

Lewisville Independent School District



# CODE of CONDUCT



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**STUDENT SERVICES**

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**It is the policy of the Lewisville Independent School District not to discriminate on the basis of gender, disability, race, color, or national origin in its educational and vocational programs, activities, or employment as required by Title IX, Section 504, and Title VI.**

## **THE PURPOSE OF THE STUDENT CODE OF CONDUCT**

Education in this community represents a significant commitment of financial and human resources. The benefits a student derives from this investment depend largely on the student's attitude toward learning and the student's adherence to high standards of behavior.

The Student Code of Conduct that follows is the District's specific response to requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may or must result in a range of specific disciplinary consequences including removal from a regular classroom or campus, suspension, placement in or removal from a Disciplinary Alternative Education Program (DAEP), or expulsion from school. This Code is an outgrowth of collaboration among District and campus staff.

This Code has been adopted by the Lewisville Independent School District Board of Trustees with the advice of its District-level committee.

The Student Code of Conduct provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Student Code of Conduct shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be posted on the district's Web site. Parents shall be notified of any Student Code of Conduct violation that may result in a student being suspended, removed to a DAEP, or expelled from the District.

In case of conflict between the Student Code of Conduct and the campus student handbook, the Student Code of Conduct will prevail. The Student Code of Conduct is adopted by the District's Board of Trustees and has the force of policy.

The Glossary at the back of the Student Code of Conduct provides easy access to definitions of legal terms.

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

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# **STANDARDS FOR STUDENT CONDUCT**

## **BEHAVIORS**

Each student is expected to:

- Demonstrate courtesy and respect for others.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Be well-groomed, dress appropriately and follow the dress regulations outlined in the Campus Student Handbook. The District's over all policy regarding dress is that a student's dress and grooming shall not lead school officials to believe that such dress or grooming will disrupt, interfere with, or detract from school activities, i.e., advertising of alcohol, drugs, sex, violence, tobacco products, obscene language, or suggestive wording and must comply with district and campus rules. The District prohibits any clothing or grooming that, in the principal's judgment, may cause disruption or interference with normal school operations.
- Obey all campus and classroom rules.
- Respect the rights and privileges of other students and of teachers and other District staff and volunteers.
- Respect the property of others, including District property and facilities.
- Cooperate with or assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.
- Maintain honesty and integrity in all issues regarding school work and interaction with school officials.

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

## **CONSEQUENCES — Standards for Student Conduct**

A student whose behavior shows disrespect for others, including interference with learning and a safe environment, will be subject to disciplinary action.

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

The District has disciplinary authority over a student:

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

### **Student Search:**

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

The District has the right to search a student, student's possessions or a student's locker whenever there is reasonable cause to believe that the student possesses articles or materials prohibited by federal or state law and by the school district.

### **Revoking Transfers**

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

## **Consequences-Standards Cont'd.**

A school administrator will report crimes as required by law. A school administrator who suspects that a crime has been committed on campus will call local law enforcement.

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

Before making any disciplinary decisions concerning suspension, removal to a DAEP, expulsion, or removal to a JJAEP, the District must take into consideration the intent or lack of intent of the student at the time the student engaged in the conduct; whether the student was engaged in self-defense; the student's disciplinary history; and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses. Depending upon all of the relevant circumstances, a student who acts in self-defense may still be subjected to an appropriate disciplinary consequence.

A student who violates campus or classroom rules that are not Student Code of Conduct violations may be disciplined by one or more of the discipline management techniques listed below. For these violations that are not violations of the Student Code of Conduct, the teacher is not required to make a Student Code of Conduct violation report, and the principal is not required to notify parents.

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

The following discipline management techniques may be used--alone or in combination--for misbehavior violating the Student Code of Conduct or campus or classroom rules:

- Verbal correction or reprimand.
- Cooling-off time or "time-out."
- Seating changes within the classroom.
- Counseling by teachers, counselors, and or administrative personnel.
- Parent-teacher conferences.
- Temporary confiscation of items that disrupt the educational process.
- Grade reductions as permitted by policy.

## **Consequences-Standards Cont'd.**

- Rewards or demerits.
- Behavioral contracts.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Detention.
- Assigned school duties other than class tasks.
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations.
- Withdrawal or restriction of bus privileges.
- Out of school suspension.
- Placement in a Disciplinary Alternative Education Program, DAEP, as specified in the DAEP section of this Student Code of Conduct.
- Assignment of school duties such as scrubbing desks or picking up litter.
- Techniques or penalties identified in individual student organization's extracurricular standards of behavior.
- School-assessed and school-administered probation.
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
- Other strategies and consequences as specified by the Student Code of Conduct.
- Expulsion, as specified in the expulsion section of this Student Code of Conduct.

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate and in accordance with Policy FNG (LOCAL). A copy of this policy is found on page 47 of this Student Code of Conduct. A copy may also be obtained from the principal's office or the central administration office.

CONSEQUENCES WILL NOT BE DEFERRED PENDING THE OUTCOME OF A GRIEVANCE.

***FNG (LOCAL) is not the policy identifying procedures for appealing disciplinary actions. (See Discipline Appeals Procedures, page 31, for Discipline Appeals information.)***



# GENERAL MISCONDUCT VIOLATIONS

## BEHAVIORS

The following behaviors are prohibited at all school and school-related activities:

- \*▪ Cheating or copying the work of another.
- \*▪ Throwing objects that may cause bodily injury or property damage.
- \*▪ Leaving school grounds or school-sponsored events without permission.
- \*▪ Directing profanity, vulgar language, or obscene gestures toward other students or District employees or volunteers.
- \*▪ Scuffling or fighting.
- \*▪ Gambling or any form of wagering.
- \*▪ Stealing from students, staff, or the school.
- \*▪ Damaging or vandalizing property owned by others.
  - Violating safety rules as communicated in the student handbook or campus/classroom rules.
- \*▪ Littering, defacing, or damaging school property including textbooks, lockers, furniture and other equipment, with graffiti or by other means.
- \*▪ Disobeying school rules about conduct on school buses.
  - Posting, selling, circulating, or distributing non-school materials without prior approval.
- \*▪ Hazing - a willful, reckless act by a student acting alone or with others that endangers the health or safety of another student for the purpose of pledging or maintaining membership in a school-related organization, including a club or social group.
- \*▪ Failing to comply with directives given by school personnel, which is considered insubordination.
- \*▪ Committing extortion or blackmail (obtaining money or another object of value from an unwilling person).
- \*▪ Making false accusations or hoaxes regarding school safety.
- \*▪ Falsifying records, passes, or other school-related documents.
- \*▪ Engaging in threatening behavior towards another student or District employee, on or off school property.
- \*▪ Forcing an individual to act through the use of force or threat of force (coercion).

