counter medication dosage must not exceed the dose recommendation listed on the bottle. Exception: If your physician, dentist or orthodontist has directed a certain dosage to be given that is greater than that recommended on the bottle, a written order will need to be included with the written permission from the parent.
- The use of “sample” medication from the physician, dentist, or orthodontist must have signed written instructions from that doctor accompanied by the parent written permission.
- In the interest of safety for all students, students may not bring their medication to school.
- Should your child need to have medication at school, please bring or make arrangements for the medication to be brought by a parent or a guardian. For your convenience, many of the local pharmacies will provide a second labeled container for medications needed at school. Please note: Medication required “daily”, or “twice a day”, should be administered at home. Many “three times a day” orders should also be given at home unless the doctor requests a specific time during the school day. Medication must be signed into the clinic by the parent or guardian.
- A record of each medication given at school is maintained in the clinic.
- Students that have asthma or anaphylaxis may experience times when the symptoms worsen and the physician requests the student carry an inhaler or

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anaphylaxis medication to be used when needed. Please provide a letter from the physician with complete instructions for use of the inhaler or anaphylaxis medication and permission for the student to carry the inhaler or anaphylaxis medication. It is strongly recommended that a spare inhaler or anaphylaxis medication be kept in the clinic for emergencies.

- Students with diabetes will provide a Diabetes Management Plan developed by the physician and parents.

### **Insect Repellant**

Concerned parents are strongly encouraged to use a repellant on their child before they leave for school, especially young children who may have difficulty applying the repellant safely.

System staff will not provide or apply insect repellant during the school day. Parents who are concerned about mosquito exposure during the school day may send a lotion, wipe-on, or wristband type of repellant for use by their child. For safety reasons, pump spray repellants are discouraged and should not be used indoors. No aerosols are allowed due to the dangers with pressurized cans and aerosols stay airborne longer, thus exposing students with respiratory issues. Parents should label repellant product containers with student's name. Repellant products should be stored away when not in use, such as in totes, lockers, backpacks, or some other reasonable location. Students with special needs will be given assistance, with parent permission, on a case by case basis.

### **Sunscreen**

Students may possess and use an FDA approved topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun. SHSU Charter School staff will not provide or apply any sunscreen product to a student without parent permission. Parents who are concerned about sun exposure during the school day may send a lotion, or wipe-on sunscreen product for use by their child. For safety reasons, pump spray sunscreen products are discouraged and should not be used indoors. No aerosols are allowed due to the dangers with pressurized cans and aerosols stay airborne longer, thus exposing students with respiratory issues. Parents should label sunscreen product container with student's name.

Sunscreen products should be stored away when not in use, such as in totes, lockers, backpacks, or some other reasonable location. Students with special needs will be given assistance, with parent permission, on a case by case basis.

### **Emergencies and Illness at School**

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A Student Health Information Form will be sent home with your child at the beginning of the school year. It is very important you complete and return this form immediately. This form will give you an opportunity to list any medical conditions, allergies, medications and concerns you may have. It also includes emergency information for the clinic staff. This information is used to contact you or a person you designate if needed for your child. If a student has a medical emergency at school or a school-related activity when the parent cannot be reached, the school may have to rely on previously provided written parental consent to obtain emergency medical treatment and information about allergies to medications, foods, insect bites, etc. Therefore, parents are asked each year to complete an emergency care consent form. Parents should keep emergency care information up-to-date (name of doctor, emergency phone numbers, allergies, etc.) Please contact the school nurse to update any information that the nurse or the teacher needs to know.

In the case of an emergency requiring the care of a physician and school staff are unable to contact you or the person(s) you have designated as your emergency contact, school officials will determine what steps will be taken to protect the health of your child, including calling 911 and transporting your child to a medical facility. Note that the System has no financial responsibility for the emergency care or transportation of your child.

### **Food Allergies**

The System requests to be notified when a student has been diagnosed with a food allergy, especially those allergies that could result in dangerous or possibly life-threatening reactions either by inhalation, ingestion, or skin contact with the particular food. It is important to disclose the food to which the student is allergic, as well as the nature of the allergic reaction. Please contact the school and inform them of any known food allergy or as soon as possible after any diagnosis of a food allergy.

The System has developed and annually reviews a food allergy management plan, which addresses employee training, dealing with common food allergens, and specific strategies for dealing with students diagnosed with severe food allergies. When the System receives information that a student has a food allergy that puts the student at risk for anaphylaxis, individual care plans will be developed to assist the student in safely accessing the school environment.

### **Head Lice**

Head lice, although not an illness or a disease is very common among children and is spread very easily through head-to-head contact during play, sports, and when students share things like brushes, combs, hats and headphones. If careful observation indicates

that a student has head lice, the school will contact the student's parent to determine whether the child will need to be picked up from school and discuss a plan for treatment with an FDA-approved medicated shampoo or cream rinse that may be purchased from any drug or grocery store.

After the student has undergone a treatment, the parent should check in with the school to discuss the treatment used. The school can also offer additional recommendations, including subsequent treatments and how best to get rid of lice and prevent their return. More information on head lice can be obtained from the [DSHS website](#).

Notice will also be provided to parents of elementary school students in the affected classroom.

### **Crutches and Wheelchairs**

Students who require the temporary use of crutches or a wheelchair at school must have an order from their physician.

