**Mission Consolidated Independent School District**

- 1201 Bryce Drive, Mission, Texas 78572
- Telephone: (956) 323 5505 Fax: (956) 323 5634
- Website: www.mcisd.net

# *Notice and Agenda*

The Board of Trustees of the Mission Consolidated Independent School District will hold a **Special Meeting** on **Wednesday, July 31, 2024, at 6:30 PM** in the **Mission CISD Annex, 925 E. Business HWY. 83, Mission, Tx 78572**. At this meeting, the Board may deliberate or act on any of the subjects listed on the following agenda. The President may change the order of items listed below for the convenience of the Board.

## A G E N D A

**1. Call Meeting to Order and Establish Quorum**
**2. Pledge of Allegiance and Moment of Silence**
- **A. U. S. Flag and Texas Flag -**
- **B. Mission Statement, Collective Commitments, and Motto-**

**3. Public Comment(s) on Specific Agenda Item(s)**
**4. Discussion and Possible Action**
- **A. Discussion and Action to Accept Resignation of Place 7 Trustee Minnie Rodgers**
- **B. Discussion and Action to Appoint Veronica Mendoza to Vacant Position on the Board of Trustees, Place 1**
- **C. Student Handbook for the 2024-2025 School Year 3**
- **D. Discussion and Consideration of Board Approval of a Delegate and Alternate to the 2024 Texas Association of School Boards (TASB) Delegate Assembly**
- **E. Discussion and Approval to Endorse a Candidate to the TASB Board of Directors Region 1, Position A 84**
- **F. Discussion and Action to Terminate Alliant Insurance Services Agreement and Authorize the Superintendent to Issue a 60-day Termination Notice 87**

**5. Recommendation(s)**
- **A. Approval of the Selection for:**
  - **1. Licensed Professional Counselor Associate**

**6. Executive Session**
- **A. Conduct Level III Parent/Student Grievance Hearing A.R.**
- **B. Private Consultation with Board Attorney (Texas Gov't Code §551.071) Legal Consultation Regarding Procedure to Fill Place 7 Board Vacancy.**
- **C. Consideration and Approval of Telephone Consultation Agreement Between Mission Consolidated Independent School District and Eichelbaum, Wardell, Hansen, Powell, & Munoz, P.C. 94**

**D. Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee or to Hear a Complaint or Charge Against an Officer or Employee (Texas Gov't Code §551.074) Discussion on Superintendent Search Process.**

**7. Action, if Necessary, on Matters Discussed in Executive Session**

**A. Consideration of and Possible Action Regarding Level III Parent/Student Grievance Hearing: A.R.**

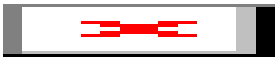
**B. Consideration and Approval of Telephone Consultation Agreement Between Mission Consolidated Independent School District and Eichelbaum, Wardell, Hansen, Powell, & Munoz, P.C.**

**C. Consideration of and Possible Action to Adopt Timeline to Open and to Accept Applications to Fill the Vacancy of the Mission Consolidated Independent School District Board of Trustees Place 7**

**8. Adjournment**

**In accordance with the Texas Open Meetings Act, the Board may enter into a closed meeting to deliberate any item that is listed above that fits within an exception listed in Subchapter D. Any final action, decision, or vote on a subject deliberated in closed meeting will be taken in an open meeting held in compliance with the Texas Open Meetings Act.**

**This Notice was posted by 4:30 p.m., on July 25, 2024.**



**Dr. Cris Valdez, Interim Superintendent of Schools**
**Mission Consolidated Independent School District**

**SUBJECT**: Approval of Changes to the Student Handbook for the 2024-2025 School Year

**PRESENTERS**: Joel Garcia, Deputy Superintendent for Business Support Services

## BACKGROUND INFORMATION

As per the yearly update, the Student Handbook for the 2024-2025 school year has been reviewed in its entirety.

## ADMINISTRATIVE CONSIDERATIONS

The changes to the Student Handbook for the 2024-2025 school year have been proposed and are being presented to the Board of Trustees. A copy of the entire revised Student Handbook is attached.

Any changes passed by the Legislature will be incorporated into the Legal Policy section of the Student Handbook prior to printing.

## FUNDING SOURCE:

Not Applicable

## RECOMMENDATION:

To approve the Changes to the Student Handbook for the 2024-2025 School Year

## CONTACT PERSON (S)

Joel Garcia, Deputy Superintendent for Business & Support Services
Sharon Roberts, Deputy Superintendent for Curriculum & Instruction
Edilberto Flores, Executive Director for PreK-12$^{th}$ MHS Vertical Team
Cynthia Wilson, Executive Director for PreK-12$^{th}$ VMHS Vertical Team
Ruben Lopez, Manager for PEIMS/Student Services

School-Related Information | Student Code of Conduct | Acceptable Use Guidelines

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Mission™ CISD

Their Future - Our Mission

# STUDENT HANDBOOK

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www.mcisd.net | 1201 Bryce Drive, Mission, TX 78572 | 956-323-5500

# ADMINISTRATION OFFICE

1201 Bryce Drive, Mission, TX 78572
P: (956) 323-5500

## BOARD MEMBERS

**Iris Iglesias**, President
**Jerry Zamora**, Vice-President
**Veronica "Betty" R. Mendoza**, Secretary
**Petra B. Ramirez**, Board Member
**Minnie R. Rodgers**, Board Member
**Dolores "Loli" Reyna**, Member
**Natividad "Nati" Sosa**, Member

## ADMINISTRATION

**Dr. Cris Valdez,** Interim Superintendent of Schools
**Dr. Sharon Roberts,** Deputy Superintendent for Curriculum and Instruction
**Joel Garcia,** Deputy Superintendent for Business and Support Services
**Ricardo Rivera,** Assistant Superintendent for Operations

## CAMPUS INFORMATION

***Alton Elementary School (Leader In Me)***
Selene Canales-Garcia, Principal (956) 323-7600

***Bryan Elementary School***
Dora Villalobos, Principal (956) 323-4800

***Cantu Elementary School***
Enrique J. Alvarez, Principal (956) 323-7400

***Capt J. Castro Elementary School***
Araceli Escalona, Principal (956) 323-6800

***Cavazos Elementary School Health Science Academy***
Nelly P. Flores, Principal (956) 323-7200

***Escobar / Rios Elementary Project Based Learning Academy***
Bianca Ramirez Cano (956) 323-8400

***Leal Elementary School of Technology & Engineering***
Trinidad B. Peña, Principal (956) 323-4600

***Marcell Elementary School***
Velma E. Flores, Principal (956) 323-6400

***Midkiff Elementary School***
Myra A. Garza, Principal (956) 323-7000

***Mims Elementary School***
Esteban Lucio, Principal (956) 323-4400

***O'Grady Elementary School***
Angelina V. Garcia, Principal (956) 323-4200

***Pearson Elementary School Sports/Health Academy***
Melissa E. Davis, Principal (956) 323-4000

***Salinas Elementary Fine Arts Academy***
Efrain A. Zamora, Principal (956) 323-6200

***Waitz Elementary Media & Communications Academy***
Jessica Reyna-Garza, Principal (956) 323-6600

***Alton Memorial Jr. High School***
Angel Torres, Principal (956) 323-5000

***Kenneth White Jr. High School STEAM Academy***
Brenda K. Betancourt, Principal (956) 323-3600

***Mission Jr. High School***
Jessica Dominguez, Principal (956) 323-3300

***R. Cantu Jr. High School STEAM & World Language Academy***
Adan A. Ramirez, Principal (956) 323-7800

***Mission High School***
Jose E. Mejia, Principal (956) 323-5700

***Veterans Memorial High School***
Fidel Garza Jr., Principal (956) 323-3000

***Mission Collegiate High School***
Ana Lisa Flores, Principal (956) 323-8600

***Roosevelt Alternative School***
Sandra Rodriguez, Administrator (956) 323-3900

**PREFACE**

***To Students and Parents:***

Welcome to the 2023-2024 school year. For this new year to be successful for your child, we must all work together. This student handbook is designed to help us do this.

The Mission CISD Student Handbook contains information needed by both students and parents during the school year. The Handbook is divided into three sections:

- The first section (pages 3-34) contains **School-Related Information**, operations and requirements organized alphabetically by topic.
- The second section (pages 36-65) contains the Student Code of Conduct.
- The third section (pages 66-73) contains the **Acceptable Use Guidelines for Internet/Extranet System** with Parent Information Letter.

When the Handbook uses "we" or "our," it means the school District and/or school administrators. When the Handbook uses "you" or "your," it means the parent, legal guardian, or person who has accepted responsibility for a student, at least in regard to school matters. From time to time, the Handbook will use more general terms, such as "parents" and "school officials." Regardless of the particular terminology, our intention is to speak directly to you as the adults who are responsible for working with us, the school officials, to make your children's experience with the Mission CISD public schools a positive educational experience.

The Student Handbook has been developed by school District administrators. The content is reviewed by the Board of Trustees and is intended to be consistent with formally adopted School Board policies. If there is an apparent contradiction between information in the Handbook and a formally adopted Board policy, the school administration will interpret the Handbook in a way that is consistent with policy and may request guidance from the Board of Trustees.

**The Student Handbook is not a contract between the school and parents or students.** It can be amended at any time at the discretion of the school district. If the district makes changes to the Handbook during a school year, the administration of the district and the campus will communicate those changes in ways that are designed to inform parents and students of the new or revised information.

**We strongly recommend that parents review the entire handbook with their children and keep it as a reference during this school year. If you or your child has questions about any of the material in this handbook, please contact your child's campus principal, teacher or counselor. The inside front cover contains campus phone numbers and the inside back cover contains helpful District Contacts including department names and phone numbers for your assistance. A copy of the District's policy manual is available in hard copy at Central Office by contacting Dimitra Trejo, Director for Public Relations at 323-5530 or on-**line at www.tasb.org/policy/pol/private/108908 or at the Mission CISD website at www.mcisd.net.

Thank you for your attention to your child's education. We look forward to the success of the coming year.

# Section I

# School-Related Information

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## ADMISSIONS

A student seeking enrollment in the District for the first time, or who is transferring in from another school district, must begin the enrollment process at the campus the student is zoned to attend. Questions regarding admissions and/or attendance zones are to be directed to the Director for Student Services at 956-323-5578.

## ASBESTOS MANAGEMENT PLAN

The District's Asbestos Management Plan, designed to follow state and federal regulations, is available in the Maintenance Department office. If you have any questions, please contact the Maintenance Department at 956-323-8960.

## ATTENDANCE

Regular school attendance is essential for the student to make the most of his or her education—to benefit from teacher-led and school activities, to build each day's learning on the previous day's, and to grow as an individual. Absences from class may result in serious disruption of a student's mastery of the instructional materials; therefore, the student and parent should make every effort to avoid unnecessary absences. Two state laws, one dealing with compulsory attendance, the other with attendance for course credit, are outlined in the following sections:

### Compulsory Attendance

The state compulsory attendance law requires that a student who is at least 6 years of age and who has not yet reached his or her nineteenth birthday must attend school and District-required tutorial sessions unless the student is otherwise legally exempted or excused. A student who voluntarily attends or enrolls after his or her nineteenth birthday is required to attend each school day. However, if a student who voluntarily enrolls after his or her nineteenth birthday has more than five unexcused absences in a semester, the District may revoke the student's enrollment. The student's presence on school property thereafter is then unauthorized and may be considered trespass.

On enrollment in prekindergarten or kindergarten, a child shall attend school. Pre-K and kinder students are subject to compulsory school attendance rules while they are enrolled in school. However, if the child has not reached mandatory compulsory attendance age (six years old as of September 1 of the current school year) the parent/guardian may withdraw the student from school and the child will no longer be in violation of compulsory attendance rules.

School employees must investigate and report violations of the state compulsory attendance law. A student absents from school without permission from any class, from required special programs, such as basic skills for ninth graders, or from required tutorials will be considered truant and subject to disciplinary action.

**Truancy**

To ensure your child receives the best education possible, attendance is of utmost importance. House Bill 2398, passed during the 84th Texas Legislative Session, enacted changes to the state's school attendance laws. As of this school year, after the third unexcused absence within a four- week period, the parent is issued a warning notice that the student is subject to truancy prevention measures (TEC §25.095); the parent must be informed: 1) of the student's absence; 2) of the parent's duty to monitor the student's school attendance and require the student to attend school; and 3) that the student is subject to truancy prevention measures. The school district must request a conference between school officials and the parent to discuss absences. The District Truancy Prevention Measure is implemented to include: 1) a behavior improvement plan; 2) school-based community service [i.e., behavior contract, parenting programs/meetings, drug awareness programs, afterschool tutoring; bullying/harassment counseling, etc.] and/or 3) counseling, mediation, mentoring, teen court, or other in-school or out-of-school services aimed at addressing the truant behavior.

If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period, the student shall be referred to truancy court within 10 school days of the student's 10th absence. Students ages 12 to 18 may be referred to truancy court.

**Exemptions to Compulsory Attendance**

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

- Is enrolled in and attending off-campus dual credit program courses and is not scheduled to be on campus during any part of the school day.
- Is participating in an off-campus work-based learning opportunity and is not scheduled to be on campus during any part of the school day. Students who are participating in an off-campus work-based learning opportunity and are scheduled to be on campus during any part of the school day should have their attendance recorded while they are on campus.
- Is enrolled **full-time** in Texas Virtual School Network (TXVSN) courses. See 12.2 Texas Virtual School Network (TXVSN) for information on recording daily attendance. Students who are enrolled in one or more TXVSN courses but attend a regular campus part of the day and who are not scheduled to be on campus during the official attendance-taking time should have their attendance recorded during the part of the day they are on campus. See 3.6.2.2 Alternative Attendance-Taking Time for Certain Student Populations for instructions on how to record attendance for these students.
- Is participating in an activity that is approved by your local school board and is under the direction of a professional staff member, an adjunct staff member, or a paraprofessional staff member of your school district. The adjunct staff member must have a minimum of a bachelor's degree and be eligible for participation in the Teacher Retirement System of Texas.
- Is participating, with local school board approval, in a short-term (for example, five-day) class that is provided by the Texas School for the Blind and Visually Impaired (TSBVI) or the Texas School for the Deaf (TSD) at a location other than the student's

campus. The student must not be considered in attendance for FSP purposes on any day the student is traveling between the student's district and the location of the class but is not attending class. (However, travel days may be excused for compulsory attendance purposes.

- Misses school for the purpose of observing religious holy days, including traveling for that purpose. Travel days for which the student is considered in attendance are limited to not more than one day for travel to and one day for travel from the site where the student will observe the holy days. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.
- Is in grades six through 12 and misses school for the purpose of playing "Taps" at a military honors funeral held in Texas for a deceased veteran.
- Misses school for the purpose of attending a required court appearance, including traveling for that purpose. Travel days for which the student is considered in attendance are limited to not more than one day for travel to and one day for travel from the site where the student is required to appear in court. Your school district may elect to excuse additional travel days however, the student would be considered absent for the additional travel days for attendance accounting purposes.
- Is in the conservatorship of the DFPS and misses school: to participate in an activity ordered by a court under the Texas Family Code, Chapter 262 or Chapter 263, provided that scheduling the participation outside of school hours is not practicable or to attend an activity under a service plan under the Texas Family Code, Chapter 263, Subchapter B.
- Misses school for the purpose of serving as a student early voting clerk, if your school district has a policy allowing for this type of excused absence, or an election clerk or student election clerk. Your school district may excuse a student's absence for this purpose for a maximum of two days in a school year.
- Misses school for the purpose of appearing at a governmental office to complete paperwork required in connection with the student's application for US citizenship, including traveling for that purpose. Travel days for which the student is considered in attendance are limited to not more than one day for travel to and one day for travel from the site of the governmental office. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.
- Misses school for the purpose of taking part in the student's own US naturalization oath ceremony, including traveling for that purpose. Travel days for which the student is considered in attendance are limited to not more than one day for travel to and one day for travel from the site of the ceremony. Your school district may elect to excuse additional travel days; however, the student would be considered absent for the additional travel days for attendance accounting purposes.
- Is temporarily absent because of a documented appointment for the student or the student's child that is with a health care professional licensed, certified, or registered to practice in the United States. A documented appointment with a health care professional includes an appointment of a student diagnosed with autism spectrum disorder with a health care practitioner to receive a generally recognized service91 for persons with that disorder. To be considered temporarily absent, the student must begin classes or return to class on the same day of the appointment. The appointment must be supported by a document, such as a note, from the health care professional. A consultation over the phone or via (telemedicine) is considered an appointment with a health care professional. An appointment with a school nurse will not count for FSP funding as an appointment with a health care professional.
- Is absent as the result of a serious or life-threatening illness or related treatment that makes the student's attendance infeasible. Documentation from a health care professional licensed, certified, or registered to practice in Texas must be provided that specifies the student's illness and the anticipated period of the student's absence relating to the illness or related treatment.
- Is in his or her junior or senior year of high school and misses school for the purpose of visiting an institution of higher education accredited by a generally recognized accrediting organization to determine the student's interest in attending the institution. Your district must not excuse for this purpose more than two days during a student's junior year and two days during a student's senior year and must adopt a policy stating when an absence will be excused for this purpose and a procedure for verifying students' visits to institutions of higher education.
- Is 17 years of age or older and pursuing enlistment in a branch of the US uniformed services or the Texas Army National Guard. Your district must not excuse the student for this purpose for more than four days of school during the period the student is enrolled in high school and must adopt a policy stating when an absence will be excused for this purpose and a procedure for verifying the student's activities related to pursuing enlistment in a branch of the US uniformed services or the Texas Army National Guard.
- Is absent to visit with a parent, stepparent, or legal guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or is immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides. Your district is required to excuse up to five days for this purpose in a school year. An excused absence for this purpose must be taken no earlier than 60 days before the date of deployment or no later than 30 days after the date of return from deployment.