## MISCONDUCT BEHAVIORS Cont'd.

- ★▪ Committing or assisting in a robbery or a theft that does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct.)
- ★▪ Bullying, including intimidation by name calling, ethnic or racial slurs, or derogatory statements or actions that school officials have reason to believe will disrupt the school program, incite violence, intimidate or embarrass another individual. (See Glossary) [See page 42 for LISD policy FFI (LOCAL) on bullying.
- ★ Making hit lists.
- ★▪ Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will disrupt the school program or incite violence.
- ★▪ Possession or distribution of pornographic materials, including accessing pornographic materials on the Internet.
- ★▪ Engaging in inappropriate verbal, physical or sexual contact directed toward another student, District employee or volunteer.
- ★▪ Engaging in conduct that constitutes sexual or gender based harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student, District employee or volunteer. See page 35 for LISD policy FFH (LOCAL) on sexual harassment/abuse.
  - Possessing or using matches or a lighter.
- ★▪ Possessing, smoking, or using tobacco products.
- ★▪ Taking a camera phone into locker rooms, dressing rooms, bathrooms, showers, or any other area where students and/or adults may be partially clothed.
- ★▪ Using a cellular telephone or other electronic device at school during the school day in an inappropriate manner. The District assumes no responsibility for lost or stolen telecommunication devices.
- ★▪ Possessing or using a laser pointer.
- ★▪ Violating computer use policies, rules, or agreements signed by the student and/or agreements signed by the student's parent.
- ★▪ Inappropriate or indecent exposure of a student's private body parts.
  - Truancy.
  - Tardiness.

## MISCONDUCT BEHAVIORS Cont'd.

- \*▪ Possessing or selling “look-alike” weapons.
- \*▪ Possessing air guns or BB guns.
- \*▪ Possessing ammunition.
- \*▪ Possessing a stun gun.
- \*▪ Behaving in any way, or bringing, possessing, or using any item, that disrupts the school environment/educational process.
- \*▪ Possessing pyrotechnic devices, including but not limited to, such items as fireworks, smoke bombs, stink bombs, etc.
- \*▪ Possessing any knife, box cutter, razor, chain, or any other object used in a way that threatens or inflicts bodily injury to another person or is deemed inappropriate by school personnel.
- \*▪ Repeatedly violating other communicated campus or classroom standards of behavior, which is defined as persistent misbehavior.
- \*▪ Violating dress and grooming standards as communicated in the student handbook or by sponsors of extracurricular activities.
- \*▪ Possessing mace or pepper spray.
- \*▪ Possessing or selling seeds or pieces of marijuana in less than a usable amount.
- \*▪ Use the Internet or other electronic communications to threaten district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- \*▪ Engaging in harassment motivated by race, color, religion, national origin, disability or age and directed toward another student or District employee.
- \*▪ Send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and “sexting,” either on or off school property, if the conduct causes a substantial disruption to the education environment.
- \*▪ Discharging a fire extinguisher.
- \*▪ Refusing to accept discipline management techniques assigned by a teacher or principal.
- \*▪ Possessing or selling look-alike drugs or items attempted to be represented as drugs or contraband.
- \*▪ Possessing, using, giving, or selling paraphernalia related to any prohibited substance.

## MISCONDUCT BEHAVIORS Cont'd.

- ★▪ Use e-mail or Web sites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the education environment.
  - Violating extracurricular standards of behavior.
- ★▪ Engaging in conduct that constitutes dating violence. (See glossary)
- ★▪ Possessing a pocketknife or any other small knife.
- ★▪ Abusing the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event. (See glossary for "abuse.")
- ★▪ Abusing over-the-counter drugs. (See glossary for "abuse.")
- ★▪ Being under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for "under the influence.")
- ★▪ Having or taking prescription drugs or over-the-counter drugs at school other than as provided by district policy.
- ★▪ Recording the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- ★▪ Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- ★▪ Attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
- ★▪ Possessing any form of electronic or vapor cigarette.
- ★▪ **Behaviors identified with an asterisk may carry a disciplinary action of removal from school to the Disciplinary Alternative Education Placement Center.**

## **CONSEQUENCES—Misconduct**

General Misconduct Violations, identified in the list of prohibited behaviors, will result in application of one or more discipline management techniques consistent with law and the Student Code of Conduct.

The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation of the Student Code of Conduct that may result in a suspension, removal to a Disciplinary Alternative Education Program (DAEP), or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

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

### **DISCRETIONARY REMOVAL**

General misconduct violations will not necessarily result in the formal removal of the student from class or another placement but may result in a routine referral, formal removal, or the use of any other discipline management technique.

### **FORMAL REMOVAL BY A TEACHER**

Formal removal from class will be initiated by a teacher if the student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his/her class or the behavior is so unruly, disruptive, or abusive that the teacher cannot teach and the students in the classroom cannot learn.

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled.

A teacher or administrator **may** remove a student from class for a behavior that the District has determined is a violation of the Student Code of Conduct.

Within three school days of receiving the Student Code of Conduct violation report, the principal will schedule a conference with the student's parent or guardian, the teacher, and the student in the case of a teacher removal.

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

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

## **CONSEQUENCES-Misconduct Cont'd.**

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- A Disciplinary Alternative Education Program in which the student must be separated from other students for the entire school program day, and which will provide instruction in the core subjects and counseling.

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

When a student has been formally removed from class by a teacher, the principal may not return the student to the teacher's class without the teacher's consent unless the placement review committee determines that the teacher's class is the best or only alternative available.