### **Communicable or Infectious Diseases**

To protect other students from contagious illnesses, students infected with certain diseases are not allowed to come to school while contagious. If a parent suspects that his or her child has a communicable or contagious disease, the parent should contact the campus principal. The school can provide information from the Texas Department of Health regarding these diseases. The following is a list of conditions that are common communicable diseases and infections along with their specific requirements for re-admission to school:

- Chicken Pox (Varicella): Incubation period is 2-3 weeks. Fever and vesicular rash over body. Exclude from school until final eruption of rash is dry and scabbed over. Child must have normal temperature.
- Fifth's Disease (erythema infectiosum): Incubation period is 4-20 days. Redness noted to both cheeks and smooth "lacy" rash appears over body. Fever usually does not occur. Exclude student from school if he/she has fever or does not feel well.
- Impetigo: Incubation period is usually 4-10 days. Open blisters on skin generally covered with yellowish crust. Fever does not usually occur. Exclude from school until after treatment has begun and keep lesions covered.
- Infectious Hepatitis: Incubation period can be 2-6 months. Type A Hepatitis has abrupt onset with fever, malaise, anorexia, nausea, vomiting, abdominal pain, jaundice (yellowing of skin) and dark urine. Exclude from school until physician allows student to return.

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- Measles: Incubation period is 7-14 days. A blotchy red rash with runny nose, watery eyes, fever and cough. Exclude from school until 4 days after onset of rash. Serological evidence is required for diagnosis.
- Rubella: Incubation period is 14-23 days. Cold like symptoms. Swollen, tender glands at the back of the neck. Changeable pink rash on face and chest. Exclude from school seven days from onset of rash. Serological evidence is required for diagnosis.
- Mumps: Incubation period is 12-25 days. Acute swelling over jaw and in front of one or both ears. Serological evidence is required for diagnosis. Exclude from school nine days from onset of symptoms.
- Conjunctivitis (pink eye): Red itching eyes accompanied by crusting and discharge. Exclude from school until treatment is started or physician permission.
- Ringworm (scalp-body): Incubation is 4-21 days. Flat scaly, ring shaped lesions located anywhere on body or scalp. Balding in the lesions will be noted if located on scalp. May return to school if treatment is started and lesions are covered.
- Streptococcal Infection (strep-throat): Incubation period 1-3 days. Fever, sore throat, often large tender lymph nodes on neck. Scarlet fever producing strains present with a fine red rash 1-3 days after sore throat. Exclude from school until fever subsides, treatment started and physician permission.
- Scabies: Small mite that burrows under the skin causing fine red bumps or blisters on skin accompanied by severe itching. Exclude from school until treatment given.
- Staphylococcal Infections: This is most commonly seen as an infection on the skin. It has the appearance of an insect bite with signs of infection such as redness, tenderness, and drainage. Physician evaluation is usually required to care for this infection. Physician indicates when student may return to school. Recently there has been an increase in the number of infections caused by Methicillin Resistant Staphylococcus Aureus. This is a strain of bacteria resistant to many antibiotics. This can occur with any break in the skin however this infection can appear as a bump (boil) with redness, swelling, pain and difficulty healing. A doctor can determine a MRSA infection by culturing the wound. It is very important to obtain and complete medical care with this infection.

### **Bacterial Meningitis**

*What is meningitis?*

Meningitis is an inflammation of the covering of the brain and spinal cord. Viruses, parasites, fungi, and bacteria can cause it. Viral meningitis is common and most people recover fully.

Parasitic and fungal meningitis are very rare. Bacterial meningitis is very serious and may involve complicated medical, surgical, pharmaceutical, and life support management.

*What are the symptoms?*

Someone with meningitis will become very ill. The illness may develop over one or two days, but it can also rapidly progress in a matter of hours. Not everyone with meningitis will have the same symptoms. Children (over 2 years old) and adults with bacterial meningitis commonly have a severe headache, high fever, and neck stiffness. Other symptoms might include nausea, vomiting, discomfort looking into bright lights, confusion and sleepiness. In both children and adults, there may be a rash of tiny, red-purple spots. These can occur anywhere on the body.

The diagnosis of bacterial meningitis is based on a combination of symptoms and laboratory results.

*How serious is bacterial meningitis?*

If it is diagnosed early and treated promptly, the majority of people make a complete recovery. In some cases it can be fatal or a person may be left with a permanent disability.

*How is bacterial meningitis spread?*

Fortunately, none of the bacteria that cause meningitis are as contagious as diseases like the common cold or the flu, and they are not spread by casual contact or by simply breathing the air where a person with meningitis has been. They are spread when people exchange respiratory or throat secretions (such as by kissing; coughing, or sneezing).

*How can bacterial meningitis be prevented?*

Maintaining healthy habits, like getting plenty of rest, can help prevent infection. Using good health practices such as covering your mouth and nose when coughing and sneezing and washing your hands frequently with soap and water can also help stop the spread of the bacteria. It is a good idea not to share food, drinks, utensils, toothbrushes, or cigarettes. Limit the number of persons you kiss. There are vaccines available to offer protection from some of the bacteria that can cause bacterial meningitis. Please note that the DSHS requires at least one dose of meningococcal vaccination on or after the student's 11th birthday, unless the student received the vaccine at age 10. Also note

that entering college students must show, with limited exception, evidence of receiving a bacterial meningitis vaccination within the five-year period prior to enrolling in and taking courses at an institution of higher education. Please see the school nurse for more information, as this may affect a student who wishes to enroll in a dual credit course taken off campus.

*What should you do if you think you or a friend might have bacterial meningitis?*

Seek prompt medical attention.

Your school, family doctor, and the staff at your local or regional health department office are excellent sources for information on all communicable diseases. You may also call your local health department or Regional Texas Department of Health office to ask about meningococcal vaccine. Additional information may be found at the [Centers for Disease Control and Prevention website](#) or the [Texas Department of State Health Services website](#).