- Misses school for the purpose of visiting a driver's license office to obtain a driver's license or learner permit. The student must be enrolled in high school and 15 years of age or older. Your district may not excuse the student for more than one day of school during the period the student is enrolled in high school for each purpose (obtaining a driver's license and obtaining a learner license). Your district must verify the student's visit to the driver's license office in accordance with the procedures adopted by your district

In addition, a junior or senior student's absence of up to two days related to visiting a college or university will be considered an exemption, provided the student receives approval from the campus principal, follows the campus procedures to verify such a visit, and makes up any work missed.

**Attendance for Credit**

To receive credit in a class, a student must attend at least 90 percent of the days the class is offered. A student who is in attendance for at least 75 percent but less than 90 percent of the days the class is offered may be given credit or a final grade for the class if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. An attendance committee (see below) may give class credit or a final grade to a student because of extenuating circumstances. Alternative ways for students to make up work or regain credit lost because of absences are established by the Board and must include at least one option that does not require a student to pay a fee. The availability of such option must be substantially the same as the availability of the educational program for which the District may charge a fee. [See policy FP] The attendance committee shall adhere to the following guidelines to determine attendance for award of credit or a final grade:

- All absences will be considered in determining whether a student has attended the required percentage of days. If make-up work is completed satisfactorily, excused absences that are allowed under compulsory attendance requirements shall be considered days of attendance for this purpose. [See policy FEA(LEGAL)]
- A transfer or migrant student incurs absences only after his or her enrollment in the District. For a student transferring into the District after school begins, including a migrant student, only those absences after enrollment will be considered.
- In reaching consensus about a student's absences, the committee will attempt to ensure that its decision is in the best interest of the student.
- The committee will consider the acceptability and authenticity of documented reasons for the student's absences.
- The committee will consider whether the absences were for reasons over which the student or the student's parent could exercise any control.
- The committee will consider the extent to which the student has completed all assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
- The student or parent will be given an opportunity to present any information to the committee about the absences and to talk about ways to earn or regain credit or be awarded a final grade.
- The committee may impose any of the following conditions for students with excessive absences to regain credit or be awarded a final grade:
    - Completing additional assignments, as specified by the committee or teacher.
    - Attending tutorial sessions as scheduled, which may include Saturday classes or before- and after-school programs.
    - Maintaining the attendance standards for the rest of the semester.
    - Taking an examination to earn credit. [See policy EHDB]
    - Attending a flexible school day program.
    - Attending summer school.

In all cases, the student must also earn a passing grade in order to receive credit.

The student or parent may appeal the committee's decision to the District's Board of Trustees in accordance with policy FNG(LOCAL).

**Absences**

When a student is absent from school, the student – upon returning to school – must, within five days, bring a note, signed by the parent, which describes the reason for the absence. A note signed by the student, even with the parent's permission, will not be accepted unless the student is 18 or older. Students absent for five (5) or more consecutive days for personal illness need to bring a note from a physician or health clinic. [See policy FEC(LOCAL)] Out of School Suspension (OSS) absences will be considered absences for purposes of perfect attendance.

A student absents from school for any reason, other than for a documented health care appointment, will not be allowed to participate in school- related activities on that day or evening. A student who must leave school during the day must bring a note from his or her parent that morning. A student who becomes ill during the school day should, with the teacher's permission, report to the school nurse. The nurse or campus staff will notify the student's parent should it be determined that the student should be sent home. Because class time is important, doctor's appointments should be scheduled, if possible, at times when the student will not miss instructional time.

Questions regarding absences in any given academic school year should be addressed before the beginning of the next academic school year. Discrepancies in absences not addressed before the beginning of the next academic school year will not be considered.

**Driver's License Attendance Verification**
To obtain a driver's license, a student between the ages of 16 and 18 must annually provide to the Texas Department of Public Safety a form obtained from the school verifying that the student has met the 90 percent attendance requirement for the semester preceding the date of application. The student can obtain this form at the high school of attendance campus office.

## BULLYING (INCLUDING CYBERBULLYING) / DAVID'S LAW

Bullying is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

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

Bullying includes cyberbullying. Cyberbullying is defined by Section 37.0832 of the Education Code as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

**Procedures for Reporting Allegations of Bullying**
The district is required to adopt policies and procedures regarding bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property; bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity. Bullying is prohibited by the district and could include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor-spreading, or ostracism.

If a student believes that he or she has experienced bullying or has witnessed bullying of another student, it is important for the student or parent, orally or in writing, to notify a teacher, school counselor, principal, or another district employee as soon as possible to obtain assistance and intervention. The administration will investigate any allegations of bullying or other related misconduct. The district will also provide notice to the parent of the alleged victim and the parent of the student alleged to have engaged in bullying. If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action and may notify law enforcement in certain circumstances. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. Available counseling options will be provided to these individuals, as well as to any students who have been identified as witnesses to the bullying. Any retaliation against a student who reports an incident of bullying is prohibited. Upon the recommendation of the administration, the Board may in response to an identified case of bullying, decide to transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parents, the student may also be transferred to another campus in the district. The parent of a student who has been determined by the district to be a victim of bullying may request that his or her child be transferred to another classroom or campus within the district. More information about the District's bullying policy can be found in Board Policy FFI(LOCAL) on the website or at the Central Administration Office.

A student or other may anonymously report an alleged incident of bullying by calling or texting 1-206-406-6485 or www.stayalert.info or emailing report@stayalert.info.

## BULLYING PREVENITION (TEA)

Mission CISD adheres to bullying prevention policies and procedures for bullying as determined by Texas Education Code (TEC), §37.0832 are:

(1) ensure and appropriately integrate into instruction research-based content designed to reduce bullying for students in that age group, which are:

a. for students in early primary:

i. explicit direct instruction designed so students can recognize bullying, including cyberbullying, behaviors, and how to report them;

ii. age-appropriate classroom culture-building discussions that encourage peers to intervene when they observe bullying occur; and

iii. explicit direct instruction that characterizes bullying as a behavior that results from the student's need to acquire more mature social or coping skills, not an immutable trait;

b. for students in secondary:

i. explicit direct instruction on the brain's neuroplasticity so the student recognizes bullying, including cyberbullying, the behavior can come from a developmental need to acquire more social skills, can change when the brain matures and learns better ways of coping, and is not an immutable trait; and

ii. classroom-culture or school-culture-building discussions that portray bullying as undesirable behavior and means for attaining or maintaining social status in school, and to dissuade students from using bullying as a tool for reputation management;

iii. explicit direct instruction is designed so students recognize the role reporting plays in promoting a safe school community

(2) define how positive school culture and building healthy relationships between students and staff will be measured in alignment with the school and LEA's mission, vision, and values, using an age-appropriate survey that includes relevant questions on bullying, including cyberbullying, that includes appropriate privacy controls in compliance with the Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. § 1232g), and define who is responsible to develop and oversee the implementation of action plans based on the results that address student concerns regarding bullying, including cyberbullying;

(3) require each LEA campus to establish a committee, which must include parents and secondary level students and may be incorporated into an existing committee that otherwise meets the requirements of these minimum standards, to address bullying by focusing on prevention efforts and health and wellness initiatives;

(4) develop a policy for the reporting of bullying, including cyberbullying, incidents:

a. the policy must outline an easy mechanism(s) for reporting bullying, including cyberbullying, incidents both anonymously and identifiable by students and staff to an appropriate campus staff member(s)

b. the policy should recognize that, while one or more staff members may be designated, students are encouraged to report incidents of bullying to any trusted staff member, and that any staff member aware of such incidents must relay any reports to the appropriate designated staff member(s); and

c. the policy should provide for a tracking mechanism to allow for LEA-level staff to periodically monitor the reported counts of bullying incidents, and that declines in the count of bullying incidents may represent not only improvements in the campus culture because bullying declines but also declines in the campus culture because of a decline in openness to report incidents;

(5) provide support for research-based interventions taken both for the students who engage in bullying behaviors and the students who were targeted by the bullying behaviors;

(6) include a rubric or checklist to assess an incident of bullying and to determine the LEA's response to the incident.

(7) in connection with the policy in subsection 4 and the rubric/checklist in subsection 6 any actions taken in response to bullying, including cyberbullying, must comply with state and federal law regarding students with disabilities.

**CAREER & TECHNICAL EDUCATION (CTE)**

Mission CISD offers a variety of Career & Technical Education courses. Students can receive 0.5 to 1.0 high school credit in Junior High School by enrolling in the following CTE courses:

| | | |
|---|---|---|
| • Touch System Data Entry (Keyboarding) | • Fundamentals of Computer Science | • Interpersonal Studies |
| • Principles of Construction | • Principles of Manufacturing | • Robotics Programming & Design |
| • Personal Communications (Speech) | • Horticultural Science | • Landscape Design & Management |
| • Principles of Arts/AV Video Game Design | | |

Students in grades 9-12 can take courses in any of our 27 Programs of Study in 13 available Career Clusters: Agriculture, Food & Natural Resources; Architecture & Construction; Arts/AV Technology & Communications; Business Management & Administration; Education & Training; Finance; Health Science; Hospitality & Tourism; Human Services; Information Technology;

Law, Public Safety, Corrections & Security; Manufacturing; Marketing; Science, Technology, Engineering & Mathematics ~~(STEM)~~; Transportation, Distribution & Logistics. Admission to these programs is based solely on interest and grade level of the student.

In 2014-2015, Mission CISD began implementation of the Career & Technical Education Early College High School with an emphasis on intensive training in Welding, Diesel Technology and Manufacturing. In 2016-2017, the CTE Early College program added Education & Training, Business Administration and Law Enforcement Academies. Students participating in these Academies have an opportunity to earn a Level I, Level II or Associate Degree with South Texas College by the time they graduate from high school. Veterans Memorial High School also initiated the Patriot Early College Academy in the 2019- 2020 school year focusing on Business, Architectural Design and Engineering. Students enrolled in our regular comprehensive high school programs at Mission High School and Veterans Memorial High School also have various opportunities to earn Business and Industry-based Certifications and Licensures that will allow them to be workforce ready upon high school graduation.

Certifications in Business and Industry through South Texas College are also readily available for all students based on their Endorsement and Program of Study. In 2017-2018, our District began a new Health Science initiative for juniors and seniors focusing on the Certified Nurse Assistant and Phlebotomy Certifications. For the 2019-2020 school year, these opportunities were expanded to include Patient Care Technician Assistant, EKG Technician, and Pharmacy Technician programs as well. We also introduced the Manicure Specialist Specialty Certification through our Cosmetology program. For the 2020- 2021 school year, our District will offer the Barbering State Licensure program, which had been requested by many male students in our District previously. For the 2021-2022 school year, our district will begin offering the Cybersecurity Program via Project Lead the Way (PLTW) at Mission High, Veterans Memorial High, and Mission Collegiate High Schools. We also initiated the Patient Care Technician Assistant training programs at Mission Collegiate High School in January 2022. For the 2023-2024 school year, our CTE program will offer Viticulture in the Plant Science program of study. We will also begin offering the Video Game Design and Practicum in Law Enforcement programs of study for interested students at the high school level. This will provide students with 2 hours of intense training to get them ready for the workforce. During the 2024-2025 school year we will begin a partnership with STC with the Fire Science Program of Study. The District will take the necessary steps to ensure a lack of English Language Skills or Learning Disabilities will not be a barrier to admission or participation in any Career & Technical Education programs. For further information about any of our available programs, please contact your assigned Academic or CTE Counselor; Mission High School, please contact (956) 323- 5700. Veterans Memorial High School, please contact (956) 323-3000. You may also contact our Director for Career & Technical Education at (956) 323-5508.

## CELLULAR PHONES AND OTHER TELECOMMUNICATIONS DEVICES OR AUDIO OR OTHER ENTERTAINMENT DEVICES

Unless specifically permitted by District- or campus-level administration, the District prohibits students from using or publicly displaying cellular telephones or other telecommunication devices before the last bell at the end of the school day. The District also prohibits using or publicly displaying audio or other entertainment devices at any time. For consequences regarding violation of the use of these items, see the Student Code of Conduct, page 42, of this booklet.

**The District will not be responsible for damaged, lost or stolen telecommunications devices.**

## CHANGE OF ADDRESS AND TELEPHONE NUMBER

A student's home campus must be notified immediately of any change of address and telephone number where the student resides or where mail is sent concerning the student. If a student moves out of the District, the student's campus must be notified immediately.

## CHILD NUTRITION PROGRAM (CNP) (Food Services)

Mission CISD, Child Nutrition participates in the National School Lunch Program (NSLP), the School Breakfast (SB) Program, the CACFP At-Risk Supper Program, and the Summer Seamless Option (SSO) summer meal program. Mission CISD is a Community Eligibility Provision (CEP) approved district. All MCISD students receive breakfast, lunch and supper at no charge. Interactive program menus and nutritional analysis may be accessed through the Child Nutrition Program web page under MCISD website. Students and parents may sign up on the CNP website to receive monthly menus via email. Menus are posted in each campus front office and/or in each classroom.

Mission CISD CNP follows all state and federal nutritional guidelines, and the Mission CISD Wellness Policy. Further information may be found on the Mission CISD website, on the CNP web pages. The CNP office is located at 1202 W. Griffin Parkway. Information regarding this program may be obtained from the Child Nutrition Program Director at 956-323-3800.

## CLOSED CAMPUS

All District schools have been designated as closed campuses. Students are not permitted to leave their campus during regular school hours, unless they are accompanied by their parents, legal guardians or designees of record.

## COMMUNICABLE DISEASES / CONDITIONS

To protect other students from contagious illnesses/conditions, students infected with certain diseases/conditions are not allowed to come to school while contagious. If a parent suspects that his or her child has a communicable or contagious disease/condition, the parent should contact the school nurse or principal so that other students who might have been exposed can be alerted. The school nurse or the principal's office can provide information from the Texas Department of Health regarding these diseases.

**Parents of a student with a communicable or contagious disease/condition should phone the school nurse or principal so that other students who might have been exposed to the disease can be alerted.**

**Among the more common of these diseases are the following:**

- Amebiasis
- Campylobacteriosis
- Scabies
- Chicken Pox
- Common Cold w/fever
- COVID-19
- Fifth Disease
- Gastroenteritis, Viral
- German Measles (Rubella)
- Giardiasis
- Hepatitis
- Impetigo
- Infectious Mononucleosis
- **Influenza**
- Measles (Rubeola)
- Meningitis, Bacterial
- Mumps
- Pinkeye (Conjunctivitis)
- Ringworm
- Salmonellosis
- Shigellosis
- Streptococcal
- Tuberculosis
- Typhoid Fever
- Whooping Cough

## BACTERIAL MENINGITIS

Schools must exclude a student from attendance while the disease is contagious and until the re-admittance criteria have been met. [See policy FFAD] State law specifically requires the District to provide the following information:

### WHAT IS MENINGITIS?

Meningitis is an inflammation of the covering of the brain and spinal cord. It can be caused by viruses, parasites, fungi, and bacteria. Viral meningitis is most common and the least serious. Bacterial meningitis is the most common form of serious bacterial infection with the potential for serious, long-term complications. It is an uncommon disease, but requires urgent treatment with antibiotics to prevent permanent damage or death.

### WHAT ARE THE SYMPTOMS?

Someone with meningitis will become very ill. The illness may develop over one or two days, but it can also rapidly progress in a matter of hours. Not everyone with meningitis will have the same symptoms. Children (over 1 year old) and adults with meningitis may have a severe headache, high temperature, vomiting, sensitivity to bright lights, neck stiffness or joint pains, and drowsiness or confusion. In both children and adults, there may be a rash of tiny, red-purple spots. These can occur anywhere on the body. The diagnosis of bacterial meningitis is based on a combination of symptoms and laboratory results.