State law prohibits students placed in a Disciplinary Alternative Education Program for mandatory removal reasons from attending or participating in school-sponsored or school-related extracurricular activities during the period of placement including seeking or holding honorary positions and/or membership in school-sponsored clubs or organizations.

### **AND**

The District does not permit a student who is placed in a Disciplinary Alternative Education Program for any reason determined by the District to participate in any school-sponsored or school-related extracurricular or non-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

Parental questions or complaints regarding disciplinary measures taken should be addressed to the teacher or campus administration, as appropriate, and in accordance with Policy FNG (LOCAL). A copy of this policy is found on pages 43-48 of this code, online at [www.lisd.net](http://www.lisd.net) or a copy may be obtained from the principal's office or the central administration office.

***Policy FNG (LOCAL) is not the policy identifying procedures for appealing disciplinary actions. (See Discipline Appeals Procedures, pages 31-33, for Discipline Appeals information)***

# **REMOVAL FROM REGULAR EDUCATIONAL SETTING SUSPENSION**

## **BEHAVIORS**

Students may be suspended for any behavior listed in the Student Code of Conduct as a general misconduct violation, Disciplinary Alternative Program placement, or expellable offense.

## **CONSEQUENCES**

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

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

A student who is to be suspended will have an informal conference with the principal or appropriate administrator advising the student of the conduct of which he/she is accused. The student will be given the opportunity to explain his/her version of the incident before the administrator's decision is made.

The number of days of a student's suspension, which cannot exceed three school days, will be determined by the principal or other appropriate administrator.

While under the in-school or out-of-school suspension a student is not permitted to participate in extracurricular, co-curricular, or other school sponsored activities.

In deciding whether to order suspension, the district will take into consideration:

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

# REMOVAL FROM REGULAR EDUCATIONAL SETTING DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM

## BEHAVIORS

A student **must** be placed in a Disciplinary Alternative Education Program (DAEP) for any of the following offenses if the student commits these offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property.

- Engages in conduct punishable as a felony.
- Commits an assault under Penal Code 22.01(a)(1). (See Glossary)

### Sexual Assault and Campus Assignments

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

A student **must** be placed in a Disciplinary Alternative Education Program if the student:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of alcohol, or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See Glossary)
- Engages in acts of criminal mischief, not punishable as a felony, involving school district property or property of others while on school district property, and damages do not exceed fifteen hundred dollars (\$1500.00).
- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
- Engages in serious and/or persistent misbehavior.

Serious Misbehavior - Any behavior that disrupts the learning process of another student, or that threatens the safety and well being of other students, faculty, or staff.

Persistent Misbehavior - Any inappropriate behavior where there are two or more violations of the Student Code of Conduct in general; repeated, two or more, occurrences of the same



## BEHAVIORS-DAEP Cont'd.

violation; or repeated, two or more, disruptions of the classroom, the school campus, or the educational environment.

- Behaves in a manner that contains the elements of the offense of public lewdness or engages in any sexually oriented activity that, in the judgment of the principal, is inappropriate at school or at a school-sponsored event.
- Behaves in a manner that contains the elements of the offense of indecent exposure or inappropriately exposing parts of the body that should not be exposed in a public school setting.
- A student between the ages of six and nine years of age engages in expellable conduct.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the expulsion section of this Student Code of Conduct.)
- Engages in conduct punishable as a felony that occurs off school property and not at a school-sponsored or school-related event and that injures a person in a way listed as a Title 5 offense in the Texas Penal Code and the student receives deferred prosecution; or (See Glossary)
- Engages in conduct punishable as a felony listed as aggravated robbery or under Title 5 (see Glossary), of the Texas Penal Code when the conduct occurs off school property and not at a school-approved or school-related event and:
  1. The student receives deferred prosecution. (See Glossary)
  2. A court or jury finds that the student has engaged in delinquent conduct. (See Glossary)
  3. The Superintendent or designee has a reasonable belief that the student engaged in the conduct. (See Glossary)
- A principal or other appropriate administrator may, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

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

- Engaging in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, and for which the Superintendent or designee has reasonable belief that the student's presence in the regular classroom threatens the safety of other students or teachers, or will hinder the education of students.
- In accordance with Education Code 37.0081, after an opportunity for a hearing before the Board or its designee, a student **may** be placed in a DAEP if:
  1. The student receives deferred prosecution for conduct defined as a felony offense in Title 5 of the Texas Penal Code; or

## BEHAVIORS-DAEP Cont'd.

2. The student has been found by a court to have engaged in delinquent conduct or conduct defined as a felony offense in Title 5 of the Texas Penal Code.
- The Board, or the Board's designee, must determine that the student's presence in the regular classroom:
    1. Threatens the safety of other students or teachers;
    2. Will be detrimental to the educational process; or
    3. Is not in the best interest of the District's students.

A student's placement in the DAEP as a result of receiving deferred prosecution or delinquent conduct, as described above, may occur regardless of:

1. The date on which the student's conduct occurred;
  2. The location at which the conduct occurred;
  3. Whether the conduct occurred while the student was enrolled in the District; or
  4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.
- Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang.
  - Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.
  - Distribution of over-the-counter drugs.
  - Possession, distribution, or selling of substances represented as an abusable volatile chemical, alcohol, prescription, or dangerous drugs while on school property or at school-related or school-sponsored activities.
  - Makes a statement that implies any form of violence against another individual.
  - Criminal mischief not punishable as a felony
  - A federal firearms violation for a student five years of age or younger.

In addition, the District has determined that the behaviors identified by an asterisk on pages 8-11 may result in a student placement in a DAEP.

## **CONSEQUENCES-DAEP**

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

The Board has delegated to the principal or the principal's designee the authority to remove a student to a Disciplinary Alternative Education Program (DAEP).

The placement of a student in DAEP and the duration of the placement will be determined on a case-by-case basis by the principal or the principal's designee.

In deciding whether to order placement in a DAEP, the district will take into consideration:

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

Within three school days of receiving the Student Code of Conduct violation report, the principal will schedule a conference with the student's parent or guardian, the student, and the teacher in the case of a teacher removal.

Until a conference can be held as a result of a formal teacher removal or administrator removal, the principal may place a student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- A Disciplinary Alternative Education Program.