### **Tobacco Prohibited**

Students are prohibited from possessing or using any type of tobacco product, including electronic cigarettes or any other electronic vaporizing device, while on school property at any time or while attending an off campus school-related activity. The System and its staff strictly enforce these prohibitions.

### **Substance Abuse Prevention and Intervention and Mental Health Support**

If you are worried that your child may be using or is in danger of experimenting, using, or abusing illegal drugs or other prohibited substances, please contact the school. The school can provide you with a list of community resources that may be of assistance to you. Information regarding children's mental health and substance abuse intervention services can be found on the [DSHS website](#).

### **Competitive Foods and Snacks**

Schools may allow one nutritious snack per day under the teacher's supervision. The snack may be in the morning or afternoon, but may not be at the same time as the regular lunch period.

Schools may not serve competitive foods (or provide access to them through direct or indirect sales) to students anywhere on school premises throughout the day until the end of the last scheduled lunch period.

### **Technology**

To prepare students for an increasingly computerized society, the System has made a substantial investment in computer technology for instructional purposes. Use of these



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resources is restricted to students working under a teacher's supervision and for approved purposes only. Students will be permitted to use System computers and to appropriately access the Internet only if the student and parent comply with the Acceptable Use Guidelines. Violation of this agreement may result in withdrawal of privileges and other disciplinary action. Students and their parents should be aware that email to and from System computers is not private and may be monitored by System staff.

### **Glossary**

STAAR Alternate 2 is an alternative state-mandated assessment designed for students with severe cognitive disabilities receiving special education services that meet the participation requirements, as determined by the student's ARD committee.

STAAR Spanish is available for eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

State-mandated assessments are required of students at certain grade levels and in specified subjects. Successful performance sometimes is a condition of promotion, and passing the STAAR EOC assessments is a condition of graduation. Students have multiple opportunities to take the tests if necessary for promotion or graduation.

Student Code of Conduct is developed with the advice of the System-level committee and adopted by the Board and identifies the circumstances, consistent with law, when a student may be removed from the classroom or campus. It also sets out the conditions that authorize or require the principal or another administrator to place the student in a DAEP. It outlines conditions for out-of-school suspension and for expulsion. The Student Code of Conduct also addresses notice to the parent regarding a student's violation of one of its provisions.

TELPAS stands for the Texas English Language Proficiency Assessment System, which assesses the progress that English language learners make in learning the English language, and is administered for those who meet the participation requirements in kindergarten-grade 12.

Appendix I: SHSU Charter School Student Code of Conduct

# Sam Houston State University Charter School

**2017-2018**

## Student Code of Conduct



## **Student Code of Conduct**

### **Purpose**

The Student Code of Conduct (Code) is the SHSU Charter School System'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.

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The **Board** of the **Sam Houston State University Charter School** (the “School”) has adopted this Student Code of Conduct (the “Code”) in accordance with Section 12.131 of the Texas Education Code, in order to clearly communicate standards for expected student conduct, the disciplinary consequences which may be applied to students who violate those standards, and the applicable procedures for the implementation of disciplinary consequences. All students must comply with the Code. Definitions of words and phrases used throughout this Code are provided at the end of the Code.

Parents and students are encouraged to contact campus administration with any questions or concerns regarding the requirements and provisions of the Code. Parents and students are expected to review and be familiar with the provisions of the Code. Lack of knowledge or awareness about any School rules, including this Code, will not excuse violations of the Code. Parents and students will be required to sign a statement acknowledging receipt and understanding of the Code. A copy of this Code is available **at all Sam Houston State University Charter School sites, the Sam Houston State University Charter School administration office, as well as on the Charter School website (<http://www.shsu.edu/charter-school/>)**.

The School has the authority to create and enforce rules related to student conduct and behavior while on School property, traveling to or in attendance at a school-sponsored or school-related event or activity, whether on or off campus. The School has the authority to issue disciplinary consequences for certain other student conduct that relates to, affects, or shares a nexus with the School, its students, or its employees regardless of when or where the conduct occurs. The School may also issue discipline based on a student’s use of electronic media, whether on or off campus.

Other School rules, codes or policies may apply to a student’s misconduct, and may result in multiple disciplinary consequences issued for the same conduct.

In considering a student’s request for admission, the School may consider the student’s history of a criminal offense(s), juvenile court adjudication(s), or disciplinary problems under subchapter A, Chapter 37 of the Education Code, as evidenced by records received from schools previously attended by the student, law enforcement, or any other relevant documentation, and may exclude the student from admission on this basis.

If a student who would otherwise be ineligible for admission to the School provides false information on an admissions application or other enrollment document and as a result of the false information is admitted to the School, the student shall be immediately withdrawn from enrollment from the School upon discovery of the falsification. Falsification of information for the purpose of gaining enrollment in a public school is a criminal offense under § 37.10 of the Texas Penal Code. The School may elect to report the falsification to law enforcement or take any other action permitted by law.

## EXPECTATIONS FOR STUDENT CONDUCT

The mission of **Sam Houston State University Charter School** is to be the **transformational learning model through a choice education system that can be replicated by Independent School Systems in Texas so young students experience an academic, emotional and social success while they pursue their life ambitions**. To achieve that mission, the School must be an environment safe, secure and free from disruption. Students are expected to demonstrate behavior appropriate to the School's learning environment, to treat other students, School personnel, and visitors to the School with respect. As such, each student is expected to:

- Behave in a responsible and respectful manner;
- Demonstrate courtesy and respect for others, especially other students and School personnel;
- Attend classes and required School activities and events regularly and on time;
- Prepare for each class and complete assignments on time;
- Respect the rights and privileges of other students and School personnel in person and online;
- Respect and care for School property and facilities;
- Turn off cell phones or other electronic media during instructional time, and otherwise follow policies related to use of technology;
- Cooperate with School personnel in maintaining safety, order and discipline;
- Dress appropriately, in accordance with School's dress code;
- Review and comply with the Student Handbook and other School and campus rules;
- Obey classroom rules and classroom expectations for behavior;
- Refrain from verbal or written acts of bullying whether in person or online;
- Avoid violations of this Code.