### HOW SERIOUS IS BACTERIAL MENINGITIS?

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

### HOW IS BACTERIAL MENINGITIS SPREAD?

Fortunately, none of the bacteria that cause meningitis are as contagious as diseases like the common cold or the flu, and they are not spread by casual contact or by simply breathing the air where a person with meningitis has been. The germs live naturally in the back of our noses and throats, but they do not live for long outside the body. They are spread when people exchange saliva (such as by kissing; sharing drinking containers, utensils, or cigarettes). The germ does not cause meningitis in most people. Instead, most people become carriers of the germ for days, weeks, or even months. The bacteria rarely overcome the body's immune system and cause meningitis or another serious illness.

### HOW CAN BACTERIAL MENINGITIS BE PREVENTED?

Do not share food, drinks, utensils, toothbrushes, or cigarettes. Limit the number of persons you kiss.

Vaccines against pneumococcal disease are recommended both for young children and adults over 64. A vaccine against four meningococcal serogroups (A, C, Y, W-135) is available. These four groups cause the majority of meningococcal cases in the United States. Also, a vaccine is recommended by some groups for college students, particularly freshmen living in dorms or residence halls. The vaccine is safe and effective (85–90 percent). It can cause mild side effects, such as redness and pain at the injection site lasting up to two days. Immunity develops within seven to ten days after the vaccine is given and lasts for up to five years.

### WHAT SHOULD YOU DO IF YOU THINK YOU OR A FRIEND MIGHT HAVE BACTERIAL MENINGITIS?

You should seek prompt medical attention.

### WHERE CAN YOU GET MORE INFORMATION?

Your school nurse, family doctor, and the staff at your local or regional health department office are excellent sources for information on all communicable diseases. You may also call your local health department or Regional Texas Department of Health office to ask about meningococcal vaccine. Additional information may also be found at the web sites for the Centers for Disease Control and Prevention, http://www.cdc.gov/, and the Texas Department of Health, http://www.tdh.state.tx.us/.

# QUESTIONS AND ANSWERS ABOUT METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRSA) IN SCHOOLS AS PER THE CDC:

**WHAT TYPE OF INFECTIONS DOES MRSA CAUSE?**
In the community, most MRSA infections are skin infections that may appear as pustules or boils which often are red, swollen, painful, or have pus or other drainage. These skin infections commonly occur at sites of visible skin trauma, such as cuts and abrasions, and areas of the body covered by hair (e.g. back of neck, groin, buttock, armpit, beard area of men).

Almost all MRSA skin infections can be effectively treated by drainage of pus with or without antibiotics.

***More serious infections, such as pneumonia, bloodstream infections, or bone infections, are very rare in healthy people who get MRSA skin infections.***

**HOW IS MRSA TRANSMITTED?**
MRSA is usually transmitted by direct skin-to skin contact or contact with shared items or surfaces that have come in contact with someone else's skin infection (e.g. towels, used bandages).

**IN WHAT SETTINGS DO MRSA SKIN INFECTIONS OCCUR?**
MRSA skin infections can occur anywhere.

Some settings have factors that make it easier for MRSA to be transmitted.

- These factors, referred to as the 5 C's, are as follows: Crowding, frequent skin-to-skin Contact, Compromised skin (i.e., cuts or abrasions), Contaminated items and surfaces, and lack of Cleanliness.
- Locations where the 5 C's are common include schools, dormitories, military barracks, households, correctional facilities, and daycare centers.

**HOW DO I PROTECT MYSELF FROM GETTING MRSA?**
You can protect yourself by:

- practicing good hygiene (e.g., keeping your hands clean by washing with soap and water or using an alcohol-based hand sanitizer and showering immediately after participating in exercise);
- covering skin trauma such as abrasions or cuts with a clean dry bandage until healed;
- avoiding sharing personal items (e.g., towels, razors) that come into contact with your bare skin; and using a barrier (e.g., clothing or a towel) between your skin and shared equipment such as weight-training benches;
- maintaining a clean environment by establishing cleaning procedures for frequently touched surfaces and surfaces that come in direct contact with people's skin.

**SHOULD SCHOOLS CLOSE BECAUSE OF AN MRSA INFECTION?**
The decision to close a school for any communicable disease should be made by school officials in consultation with local and or state public health officials. However, in most cases, it is not necessary to close schools because of an MRSA infection in a student. It is important to note that MRSA transmission can be prevented by simple measures such as hand hygiene and covering skin infections.

**SHOULD THE SCHOOL BE CLOSED TO BE CLEANED OR DISINFECTED WHEN AN MRSA INFECTION OCCURS?**
Covering infections will greatly reduce the risks of surfaces becoming contaminated with MRSA. In general, it is not necessary to close schools to "disinfect" them when MRSA infections occur. MRSA skin infections are transmitted primarily by skin-to-skin contact and contact with surfaces that have come into contact with someone else's skin infection. When MRSA skin infections occur, cleaning and disinfection should be performed on surfaces that are likely to contact uncovered or poorly covered infections. Cleaning surfaces with detergent-based cleaners or Environmental Protection Agency (EPA) -registered disinfectants is effective at removing MRSA from the environment.

**SHOULD THE ENTIRE SCHOOL COMMUNITY BE NOTIFIED OF EVERY MRSA INFECTION?**
Usually, it should not be necessary to inform the entire school community about a single MRSA infection. When an MRSA infection occurs within the school population, the school nurse and school physician should determine, based on their medical judgment, whether some or all students, parents and staff should be notified. Consultation with the local public health authorities should be used to guide this decision.

**SHOULD THE SCHOOL BE NOTIFIED THAT MY CHILD HAS AN MRSA INFECTION?**
Parents are not required to notify school officials of an MRSA infection.

**SHOULD STUDENTS WITH MRSA SKIN INFECTIONS BE EXCLUDED FROM ATTENDING SCHOOL?**
Unless directed by a physician, students with MRSA infections should not be excluded from attending school. Exclusion from school and sports activities should be reserved for those with wound drainage ("pus") that cannot be covered and contained with a clean, dry bandage and for those who cannot maintain good personal hygiene.

**I HAVE AN MRSA SKIN INFECTION. HOW DO I PREVENT SPREADING IT TO OTHERS?**
Cover your wound. Keep wounds that are draining or have pus covered with clean, dry bandages until healed. Follow your healthcare

provider's instructions on proper care of the wound. Pus from infected wounds can contain staph, including MRSA, so keeping the infection covered will help prevent the spread to others. Bandages and tape can be discarded with the regular trash. Clean your hands frequently. You, your family, and others in close contact should was their hands frequently with soap and water or use an alcohol-based hand sanitizer, especially after changing the bandage or touching the infected wound. Do not share personal items. Avoid sharing personal items, such as towels, washcloths, razors, clothing, or uniforms that may have had contact with the infected wound or bandage. Wash sheets, towels, and clothes that become soiled with water and laundry detergent. Use a dryer to dry clothes completely.

## MCISD REPORTING AND OUTBREAK MANAGEMENT:

**As per HCHD, Staph is not typically subject to mandatory disease reporting in Texas. If more than two staph infections occur in the same setting (classroom or office), it is possible that transmission is occurring in that setting.**

**MCISD Communicable Disease Guidelines state parents will be notified in writing when more than 2 communicable disease cases occur in a classroom. For more information on MRSA log onto www.cdc.gov/Features/MRSAinSchools/.**
Methicillin-resistant *Staphylococcus aureus*, (MRSA)
**https://www.cdc.gov/mrsa/community/index.html**

## COMPLAINTS AND CONCERNS BY STUDENTS OR PARENTS

Usually student or parent complaints or concerns can be addressed simply—by a phone call or a conference with the teacher. For those complaints and concerns that cannot be handled so easily, the District has adopted a standard complaint policy at FNG in the District's policy manual. A copy of this policy may be obtained in the principal's office or on-line at **www.tasb.org/policy/pol/private/108908** or at the Mission CISD website at **www.mcisd.net**. In general, the student or parent should first discuss the complaint with the campus principal. If unresolved, a written complaint and a request for a conference should be sent to the Superintendent. If still unresolved, the District provides for the complaint to be presented to the Board of Trustees.

## COMPUTER RESOURCES

To prepare students for an increasingly computerized society, the District has made a substantial investment in computer technology for instructional purposes. Use of these resources is restricted to students working under a teacher's supervision and for approved purposes only. **Students and their parents will be asked to sign a user agreement, included in this handbook, regarding use of these resource s; violations of this agreement may result in withdrawal of privileges and other disciplinary action.** Students and their parents should be aware that e-mail using District computers is not private and may be monitored by District staff. [For additional information, see policy CQ]

## CONDUCT

As required by law, the District has developed and adopted a Student Code of Conduct that prohibits certain behaviors and establishes standards of acceptable behavior—both on and off campus—and consequences for violation of the standards. Students and parents need to be familiar with the standards set out in the Student Code of Conduct, as well as campus and classroom rules. See the Student Code of Conduct, pages 36-65, for prohibited behaviors and standards of acceptable behavior. To achieve the best possible learning environment for all students, the Student Code of Conduct and other campus rules of behavior will 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 in accordance with the Student Code of Conduct.

## CORRESPONDENCE COURSES AND DISTANCE LEARNING

### Texas Virtual School Network

The Superintendent or designee shall establish procedures for students to enroll in courses provided by the Texas Virtual School Network (TxVSN). Enrollment in courses through the TxVSN shall not be subject to limitations the District may impose for other distance learning courses.

### Other Distance Learning

The Superintendent or designee shall establish procedures governing the use of other distance learning courses, including correspondence courses, as a means of earning credit in a subject or course. In order to receive credit, a student shall obtain approval from the principal or designee prior to enrollment in the course. For information, see the student's campus counselor or the student's principal. [For additional information, see policy EHDE]

## COUNSELING

### Academic Counseling

Students and their parents are encouraged to talk with a school counselor, teacher, or principal to learn about course offerings, the graduation requirements of various programs, and early graduation procedures. Each spring, students in grades 6 through 12 will be provided information on anticipated course offerings for the next year and other information that will help to make the most of academic and career opportunities. To plan for the future, including attendance at a college, university, or training school or pursuit of some other type of advanced education, students should work closely with the counselor in order to take the high school courses that best prepare them. The counselor can also provide information about entrance exams and deadlines for application, as well as information about automatic admission to state colleges and universities, financial aid, housing, and scholarships.

**Personal Counseling**
The school counselor is available to assist students with a wide range of personal concerns, including such areas as social, family, or emotional issues, or substance abuse. School counselors may seek the assistance of a Licensed Professional Counselor. As part of the MCISD's continuing effort to improve our student's educational experience, students now have free access to a MCISD Licensed Professional Counselor. Licensed professional counselors (LPCs) are master's-degreed mental health service providers with extensive training in working with individuals, families and groups to assist in treating their mental health needs. LPC's may also make available information about community resources to address any additional concerns.

**Please note:** The school will not conduct a psychological examination, test, or treatment without first obtaining the parent's written consent, unless required by state or federal law for special education purposes or by the Texas Education Agency for child abuse investigations and reports. [For more information, refer to policy FFE and FFG(EXHIBIT)]

**CREDIT BY EXAM—If a Student Has Taken the Course (With Prior Instruction)**
The principal or designee, or the attendance committee, as applicable, shall have authority to offer a student the opportunity to demonstrate mastery in a subject or to earn course credit by examination when the student has had prior instruction in a subject and when:

1. The student is enrolling in the District from a non-accredited school [see FD];
2. The student has failed a subject or course; or
3. The student has earned a passing grade in a subject or course but has failed to earn credit because of excessive absences [see FEC].

Examinations shall assess the student's mastery of the essential knowledge and skills and shall be administered according to established District procedures.
Prior to offering a student an opportunity to demonstrate mastery or earn credit by this method, an appropriate District employee shall review the student's educational records to determine whether the student has had prior instruction in the subject or course. [See EHDB(LOCAL)]

**CREDIT BY EXAM—If a Student Has Not Taken the Course (Without Prior Instruction)**
A student will be permitted to take an exam to earn credit for an academic course for which the student has had NO PRIOR INSTRUCTION. The passing score required to earn credit on a District-approved criterion-referenced exam is 80%. If a student plans to take an exam, the student (or parent) must register with the principal or designee no later than 30 days prior to the scheduled testing date. If the District agrees to administer an alternate examination or to administer the examination on an alternate date, the parent may purchase the test from a State Board-approved university or shall pay an appropriate fee to the District. [For further information, see policy EHDC] In addition, the District shall give a student in grades 6-12 credit for an academic subject in which the student has received no prior instruction if the student scores:

1. A three or higher on a College Board advanced placement examination that has been approved by the Board for the applicable course;
2. A scaled score of 50 or higher on an examination administered through the College-Level Examination Program and approved by the Board for the applicable course; or
3. Eighty percent or above on any other criterion-referenced test approved by the Board for the applicable course.

If a student is given credit in a subject on the basis of an examination on which the student scored 80 percent or higher, the District shall enter the examination score on the student's transcript and the student is not required to take an end-of-course (EOC) assessment 39.023(c) The District shall administer each exam approved by the Board not fewer than four times each year. The District must provide windows to test between January 1 and March 31; April 1 and June 30; July 1 and September 30; and October 1 and December 31; unless the exam's administration date is established by an entity other than the District. The days need not be consecutive but shall be designed to meet the needs of all students. The dates must be publicized in the community. The dates set by Mission Consolidated Independent School District are as follows:

| *Registration Period* | *Testing Dates* |
|---|---|
| June 3 - July 25 | **Between July 1 and Sept. 30 (8:00 am to 11:00 am or 5:00 pm to 8:00 pm)** |
| | Tues., Sept. 3 |
| | Wed., Sept. 4 |

| | |
|---|---|
| | Thurs., Sept. 5 |
| July 29 - Sept. 6 | **Between Oct. 1 and Dec. 31 (8:00 am to 11:00 am or 5:00 pm to 8:00 pm)** |
| | Tues., Nov. 5 |
| | Wed., Nov. 6 |
| | Thurs., Nov. 7 |
| Nov. 4 - Dec. 13 | **Between Jan. 1 and March 31 (8:00 am to 11:00 am or 5:00 pm to 8:00 pm** |
| | Tues., Feb. 4 |
| | Wed., Feb 5 |
| | Thurs., Feb 6 |
| March 17 - April 25 | **Between April 1 and June 30 (8:00 am to 11:00 am or 5:00 pm to 8:00 pm** |
| | Tues., June 3 |
| | Wed., June 4 |
| | Thurs., June 5 |

**DAMAGE TO SCHOOL PROPERTY**

No student shall damage or deface any District building or grounds. A parent or other person who has the duty of control and reasonable discipline of a child is liable for any property damage proximately caused by:

1. The negligent conduct of the child if the conduct is reasonably attributable to the negligent failure of the parent or other person to exercise that duty; or
2. The willful and malicious conduct of a child who is at least twelve years of age but under eighteen years of age.

If a child, age ten through sixteen, engages in conduct that results in damage to District property, the District may institute formal charges for the purpose of having the juvenile court order the child, or parent, to make full or partial restitution to the District in accordance with law. [For further information, see policy FNCB]

**DATING VIOLENCE, DISCRIMINATION, HARASSMENT, AND RETALIATION**

The District believes that all students learn best in an environment free from dating violence, discrimination, harassment and retaliation and that their welfare is best served when they can work free from this prohibited conduct while attending school. Students are expected to treat other students and District employees with courtesy and respect; to avoid behaviors known to be offensive; and to stop those behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect. The Board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors that are based on a person's race, color, religion, gender, national origin, or disability or any other basis prohibited by law. [See policy FFH]

**Dating Violence**

Dating violence occurs when a person in a current or past dating relationship intentionally uses physical, sexual, verbal or emotional abuse to harm, threaten, intimidate or control the other partner. Dating violence or abusive conduct of a sexual nature is considered harassment if the conduct is so severe, persistent or pervasive that is affects the student's ability to participate in or benefit from an educational program or activity; or creates an intimidating, threatening, hostile or offensive educational environment; substantially or unreasonable interferes with the student's academic performance; or otherwise adversely affects the student's educational opportunities. Examples of dating violence against a student may include, but are not limited to, physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying

property belong to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors. **Discrimination**

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

**Harassment**

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

**Sexual Harassment**

Sexual harassment of a student by an employee, volunteer, or another student is prohibited. Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact not reasonably construed as sexual in nature. However, romantic and other inappropriate social relationships, as well as all sexual relationships, between students and District employees are prohibited, even if consensual. Examples of prohibited sexual harassment may include, but not be limited to, touching private body parts or coercing physical contact that is sexual in nature; sexual advances; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

**Retaliation**

Retaliation against a person who makes a good faith report of discrimination or harassment, including dating violence, is prohibited. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a District investigation, however, may be subject to appropriate discipline. Retaliation against a student might occur when a student receives threats from another student or an employee or when an employee imposes an unjustified punishment or unwarranted grade reduction. Retaliation does not include petty slights and annoyances from other students or negative comments from a teacher that are justified by a student's poor academic performance in the classroom.