At the conference, the principal or appropriate administrator will inform the student, orally or in writing, of the allegations against him/her, the reason for the placement, and give the student an opportunity to give his/her version of the incident. The principal or appropriate administrator will inform the student of the consequences of the misbehavior and the student's length of placement in the Disciplinary Alternative Education Program.

Following valid attempts to require their attendance, the District may hold the conference and make a placement decision regardless of whether the student or the student's parent attends the conference.

Placement in a DAEP may not exceed one year unless a review by the District determines that:

1. The student is a threat to the safety of other students or to District employees, or

## CONSEQUENCES-DAEP Cont'd.

2. Extended placement is in the best interest of the student.

The Board's designee will send the student and the parent a copy of the DAEP order. Not later than the second business day after the conference, the Board's designee will release to the juvenile court a copy of the order placing the student in DAEP and all information required in Section 52.04 of the Family Code.

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate and in accordance with Policy FNG (LOCAL). A copy of this policy can be found on pages 43-48 of this code, or may be obtained from the student's principal's office or the central administration office.

For consequences equaling DAEP placement, consequences will not be deferred pending the outcome of an appeal. If space is not immediately available at the Lewisville Learning Center, the student will either be suspended (not to exceed three days) or placed in on-campus suspension until space becomes available. The days spent in on-campus suspension will be subtracted from the number of days assigned to DAEP. The decision to place a student in DAEP cannot be appealed beyond the Board.

***Policy FNG (LOCAL) is not the policy identifying procedures and appealing disciplinary actions. (See Discipline Appeals Procedures, pages 31-33, for discipline appeals information.)***

State law prohibits students placed in a DAEP for mandatory removal reasons from attending or participating in school-sponsored or school-related extracurricular or non-curricular activities during the period of placement including seeking or holding honorary positions and/or membership in school-sponsored clubs or organizations.

### AND

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

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

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

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

## CONSEQUENCES-DAEP Cont'd.

### Coursework Notice

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

For placement in a DAEP to extend beyond 60 days or through the end of the next grading period, whichever is sooner, a student's parent will be given notice and the opportunity to participate in a proceeding before the Board or the Board's designee. Any decision is final and may not be appealed beyond the Board.

Students who commit offenses that require placement in a Disciplinary Alternative Education Program at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the principal must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to students or others.
2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

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

For seniors and eligible juniors assigned to a DAEP who are eligible to graduate, the placement in the program will continue through graduation, and the student **will not** be allowed to participate in the graduation ceremony and related graduation activities.

A student assigned to a DAEP placement in another district at the time he or she moves into the District will, after completing enrollment requirements at the designated home campus, be placed directly into the District's Disciplinary Alternative Education Program.

The office of the prosecuting attorney will notify the District if a student was placed in a DAEP and:

1. Prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

## CONSEQUENCES-DAEP Cont'd.

2. The court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

If a student was placed in a DAEP for conduct other than a false alarm or report of terroristic threat involving a public school, or for conduct on or within 300 feet of school property for which DAEP placement is required by law on receiving the notice from the prosecutor, the Superintendent or designee will review the student's placement in the DAEP and schedule a review of the student's placement with the student's parent, not later than the third day after the Superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers. The student or the student's parent or guardian may appeal the Superintendent's decision to the Board. The student may not be returned to the regular classroom pending the appeal.

This appeals process does not apply to placements resulting from offenses for which the state requires mandatory DAEP placement.

The Board will, at the next scheduled meeting, review the notice from the juvenile court and receive information from the student, the student's parent or guardian, and the Superintendent or designee, and confirm or reverse the decision of the Superintendent or designee. The Board will make a record of the proceedings.

If the Board confirms the decision of the Superintendent or designee, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

## **EMERGENCY PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM**

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for placement in a DAEP. If emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.

# EXPULSIONS - MANDATORY

## BEHAVIORS

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

- Bringing to school a firearm, as defined by federal law.  
  
Firearm under federal law includes:
  1. Any weapon (including a starter gun) that will, or is designed to, or which 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.
  4. Any destructive device, such as any explosive, incendiary, or poison gas bomb, or grenade.
  
- Use, exhibition, or possession of the following, as defined by the Texas Penal Code:
  1. A firearm. (Any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.)
  2. An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
  3. A club such as an instrument specifically 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.
  4. A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun, or a tire deflation device.
  
- Behavior containing the elements of the following under the Texas Penal Code:
  1. Aggravated assault, sexual assault, or aggravated sexual assault.
  2. Arson. (A person commits arson if a person starts a fire, regardless of whether the fire continues after ignition.)
  3. Murder, capital murder, or criminal attempt to commit murder or capital murder.

## **BEHAVIORS-Expulsions Mandatory Cont'd.**

4. Indecency with a child.
5. Aggravated kidnapping.
6. Aggravated robbery.
7. Manslaughter.
8. Criminally negligent homicide.
9. Behavior punishable as a felony that involves the selling, giving, or delivering to another person, possession, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
10. Retaliation against a school employee combined with one of the above-listed offenses, on or off school property or at a school-related activity.
11. Continuous sexual abuse of a young child or children.

## **CONSEQUENCES--EXPULSIONS MANDATORY**

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

When a student under the age of ten engages in behavior that is an expellable behavior, the student will not be expelled, but will be placed in a Disciplinary Alternative Education Program (DAEP). Students under age six will not be removed from class and placed in a DAEP unless the student commits a federal firearm offense.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the Superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis and/or the District may provide educational services to the expelled student in a DAEP. The District must provide educational services in the DAEP if the student is younger than ten years of age.

The Board of Trustees delegates to the campus principal (Level 1) and to the District Expulsion Review Committee (Level 2), the authority to expel students.

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



## **CONSEQUENCES-Expulsions Mandatory Cont'd.**

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

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- Disciplinary Alternative Education Program.

The duration of a student's expulsion will be determined on a case-by-case basis. The maximum period of expulsion is one school calendar year.

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

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

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

An expellable offense requires a minimum of a thirty school-day expulsion to the Denton County Juvenile Justice Center Alternative Education Placement Program.