SHSU Charter School students are expected to adhere to dress and grooming standards that do not distract from learning. If at any time a student's appearance distracts from the learning environment, he or she will be asked to change the clothing, hairstyle, or grooming to be more conducive to the goal of learning. Students are expected to wear appropriate athletic shoes for PE and play. For increased safety, each student will need to wear an SHSU Charter School shirt on learning excursions/study trips.

Students are expected to comply with any technology and electronic media use policies and procedures approved by the Board. Students are also expected to demonstrate the same behavior online or while using electronic media as is expected in the classroom, on School property, or at school-related events. Sending, posting, or possessing electronic messages that are disrespectful, disruptive, abusive, obscene, illegal, threatening, harassing or damaging to another person disrupts the learning environment and will not be tolerated.

Parent cooperation is essential to achieving the School's mission and ensuring that students learn in a safe, secure and positive environment. Parental involvement and cooperation is vital in the discipline process. Parents should understand and be familiar with the Code, ensure that his or her

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child understands and seeks to comply with this Code, and assist the School in counseling students regarding appropriate behavior.

### **PROHIBITED CONDUCT**

The following conduct constitutes a violation of the Code. Any student found to have engaged in such conduct shall be subject to one or more disciplinary consequences as identified within the Code.

#### *General Student Behavior*

1. Cursing, using offensive language, name calling, ethnic, racial, religious, or gender slurs, other derogatory statements, or excessive volume;
2. Disrespectful behavior towards adults;
3. Failure to follow directives;
4. Disruption of instruction or other School activities or operations;
5. Unexcused or excessive tardiness;
6. False statements or false accusations;
7. Bullying (*including cyberbullying*), teasing, or targeting other students;
8. Inappropriate or disruptive cell phone or electronic media use;

#### *Violation of School Rules and Policies*

9. Failure to comply with any Student Handbook, or other School or campus rules;
10. Leaving the classroom, School building, mandatory School activities or events, or adult supervision without permission;
11. Skipping a class period or other mandatory activity, in whole or in part, without permission;
12. Violation of School or campus policies or rules related to the use of electronic media, including personal or School-owned electronic devices (*e.g.*, cell phones, tablets, game systems, computers, cameras), or the School's network or Internet connection;
13. Truancy or other failure to attend School without excuse;
14. Defacing, destroying or otherwise modifying School property without authorization;
15. Taking photographs or making video or audio recordings of students, employees, or other persons without the consent of the other person;
16. Soliciting or attempting to solicit another student to violate the Code, School policies and rules, or the law;
17. Taking steps toward violation of the Code even if the act is not completed, as determined by appropriate School administrator;
18. Failing to follow School directives and classroom rules and expectations;
19. Disobeying rules and expectations regarding School transportation;
20. Inappropriate or unauthorized use of School property, including posting or distributing literature or materials without School authorization;

#### *Violent, Illegal, and Other Serious Offenses*

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21. Possession of prohibited items;
22. Conduct which meets the elements of a criminal offense, as determined by the School;
23. Physical, verbal or sexual harassment of others;
24. Inappropriate physical or sexual behavior, including jokes, comments, gestures or unwelcome physical conduct or contact;
25. False statements or false accusations;
26. Hazing or initiations;
27. Participation in a gang, soliciting or attempt to solicit participation in a gang;
28. Possessing, distributing, using or being under the influence of tobacco products, electronic cigarettes, drugs, alcohol, or controlled substances, including prescription drugs if the student has not been prescribed the drugs or is taking the drugs in excess of the dosage specified by the prescription;
29. Possessing drug paraphernalia;
30. Stealing, lying, cheating, or copying the work of another without authorization (plagiarism);
31. Deliberately, and without School authorization, accessing, damaging, or altering School data and records, including but not limited to confidential records, electronic data, networks or systems;
32. Violence of any kind, including dating violence;
33. Fighting;
34. Gambling;
35. Setting or attempting to set a fire;
36. Inappropriate or indecent exposure of body parts;
37. Retaliation of any form against other students or School personnel;
38. Conduct which requires the student's registration as a sex offender;
39. Possession or distribution of pictures, text messages, electronic messages or other material of a sexual or obscene nature;
40. Endangering the health or safety of others;
41. Other conduct as identified within this Code.

### **DETERMINING APPROPRIATE DISCIPLINE**

Depending on the nature and severity of the offense, discipline may be issued by the student's classroom teacher, campus administrator, or administrator's designee, in accordance with this Code. In order to make a determination of misconduct or issue disciplinary consequences under this Code, the authorized School employee must have a reasonable belief that the student engaged in the suspected conduct. The employee's conclusion may be based on any relevant evidence including, but not limited to, observation, other personal knowledge, verbal or written witness statements, other forms of documentation, or information received from law enforcement.

In reaching a decision regarding a student discipline matter, the School may consider the specific facts and circumstances of the situation, including but not limited to:

- The student's intent;

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- The student's age and grade level;
- The student's past disciplinary history;
- Whether the student's conduct may have been the manifestation of a disability;
- The extent of the student's cooperation during the investigation of the matter;
- The nature and severity of the alleged conduct;
- Whether the student has previously engaged in similar conduct;
- Whether self-defense was involved;
- The student's remorsefulness for the conduct;
- The severity of the effect or harm of the conduct on other persons or property;
- The frequency of the conduct.