**Reporting Procedures**

Any student who believes that he or she has experienced dating violence, discrimination, harassment, or retaliation should immediately report the problem to a teacher, counselor, principal, or other District employee. The report may be made by the student's parent. See policy FFH(LOCAL) for the appropriate Districts officials to whom to make a report.

**Investigation of Report**

To the extent possible, the District will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which includes dating violence, discrimination, harassment, and retaliation, will be promptly investigated. The District will notify the parents of any student alleged to have experienced prohibited conduct involving an adult associated with the District. In the event prohibited conduct involves another student, the District will notify the parents of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by policy. If the District's investigation indicates that prohibited conduct occurred, appropriate disciplinary or corrective action will be taken to address the conduct. The District may take disciplinary action even if the conduct that is the subject of the complaint was not unlawful. A student or parent who is dissatisfied with the outcome of the investigation may appeal in accordance with policy FNG(LOCAL).

## DISCRIMINATION

See DATING VIOLENCE, DISCRIMINATION, HARASSMENT, AND RETALIATION

## DISPLAY OF YOUR CHILD'S ARTWORK, PROJECTS, AND OTHER SPECIAL WORK PRODUCTS

As a parent, if you choose that your child's artwork, special projects, photographs and the like not be displayed to the community on the District's Web site, in printed material, by video, or any other method of communication, you must notify the principal in writing.

## DISTRIBUTION OF PUBLISHED MATERIALS OR DOCUMENTS

**School Materials**

Publications prepared by and for the school may be posted or distributed, with prior approval by the principal, sponsor, or teacher. Such items may include school posters, brochures, murals, etc. The school newspaper and the yearbook are available to students. All school publications are prepared under the supervision of a teacher, sponsor, and the principal.

**Non-school Materials from Students**

Unless a student obtains specific prior approval from the principal, written materials, handbills, photographs, pictures, petitions, films, tapes, posters, or other visual or auditory materials that were not developed under the oversight of the school may not be posted, sold, circulated, or distributed on any school campus. To be considered, any non-school material must include the name of the sponsoring organization or individual. The decision regarding approval will be made in two school days. The student may appeal

the principal's decision in accordance with policy FNG. Any student who posts material without prior approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without this approval will be removed.

### Non-school Materials from Others

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the District or by a District-affiliated school support organization will not be sold, circulated, distributed, or posted on any District premises by any District employee or by persons or groups not associated with the District, except as permitted by policy GKDA. To be considered, any non-school material must meet the limitations on content established in the policy and include the name of the sponsoring organization or individual.

## DRESS CODE FOR STUDENTS

**See pages 36-65 in the Student Code of Conduct portion of this document**

## EMERGENCY MEDICAL TREATMENT AND INFORMATION

Parents/guardians are asked to update their child's medical history yearly, especially current medical conditions and all current medications taken. In case of a medical emergency, the parent is also asked to give their consent to give/obtain emergency medical treatment. Please contact the school nurse to update any new information. MCISD maintains epinephrine auto-injectors for the emergency treatment of anaphylaxis (a serious and potentially life-threatening allergic reaction). In accordance with Texas Education Code, Chapter 38, and local policy, District nurses and other designated (and trained) school personnel can administer auto-injectable epinephrine to anyone who is reasonably believed to be experiencing a life-threatening allergic reaction. Trained staff is available at all on-campus events. An immediate 911 call and transport by ambulance to an emergency room is required anytime auto-injected epinephrine is administered. The school's emergency epinephrine is not intended to replace student-specific orders and does not extend to activities off the school grounds (transportation to and from school, field trips, etc.). If your child has an allergy or health condition that requires the use of auto-injected epinephrine, it is your responsibility to provide the child's epinephrine auto-injector and medical orders to the school nurse on or before the first day of class.

## EXTRACURRICULAR ACTIVITIES, CLUBS AND ORGANIZATIONS

Participation in school and school-related activities is an excellent way for a student to develop talents, receive individual recognition, and build strong friendships with other students; participation, however, is a privilege, not a right.

Eligibility for participation in many of these activities is governed by state law as well as rules of the University Interscholastic League (UIL)— a statewide association overseeing inter-district competition. The following requirements apply to all extracurricular activities:

- A student who receives at the end of a grading period a grade below 70 in any academic class, other than a class identified as honors or advanced by either the State Board of Education or by the local Board of Trustees, may not participate in extracurricular activities for at least three school weeks.
- A student with disabilities who fails to meet the standards in the individualized education program (IEP) may not participate for at least three school weeks.
- An ineligible student may practice or rehearse.
- A student is allowed in a school year up to ten absences not related to post-district competition, a maximum of five absences for post-district competition prior to state, and a maximum of two absences for state competition. All extracurricular activities and public performances, whether UIL activities or other activities approved by the Board, are subject to these restrictions.
- A student who misses a class because of participation in an activity that has not been approved will receive an unexcused absence. **Please note:** Sponsors and coaches of extracurricular activities, including interscholastic athletics and marching band, may develop and enforce standards of behavior that are higher that the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property. No provision of an extracurricular behavioral standard shall have the effect of discriminating on the basis of gender, race, disability, religion, or ethnicity.

The principal shall approve such behavior standards before they are communicated to students. Students shall be informed of any extracurricular behavior standards at the beginning of each school year or, in the case of interscholastic athletics and marching band, at the time the students report for workouts or practices that occur prior to the actual beginning of classes. Students and their parents shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity. Organizational standards of conduct of an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of conduct that are also violations of the Student Code of Conduct may result in the independent disciplinary actions. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by local policy will apply in addition to any consequences specified by the organization. [For further information, see policies FM, FO and FNC]

**FAMILY AND COMMUNITY ENGAGEMENT PROGRAM**

See the District's website https://www.mcisd.net/apps/pages/index.jsp?uREC_ID=217861&type=d&pREC_ID=478998 for a complete overview of the Family and Community Engagement Program; upon request, a hard copy of the overview is also available through the campus Home/School/Community Liaison or you may contact the Coordinator for Family and Community Engagement at 956-323-5559.

**FEES**

Materials that are part of the basic educational program are provided with state and local funds and are at no charge to a student. A student, however, is expected to provide his or her own pencils, paper, erasers, and notebooks and may be required to pay certain other fees or deposits, including:

- Costs for materials for a class project that the student will keep.
- Membership dues in voluntary clubs or student organizations and admission fees to extracurricular activities.
- Security deposits.
- Personal physical education and athletic equipment and apparel.
- Voluntarily purchased pictures, publications, class rings, yearbooks, graduation announcements, etc.
- Voluntarily purchased student accident insurance.
- Musical instrument rental and uniform maintenance, when uniforms are provided by the District.
- Personal apparel used in extracurricular activities that becomes the property of the student.
- Parking fees and student identification cards.
- Fees for lost, damaged, or overdue library books.
- Fees for driver training courses, if offered.
- Fees for optional courses offered for credit that require use of facilities not available on District premises.
- Summer school for courses that are offered tuition-free during the regular school year.
- A reasonable fee for providing transportation to a student who lives within two miles of the school.
- A fee not to exceed $50 for costs of providing an educational program outside of regular school hours for a student who has lost credit because of absences and whose parent chooses the program in order for the student to meet the 90 percent attendance requirement. The fee will be charged only if the parent or guardian signs a District-provided request form.

## Waiver of Fee

Upon receipt by the District of reliable proof that a student and his or her parent or guardian are unable to pay a fee or deposit required by the school, such fee or deposit shall be waived. Such student and his or her parent or guardian must present evidence of their inability to pay to the appropriate principal who shall determine eligibility for a fee waiver. [For further information, policy FP]

**FOOD ALLERGY NOTIFICATION**

The District must request, at the time of enrollment, that the Parent or Guardian of each student attending a District school disclose the student's food allergies.

**FREEDOM FROM DISCRIMINATION**

See BULLYING (INCLUDING CYBERBULLYING) See CONDUCT
See HAZING
See SEXUAL HARASSMENT / SEXUAL ABUSE

**GANG ACTIVITIES**

See page 57 in the Student Code of Conduct portion of this booklet.

**GENERAL EMERGENCY RESPONSE**

Your Mission CISD team has an ongoing commitment to the safety and security of your child(ren). A part of that commitment includes responses to situations that may arise, based on a comprehensive emergency response plan that involves all aspects of our operations.

In each situation, our first and primary responsibility is to focus on the safety of our students and staff. We know that communication with you is an important part of any emergency situation and we will always work to provide factual information as quickly as possible. However, even with the technology available for mass communication with you, that communication will not come until we have met our initial safety responsibilities.

In addition to striving for timeliness in our communication, we take great care in providing correct information to avoid confusion and further worry.

After any security situation or emergency in our schools, district administration conducts a review with all parties involved to help identify areas for improvement. Those opportunities for improvement are then incorporated into our plans so we can provide

improved responses and service.

## GRADUATION

**Requirements for a Diploma**

To receive a high school diploma from the District, a student must successfully complete the curriculum requirements identified by the State Board of Education (SBOE) and perform satisfactorily on state-required assessments [Algebra 1 EOC, English 1 and English 2 EOCs, US History EOC, and Biology EOC]. A student who does not pass the state assessment tests will have additional opportunities to take the test.

**Course Requirements**

To graduate, a student must complete the courses required by the District in addition to the courses mandated by the state. The list of courses required for each of the programs may be found below and in the District's Curriculum Bulletin.

### Graduation Requirements:

| REQUIRED COURSES: | FOUNDATION: | ENDORSEMENT (including Foundation requirements): | DISTINGUISHED LEVEL (including Foundation and Endorsement requirements): |
|---|---|---|---|
| English | 4 | 4 | 4 |
| Mathematics | 3 | 4 | 4 including Algebra II |
| Science | 3 | 4 | 4 |
| Social Studies | 3 | 3 | 3 |
| P.E. | 1 | 1 | 1 |
| Health | ½ | ½ | ½ |
| Other Languages | 2 | 2 | 2 |
| Fine Arts | 1 | 1 | 1 |
| Speech | ½ | ½ | ½ |
| Technology Applications | 1 | 1 | 1 |
| College Readiness | 1 | 1 | 1 |
| Electives | 2 | 4 | 4 |
| TOTAL: | 22 | 26 | 26 |

**Foundation Program**

The courses that satisfy District requirements under the foundation program, including courses for the distinguished level of achievement and courses for endorsements offered by the District, shall be listed in appropriate District publications.

**Foundation Program without an Endorsement**

The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program without an endorsement. Graduation under the foundation program without an endorsement shall be permitted only as authorized under state law and rules.

**Foundation Program with an Endorsement**

The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program with an endorsement.

**Distinguished Level of Achievement**

The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program with the distinguished level of achievement.

**Consistent Application for Graduating Class**

The District shall apply the same class rank calculation method and rules for local graduation honors for all students in a graduating class, regardless of the school year in which a student first earned high school credit.

**Instruction on Proper Interaction with Peace Officers:** Students must receive instruction in proper interaction with police officers at least once before graduation from high school.

**Instruction in Cardiopulmonary Resuscitation (CPR):** Students must receive instruction in CPR at least once in grades 7 -12 before graduation.

**Financial Aid Application Confirmation:** As confirmation of a student's completion and submission of a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), the District shall accept the following:

1. A screenshot that includes the processed date field in ApplyTexas Counselor Suite FAFSA data;
2. Notification, such as a copy of an email, from the United States Department of Education verifying completion of the FAFSA;
3. A copy or screenshot of the FAFSA acknowledgement page;
4. A screenshot of the TASFA submission acknowledgement page (from those institutions that offer an electronic form);
5. An acknowledgement receipt from an institution of higher education (IHE); or
6. A copy of a financial aid award letter from an IHE.

(For students who choose not to complete and submit a FAFSA or a TASFA, [See EIF (LEGAL.)]
The District shall maintain individual student documentation of the financial aid application requirement as an education record. (See FL)

## Calculation

The District shall include in the calculation of class rank semester grades earned in high school credit courses taken in the following subject areas only: English, mathematics, science, and social studies. The calculation shall include failing grades.

ENGLISH

- ENGLISH I/ESOL I
- ENGLISH II/ESOL II
- ENGLISH III/AP/IB/DUAL
- ENGLISH IV/AP/IB/DUAL
- INDEPENDENT STUDY IN ENGLISH/DUAL
- COLLEGE PREPARATORY
- ENGLISH COURSE

MATH

- ALGEBRA I
- GEOMETRY
- ALGEBRA II
- ALGEBRAIC REASONING
- PRECALCULUS
- MATH MODELS WITH APPLICATIONS
- INDEPENDENT STUDY IN MATHEMATICS
- ADVANCED QUANTITATIVE REASONING
- STATISTICS/AP
- AP CALCULUS AB
- AP CALCULUS BC
- AP COMPUTER SCIENCE A
- COLLEGE PREPARATORY MATH COURSE

SCIENCE

- BIOLOGY/AP/DUAL
- INTEGRATED PHYSICS AND CHEMISTRY (IPC)
- CHEMISTRY/AP/IB/DUAL
- PHYSICS/AP/IB/DUAL
- AP PHYSICS 1: ALGEBRA-BASED
- AP PHYSICS 2: ALGEBRA-BASED
- AP PHYSICS C
- PRINCIPLES OF TECHNOLOGY
- ASTRONOMY
- AQUATIC SCIENCE
- EARTH AND SPACE SCIENCE
- ENVIRONMENTAL SYSTEMS
- AP ENVIRONMENTAL SCIENCE
- SCIENTIFIC RESEARCH AND DESIGN
- ANATOMY AND PHYSIOLOGY
- MEDICAL MICROBIOLOGY
- PATHOPHYSIOLOGY
- FOOD SCIENCE
- ADVANCED ANIMAL SCIENCE
- ADVANCED PLANT AND SOIL SCIENCE
- FORENSIC SCIENCE
- BIOTECHNOLOGY I
- BIOTECHNOLOGY II
- ENGINEERING DESIGN AND PROBLEM-SOLVING
- PRINCIPLES OF ENGINEERING

SOCIAL STUDIES

- US HISTORY/AP/DUAL
- US GOVERNMENT
- ECONOMICS/AP/DUAL/ ADVANCED
- WORLD HISTORY STUDIES
- WORLD GEOGRAPHY STUDIES
- SPECIAL TOPICS IN SOCIAL STUDIES
- PERSONAL FINANCIAL LITERACY/ECONOMICS
- AP EUROPEAN HISTORY
- AP HUMAN GEOGRAPHY
- AP SEMINAR
- AP RESEARCH

**Exclusions**

The calculation of class rank shall exclude grades earned in any elective course; any academic course taken as a substitute for a physical education course; an assigned remediation or tutoring course; any course for which a pass/fail grade is assigned; summer school; or through credit by examination, with or without prior instruction.

In addition, the calculation of class rank shall exclude grades earned in a distance learning course, unless the grade is earned in a course taken through the Texas Virtual School Network (TxVSN).

### *Weighted Grade System*

The District shall categorize and weight eligible courses as Advanced, Pre-Advanced Placement (AP), College Preparatory (CP), and Regular in accordance with provisions of this policy and as designated in appropriate District publications.