# EXPULSIONS - DISCRETIONARY

## BEHAVIORS

A student **may** be expelled for engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

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

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

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

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

- Committing aggravated assault, sexual assault, or aggravated sexual assault.
- Committing arson.
- Committing murder, capital murder, or criminal attempt to commit murder or capital murder.
- Committing indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide or aggravated robbery.
- Committing a felony drug-or-alcohol-related offense.
- Using, exhibiting, or possessing a firearm (as defined by state law) an illegal knife, a club, or prohibited weapon, or possessing a firearm (as defined by federal law).
- Continuous sexual abuse of a young child or children.

A student **may** be expelled if the student engages in the following conduct no matter where the conduct takes place:

- Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Engaging in criminal mischief, if punishable as a felony.
- Breach of computer security.
- Engaging in conduct relating to a false alarm or a report (including a bomb threat) or a terroristic threat involving a public school.

## BEHAVIORS-Expulsions Discretionary Cont'd.

A student **may** be expelled if the student engages in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:

- Aggravated assault.
- Sexual assault.
- Aggravated sexual assault.
- Murder.
- Capital murder.
- Criminal attempt to commit murder or capital murder.
- Aggravated robbery.

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

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

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

A student may be expelled if the student engages in the following conduct while on school property or at school-sponsored or school-related activities:

**BEHAVIORS-Expulsions Discretionary Cont'd.**

- Possession, exhibition, or use of a "legal" knife when used to threaten, intimidate, or inflict bodily harm.

Placement and/or Expulsion for Certain Serious Offenses

**Registered Sex Offenders**

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

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

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

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

**Review Committee**

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

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

**Newly Enrolled Student**

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

**Appeal**

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student,

## BEHAVIORS-Expulsions Discretionary Cont'd.

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

### Certain Felonies

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

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

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

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

### Hearing and Required Findings

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

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

**BEHAVIORS-Expulsions Discretionary Cont'd.**

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

**Length of Placement**

The student is subject to the placement until:

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

**Newly Enrolled Students**

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

## **CONSEQUENCES—Expulsions discretionary**

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

When a student under the age of ten engages in behavior that is an expellable behavior, the student will not be expelled, but will be placed in a Disciplinary Alternative Education Program (DAEP). Students under age six will not be removed from class and placed in a DAEP unless the student commits a federal firearm offense.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the Superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis and/or the District may provide educational services to the expelled student in a DAEP. The District must provide educational services in the Disciplinary Alternative Education Program if the student is younger than ten years of age.

The Board delegates the power to expel students to the campus principal or other appropriate campus administrator (Level 1) and to the District Expulsion Review Committee (Level 2).

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

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

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- Disciplinary Alternative Education Program.

The duration of a student's expulsion will be determined on a case-by-case basis.

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

In deciding whether to order expulsion, the district will take into consideration:

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

A student facing expulsion will be given appropriate due process as required by the federal Constitution. The student is entitled to:

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

# **EXPULSION - APPEAL**

The Board of Trustees delegates power to expel students to the principal or other appropriate campus administrator (Level 1) and to the District Expulsion Review Committee (Level 2).

A student, expelled by the campus principal after the due process hearing (Level 1), may appeal the expulsion to the District Expulsion Review Committee (Level 2). The student or parent must submit a written request to the Executive Director for Student Services within three days after receipt of the written decision. The Executive Director for Student Services must, within five school days, provide the student or parent written notice of the date, time and place of the appeal hearing. Consequences will not be deferred pending the outcome of the hearing.

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

The decision by the District Expulsion Review Committee to expel a student may be appealed to the Board of Trustees, (Level 3). The student or parent must submit a written request to appeal to the Superintendent within three days of receiving the Committee decision. The Superintendent must provide the student or parent written notice of the date, time and place of the appeal hearing. Consequences will not be deferred pending the outcome of the hearing. In some instances, appeal hearings at Levels 2 and 3 may be communicated to the student or parent by telephone or e-mail.

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

The Board will hear statements made by the parties at the hearing and will make its decision in an open meeting and communicate the decision to the student or parent.

Consequences will not be deferred pending the outcome of this hearing.

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

## **EXPULSIONS**

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

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

When a student has violated the District Student Code of Conduct in a way that requires or permits expulsion from the District and the student withdraws from the District before the expulsion hearing takes place, the District may conduct the hearing after sending written notice to the parent and student. If the student then re-enrolls in the District during the same or subsequent school year, the



## **EXPULSIONS Cont'd.**

District may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district. If the principal, another appropriate administrator, or the Board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings. If, during the expulsion, the student engages in additional conduct for which placement in a DEAP or expulsion is required or permitted, additional proceedings may be conducted, and the principal, another appropriate administrator, or the Board may issue an additional disciplinary order as a result of those proceedings.

Not later than the second business day after the hearing, the campus principal or other appropriate administrator, will deliver to the juvenile court a copy of the order expelling the student and the information required by Section 52.04 of the Family Code.

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

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

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

No District academic credit will be earned for work missed during the period of expulsion (unless the student is enrolled in a Juvenile Justice Alternative Education Program or another District-approved program).

The District will continue the expulsion of any student expelled from another open-enrollment charter school during the period of the expulsion order.

If a student expelled in another state enrolls in the District, the District may continue the expulsion under the terms of the expulsion order, or may allow the student to attend regular classes, if:

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

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

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

## **EMERGENCY REMOVAL – Expulsion**

When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will be given appropriate due process for a student facing expulsion. If emergency expulsion involves a student with disabilities who receives special education services, the term of the student's emergency expulsion is subject to the requirements of federal law.

## **NON EXPULSION-DAEP PLACEMENT DISCIPLINE APPEAL**

A disciplinary action taken by the school administration that does not remove the student from the home campus may be appealed to the campus principal. **THE DECISION OF THE CAMPUS PRINCIPAL IS THE FINAL LEVEL OF APPEAL.** These disciplinary actions include, but are not limited to, in-school suspension (PAS), detention, Saturday school.

A disciplinary action taken by school administration that removes the student from the home campus, out-of-school suspension, DAEP placement and expulsion, may be appealed through the District appeal process unless the student's disciplinary offense requires State mandatory placement. Consequences will not be deferred pending the outcome of the appeal.