The School may issue discipline based on a determination that a student has engaged in conduct which meets the elements of a criminal offense. The School has the authority to make such a determination without regard for whether the student is arrested, charged, or otherwise processed by the criminal justice system for the criminal offense. The School may consider information received from law enforcement or other entities within the criminal justice system in issuing discipline under this Code.

Actions will not be based on a student's race, ethnicity, national origin, gender, sex, religion, disability, or any other unlawful consideration.

### **INVESTIGATION OF DISCIPLINE ISSUES**

In order to determine whether a violation of the Code has occurred, campus administrators or other authorized individuals may conduct an investigation. Investigations of student misconduct may involve, but are not limited to, interviews of other students, employees and adults, review of School surveillance footage, review of relevant documents, review of information on School-owned computers, verification of tips received from other individuals, gathering of physical evidence, contact of or cooperation with law enforcement agencies and officials. Law enforcement may be contacted and informed of student conduct which may constitute a criminal offense.

Students have no expectation of privacy with respect to School-owned property. Lockers, desks, and other items provided for student use remain School property, and students do not have a reasonable expectation of privacy in School property or in personal items placed inside School property. School administrators or other authorized personnel may monitor and search student desks and lockers for any reason. School officials may search any School property, including School property that is within a student's possession or otherwise being used by a student, at any time, with or without notice to the student and without consent. School officials may confiscate any items found during a search, including prohibited items, dangerous items or other items that violate School policy.

A student's person or property may be searched by authorized School officials if the official has a reasonable belief that the search will result in the discovery of evidence of a violation of the Code



or of the law. Any personal property which is brought onto School property or to a School-sponsored or School-related activity or event, on or off School property, may be subject to search (e.g., student cell phone, backpack, personal computer, purse, car, etc.).

## **DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS**

Students eligible for services under the Individuals with Disabilities in Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504) are subject to discipline under those laws and in accordance with the provisions of this Code.

The School may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability under Section 504 who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the School would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to disciplinary action for the use or possession of illegal drugs or alcohol. However, a student who is eligible for special education under the IDEA should have a manifestation determination review conducted to address any use or possession of illegal drugs or alcohol if such conduct could result in a change of placement.

Any disciplinary action that would constitute a “change in the placement” of a student receiving special education services may be taken only after the student’s Admission, Review, and Dismissal (ARD) committee conducts a manifestation determination review in order to determine whether the student’s conduct was a manifestation of his or her disability.

A change in placement occurs if a student is:

1. Removed from the student’s current educational placement for more than ten consecutive School days; or
2. Subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than ten school days in a school year;
  - b. The student’s behavior is substantially similar to the student’s behavior in the previous incidents that resulted in the series of removals; and
  - c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The School will determine, on a case-by-case basis, whether a pattern of removals constitutes a change in placement.

A student who has not been determined eligible for special education services and who has engaged in behavior that violates the Code is entitled to the protections under the IDEA regarding discipline of a student with special needs described above if the School has knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. Prior knowledge of a disability may occur when (1) the parent has expressed concern in

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writing that the student is in need of special education or related services, (2) the parent has requested an evaluation of the student in writing, or (3) the School personnel has expressed specific, written concerns to supervisory personnel about the student's need for special education or related services. If the School does not have knowledge that a student is a student with a disability prior to taking disciplinary action, the student may be subject to the disciplinary actions applied to students without disabilities. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary action, the evaluation shall be conducted in an expedited manner.

### **TYPES OF DISCIPLINE**

Available disciplinary consequences include:

- Parent conference;
- Verbal correction;
- Counseling;
- Conference with teacher or administrator;
- Education/training;
- Improvement plan;
- School-related assigned tasks or duties;
- Loss or restriction of privileges
- Consequences related to student participation in extracurricular activities, including removal, suspension, or restriction of participation;
- Removal from class to campus office;
- Issuance of demerits;
- Confiscation of items;
- Detention;
- Out-of-School Suspension;
- Expulsion.

One or more of these disciplinary consequences may be issued to a student found to have violated the Code. If the Code does not specify the appropriate disciplinary consequence for a particular type of student conduct, the School may issue the disciplinary consequence deemed reasonable and appropriate, with the exception of expulsion. A teacher may have additional rules and consequences for student conduct in the classroom which may result in discipline under this Code or may be enforced in addition to any discipline issued under this Code.

If a student withdraws from the School before completing assigned Out-of-School Suspension, or Expulsion, the School shall send documentation of the discipline to the next school that enrolls the student. When expulsion is an appropriate punishment for a violation and a student withdraws from the School before the expulsion process is completed, the School may choose to complete the expulsion process and send documentation of the expulsion decision to the next school that enrolls the student. If the student returns to enroll in the School at a later date and has not been required

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to complete the disciplinary consequences previously required, the School may require the student to complete the discipline upon return.

The Code shall be applied and enforced consistently and equitably among students, with the understanding that every disciplinary situation will differ and decisions will be made based on the individual facts and circumstances of a given situation.

### **DETENTION**

A student may be assigned to one or more sessions of detention for engaging in prohibited conduct under this Code. The student's parent or guardian will be notified by phone and in writing of the student's conduct and assignment to detention. Detention will be held outside of the instructional day, either before or after school, during lunch period, or during recess. While in detention, the student will be provided the appropriate class assignments and will be expected to complete those assignments as if the student were in the regular classroom.