**Categories**

| | |
|---|---|
| *Advanced Courses:* | Eligible AP and dual credit courses shall be categorized and weighted as Advanced courses. |
| *Pre-AP/Honors Courses:* | Eligible Pre-AP/Honors courses shall be categorized and weighted as Pre-AP courses. |
| *College Preparatory Courses:* | Eligible CP courses shall be categorized and weighted as CP courses. |
| *Regular Courses:* | All other eligible courses shall be categorized and weighted as Regular courses. |

**Weighted Grade Point Average**

The District shall convert semester grades in eligible courses to grade points in accordance with the following chart and shall calculate a weighted grade point average (GPA):

| Quality of Work | Numerical Grade | AP*/Dual Credit | Pre-AP* | CP | Regular |
|---|---|---|---|---|---|
| Excellent | 100 | 4.9 | 4.3 | 3.4 | 3.1 |
| | 99 | 4.8 | 4.2 | 3.3 | 3.0 |
| | 98 | 4.7 | 4.1 | 3.2 | 2.9 |
| | 97 | 4.6 | 4.0 | 3.1 | 2.8 |
| | 96 | 4.5 | 3.9 | 3.0 | 2.7 |
| | 95 | 4.4 | 3.8 | 2.9 | 2.6 |
| | 94 | 4.3 | 3.7 | 2.8 | 2.5 |
| | 93 | 4.2 | 3.6 | 2.7 | 2.4 |
| | 92 | 4.1 | 3.5 | 2.6 | 2.3 |
| | 91 | 4.0 | 3.4 | 2.5 | 2.2 |
| | 90 | 3.9 | 3.3 | 2.4 | 2.1 |
| Fair | 89 | 3.8 | 3.2 | 2.3 | 2.0 |
| | 88 | 3.7 | 3.1 | 2.2 | 1.9 |
| | 87 | 3.6 | 3.0 | 2.1 | 1.8 |
| | 86 | 3.5 | 2.9 | 2.0 | 1.7 |
| | 85 | 3.4 | 2.8 | 1.9 | 1.6 |
| | 84 | 3.3 | 2.7 | 1.8 | 1.5 |
| | 83 | 3.2 | 2.6 | 1.7 | 1.4 |
| | 82 | 3.1 | 2.5 | 1.6 | 1.3 |
| | 81 | 3.0 | 2.4 | 1.5 | 1.2 |
| | 80 | 2.9 | 2.3 | 1.4 | 1.1 |
| Passing | 79 | 2.8 | 2.2 | 1.3 | 1.0 |
| | 78 | 2.7 | 2.1 | 1.2 | 0.9 |
| | 77 | 2.6 | 2.0 | 1.1 | 0.8 |
| | 76 | 2.5 | 1.9 | 1.0 | 0.7 |
| | 75 | 2.4 | 1.8 | 0.9 | 0.6 |
| | 74 | 2.3 | 1.7 | 0.8 | 0.5 |
| | 73 | 2.2 | 1.6 | 0.7 | 0.4 |
| | 72 | 2.1 | 1.5 | 0.6 | 0.3 |
| | 71 | 2.0 | 1.4 | 0.5 | 0.2 |
| | 70 | 1.9 | 1.3 | 0.4 | 0.1 |

Failing grades will have zero grade point value.

*Gifted and Talented students will be served through the Pre-AP/Honors and AP programs

**Transferred Grades**

When a student transfers semester grades for courses that would be eligible under the Regular category and the District has accepted the credit, the District shall include the grades in the calculation of class rank.

When a student transfers semester grades for courses that would be eligible to receive additional weight under the District's weighted grade system, the District shall assign additional weight based on the categories and grade weight system used by the District if a

similar or an equivalent course is offered to the same class of students in the District.

Students who transfer into the District with letter grades shall have letter grades converted to numerical grades for purposes of determining grade point averages and class rank using the following scale:

| | | | |
|---|---|---|---|
| A+ | 98 | C+ | 78 |
| A | 95 | C | 75 |
| A- | 92 | C- | 72 |
| B+ | 88 | D | 70 |
| B | 85 | F | 65 |
| B- | 82 | | |

**Local Graduation Honors**

For the purpose of determining honors to be conferred during graduation activities, the District shall calculate class rank in accordance with this policy and administrative regulations by using grades available at the time of calculation at the end of the fifth six-week grading period of the senior year.

For the purpose of applications to institutions of higher education, the District shall also calculate class rank as required by state law. The District's eligibility criteria for local graduation honors shall apply only for local recognitions and shall not restrict class rank for the purpose of automatic admission under state law. [See EIC(LEGAL)]

**Honor Graduates**

The District shall recognize the following two categories of local honor graduates.

***Mission Merit Graduate***

To be a Mission Merit Graduate, a student must:

1. Receive credit for eight or more state-approved Pre-AP, AP, and/or dual credit courses;
2. Rank in the top quartile of the class according to the weighted GPAs;
3. Have not earned a failing semester grade in any course; and
4. Complete the graduation requirements for the foundation program with the distinguished level of achievement.

A student who qualifies as a Mission Merit Graduate shall be eligible to wear an honor stole during graduation ceremonies.

***Mission Academic Excellence Award***

The Mission Academic Excellence award shall be given to the number of students equal to the top five percent of the senior class. Calculation of the weighted GPA for this award shall be based on grades earned through the first semester of the senior year. To be eligible to receive this recognition, a student must:

1. Complete a combined total of eight or more Pre-AP, AP, and dual credit courses during the student's freshman, sophomore, and junior years;
2. Have not earned a failing semester grade in any course; and
3. Complete the graduation requirements for the foundation program with the distinguished level of achievement.

**Valedictorian and Salutatorian**

The valedictorian and salutatorian shall be the eligible students with the highest and second-highest rank, respectively. To be eligible for this local graduation honor, a student must

1. Have been continuously enrolled in the same District high school for the four regular semesters immediately preceding graduation; and
2. Have qualified for the Mission Academic Excellence Award.

The District shall also recognize the third-ranking student meeting the same eligibility criteria listed above.

***Breaking Ties***

In case of a tie in weighted GPAs, the District shall apply the following methods, in this order, to determine recognition as valedictorian or salutatorian:

1. Count the number of weighted AP and dual credit courses taken by each student involved in the tie.
2. Calculate a weighted GPA using only AP and dual credit courses.

If the tie is not broken after applying these methods, the District shall recognize all students involved in the tie as sharing the honor and title.

**Highest Ranking Graduate**

The student meeting the local eligibility criteria for recognition as the valedictorian shall also be considered the highest-ranking graduate for purposes of receiving the honor graduate certificate from the state of Texas.

**Certificates of Coursework Completion**

The District shall issue a certificate of coursework completion to a student who has successfully completed state and local credit requirements for graduation but has failed to meet all applicable state testing requirements. [See EIF, FMH]

**Special Education**

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance

on a state assessment required for graduation, shall receive a high school diploma. A student's admission, review, and dismissal (ARD) committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. [See Graduation of Students Receiving Special Education Services, below, and EKB] 19 TAC 101.3023(a).

**HARASSMENT**

See DATING VIOLENCE, DISCRIMINATION, HARASSMENT, AND RETALIATION

**HAZING**

Students must not participate, either individually or in a group, in hazing behaviors toward another student. Such behaviors involve any knowing, intentional, or reckless act, occurring on or off campus, by one person alone or acting with others, directed against a student, that endangers the mental, 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. For a more detailed definition of what constitutes hazing, refer to Student Code of Conduct page 58.

**HEALTH SCREENINGS**

The District will conduct vision, hearing, spinal, and Acanthosis Nigricans checks in designated grades as per Board Policy FFAA. In addition, the District conducts yearly height and weight screenings on all students. Other screenings conducted as needed include dental, head and blood pressure checks. Parents have the option to contact the school nurse if they refuse to have the screenings conducted at school and instead prefer to have their doctor conduct the screenings. Undiagnosed and untreated hearing/vision problems can interfere with learning and contribute to poor performance in school. If your child fails his/her hearing or vision screenings and is referred, you have 30 days from the date of the referral to submit examination results. If there is a financial need, please contact the campus nurse immediately. Vouchers are available for eye exams and glasses if your family meets the requirements. Please be advised that classroom accommodations will be made and implemented pending treatment.

**HOMELESS LIAISON**

The McKinney-Vento Homeless Assistance Act, reauthorized in January 2002, ensures educational rights and protections for children and youth experiencing homelessness. The Coordinator for Family and Community Engagement is the liaison for services to students who are determined to be homeless, as defined by federal law. If you believe your child may be eligible for services or assistance, contact
956-323-5559.

**HONOR ROLLS**

Honor rolls are established to recognize student academic achievement. The District shall publish the honor roll each six weeks in the local newspapers. The following criteria shall be followed in determining eligibility:

1. Grades 1-2: There shall be no honor roll.
2. Grades 3-5:
    a. A student must have a grade average of 90 or above, with no C's.
    b. Physical education, health, and fine arts grades shall not be included in the grade average.
3. Grades 6-12:
    a. A student must have all A's;
    b. A student must have one B with the remainder A's; or
    c. A student must have a grade average of 90 or above, with no C's.

**HUMAN SEXUALITY INSTRUCTION**

As a part of the District's curriculum, students receive instruction related to human sexuality. As per state law, the curriculum presents abstinence as the preferred choice of behavior and the only 100 percent effective method of preventing pregnancy and sexually transmitted diseases.

**IMMUNIZATION**

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical or reasons of conscience, including a religious belief, the student will not be immunized. For exemptions based on reasons of conscience, only official forms issued by the Texas Department of Health, Immunization Division, can be honored by the District. In order to qualify under this standard, a parent must use only an official proper form obtained in writing (after September 1, 2003) from the Texas Department of Health, Immunization Division, 1100 West 49$^{th}$ Street, Austin, TX 78756. The form must be notarized and submitted to the principal or nurse within 90 days of notarization. Each child in the family must have a separate form. The school nurse can provide information on age-appropriate doses or on an acceptable physician-validated history of illness required by the Texas Department of Health. Proof of immunization may be personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation. Students cannot register without proper immunization.

For further information, see Texas Administrative Code (TAC) Title 25 Health Services Section 97.61 to 97.72. Students, coming from another school district within Texas, that are unable to provide proper documentation can be given up to 30 days to provide a

record. However, if their document shows them to be deficient, they must be immunized before coming to school.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. licensed physician stating that, in the doctor's opinion, the immunization required poses a significant risk to the health and well-being of the student or any member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a life-long condition. [For further information, see policy FFAB]

Meningococcal vaccine is being required for entrance by most colleges. If vaccine is administered before 18 years of age, the cost is approximately $25.00; if it is administered after 18 years of age, the cost is approximately $220.00.

## LAW ENFORCEMENT AGENCIES

**Questioning of Students**
When law enforcement officers or other lawful authorities wish to question or interview a student at school:

- The principal will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student at school.
- The principal ordinarily will make reasonable efforts to notify the parents unless the interviewer raises what the principal considers to be a valid objection.
- The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.
- The principal will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation.

**Students Taken into Custody**
State law requires the District to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.
- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
- To comply with a properly issued directive to take a student into custody.
- By an authorized representative of Child Protective Services, Texas Department of Family and Protective and Regulatory Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.

Before a student is released to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student. The principal will immediately notify the Superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a custody action, notification will most likely be after the fact.

**Notification of Law Violations**
The District is also required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been arrested or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who has been convicted, received deferred prosecution, received deferred adjudication or adjudicated of delinquent conduct for any felony offense or certain misdemeanors.

[For further information, see policy GRA]

## LEARNING DIFFICULTIES

See SPECIAL PROGRAMS

## MEDICINE AT SCHOOL

Often, students have to take prescription medication for a certain period of time as treatment for a medical condition. If at all possible, we ask that you schedule the timing of the doses so that the child takes the medicine at home. Medications to be given once-, twice-, or three-times- a-day should be given at home unless otherwise medically indicated. Nonprescription medication, upon a parent's written request, accompanied by a physician's order and when properly labeled in the original container. The school nurse or other authorized school employee will administer medications only from a container that appears to be the properly labeled original prescription container or from a properly labeled unit dosage container filled by the nurse from a properly labeled original prescription container. Only the nurse or other authorized school employees are permitted to administer prescription medicines at school. **Other than prescription asthma medicine, diabetic treatment or anaphylaxis treatment for students with severe**

**allergies that may result in anaphylaxis, we do not permit students to carry their own medications and self-administer.** Students with asthma, diabetes or children with severe allergies that may result in anaphylaxis will be allowed to carry and self-administer their prescription asthma, diabetes or anaphylaxis medicine under certain conditions. The student must have demonstrated to his or her doctor and to the school nurse that the child has the skills necessary to self-administer the asthma, diabetes or anaphylaxis medicine. Additionally, the parent/guardian must provide us a written authorization for self-administration and a written statement from student's doctor that the student has asthma and is capable of self-administration and that includes the name and purpose of the medicine, the prescribed dosage, the times and circumstances for administration, and the period for which the medicine is prescribed. [For further information, see policy FFAC]

District employees will not give a student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements, with the following exceptions:

- Authorized employees, in accordance with policy FFAC, may administer:
  - ➢ Prescription medication, provided by the parent, along with a written request, and in the original, properly labeled container.
  - ➢ Medication from a properly labeled unit dosage container filled by a registered nurse or another qualified District employee from the original, properly labeled container.
  - ➢ Nonprescription medication, upon a parent's written request, accompanied by a physician's order and when properly labeled in the original container.
  - ➢ Herbal or dietary supplements, provided by the parent, if required by the student's individualized education program (IEP) or Section 504 plan for a student with disabilities.
- In certain emergency situations, the District will maintain and administer to a student nonprescription medication, but only:
  - ➢ In accordance with the guidelines developed with the District's medical advisors; and
  - ➢ When the parent has previously provided written consent to emergency treatment on the District's form.

Controlled medications cannot be carried by students or self-administered. The parent is required to supply the campus nurse with a one-month supply. Medication must be counted upon receipt and signed by two adults. Ex: Nurse/Parent or 2 staff members. Scheduled 2 and schedule 3 pain medications will NOT be administered at school unless the student has documented chronic illness and is on the student IHP.

Nonprescription medication, upon a parent's written request, accompanied by a physician's order and when properly labeled in the original container.

**Medications from Mexico will not be given.**

**All medications will be kept in the nurse's office other than prescription asthma medicine, diabetic treatment or anaphylaxis treatment for students with severe allergies that may result in anaphylaxis, if the prescribing doctor and parent have consented.**

**MRSA (METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS):**

See COMMUNICABLE DISEASES/CONDITIONS

**OBTAINING INFORMATION AND PROTECTING STUDENT RIGHTS**

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

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

**You will be able to inspect the survey** or other instrument and any instructional materials used in connection with such a survey, analysis, or evaluation. [For further information, see policy EF]

**"Opting Out" of Surveys and Activities**

As a parent, you also have a right to receive notice and opt your child out of participating in:

- Any survey concerning the private information listed above, regardless of funding.
- School activities involving the collection, disclosure, or use of personal information gathered from your child for

the purpose of marketing or selling that information.

- Any non-emergency, invasive physical examination or screening required as a condition of attendance, administered and schedule by the school in advance and not necessary to protect the immediate health and safety of the student. Exceptions are hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law. [See policies EF and FFAA]

As a parent, you also have a right:

- **To request information regarding the professional qualifications** of your child's teachers, including whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; whether the teacher has an emergency permit or other provisional status for which state requirements have been waived; and undergraduate
- and graduate degree majors, graduate certifications, and the field of study of the certification or degree. You also have the right to request information about the qualifications of any paraprofessional who may provide services to your child.
- **To review teaching materials,** textbooks, and other teaching aids and instructional materials used in the curriculum, and to examine tests that have been administered to your child.
- To inspect a survey created by a third party before the survey is administered or distributed to your child.
- To review your child's student records when needed. These records include:
  - Attendance records,
  - Test scores,
  - Grade,
  - Disciplinary records,
  - Counseling records,
  - Psychological records,
  - Applications for admission,
  - Health and immunization information,
  - Other medical records,
  - Teacher and counselor evaluations,
  - Reports of behavioral patterns, and
  - State assessment instruments that have been administered to your child.
- **To grant or deny any written request from the District** to make a videotape or voice recording of your child. State law, however, permits the school to make a videotape or voice recording without parental permission for the following circumstances:
  - When it is to be used for school safety;
  - When it relates to classroom instruction or a co-curricular or extracurricular activity; or
  - When it relates to media coverage of the school.
- **To remove your child temporarily from the classroom**, if an instructional activity in which your child is scheduled to participate conflicts with your religious or moral beliefs. The removal cannot be for the purpose of avoiding a test and may not extend for an entire semester. Further, your child must satisfy grade-level and graduation requirements as determined by the school and by the Texas Education Agency.

**OPTIONS AND REQUIREMENTS FOR PROVIDING ASSISTANCE TO STUDENTS WHO HAVE LEARNING DIFFICULTIES OF WHO NEED OR MAY NEED SPECIAL EDUCATION**

See SPECIAL PROGRAMS

**PARENTAL INVOLVEMENT PROGRAM**

See FAMILY AND COMMUNITY ENGAGEMENT PROGRAM

**PARENTAL OBSERVATIONS**

Parents are welcome to observe their children in the classroom. In order to preserve an environment that is conducive to learning and for the safety of students, observations must be made in accordance with the following procedures.

1. The term “parents” means biological, adoptive, or foster parents and legal guardians as determined by court order. The term “parents” also includes other relatives with whom a student resides and who are standing in parental relation to the student (e.g., a grandparent with whom the student resides and who is acting as a parent in the absence of a biological or adoptive parent). Unless standing in parental relation to a student, other non-parent relatives or friends of the family are not permitted to observe students at school. Parent representatives and advocates are not permitted to observe students at school.
2. Observations are limited to two times per year (one time per semester).
3. Observations are limited to one class period.