### **ALTERNATIVE EDUCATION PLACEMENT APPEAL**

For out-of-school suspension and placement at the District Discipline Alternative Education Center program, the first level of appeal is to the campus principal. If the appeal is not resolved at the campus level (Level 1), the disciplinary action may be appealed to the District Student Discipline Review Committee (Level 2).

When the student is informed of the discipline determined by the District Discipline Review Committee, the discipline action will be adjusted accordingly if needed. Otherwise the student will complete the original assignment given by the campus administration. The disciplinary action of the District Student Discipline Review Committee may be appealed to the Board of Trustees (Level 3). Out-of-school suspensions cannot be appealed beyond the Board of Trustees (Level 3).

# FOD (LOCAL) POLICY FOR EXPULSION

**STUDENT DISCIPLINE:  
EXPULSION APPEAL**

**FOD  
(LOCAL)**

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**EXPULSION APPEALS** The Board of Trustees delegates the authority to expel students to the campus principal, or other appropriate campus administrator (Level 1) and to the District expulsion review committee (Level 2).

**LEVEL 1 HEARING** The campus principal or other appropriate campus administrator shall schedule a hearing within three days with the student's parent/guardian, teacher (if appropriate), and the student. The student's parent/guardian shall be invited in writing to attend the hearing. The student shall be given notice of the charges, proposed sanctions, and afforded a reasonable opportunity for preparation. A parent/guardian or other adult who is not an employee of the District may represent the student. The student shall be given an opportunity to testify, present evidence and witnesses, and to cross-examine the District's evidence and representative.

**LEVEL 2 HEARING** If the campus principal or other appropriate campus administrator decides to expel a student after the Level 1 hearing, the expulsion may be appealed to the District expulsion review committee (Level 2 hearing). Consequences will not be deferred pending the outcome of the hearing.

**LEVEL 3 HEARING** If the District expulsion review committee upholds the campus level expulsion, the decision may be appealed to the Board of Trustees (Level 3 hearing) by the student's parent/guardian submitting to the Superintendent, within three days after the Level 2 hearing, a written request to place the matter on the agenda of the next scheduled Board meeting.

The Superintendent shall inform the student or parent/guardian of the date, time, and place of the meeting. The Board shall establish a reasonable time limit for appeal presentations. The Board shall listen to the appeal and take whatever action it deems appropriate. The lack of official action by the Board upholds the administrative decision at Level 2. Announcing a decision in the student's or parent/guardian's presence constitutes communication of the decision.

The final level of appeal for student expulsion is the State District Court in Denton County in which the District's central administration offices are located.

**WITHDRAWAL  
EXPULSION  
ORDER ENTERED**

If a student withdraws from the District before an order for expulsion is BEFORE entered pursuant to this Policy, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the District during the same or subsequent school year, the District may enforce the order at that time except for any period of the expulsion that has been served by the student on enrollment in another district that honored the order.

# FFH (LOCAL) FREEDOM FROM HARASSMENT

STUDENT WELFARE:  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

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**Note:** This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District 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.

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STATEMENT OF  
NONDISCRIMINATION

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

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, 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, gender, national origin, disability, 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 HARRASSMENT  
BY AN EMPLOYEE

Sexual harassment of a student by a District 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 District 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 District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DF]

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 nonverbal 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 District prohibits retaliation by a student or District 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 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 District 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, counselor, principal, other District employee, or the appropriate District official listed in this policy.
EMPLOYEE REPORT	Any District 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 District official listed in this policy and take any other steps required by this policy.
DEFINITION OF DISTRICT OFFICIALS	For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.
TITLE IX COORDINATOR	<p>Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:</p> <p>Name: Dr. Kevin Rogers  Position: Chief Operating Officer  Address: 1565 West Main Street, Lewisville, TX 75067  Telephone: (972) 350-4729</p>
ADA / SECTION 504 COORDINATOR	<p>Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following employee to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:</p> <p>Name: Dr. Paula Walker  Position: Executive Director of Special Education  Address: 136 Purnell, Lewisville, TX 75057  Telephone: (469) 713-5203</p>
SUPERINTENDENT	The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination 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 District's ability to investigate and address the prohibited conduct.

NOTICE TO PARENTS

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

INVESTIGATION OF THE REPORT

The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending. If not, the District official shall refer the complaint for consideration under FFI.

If an investigation is required in accordance with this policy, the District official shall also determine whether the allegations, if proven, would constitute bullying, as defined by FFI.

If appropriate, the District shall promptly take interim action calculated to address prohibited conduct or bullying during the course of an investigation.

The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, 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.

CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten District 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 District official overseeing the investigation.



DISTRICT ACTION PROHIBITED CONDUCT	If the results of an investigation indicate that prohibited conduct occurred, the District 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 harassment has occurred, and reaffirming the District's policy against discrimination and harassment.
BULLYING	If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.
IMPROPER CONDUCT	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District 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 District 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	<p>A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.</p> <p>For informational purposes, the Dallas Office of Civil Rights address is as follows:</p> <p style="padding-left: 40px;">Regional Director Office of Civil Rights, Region VI 1999 Bryan Street, Suite 1620 Dallas, TX 75201 Telephone: (214) 661-9600 Fax: (214) 661-9587 TDD: (214) 880-2456</p> <p>Retention of records shall be in accordance with FB(LOCAL) and CPC(LOCAL).</p>
RECORDS RETENTION	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 District's

Web site, to the extent practicable, and readily available at each campus and the District's administrative offices.