### **OUT-OF-SCHOOL SUSPENSION**

A student may be suspended for one or more school days for engaging in prohibited conduct under this Code. The student's parent or guardian will be notified by phone and in writing of the student's conduct and the length of the period of suspension. A student may not be suspended for more than three consecutive school days. During a period of suspension, the suspended student may not enter onto school property or participate in or attend school-sponsored or school-related events or activities. The student's teachers will provide assignments that the student will be expected to complete during the period of suspension. Student assignments or other class work completed during a period of suspension will be accepted for grading if completed in a timely fashion.

### **REASONS FOR EXPULSION**

A student **may** be expelled from the School if he or she is found to have committed any of the acts listed below.

1. **Weapons.** The student used, exhibited, or possessed any of the following while on School property or while attending a School-sponsored or School-related activity on or off School property:
  - a. A firearm;
  - b. An illegal knife;
  - c. A club; or
  - d. A prohibited weapon.
  
2. **Violent Conduct.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code, regardless of location:

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- a. Aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, or continuous sexual abuse of a child or children;
  - b. Assault against another student, an employee, or a volunteer of the School;
  - c. Deadly conduct;
  - d. A Title V felony under the Penal Code.
3. **Disruptions.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code, regardless of location:
- a. False alarm or report or terroristic threat involving a public school;
  - b. An offense related to an abusable volatile chemical;
  - c. Breach of computer security if the conduct involves accessing a computer network, or computer system owned by or operated on behalf of a public school and the student knowingly alters, damages, or deletes School System property or information or commits a breach of any other computer, computer network, or computer system;
  - d. Criminal mischief if the conduct is punishable as a felony;
  - e. Public lewdness or indecent exposure.
4. **Drugs and Alcohol.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code:
- a. On School property, at School-sponsored or School-related event, or within 300 feet of School property:
    - i. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of marijuana, dangerous drug, or alcoholic beverage.
  - b. Regardless of location:
    - i. Sells, gives, delivers to another person or possesses or uses or is under the influence of marijuana or a dangerous drug, as defined by the Health and Safety Code, if the conduct is punishable as a felony.
    - ii. Sells, gives, delivers to another person an alcoholic beverage, as defined by the Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol or possesses, uses, or is under the influence of an alcoholic beverage, and the conduct is punishable as a felony.
5. **Other.** The student, while on campus or at a School-sponsored or School-related event, on or off campus:
- a. Engages in conduct that constitutes a felony;
  - b. Commits an assault;
  - c. Commits frequent violations of this Code that cause significant disruption to the School environment or substantial interference with the instructional process.

## EXPULSION PROCESS

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If the school administrator or administrator's designee determines that the student's conduct warrants expulsion, the administrator shall provide written notice to the parent, guardian, or adult student of the proposed expulsion of the student. The written notice shall also include the reason(s) for the proposed expulsion and the date, time, location and procedure for the expulsion hearing. The student is entitled to a hearing with the Superintendent, or the Superintendent's designee, during which the student and/or the student's representative (*e.g.*, parent, guardian, attorney, other) will have the opportunity to review and respond. The Superintendent, or the Superintendent's designee, may place reasonable restrictions on the conduct of the hearing, including the length of the presentations. At the end of the hearing, the Superintendent, or the Superintendent's designee, may issue a decision immediately or may wait until a later date to communicate a decision. The administrator shall send written communication of the decision to the parent or guardian. If the Superintendent, or the Superintendent's designee, determines that expulsion is appropriate, the written decision ("Expulsion Order") shall include the length of the term of expulsion.

The parent, guardian or adult student may choose to **voluntarily** waive the right to an expulsion hearing by signing a hearing waiver form provided with the notice of proposed expulsion. If the hearing is waived, the Superintendent, or the Superintendent's designee, will review the relevant evidence and issue a written decision to the parent as described above.

The School will notify the independent school System in which the student resides of the student's expulsion within three business days of the Expulsion Order.

### **TERMS OF EXPULSION**

The period of expulsion may be determined by many factors, including the severity of the conduct and the existence of a continuing risk of harm to other students and employees.

**PERMANENT EXCLUSION FROM ADMISSION PERMITTED:** A student expelled from the School is not eligible for readmission to the School at any time.

During a period of expulsion, the student is prohibited from entering onto any School property and attending any School-sponsored or School-related events. Failure to comply with this prohibition will result in the filing of criminal trespass charges against the student. Except as otherwise required by law, students will not receive educational services or receive course credits during a period of expulsion.

### **DISCIPLINE APPEAL PROCESS**

With the exception of expulsions, student discipline decisions at the campus level are final and not appealable. A parent or legal guardian may appeal an expulsion decision by filing a written appeal with the Superintendent within 5 business days of the date of the Expulsion Order. The Superintendent or Superintendent's designee will review the record of the expulsion proceedings

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at the campus level, along with any other relevant information, and will issue a written decision to the appealing party within 10 business days of receiving the request for review.

If the appealing party is not satisfied with the decision of the Superintendent or Superintendent's designee, he or she may appeal that decision to the **Sam Houston State University Charter School Board** by filing a request for review with the Superintendent's office within 5 business days of the date of the decision. The Superintendent shall notify the **Board Chair** and arrange for the **Board** to hear the complaints of the appealing party at the next available board meeting. The Superintendent shall notify the appealing party of the location, date and time of the hearing in front of the **Sam Houston State University Charter School Board**. The decision of the governing body is final. An expulsion action will not be delayed during the appeal process.

### TRUANCY

State compulsory attendance law requires that every child at least 6 and younger than 19 years of age attend school. The School enforces the compulsory attendance laws by ensuring the regular attendance of currently enrolled students through the application of truancy prevention measures and, if necessary, referral of students to truancy court.

A student's absence is excused if the absence is specifically authorized by School policy or rule, or is otherwise approved by the campus administrator. Any absence that is not excused shall be considered an "unexcused" absence.