4. The principal, in consultation with the teacher, will approve the date and time of all parental observations in advance.
5. Parents must first report to the campus office and comply with all procedures for visitors (e.g., showing identification, permitting a background check, if applicable, and obtaining a pass). At the discretion of school staff, a parent may be escorted to the classroom or accompanied during part or all of the observation. For confidentiality and security purposes, parents may not take pictures or make audio or video recordings during observations.
6. If at any time, the teacher or principal determines that the observation is disruptive, the parent must immediately leave. Parents must leave the campus immediately upon the request of any district administrator or security personnel.
7. These classroom observation procedures do not apply to parents' having lunch with their children or classroom parties. However, on such occasions, parents must still comply with other campus rules, such as reporting first to the campus office, showing identification, allowing a background check, obtaining a pass, and leaving campus upon request of a school administrator.

Principals and other school administrators have authority at all times to control access to school property by parents and other campus visitors. Principals and other school administrators may limit the access of parents and other campus visitors to school property, including limiting access to particular parts of a campus or prohibiting access altogether. During school hours, all parents must report to the office before going to any other part of the campus. This is an important security measure, and failure to respect this procedure may result in the parent being denied access to school property.

Requests by an independent evaluator to observe a special education student should be forwarded to the Special Education Department. The Director of Special Education and campus principal will determine the conditions for these observations.

## PARENTAL RIGHTS

See OBTAINING INFORMATION AND PROTECTING STUDENT RIGHTS.

## PEST MANAGEMENT PLAN

The District applies only pest control products that comply with state and federal guidelines. Except in an emergency, signs will be posted 48 hours before application. Parents who want to be notified prior to pesticide application inside their child's school assignment area may contact the Maintenance Department at 956-323-8960.

## PHYSICAL ACTIVITY FOR STUDENTS IN ELEMENTARY, JUNIOR HIGH, AND HIGH SCHOOL

In accordance with EHAB, EHAC, and FFA, the District will ensure that students in kindergarten through grade 5 engage in moderate to vigorous physical activity for at least 30 minutes per day or 135 minutes per week. Students in grade 6 through 8 shall engage in 30 minutes of moderate to vigorous physical activity per day for at least four semesters OR at least 225 minutes of moderate or vigorous physical activity within a two-week period for at least four semesters. Students in a high school Physical Education course shall be actively engaged 50% of the time in moderate to vigorous physical activity. A parent's handwritten excuse from physical activity participation will be honored for a maximum of 2 days. A physician's medical excuse will be required for any ailment/injury requiring more than 2 days' exemption. If a child requires more than 2 days' exemption from physical activity, they will be assigned supplemental activities/assignments, as permitted. For additional information on the District's requirements and programs regarding elementary, junior high and high school student physical activity requirements, please see the campus principal.

**Parental Access to Student Fitness Results**

Each year the Fitnessgram Physical Assessment must be administered to all students in grades 3-12 that are in P.E. or classes that may be substituted for P.E. Parents may request a copy of their child's Fitnessgram Physical Assessment by submitting a letter to the principal at the end of the school year.

## PLEDGES OF ALLEGIANCE AND A MINUTE OF SILENCE

Texas law requires students to recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag each school day. Parents may submit a written request to the principal to excuse their child from reciting a pledge.

A minute of silence will follow recitation of the pledges. The student may choose to reflect, pray, meditate, or engage in any other silent activity so long as the silent activity does not interfere with or distract others. [See policy EC for more information]

## PRAYER

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

## PROMOTION AND RETENTION

In kindergarten, promotion to the next grade level shall be based on the student meeting grade-level standards in the core areas of

language arts, mathematics, science, and social studies as measured by attainment of an overall core subject average of Satisfactory (S) or better with a letter grade of at least an S in language arts.

In grades 1-5, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level, grade- level standards for all subject areas and a grade of 70 or above in language arts and mathematics.

In grades 6–8, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level, grade- level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in three of the following areas: language arts, mathematics, science, and social studies.

In grades 9-12, mastery of at least 70 percent of the objectives on District-approved tests shall be required. Grade-level advancement for students in grades 9–12 shall be earned by course credits. Changes in grade-level classification shall be made at the beginning of the fall or spring semester.

If a student fails to demonstrate proficiency on a state-mandated assessment, the student shall be provided accelerated instruction in accordance with state law. Additionally, students in grades 5 and 8 shall be subject to all provisions of grade advancement testing, which is explained in the following sentence: Except when a student will be assessed in reading or mathematics above his or her enrolled grade level, students in grades 5 and 8 must meet the passing standard (when required by law) on the applicable state-mandated assessments in reading and mathematics to be promoted to the next grade level, in addition to the District's local standards for mastery and promotion.
[For further information, see policy EIE]

## PSYCHOTROPIC DRUGS

Teachers and other District employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they will not recommend use of psychotropic drugs. A District employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. "Psychotropic drug" means a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior. It is commonly described as a mood- or behavior-altering substance. [For further information, see policy FFAC]

## RELEASE FROM SCHOOL

Because class time is important, doctor's appointments should be scheduled, if possible, at times when the student will not miss instructional time. Students returned to class should remain in class unless otherwise directed by the campus nurse. Testing days are instructional days, and students will not be released early.

A student who will need to leave school during the day must bring a note from his or her parent that morning. A student who becomes ill during the school day should, with the teacher's permission, report to the school nurse. The nurse will decide whether or not the student should be sent home and will notify the student's parent. A student will be sent home when the student has a temperature of 100° or higher. Student must be free from fever at least 24 hours without the use of fever-reducing medication such as Tylenol or Motrin before returning to school, or must have a letter from the physician that they do not have a communicable disease.

A student will not be released from school at times other than at the end of the school day except with permission from the principal or designee and according to the campus sign-out procedures. Testing days are instructional days, and students will not be released early, except as previously described.

Unless the principal has granted approval because of extenuating circumstances, a student will not regularly be released before the end of the instructional day.

Students are not permitted to leave their campus during regular school hours, unless they are accompanied by their parents, legal guardians or designee of record.

### Withdrawing from School

A student under 18 may be withdrawn from school only by a parent. The school requests notice from the parent at least three days in advance so that records and documents may be prepared.

On the student's last day, the withdrawal form must be presented to each teacher for current grade averages and book clearance; to the librarian to ensure a clear library record; to the clinic for health records; to the counselor for the last report card and course clearance; and finally, to the principal. A copy of the withdrawal form will be given to the student and a copy placed in the student's permanent record.

A student who is 18 or older, who is legally married, or who is an emancipated minor as declared by a court may withdraw without parental signature.

## REPORT CARDS

Written reports of absences and student grades or performance in each class or subject are issued to parents each grading period. At

the end of the first three weeks of a grading period, parents are notified if the student's grade average is near or below 70, or below the expected level of performance. If a student receives a grade of less than 70 in any class or subject during a grading period, the parents are requested to schedule a conference with the teacher of that class or subject.

## RETALIATION

See DATING VIOLENCE, DISCRIMINATION, HARASSMENT, AND RETALIATION

## SAFETY

**Accident Prevention**

Student safety on campus and at school-related events is a high priority of the District. Although the District has implemented safety procedures, the cooperation of students is essential to ensure school safety. A student should:

- Avoid conduct that is likely to put the student or other students at risk.
- Follow the behavioral standards in this handbook and the Student Code of Conduct, as well as any additional rules for behavior and safety set by the principal, teachers, or bus drivers.
- Remain alert to and promptly report to a teacher or the principal safety hazards, such as intruders on campus and threats made by any person toward a student or staff member.
- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other District employees who are overseeing the welfare of students.

**Accident Insurance**

Soon after school opens, parents will have the opportunity to purchase low-cost accident insurance that will help meet medical expenses, in the event of injury to their child.

Except for the purchase of insurance against bodily injury sustained by students while training for or engaging in interscholastic athletic competition or while engaging in school-sponsored activities on a school campus, the District, under state law, cannot pay for medical expenses associated with a student's injury.

## SCHOLARSHIPS AND GRANTS

Many national and local scholarships are available to students. Information on such scholarships is available to students and parents via the school websites, Channel 17 and Channel One along with scholarship flyers posted throughout the school. Applications for scholarships may be picked up in the guidance office. A few scholarships require online submission. Opportunities to file Free Application for Federal Student Aid (FAFSA) are also provided several times within the Spring Semester. For further information, please call the guidance office. Students who have a financial need according to federal criteria and who complete the Recommended High School Program or Distinguished Achievement Program may be eligible under the TEXAS Grant Program for tuition and fees to Texas public universities, community colleges, and technical schools, as well as to private institutions. [For further information, see the principal or counselor and policy EJ]

## SCHOOL CLINIC INFORMATION

See the “For Parents” section on the Mission CISD Health Services website to access more information regarding the School Clinic [www.mcisd.net – About Us – District Departments – Health Services – For Parents].

## SCHOOL HEALTH ADVISORY COUNCIL (SHAC)

The School Health Advisory Council (SHAC) is an advisory group of individuals who represent different segments of the community. By law, a majority of the members must be persons who are parents of students enrolled in the District and who are not employed by the District. The Mission CISD SHAC is made up of parents, community members, students, and District staff working together to improve the health of all students and families through coordinated school health programs. Through a coordinated effort, the District approved the newly revised Mission CISD Wellness Policy. Additional information regarding the District’s School Health Education Advisory Council is available on the District website. [See also policies BDF and EHAA]

## SEARCHES

In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, District officials may from time to time conduct searches. Such searches are conducted without a warrant and as permitted by law. Students have full responsibility for the security of their lockers, and for vehicles parked on school property. It is the student’s responsibility to ensure that lockers and vehicles are locked and that the keys and combinations are not given to others. Students shall not place, keep, or maintain any article or material that is forbidden by District policy in lockers or in vehicles parked on school property. [For further information, see policy FNF]

**Vehicles on Campus**

Vehicles parked on school property are under the jurisdiction of the school. School officials may search any vehicle any time there is reasonable cause to do so, with or without the presence of the student. A student has full responsibility for the security and content of his or her vehicle and must make certain that it is locked and that the keys are not given to others. See also the Student Code of

Conduct.

**Trained Dogs**
The District shall use specially trained non-aggressive dogs to sniff out and alert to the current presence of concealed prohibited items, illicit substances defined in Board policy FNCF, and alcohol. Visits by trained dogs to the schools will not be announced. Trained dogs will be used to conduct random searches in vacant rooms, vacant common areas, around student lockers, and around vehicles parked on school property. If contraband of any kind is found, the student shall be subject to appropriate disciplinary action and will be referred to legal authorities for possible criminal prosecution.

## Metal Detector Searches

The District may utilize permanent (walk-through) or portable (handheld) metal detectors on school property if the Superintendent or designee deems the use of such equipment to be in the best interest of the District. When such equipment is deployed, students may be subject to metal detector searches on a daily basis. [For further information, see policy FNF(LOCAL)]

**Random Drug Testing**
The District requires the random drug-testing of any student in grades 6-12 who chooses to participate in school-sponsored extracurricular activities or request a permit to park a vehicle on school property. [For further information, see policy FNF (LOCAL)]

**SEXTING**
Sexting is defined as taking, sending, or forwarding obscene, sexually oriented or sexually explicit nude or partially nude images of oneself or others, or sending or forwarding texts that are obscene, sexually oriented or sexually explicit. In some instances, such acts have been classified as illegal, i.e. child pornography.

**SEXUAL HARASSMENT / SEXUAL ABUSE / TRAFFICKING OR OTHER MALTREATMENT OF CHILDREN**
Students must not engage in unwanted and unwelcome verbal or physical conduct of a sexual nature directed toward another student or a District employee. This prohibition applies whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors. All students are expected to treat other students and District employees with courtesy and respect, to avoid any behaviors known to be offensive, and to stop these behaviors when asked or told to stop. The District will notify the parents of all students involved in sexual harassment by students when the allegations are not minor, and will notify parents of any incident of sexual harassment or sexual abuse by an employee. To the greatest extent possible, complaints will be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation. A complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member may be presented by a student and/or parent in a conference with the principal or designee or with the Title IX coordinator, Elisa Pacheco, at 956-323-5641. The student or parent may appeal the decision regarding the outcome of the investigation in accordance with Board policy FNCJ.

Child trafficking of any sort is prohibited by the Penal Code. Sex trafficking involves forcing a person, including a child, into sexual abuse, assault, indecency, prostitution, or pornography. Labor trafficking involves forcing a person, including a child, to engage in forced labor or services. [For further information, see policy FFG]

**SOCIAL EVENTS**
School rules apply to school social events to which a student brings a guest. Guests are expected to observe the same rules as students attending the event, and the person inviting the guest will share responsibility for the conduct of the guest.

**SPECIAL PROGRAMS**
The District provides special programs for gifted and talented students, homeless students, bilingual students, migrant students, students with limited English proficiency, students with dyslexia, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, as well as programs and services offered in the District or by other organizations. A student or parent with questions about these programs should contact the Curriculum and Instruction Division at 956-323-5507 or 956-323-5513. Department phone numbers by program are also provided on the inside back cover for your assistance.

**Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services**
For those students who are having difficulty in the regular classroom, all school districts and open enrollment charter schools must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RTI). The implementation of RTI has the potential to have a positive impact on the ability of districts and charter schools to meet the needs of all struggling students. If a student is experiencing learning difficulties, his or her parent may contact the individual(s) listed below to learn about the school's overall general education referral or screening system for support services. This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine if the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

Special Education Referrals: If a parent makes a written request for an initial evaluation for special education services to the executive director of special education services or an administrative employee of the school district or open enrollment charter school, the

district or charter school must respond no later than 15 school days after receiving the request. At that time, the district or charter school must give the parent a prior written notice of whether it agrees to or refuses to evaluate the student, along with a copy of the ***Notice of Procedural Safeguards***. If the school district or charter school agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation. Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. Districts and charter schools must still comply with all federal prior written notice and procedural safeguard requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline. If the district or charter school decides to evaluate the student, it must complete the student's initial evaluation and evaluation report no later than 45 school days from the day it receives a parent's written consent to evaluate the student. However, if the student is absent from school during the evaluation period for three or more school days, the evaluation period will be extended by the number of school days equal to the number of school days that the student is absent. There is an exception to the 45-school-day timeline. If a district or charter school receives a parent's consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, it must complete the written report and provide a copy of the report to the parent by June 30 of that year. However, if the student is absent from school for three or more days during the evaluation period, the June 30th due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply. Upon completing the evaluation, the district or charter school must give the parent a copy of the evaluation report at no cost.

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

Contact Person for Special Education Referrals: The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is:

Contact Person: Francisca Cruz, Executive Director for Special Education
Phone Number: 323-5570

**Notice of Updated Criteria for a Related Service under IDEA 2004**

The components of a related service as outlined by IDEA 2004 include: 1) Purpose (34CFR§300.1(a); 2) Continuum of Alternative Placements (34CFR§300.551(a); 3) Placements (34CFR§300.552(b)(2). Mission CISD adheres to the principle that a related service is defined as developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from the student's special education services (U.S.C.§1401). Upon a referral for an evaluation for a related service eligibility (e.g., special education counseling), the student is tested. If eligible, an Individual Education Plan (IEP) with measurable goals and objectives is developed based on the findings of the evaluation. The Admission, Review and Dismissal (ARD) committee reviews the IEP and recommends the appropriate setting/service provider for implementation of the IEP goals. Diligence will be given in determining the outcome of the aforementioned system, following the child-centered process, and ensuring that each identified student receive related service recommendations that are individualized and appropriate for that student.

**Response to Intervention (RTI)**

RTI involves the use of "data-based decision making" to effectively address instruction and implement scientifically-based interventions and/or appropriate accommodations. Students are able to move in and out of the individual tiers based on how well they respond to intervention. Within an RTI framework, instruction is determined by the needs of the students in the classroom. Data is collected at each tier by a campus RTI core team to determine the efficacy and fidelity of instruction and intervention, to address the individual academic and/or behavioral needs of the student, and to develop appropriate instruction and interventions to address these needs. Should regular education, together with these early intervention efforts be insufficient to meet the needs of the struggling student, or there are grounds to suspect that the student has a physical or mental impairment, the District should consider seeking parental consent for an evaluation under Section 504 or Special Education (IDEA), as appropriate to the student.

**Section 504**

Students who have a mental or physical impairment which substantially limits one or more of life's major activities may be eligible under Section 504 of the Rehabilitation Act of 1973, as amended. Section 504 protects the rights of individuals with disabilities in programs and activities that receive federal funds. Section 504 provides that: *"No otherwise qualified individual with a disability in the United States… shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."* [34 C.F.R. §104.4(a)] Section 504 provides eligible students with equal opportunity when compared to their same age, non-disabled peers and based on their individual needs due to disability.