ACCESS TO POLICY  
AND PROCEDURES

DATE ISSUED: 3/6/2012  
UPDATE 93  
FFH(LOCAL)-X

# FFI (LOCAL) FREEDOM FROM BULLYING

STUDENT WELFARE:  
FREEDOM FROM BULLYING

FFI  
(LOCAL)

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

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BULLYING  
PROHIBITED

The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District 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 District 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 District prohibits retaliation by a student or District 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 District 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 District's ability to investigate and address the prohibited conduct.
REPORTING PROCEDURES	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, counselor, principal, or other District employee.
STUDENT REPORT	
EMPLOYEE REPORT	Any District 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 FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH 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 District 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.
DISTRICT ACTION BULLYING	If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary

action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

DISCIPLINE	<p>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.</p> <p>The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.</p>
CORRECTIVE ACTION	<p>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 District's policy against bullying.</p>
TRANSFERS	<p>The principal or designee shall refer to FDB for transfer provisions.</p>
COUNSELING	<p>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.</p>
IMPROPER CONDUCT	<p>If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.</p>
CONFIDENTIALITY	<p>To the greatest extent possible, the District 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.</p>
APPEAL	<p>A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.</p>
RECORDS RETENTION	<p>Retention of records shall be in accordance with CPC(LOCAL).</p>
ACCESS TO POLICY AND PROCEDURES	<p>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 District's Web site, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.</p>

# EXPULSION NOTIFICATION FORMS

## CHARGE FORM FOR RECOMMENDATION OF EXPULSION

Today's date: \_\_\_\_\_

Student: \_\_\_\_\_ ID# \_\_\_\_\_ SS# \_\_\_\_\_

Grade: \_\_\_\_\_ Age: \_\_\_\_\_ Campus: \_\_\_\_\_

Special Education Status: \_\_\_\_\_ Yes \_\_\_\_\_ No      504 Status: \_\_\_\_\_ Yes \_\_\_\_\_ No

Offense: \_\_\_\_\_

Violation of Student Code of Conduct, Page \_\_\_\_\_ Date of Offense: \_\_\_\_\_

Proposed Sanction: \_\_\_\_\_

A Level 1 hearing will be held within three (3) days of the charge. The student's parent or a representative is entitled to participate in this disciplinary proceeding. A Level 1 hearing is a campus level hearing that takes place after a student is charged with violating school policy.

1. The student will be informed of the charges.
2. The school will present evidence of the offense.
3. The student will have the opportunity to present evidence and witnesses, and examine the evidence presented by the school.
4. The school will have the opportunity to examine the evidence presented by the student, including questioning the student's witnesses.

Date of Level 1 Hearing: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

The decision to expel the student may be appealed to the Board according to the procedure outlined in the LISD Student Code of Conduct.

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion. No District academic credit will be earned for work missed during the period of expulsion (unless the student is enrolled in a Juvenile Justice Alternative Education Program or other District-approved programs).

\_\_\_\_\_ The parent/guardian was contacted by phone.

\_\_\_\_\_ The school was unable to contact the parent after valid attempts were made.

\_\_\_\_\_  
(Signature and title of person completing form)

\_\_\_\_\_  
(Date completed)

[CAMPUS/PRINCIPAL LETTERHEAD]

[DATE]

To the parents of \_\_\_\_\_:

This letter is to officially inform you that \_\_\_\_\_ has been assigned to the Lewisville Learning Center, our District's Disciplinary Alternative Education Center, for \_\_\_\_\_ days beginning on \_\_\_\_\_.

\_\_\_\_\_ was found guilty of \_\_\_\_\_, a violation of the LISD Student Code of Conduct.

This assignment may be appealed to our campus principal, \_\_\_\_\_. A decision to appeal a DAEP assignment does not defer the starting of that assignment. Your appeal must be received by the Principal no later than three school days following the receipt of this letter.

The Principal's decision may be appealed to the District Discipline Review Committee. That appeal must be in writing and delivered via fax, email, or letter to the Executive Director of Student Services within three days of the receipt of the Principal's written decision. Contact information for the District Discipline Review Committee is:

Executive Director of Student Services  
400 W. Main St.  
Lewisville, TX 75057  
Phone: 469-713-5206 Fax 972-350-9467  
E-mail: [ellingtont@lisd.net](mailto:ellingtont@lisd.net)

Best regards,

*Assistant Principal*

# FNG(LOCAL) COMPLAINT PROCEDURE

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

**GUIDING PRINCIPLES** The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator.

**INFORMAL PROCESS**

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

**FORMAL PROCESS** If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

**FREEDOM FROM RETALIATION**

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

**NOTICE TO STUDENTS AND PARENTS**

The District shall inform students and parents of this policy.

**COMPLAINTS**

In this policy, the terms “complaint” and “grievance” shall have the same meaning. This policy shall apply to all student and parent complaints, except as provided below.

**EXCEPTIONS**

This policy shall not apply to:

1. Complaints alleging discrimination or harassment based on race, color, gender, national origin, disability, or religion. [See FFH]
2. Complaints concerning dating violence. [See FFH]
3. Complaints concerning retaliation related to discrimination and harassment. [See FFH]
4. Complaints concerning bullying. [See FFI]
5. Complaints concerning loss of credit on the basis of



attendance. [See FEC]

6. Complaints concerning removal to a disciplinary alternative education program. [See FOC]
7. Complaints concerning expulsion. [See FOD and the Student Code of Conduct]
8. Complaints concerning Identification, evaluation, or educational placement of a student with a disability within the scope of Section 504. [See FB]
9. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act. [See EHBA, FOF, and the parents' rights handbook provided to parents of all students referred to special education]
10. Complaints concerning instructional materials. [See EFA]
11. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]
12. Complaints concerning intradistrict transfers or campus assignments. [See FDB]

## GENERAL PROVISIONS

### FILING

Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

### RESPONSE

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

### DAYS

"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."

### REPRESENTATIVE

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

**CONSOLIDATING COMPLAINTS**

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

**UNTIMELY FILINGS**

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

**COSTS INCURRED**

Each party shall pay its own costs incurred in the course of the complaint.

**COMPLAINT FORM**

Complaints under this policy shall be submitted in writing on a form provided by the District at <http://www.lisd.net/info/board/FNGform.pdf>.

Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.

A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.

**LEVEL ONE**

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, students and parents shall file Level One complaints with the campus principal.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the student or parent within seven days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the student or parent a written response within seven days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any relevant documents or information the administrator believes will help the complaint.

## LEVEL TWO

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within seven days of the date of the written Level One response or, if no response was received, within seven days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within

seven days after the appeal notice is filed. The conference shall be limited to the issues presented by the student or parent at Level One and identified in the Level Two appeal notice. At the conference, the student or parent may provide information concerning any documents or information relied on by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within seven days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

### LEVEL THREE

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within seven days of the written Level Two response or, if no response was received, within seven days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two complaint. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the administration in reaching the Level Two decision.