The School will provide written notice to parents if their student has incurred three unexcused absences (including partial day absences) in a four-week period, and will begin the implementation of truancy prevention measures, which shall include one of the following:

1. The creation of a behavior improvement plan that includes a specific description of required or prohibited behavior, the period of the plan's effectiveness (not to exceed 45 days), and penalties for additional absences;
2. Referral to counseling, mentoring, community-based services, or other services to address the student's truancy.

A student will be considered "truant" if the student fails to attend school, without excuse, on 10 or more days or parts of days within a six-month period in the same school year. In rare occasions, parents may also be subject to prosecution for criminal negligence if the parent fails to secure the student's attendance.

Before the School makes a referral to truancy court, the Principal, as the School's Truancy Prevention Facilitator, will create and oversee the implementation of truancy prevention measures for the student. The School will not refer a student to truancy court if the student's

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truancy is the result of pregnancy, foster care, homelessness, and instead may offer additional counseling for the student.

As an alternative to revoking enrollment, the School may require the student to comply with a behavior improvement plan to address the student's lack of attendance. If the student fails to comply with the behavior improvement plan, the School may revoke the student's enrollment.

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### DEFINITIONS

The following definitions are provided to further detail and define the terms of this Code. The **Sam Houston State University Charter School Board** shall have final authority to interpret or amend any terms or provisions within this Code.

**Abusable volatile chemicals:** Those substances as defined in Texas Health and Safety Code § 485.001.

**Alcoholic Beverage:** Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

**Assault:** Intentionally, knowingly, or recklessly causing bodily injury to another.

**Bullying:** Written or verbal expression or physical conduct that (1) has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

**Club:** An instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

**Controlled substance:** Substances as defined in Chapter 481 of the Texas Health & Safety Code or 21 U.S.C. § 801 et seq.

**Cyberbullying:** Cyberbullying is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites.

**Deadly conduct:** Recklessly engaging in conduct that places another in imminent danger of serious bodily injury or knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**Electronic media:** Refers to all forms, kinds and types of electronic devices, communication systems, networks, software, websites, and any other technology resources including, but not limited to, social media, text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing or file sharing Web sites, cellular telephones, portable electronic devices, computers.

**False alarm or report:** Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be 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.



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**Firearm (federal):** (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 an explosive, incendiary, or poison gas bomb, or grenade.

**Firearm (state):** Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

**Gang:** An organization, combination, or association of persons composed wholly or in part of students that: (1) seeks to perpetuate itself by taking in additional members on the basis of the decision of the membership rather than on the free choice of the individual, or (2) that engages in illegal and/or violent activities. In identifying gangs and associated gang attire, signs, or symbols, the School will consult with law enforcement authorities.

**Harassment:** Threatening to cause harm or bodily injury to another, engaging in sexually intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's physical or emotional health or safety, or is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student. alone or in combination with other conduct prohibited by School policy, rules or the Code.

**Hazing:** Any act, occurring on or off campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization or group. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

**Illegal knife:** A knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.

**Paraphernalia:** Any article or device used or intended for use to inject, ingest, inhale, or otherwise introduce marijuana, a controlled substance, or a dangerous drug into the human body, including but not limited to roach clips, rolling papers, needles, baggies with residue, razor blades, bongs and pipes.

**Possession:** Regardless of the student's knowledge or intent to possess the item, to have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) in any vehicle used by the student for transportation to or from School or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the student, such as a locker or desk.

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**Prohibited item:** Includes but is not limited to (1) alcoholic beverages, marijuana, controlled substances, or dangerous drugs; (2) paraphernalia; (3) prohibited weapons; (4) any other item prohibited by this Code.

**Prohibited weapons:** Includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, switchblade knife, or zip gun, taser gun.

**Retaliation:** Harming or threatening to harm another: (1) on account of their service as a School employee or volunteer, (2) to prevent or delay another's service to the School, or (3) because the person intends to report a crime or violation of this Code.

**Self-defense:** When the person who is not the aggressor in an encounter uses the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense.

**Sexual harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student's performance or creates an intimidating, hostile, or offensive educational environment.

**Soliciting:** Requesting, commanding, or attempting to induce another student to engage in specific conduct that would constitute a violation of the Code, and with the intent that a violation of the Code be committed.

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

**Switchblade knife:** Any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or other device located on the handle or opens or releases a blade from the handle or sheath by the force of gravity or centrifugal force.

**Terroristic threat:** Threats to commit an offense involving violence to any person or property with intent to: (1) cause a reaction 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, 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 School).

**Title 5 felony offenses:** Offenses against the person that, depending on the circumstances, may include, but not be limited to the following offenses under the Penal Code: murder; capital murder;

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transport; assault; aggravated assault; sexual assault; aggravated sexual assault; improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; improper photography or visual recording; coercing, soliciting, or inducing gang membership; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; continuous sexual abuse of a young child or children; and tampering with a consumer product.

**Under the influence:** When in an employee's professional judgment, the student does not have the normal use of mental or physical faculties likely attributable to the student's use of marijuana, a controlled substance, dangerous drug or alcoholic beverage. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use or other abnormal or erratic behavior. The student need not be legally intoxicated.

**Use:** With respect to substances, voluntarily injecting, ingesting, inhaling, or otherwise introducing a prohibited substance into the body. With respect to objects or devices, putting into action or service or carrying out an action or purpose with the object or device.

**Zip gun:** A device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion

**Appendix VI: Student Welfare-Freedom from Discrimination, Harassment, and Retaliation**

## **Appendix VI: Student Welfare-Freedom from Discrimination, Harassment, and Retaliation**

Note that school board policies may be revised at any time.