Mission CISD provides a *"free appropriate public education (FAPE) to each qualified and eligible person with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the person's disability."*

Section 504 Referrals: Each school district or charter school must have standards and procedures in place for the evaluation and placement of students in the district's or charter school's Section 504 program. Districts and charter schools must also implement a system of procedural safeguards that includes notice, an opportunity for a parent or guardian to examine relevant records, an impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Contact Person for Section 504 Referrals: The designated person to contact regarding options for a student experiencing learning

difficulties or regarding a referral for evaluation for Section 504 services is:

Contact Person: Erika Miller Morales, District Section 504/Dyslexia/RTI Coordinator Phone Number: 956-323-5626.

Additional Information: The following websites provide information and resources for students with disabilities and their families:

- Legal Framework for the Child-Centered Special Education Process
- Partners Resource Network
- Special Education Information Center
- Texas Project First

Dyslexia

In Texas, the identification and instruction of students with dyslexia and related disorders are mandated and structured by the Texas Education Code and the Texas Administrative Code. The Texas Education Agency provides procedures for early identification, instruction, and accommodations for students with dyslexia and related disorders in **The Dyslexia Handbook, Procedures Concerning Dyslexia and Related Disorders, 2024 Update.** (https://tea.texas.gov/academics/special-student-populations/dyslexia-and-related-disorders)

**STATE-MANDATED ASSESSMENT TESTS**

Students at certain grade levels will take state assessment tests in the following subjects, as well as routine testing and other measures of achievement:

- Mathematics, annually in grades 3–8; and EOC Algebra I;
- Reading, annually in grades 3–8;
- English language arts: EOC English I and II (Reading and Writing);
- Social studies in grades 8; and EOC U.S. History;
- Science in grades 5 and 8; and EOC Biology;
- TELPAS tests for all our Emergent Bilingual Students (Kinder - 12th grade)
- Any other subject and grade required by federal law.

**NOTE:** [See policy EKB]

**STEROIDS**

Parents and students should be aware that state law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for medical use only, and only a physician can prescribe use. Under state law, bodybuilding, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

**STUDENT RECORDS (Family Educational Rights and Privacy Act)**

Both federal and state law safeguard student records from unauthorized inspection or use and provide parents and "eligible" students certain rights. For purposes of student records, an "eligible" student is one who is 18 or older OR who is attending an institution of postsecondary education.

The law specifies that certain general information about Mission Consolidated Independent School District students is considered "directory information" and will be released to anyone who follows procedures for requesting it. That information includes:

- A student's name, address, telephone number, and date and place of birth.
- The student's photograph, participation in officially recognized activities and sports, and weight and height of members of athletic teams.
- The student's dates of attendance, grade level, enrollment status, honors and awards received in school, and most recent school previously attended.
- The student's e-mail address.

A parent or an eligible student may prevent the release of any or all directory information regarding a student. This objection must be made in writing to the principal within ten school days of the child's first day of this school year. [See the **DIRECTORY INFORMATION ACKNOWLEDGEMENT FORM** attached to this handbook.]

Virtually all information pertaining to student performance, including grades, test results, and disciplinary records, is considered confidential educational records. Release is restricted to:

- The parents—whether married, separated, or divorced—unless parental rights have been legally terminated and if the school is given a copy of the court order terminating these rights. Federal law requires that, as soon as the student becomes 18 or is emancipated by a court, control of the records goes to the student. However, the parents may continue to have access to the records, if the student is a dependent, for tax purposes.
- District staff members who have what federal law defines as a "legitimate educational interest" in a student's records. Such persons would include school officials (such as Board members, the Superintendent, and principals), school staff members (such as teachers, counselors, and diagnosticians), or an agent of the District (such as a medical consultant).

- Various governmental agencies or in response to a subpoena or court order.
- A school to which a student transfers or in which he or she subsequently enrolls.

Release to any other person or agency—such as a prospective employer, or for a scholarship application—will occur only with parental or student permission as appropriate. The District must comply with a request by a military recruiter or an institution of higher education for students' names, addresses, and telephone listings, unless parents have advised the District not to release their child's information without prior written consent.

The principal is the custodian of all records for currently enrolled students at the assigned school.

The Coordinator for Fixed Assets/Warehouse, Ana-Vely Uresti-Munoz, (956-323-8900), is the custodian of all records for students who have withdrawn or graduated.

A parent or eligible student may inspect records during regular school hours. If circumstances prevent inspection during these hours, the District will either provide a copy of the requested records, or make other arrangements for the parent or student to review the requested records. The records custodian or designee will respond to reasonable requests for explanation and interpretation of the records. A parent (or the student if he or she is 18 or older or is attending an institution of postsecondary education) may inspect the student's records and request a correction if the records are considered inaccurate or otherwise in violation of the student's privacy rights. If the District refuses the request to amend the records, the requestor has the right to request a hearing. If the records are not amended as a result of the hearing, the requestor has 30 school days to exercise the right to place a statement commenting on the information in the student's record. Although improperly recorded grades may be challenged, contesting a student's grade in a course is handled through the general complaint process defined by policy FNG.

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

**Please note:** Parents or eligible students have the right to file a complaint with the U.S. Department of Education if they believe the District is not in compliance with federal law regarding student records. The District's policy regarding student records is available from the principal's or Superintendent's office. The parent's or eligible student's right of access to, and copies of, student records does not extend to all records. Materials that are not considered educational records—such as teachers' personal notes about a student that are shared only with a substitute teacher—do not have to be made available to the parents or student.

## SUICIDE PREVENTION PROGRAM

Counselors, Mental Health Specialists, and teachers will use the Jason Foundation Curriculum and other suicide prevention programs in a classroom or group setting which provides students with knowledge, skills and strategies that will enable them to help a friend (or themselves) who may be depressed or considering suicide.

## TEACHER QUALIFICATIONS:

You may request the following information, which we will provide to you in a timely manner:

1. Whether your child's teacher(s) have met state qualification and licensing criteria for their grade levels and subject areas.
2. Whether your child's teacher(s) are serving under emergency or other provisional status that is less than full state certification.
3. The bachelor's degree major of your child's teacher(s) and any graduate degrees held, and the field of certification or degree.
4. Whether your child receives services from paraprofessionals and, if so, their qualifications.

## TELEMEDICINE FOR STUDENTS

Parents or guardians can register during online school registration through the parent portal (https://www.mcisd.net).

## TEXTBOOKS

State-approved textbooks are provided free of charge for each subject or class. Books must be covered by the student, as directed by the teacher, and treated with care. A student who is issued a damaged book should report the damage to the teacher. Any student failing to return a book issued by the school loses the right to free textbooks until the book is returned or paid for by the parent. However, a student will be provided textbooks for use at school during the school day. [For further information, see policy CMD]

## TOBACCO PROHIBITED

The District and its staff strictly enforce prohibitions against the use of tobacco products by students and others on school property or at school- sponsored or school-related activities. [See the Student Code of Conduct Handbook and policies FNCD and GKA]

## TRANSPORTATION

**School-Sponsored**

Students who participate in school-sponsored trips are required to use transportation provided by the school to and from the event. The principal, however, may make an exception if the parent makes a written request that the student be released to the parent or to

another adult designated by the parent.

**School Buses and Other School Vehicles**
The District makes school bus transportation available to all students living two or more miles from school. This service is provided at no cost to students. Bus routes and any subsequent changes are posted at the school. A parent may also designate a child-care facility or grandparent's residence as the regular pickup and drop-off location for his or her child. The designated facility or residence must be on an approved stop on an approved route. Further information may be obtained by calling the Transportation Department at 956-323-8930 or the individual campus office. See the Student Code of Conduct for provisions regarding transportation to the disciplinary Alternative Education Program.

Students are expected to assist District staff in ensuring that buses remain in good condition and that transportation is provided safely. When riding in District vehicles, students are held to behavioral standards established in this handbook and the Student Code of Conduct. Students must:

- Follow the driver's directions at all times.
- Enter and leave the bus or van in an orderly manner at the designated stop nearest home.
- Keep feet, books, band instrument cases, and other objects out of the aisle.
- Not deface the bus or van or its equipment.
- Not put head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the bus or van.
- Be seated while the vehicle is moving.
- Wait for the driver's signal upon leaving the bus or van and before crossing in front of the vehicle.

When students ride in a District van or passenger car, seat belts must be fastened at all times.

Misconduct will be punished in accordance with the Student Code of Conduct; bus-riding privileges may be suspended. Please see the Transportation Department website for an extensive list of Bus Safety Rules; Infractions and Consequences for Conduct Inside the Bus; and Fee Schedule and Disciplinary Consequences for Vandalism and Defacing [www.mcisd.net – About Us – District Departments – Transportation].

## TRUANCY

To ensure your child receives the best education possible, attendance is of utmost importance. House Bill 2398, passed during the 84th Texas Legislative Session, enacted changes to the state's school attendance laws. As of this school year, after the **third u unexcused absence within a four-week period**, the parent is issued a warning notice that the student is subject to truancy prevention measures (TEC §25.095); the parent must be informed: 1) of the student's absence; 2) of the parent's duty to monitor the student's school attendance and require the student to attend school; and 3) that the student is subject to truancy prevention measures. The school district **must** request a conference between school officials and the parent to discuss absences. The District Truancy Prevention Measure is implemented to include: 1) a behavior improvement plan; 2) school-based community service [i.e., behavior contract, parenting programs/meetings, drug awareness programs, after- school tutoring; bullying/harassment counseling, etc.] and/or 3) counseling, mediation, mentoring, teen court, or other in-school or out-of-school services aimed at addressing the truant behavior.

If a student fails to attend school without excuse on **10 or more days or parts of days within a six-month period**, the student shall be referred to truancy court within 10 school days of the student's 10th absence. Students ages 12 to 18 may be referred to truancy court.

## VENDING MACHINES

The District has adopted policies and implemented procedures to comply with state and federal food service guidelines for restricting student access to vending machines. For more information regarding these policies and guidelines see the Director for Child Nutrition Program. [See policies CO and FFA

Mission C.I.S.D.
1201 Bryce Drive,
Mission, TX 78572
P: (956) 323-5500

**Letter to Parent/Students**

State Law requires each school district to adopt a Student Code of Conduct. The Student Code of Conduct includes statements of the right and responsibilities of parents, administrators, teachers, and students. It also describes consequences for unacceptable behavior.

All our schools are expected to promote a climate of mutual respect for the rights of all members of the school community. Students are expected to respect the rights and privileges of other students, teachers and District staff members. The District's rules of conduct and discipline are established to achieve and maintain a safe and orderly environment. Students who violate the rights of others or who violate District or school rules will be subject to consequences designed to correct inappropriate behavior. We all need to create an environment where teachers can teach and students can learn.

We wish to express our gratitude to all parents, students and staff members for their role in providing the best possible learning environments where all students can succeed.

Sincerely,

Dr. Cris Valdez
Interim Superintendent of Schools

# SECTION II
# STUDENT CODE OF CONDUCT

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**Purpose of a Student Code of Conduct**

The Student Code of Conduct that follows is the District's response to the requirements of Chapter 37 of the Texas Education Code. The law requires the District to establish standards of student conduct and to identify the circumstances under which a student may be removed from a classroom, campus, or disciplinary alternative education program, transferred to a disciplinary alternative education program, suspended, or expelled. The Code provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

We provide you a copy of the Code annually; a copy is also available for review in the principal's office of each campus in the District. This Code is not a contract and can be amended by the District at any time. However, any change or amendment to the Code will be approved by the Board of Trustees.

Violations of the Code of Conduct are documented by teachers and other professional employees using campus discipline referral forms. Teachers and principals 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.

## Expectations for Student Behavior

Each student is expected to:

- Demonstrate courtesy and respect for others.
- Behave in a responsible manner.
- Attend all classes, regularly and on time.
- Be prepared for each class; take appropriate materials and assignments to class.
- Be well groomed and dressed appropriately, as articulated in the MCISD Student Handbook.
- Obey all campus and classroom rules.
- Respect the rights and privileges of other students and of teachers and other District staff.
- Respect the property of others, including District property and facilities.
- Cooperate with or assist the school staff in maintaining safety, order and discipline
- Pay required fees and fines, unless they are waived.
- Avoid violations of the Student Code of Conduct.

## Dress Code for Students

The District's dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority.

Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others.

The District prohibits any clothing or grooming that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations.

**The District prohibits:**

1. Students from wearing make-up that is distracting or draws attention to the student that, at the discretion of the principal or his/her designee, is inappropriate.
2. Pictures, emblems, or writing on clothing and personal items that:
    a. Is lewd, offensive, vulgar, obscene, or violent.
    b. Advertises or depicts tobacco products, alcoholic beverages, drugs, or any other prohibited substance.
    c. **Is distracting or draws attention to the student that, at the discretion of the principal or his/her designee, is inappropriate**.
3. The wearing of see-through shirts or blouses, sleeveless undershirts, muscle shirts, vests, cutoff T-shirts, tube tops, tank tops and any blouse or shirt that does not cover the stomach or waist. ~~even if covered by another piece of clothing such as a sweater or jacket~~.
4. The wearing of low-cut, shoulder less/strapless, spaghetti strap or string tie/halter blouses, shirts or dresses and clothing where undergarments can be seen.
5. Brand name tags and imprints on clothing and personal items that may be depicted as negative and/or offensive (i.e. "Drunken Monkey", "Drunknmunky", "Homies", etc.). **Discretion by the principal or his/her designee will prevail**.
6. Paraphernalia/accessories, activities, and/or gestures, which symbolize gang and/or group membership, including the following:
    a. Wearing beads and/or crosses that are all black, embroidered, or are identified with gang and/or group colors.
    b. Wearing tee shirts, sweat shirts, windbreakers, and jackets that depict the identity of a particular gang and/or group.
    c. Wearing shoes that identify with a particular gang and/or group, such as tennis shoes or sports shoes altered from their original color with paint or markers, shoe laces depicting a gang and/or group color, etc.
    d. Wearing gang- and/or group-related clothing combinations such as a shirt/pant combination in a particular color or colors.
    e. Participating in any gang and/or group fights, and any act of violence against student or school personnel.
    f. Exhibiting any behavior or gestures that symbolize gang and/or group membership, or are associated with gangs and/or groups.
    g. Vandalizing school property with gang- and/or group-related signs or literature. All students are also prohibited from possessing folders, book covers, etc., which depict gang- and/or group-related signs or literature.

The outlined code regarding specific modes, paraphernalia/accessories, activities, or gestures of the student body is subject to change at any time when a gang and/or group changes its identifying colors, paraphernalia/accessories, activities, or gestures. The aforementioned code also applies to any new gang and/or group, or any gang and/or group not mentioned herein.

In addition:

1. The District has adopted a standardized dress code for students in grades PK-8. [See page 65 for excerpts from Policy FNCA(LOCAL)]

2. All clothing must be worn in a proper, customary manner.
3. Over-sized, ill-fitting pants, shirts and other similar items of clothing are not allowed.
4. Students are prohibited from wearing pants below the waistline that are designed to be worn at the waistline.
5. Students are prohibited from wearing pants that expose skin at the waistline unless a tucked-in shirt/blouse is worn that is long enough to cover skin at all times (i.e. when raising arms, bending over, sitting down, etc.).
6. Capri pants or crop pants that are not tight-fitting will be allowed. Bermuda shorts are not considered to be Capri pants or crop pants. **Discretion by the principal or his/her designee will prevail**.
7. Leggings, jeggings, and form-fitting (stretch, spandex, etc.) pants are not allowed in grades 4-~~12~~ 8.
8. All shirts designed to be tucked in must be tucked in correctly. Discretion by the principal or his/her designee will prevail.
9. Students shall wear appropriate undergarments. No pajama-type clothing is allowed. Clothing where undergarments can be seen or that expose skin or underwear is not allowed.
10. Torn or Tattered Jeans
    a. Tattered Jeans with tears three inches or more above the knee are allowed but must be worn with tights/leggings under them (holes may be patched from the inside).
    b. Tattered Jeans with tears only below the three-inch mark above the knee are allowed to be worn without tights/leggings.
11. Shorts:
    a. Students in pre-kindergarten through third grade are allowed to wear shorts.
    b. Students in 4th through 12th grade shall be allowed to wear walking shorts (Bermuda shorts) that are not shorter than three inches above the knee.
    c. Basketball and Drawstring shorts are allowed only for ELEMENTARY.
    d. Non-acceptable shorts for SECONDARY:
        1. No terry or fleece shorts
        2. No short shorts
        3. No torn shorts

**The discretion of the principal or his/her designee will prevail**.

12. Colored Jeans are allowed.
13. Dresses and skirts may be no shorter than two inches above the top of the knee, nor may slits in clothing extend more than two inches above the knee.
14. Trench coats, dusters, and overcoats are not allowed, except in inclement weather. Hoods are not to be worn inside buildings.
15. Students are prohibited from wearing earrings or studs on any part of their bodies other than their ear lobes on school premises and during participation in any extracurricular activity. This includes string, plastic plugs, bandages, gauges, etc., which are used to keep the pierced hole open. Plastic plugs and/or gauges are not permitted.
16. Exposed rosary beads are not allowed.
17. Hats, caps, hoods, beanies, sweatbands, hairnets, and bandanas are not allowed. Headbands must be worn appropriately to restrain hair, and not across the forehead.
18. Sunglasses are prohibited unless prescribed.
19. Appropriate footwear shall be worn at school. Shoes that present a safety concern are not allowed. Sneakers/Tennis shoes should be worn for PE participation. Flip-flops/thongs and/or soccer slides are not allowed. Steel toe footwear is not allowed. All footwear must have a closed heel or have a strap around the rear of the ankle in grades PK - 12. Socks must be worn, when appropriate.
20. Hair must be clean, neatly combed and out of the eyes and face. Mohawks will not be allowed. Hair that is styled in a manner that is extreme, outlandish, distracting or draws attention to the student is not allowed.
21. Hair coloring is limited to only natural hair colors.
22. All tattoos need to be covered. ~~Tattoos must be covered for all elementary students. At the junior high and high school level, the covering of tattoos will be at the discretion of the principal or his/her designee~~.
23. Sideburns shall not extend beyond the bottom of the earlobe. Mustaches, beards and goatees will be allowed at the high school level, but shall be neatly trimmed. Eyebrow(s) shall not be shaved or altered.
24. Grooming, combing hair, and applying make-up or nail polish are not allowed in the classroom.
25. The District has adopted standardized attire for all students assigned to the DAEP at Roosevelt Alternative School. All students assigned to the DAEP will adhere to the standardized dress requirement. The dress code will be discussed with the students and parents during the scheduled in-take conference.
26. **The discretion of the principal or his/her designee will prevail.**

The student and parent may determine the student's personal dress and grooming standards, provided that they comply with the general guidelines set out above in the District's dress code.