If, at the Level Three hearing, the administration intends to rely on evidence not included in the records, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

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UPDATE 83  
FNG(LOCAL)-X

# GLOSSARY

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

**Abuse** is improper or excessive use.

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

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

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

**Arson** is:

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

**Assault** is defined in part by Texas Penal Code 22.01(a)(1). A person commits an assault if the person intentionally, knowingly, or recklessly causes bodily injury to another.

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

1. To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Harassment is:**

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

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

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

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

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

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

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

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

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

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

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

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

**Serious offenses** include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Sexual harassment of a student or district employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

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

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

**Terroristic threat** occurs when a person threatens to commit any offense involving violence to any person or property with intent to:



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

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

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

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

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

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

# DENTON COUNTY JJAEP

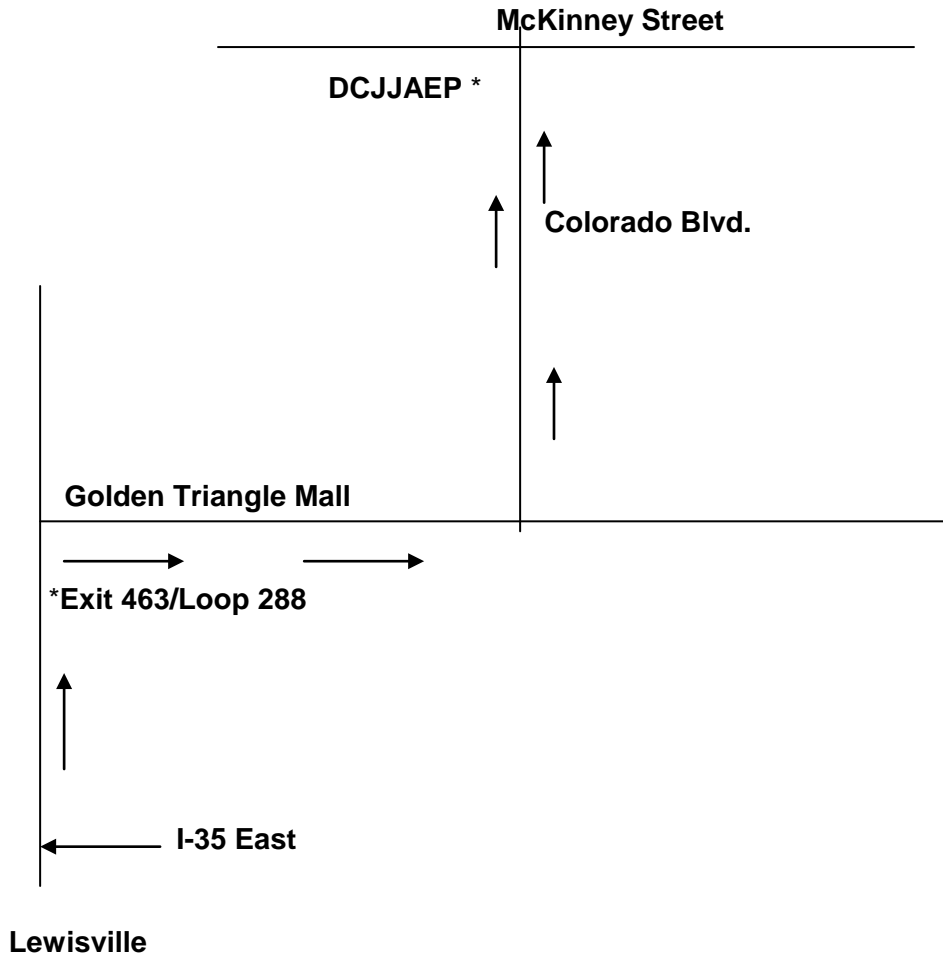
## DENTON COUNTY JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

Juvenile Judge: Kimberly McCary  
Chief Probation Officer: Ken Metcalf  
Assistant Chief—Administrator of JJAEP: Matt Marick

JJAEP Supervisor: Jennifer M. Gigl, Jennifer.Gigl@dentoncounty.com  
JJAEP Case Manager: Shay Eddington, Shay.Carter@dentoncounty.com  
JJAEP Case Manager: Kimberly Reynolds, Kimberly.Reynolds@dentoncounty.com

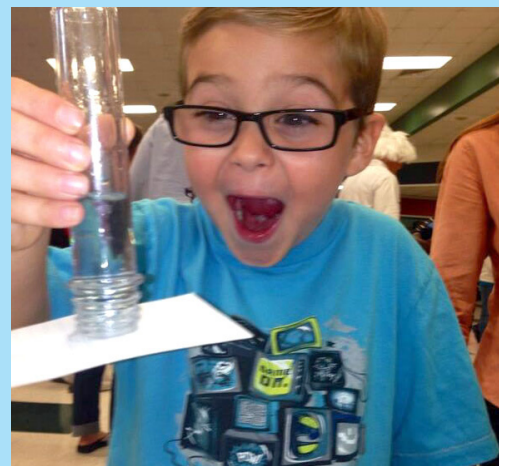
Phone Number 940-349-2500, Main  
Fax Number 940-349-2501  
Address 214 S. Woodrow Lane, Denton, TX 76205

Placement at the DCJJAEP begins the school day following the decision of the Campus Student Expulsion Committee to expel a student. Expelled students are to report at 8am to JJAEP at the Juvenile Probation Office in Denton. If a student's expulsion is appealed, the student remains expelled until the appeal procedure is complete.





**REAL INNOVATION  
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**LISD ADMINISTRATION**

Stephen F. Waddell, Ed.D.  
Superintendent

Beth Brockman, Ed.D.  
Associate Superintendent for  
Staff and Community Relations

Barbara Brown  
Chief Technology Officer

Quentin Burnett, Ph.D.  
Chief Financial Officer

Penny Reddell, Ed.D.  
Associate Superintendent  
for Learning and Teaching

Kevin Rogers, Ed.D.  
Chief Operating Officer

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