### **Student Welfare: Freedom from Discrimination, Harassment, and Retaliation**

Note: This policy addresses discrimination, harassment, and retaliation involving System students. For provisions regarding discrimination, harassment, and retaliation involving System employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

#### *Statement of Nondiscrimination*

The System prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law. The System prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of System policy and is prohibited.

#### *Discrimination*

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, disability, age, or on any other basis prohibited by law, that adversely affects the student.

#### **Prohibited Harassment**

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
  2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
  3. Otherwise adversely affects the student's educational opportunities.
- Prohibited harassment includes dating violence as defined by this policy.

#### *Examples*

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or

damage to property.

### **Sexual Harassment by an Employee**

Sexual harassment of a student by a System employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A System employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
  - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
  - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and System employees are prohibited. Any sexual relationship between a student and a System employee is always prohibited, even if consensual.

### **By Others**

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or non-verbal conduct when the conduct is so severe, persistent, or pervasive that it:

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

### *Examples*

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Necessary or permissible physical contact such as assisting a child by taking the child's hand,

comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

### **Gender-Based Harassment**

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

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

#### *Examples*

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

### **Dating Violence**

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other 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.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

*Examples*

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

**Retaliation**

The System prohibits retaliation by a student or System employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or participates in an investigation.

*Examples*

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

**False Claim**

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a System investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action.

**Prohibited Conduct**

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

**Reporting Procedures**

*Student Report*

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other System employee, or the appropriate System official listed in this policy.

### *Employee Report*

Any System employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate System official listed in this policy and take any other steps required by this policy.

### **Definition of System Officials**

For the purposes of this policy, System officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

#### Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the designated Title IX coordinator for students.

#### ADA / Section 504 Coordinator

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students.

#### Superintendent

The Superintendent shall serve as coordinator for purposes of System compliance with all other nondiscrimination laws.

### **Alternative Reporting Procedures**

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

### **Timely Reporting**

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the System's ability to investigate and address the prohibited conduct.

### **Notice to Parents**

The System official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a System employee or another adult.

### **Investigation of the Report**

The System may request, but shall not require, a written report. If a report is made orally, the



System official shall reduce the report to written form.

#### *Initial Assessment*

Upon receipt or notice of a report, the System official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the System shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the System official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the System official shall refer the complaint to the Superintendent.

#### *Interim Action*

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the System shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the System's investigation.

#### *System Investigation*

The investigation may be conducted by the System official or a designee, such as the principal, or by a third party designated by the System, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

#### *Criminal Investigation*

If a law enforcement or regulatory agency notifies the System that a criminal or regulatory investigation has been initiated, the System shall confer with the agency to determine if the System investigation would impede the criminal or regulatory investigation. The System shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the System shall promptly resume its investigation.

#### *Concluding The Investigation*

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the System to delay its investigation, the investigation should be completed within ten System business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the System official overseeing the investigation.

### *Notification of Outcome*

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

### *System Action*

#### Prohibited Conduct

If the results of an investigation indicate that prohibited conduct occurred, the System shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

#### Corrective Action

Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the System's policy against discrimination and harassment.

#### Bullying

If the results of an investigation indicate that bullying occurred, the System official shall refer to Policy for appropriate notice to parents and System action. The System official shall refer to Policy for transfer provisions.

#### Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the System may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.

#### Confidentiality

To the greatest extent possible, the System shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

#### Appeal

A student or parent who is dissatisfied with the outcome of the investigation may appeal through Policy 300.121, beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

## Elementary Student Handbook

### **Records Retention**

The System shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the System's records retention schedules, but for no less than the minimum amount of time required by law.

### **Access to Policy and Procedures**

Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the System's website, to the extent practicable, and readily available at each campus and the System's administrative offices.

## **Appendix VII: Freedom from Bullying Policy**

Note that school board policies may be revised at any time.

### **Student Welfare: Freedom from Bullying**

#### *Bullying Prohibited*

The System prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of System policy and is prohibited.

#### Definition

Bullying occurs 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 System and that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, 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 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.

#### Examples

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

#### **Retaliation**

The System prohibits retaliation by a student or System employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

### *Examples*

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

### **False Claim**

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a System investigation regarding bullying shall be subject to appropriate disciplinary action.

### **Timely Reporting**

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the System's ability to investigate and address the prohibited conduct.

### **Reporting Procedures**

#### *Student Report*

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, principal, or other System employee.

#### *Employee Report*

Any System employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

#### *Report Format*

A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

#### *Prohibited Conduct*

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy, including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the System shall proceed under policy. If the allegations could constitute both prohibited conduct and bullying, the investigation shall include a determination on each type of conduct.

#### *Investigation of Report*

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent

bullying during the course of an investigation, if appropriate.

#### *Concluding the Investigation*

Absent extenuating circumstances, the investigation should be completed within ten System business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.

#### *Notice to Parents*

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

### **System Action**

#### *Bullying*

If the results of an investigation indicate that bullying occurred, the System shall promptly respond by taking appropriate disciplinary action in accordance with the System's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

#### *Discipline*

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

#### *Corrective Action*

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the System's policy against bullying.

### **Transfers**

The principal or designee shall refer to the SHSU Board Policy for transfer provisions.

### **Counseling**

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

### **Improper Conduct**

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the System may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

### **Confidentiality**

To the greatest extent possible, the System shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

### **Appeal**

A student who is dissatisfied with the outcome of the investigation may appeal through Policy 300.121, beginning at the appropriate level.

### *Records Retention*

Retention of records shall be in accordance with Board Policy.

### **Access to Policy and Procedures**

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the System's website, to the extent practicable, and shall be readily available at each campus and the System's administrative offices.