If the principal determines that a student's grooming violates the dress code, the student shall be given an opportunity to correct the problem at school. If not corrected, the student shall be assigned to in-school suspension for the remainder of the day.

A student whose clothing violates the dress code shall be assigned to in-school suspension either for the remainder of the day or until a

parent or designee brings an acceptable change of clothing to the school

Repeated offenses may result in more serious disciplinary action. Appropriate discipline procedures shall be followed in all cases.

The principal, in cooperation with the sponsor, coach, or other person in charge of an extracurricular activity, recognition ceremony, or Board recognition event, may regulate the dress and grooming of students who participate in the activity. Students who violate those standards may be removed or excluded from the activity for a period determined by the principal or sponsor and may be subject to other disciplinary action. [See policy FNCA(LOCAL)]

### General Authority to Impose Discipline

The Texas Legislature has delegated the authority to manage independent school districts and discipline students to the Board of Trustees and its employees. The school has the authority to administer discipline whenever the interest of the school is involved, on or off school property, in conjunction with or independent of classes and school-sponsored activities. The District's disciplinary authority applies:

- during the regular school day and while the student is going to and from school on District transportation;
- within 300 feet of school property;
- while the student is participating in any activity during the school day on school grounds;
- during lunch (whether on or off school campus);
- while the student attends any school-related activity of the District, regardless of time or location;
- while the student is on school property of another Texas school district or attending a school activity of a school in another Texas school district;
- for any school-related misconduct, regardless of time or location;
- when the student retaliates or threatens retaliation against a school employee, regardless of time and location;
- when the District has a reasonable belief that the student has engaged in conduct that would be punishable as a felony, as provided by Texas Education Code § 37.006;
- when the student is involved in criminal mischief on or off school property or at a school-related event;
- when the student makes a false alarm or report of bombing, fire, or other emergency involving a public school, regardless of time or location;
- when the student makes a terrorist threat involving a public school, regardless of time or location; and
- when the student commits aggravated robbery against another student, regardless of time or location.

All District facilities, any other real property that is owned, rented, or leased by the District, and the area within 1,000 feet of any of those facilities is a **gang-free zone** under state law. The penalties from the juvenile or criminal justice systems for certain organized criminal activity occurring within a "gang-free zone" will be enhanced. See "Gang-Free Zones" in the Definitions, page 57, for more complete information.

## Discipline of Students with Disabilities

Federal law regarding the education of students with disabilities (IDEA and Section 504) imposes specific procedures and limitations on the discipline of students with disabilities. **[See policy FOF(LEGAL)]** For further information on this topic, please contact the principal, who will direct you to special education staff, or Francisca Cruz, Executive Director at (956) 323-5570. Information is also available to parents of students with disabilities in the "Explanation of Rights and Procedural Safeguards of a Parent with a Child with Disabilities in School," which is provided to parents at the time of admission to special education and at every annual ARD meeting.

## Prohibited Conduct

A significant part of the District's educational mission is to inculcate or instill the habits and manners of civility and to teach students the boundaries of socially appropriate behavior. In furtherance of this mission, students will be subject to disciplinary consequences if they engage in any of the following prohibited conduct while they are subject to the school's jurisdiction as described in this Code of Conduct:

1. **Scholastic dishonesty, which includes, but is not limited to, cheating on a test or any other assignment, plagiarism, unauthorized collaboration with another person in preparing written work or any other assignment for which a grade is awarded, falsifying records or school passes**
2. **Conduct that can cause injury to person or property, which may include dating violence**
3. **Leaving classroom, school grounds, or school-sponsored events without permission**
4. **Using profanity, lewd or vulgar language, or obscene gestures**
5. **Scuffling or fighting or other inappropriate physical contact that does not meet the definition of simple assault**
6. **Stealing**
7. **Lying about the conduct of other students or making false accusations about District employees**
8. **Disobeying school rules about conduct on school buses**
9. **Failing to comply with lawful directives given by school personnel**
10. **Failing to comply with campus or District policies, including nutritional policies**
11. **Selling of food items at school, unless as part of a school-approved activity**
12. **Bullying, cyberbullying, harassment, and making hit lists, which include the following offenses:**

a. **Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force**
b. **Making ethnic, racial, or religious slurs or any other harassment based on race, color, national origin, religion, or disability**
c. **Verbal abuse or derogatory or offensive remarks addressed to others, which may include dating violence**
d. **Damaging or vandalizing property of other students**
e. **Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors, which may include dating violence**

13. **Committing or assisting in a robbery, theft, or burglary**
14. **Any misbehavior that gives school officials reasonable cause to believe that the conduct will substantially disrupt the school program or incite violence**
15. **Damaging, defacing, tagging or vandalizing District property – including textbooks, locker, furniture, facilities and other equipment**
16. **Unless specifically permitted by District- or campus-level administration, using or publicly displaying audio or other entertainment devices**
17. **Unless specifically permitted by District- or campus-level administration, using or publicly displaying a cellular telephone or other telecommunications device before the last bell at the end of the school day**
18. **Using or possessing ammunition, mace or pepper spray**
19. **Using or possessing a pellet gun, BB gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a third party as a firearm**
20. **Using or possessing a taser, stun-gun, or similar device**
21. **Using or exhibiting school supplies (i.e., pencils, pens, scissors, etc.), or other items (i.e., razor, box cutter, chain, etc.) in a manner that threatens to inflict or actually inflicts bodily harm to another person or oneself**
22. **Using or possessing drug paraphernalia (roach clips, rolling papers, needles, baggies with residue, razor blades, pipes, etc.)**
23. **Using or possessing martial arts objects (i.e., shurikan [throwing stars], nunchakus ["nun-chucks"], tonfa [wooden weapon], staff, baton [short stick], bolo [long cord with weights at end])**
24. **Using or possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device**
25. **Using or possessing a laser pointer for other than a classroom related approved activity**
26. **Inappropriate or offensive physical or sexual contact, whether or not it is consensual**
27. **Inappropriate exposure of a student's body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the dress code**
28. **Behaving in any way that disrupts the school environment or educational process**
29. **Using, possessing or smoking tobacco products or electronic smoking devices such as e-cigarettes or non-tobacco nicotine-delivery products or accessories and any other substance that is intended to or does result in a student's being "under the influence" of the substance, as that term is defined in this Student Code of Conduct**
30. **Using or possessing matches or a lighter**
31. **Using or possessing a knife with a blade of 5 ½ inches or less**
32. **Truancy, i.e., skipping school or cutting class without the parent's or school's knowledge or permission**
33. **Using, possessing or distributing any substance represented to be an illegal drug, a dangerous drug, a controlled substance, alcohol, or a prescription drug**
34. **Violating the District's policy on taking prescription drugs and over-the-counter drugs at school**
35. **Violating computer use policies, rules, or agreements signed by the student and/or agreements signed by the student's parent or guardian**
36. **Gambling of any kind**
37. **Violating safety rules**
38. **Violating dress or grooming standards**
39. **Being a member of, pledging to become a member of, or soliciting another person to join or pledge a public-school fraternity, sorority, secret society, or gang**
40. **Gang-related behavior or activity, including tagging of personal property on campus**
41. **Assisting, encouraging, promoting, or attempting to assist in the commission of a serious offense**
42. **Failing to report the commission of a serious offense by another student to a school official**
43. **Hazing**

44. **Making a false alarm or report of bombing, fire, or other emergency involving a public school, which includes the following offenses:**
    a. **Pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by MCISD, when there is no smoke, fire, or danger that requires evacuation**
    b. **Calling 911 when no emergency exists**
45. **Making a terroristic threat involving a public school**
46. **Retaliating against any school employee or volunteer**
47. **Repeatedly violating previously communicated campus or classroom standards of behavior**
48. **Violating DAEP rules while assigned to the DAEP**
49. **Engaging in any conduct punishable as a felony, which includes the offenses of:**
    a. **Causing an employee to be in contact with the blood, bodily fluids, saliva, urine, or feces of any person or animal**
    b. **Placing graffiti on any tangible property owned by the District**
    c. **Distributing, selling, delivering, or attempting to distribute, sell or deliver any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol**
    d. **Online harassment**
50. **Committing an assault of any kind, which may include dating violence**
51. **Selling, giving, or delivering to another person or possessing, using or being under the influence of marijuana or a controlled substance or a dangerous drug**
52. **Selling, giving, or delivering to another person an alcoholic beverage; committing a serious act or offense while under the influence of alcohol; or possessing, using, or being under the influence of alcohol**
53. **Engaging in conduct that contains the elements of an offense relating to an abusable volatile chemical**
54. **Engaging in conduct that contains the elements of public lewdness or indecent exposure**
55. **Engaging in conduct that contains the elements of improper photography or visual recording**
56. **Using, exhibiting, or possessing a firearm, except as permitted for participation or preparation for a school-sanctioned shooting sports educational activity sponsored by Texas Parks & Wildlife and that is not located on school property**
57. **Using, exhibiting, or possessing an illegal knife**
58. **Using, exhibiting, or possessing a club**
59. **Using, exhibiting, or possessing a prohibited weapon**
60. **Possessing material that is pornographic**
61. **Engaging in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal or emotional abuse to harm, threaten, intimidate or control another person with whom the student has or has had a dating relationship**
62. **Engaging in conduct that contains the elements of aggravated assault, sexual assault, or aggravated sexual assault**
63. **Engaging in conduct that contains the elements of arson**
64. **Engaging in conduct that contains the elements of murder, capital murder, or criminal attempt to commit murder or capital murder**
65. **Engaging in conduct that contains the elements of indecency with a child**
66. **Engaging in conduct that contains the elements of aggravated kidnapping**
67. **Engaging in conduct that contains the elements of aggravated robbery against another student**
68. **Engaging in conduct that contains the elements of manslaughter**
69. **Engaging in conduct that contains the elements of criminally negligent homicide**
70. **Engaging in conduct that contains the elements of continuous sexual abuse of a young child or children**
71. **Engaging in conduct that contains the elements of deadly conduct**

## Disciplinary Consequences

In deciding concerning suspension, removal to the DAEP, expulsion, or placement in a JJAEP, regardless of whether the decision concerns mandatory or discretionary disciplinary action, the Campus Behavior Coordinator (CBC) and other administrators shall consider:

1. Self-defense.
2. Intent or lack of intent at the time the student engaged in the conduct.
3. A student's disciplinary history.
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. Student's status in the conservatorship of the Department of Family and Protective Services.

6. Student's status as a student who is homeless.

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

- Oral correction
- Cooling-off time or "time-out" in a setting separate from other students that is not locked and from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object
- Seating changes within the classroom
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher conferences
- Temporary confiscation of items that disrupt the educational process.

Unless specifically permitted by District- or campus-level administration, any student using or publicly displaying a cellular telephone or other telecommunications device before the last bell at the end of the school day, or using or publicly displaying an audio or other entertainment device, will have the item confiscated. Persistent violation will result in the following consequences:

1st offense – Item(s) will be confiscated and returned to the parent/guardian only after school.

2nd offense – Same or other item(s) will be confiscated and parent/guardian will have to pay a $15.00 administrative fee before the item is released.

3rd offense – Same or other item(s) will be confiscated and kept by the school until the end of the semester or 60 days, whichever is longer.

4th offense – Student will be placed at DAEP

Refusal to surrender item, upon request by an administrator, shall result in placement in the Disciplinary Alternative Education Program (DAEP). **Mission CISD is not responsible for any loss, monetary or material, incurred as a result of the confiscation of the cellular phone or other telecommunications device, or audio or other entertainment device.**

Confiscation of food items being sold at school, unless as part of a school-approved activity

Since the Mission CISD Nutrition Policy, approved by the School Health Advisory Council, states that no food may be provided other than by food services during the instructional day, and since Mission CISD follows all state and federal nutritional guidelines, food items may not be sold at school, unless as part of a school-approved activity. Violations of this prohibited conduct will result in the following consequences:

1st offense – Item(s) will be confiscated and returned to parent/guardian at mandatory parent conference

2nd offense – Item(s) will be confiscated, money will be temporarily confiscated and returned to parent at mandatory parent conference; student will be placed in ISS for three days

3rd offense – Item(s) will be confiscated, money will be temporarily confiscated and returned to parent at mandatory parent conference; student will be placed in OSS for three days

4th offense – Student will be placed at DAEP

Refusal to surrender item, upon request by an administrator, shall result in placement in the Disciplinary Alternative Education Program (DAEP):

- Grade reductions as permitted by policy
- Rewards or demerits
- Behavioral contracts
- Sending the student to the office or other assigned area Assigned school duties other than class tasks
- Withdrawal of privileges, such as participation in extracurricular activities, participation in graduation exercises, and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations
- Consequences or penalties identified in individual student organizations' codes of conduct bylaws, constitutions, or rules Withdrawal or restriction of bus privileges
- School-assessed and school-administered probation
- Citation or ticket from School Resource Officers or school security personnel
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.

The following disciplinary measures may be used, alone or in combination with each other or any of the above techniques, for misbehavior that violates the Student Code of Conduct or campus or classroom rules:

- In-school suspension
- Detention
- Suspension from school, not to exceed three school days at one time
- Formal removal from class by the teacher
- Removal to a disciplinary alternative education program
- Extension of disciplinary alternative education program removal term for additional offenses while in the alternative program

- Expulsion from school

***What minimum procedures will be provided each student facing discipline other than detention?*** Each student will be told what infraction the CBC believes the student to have committed. Each student will then be given the opportunity to tell his or her side of the incident. The student's admission of the offense negates the need for further investigation or procedures, though the CBC may seek further information if desired.

***How and when will we contact you about disciplinary action?*** Parents are responsible to provide to the campus administration each year the address and telephone number(s) at which parents can be reached and to update those numbers as necessary during the school year. School officials will use the information provided by the parent to contact parents about disciplinary matters. Parents will be notified of all code of conduct violations in a reasonable amount of time by telephone or in writing. Campus administrators are not required to notify parents of incidents by telephone on the day of the incident. If the CBC cannot reach you by telephone or in person, written notice will be mailed that day or the following business day to the last address you have provided to the campus.

***What consequences will occur when a student is an accomplice in an offense?*** Any student who assists, encourages, promotes, or attempts to assist in the commission of a serious offense will receive the same punishment as a student who actually engages in the conduct.

***What are the expectations for student reporting of offenses?*** A student who has knowledge that another student or students have committed a serious offense is expected to report that information to a school official. If the administrator learns that a student failed to report the commission of a serious offense, the student will be subject to a lesser disciplinary consequence, either one step lower than that required for the serious offense of which the student had knowledge or a shorter term of discipline.

## Physical Restraint

In some circumstances, it may be necessary for a District employee to use force, but not deadly force, to physically restrain a student in order to lead, guide, and direct the student or to protect the student or any other person from physical injury, to obtain possession of a weapon or other dangerous object, to protect property from serious damage, to remove a student who is refusing to comply with a legitimate directive from a school employee from a specific location in order to restore order or to impose disciplinary measures to restrain an irrational student, or to maintain order and discipline in the class or activity.

## In-School Suspension

For minor infractions of the Student Code of Conduct or campus or classroom rules, teachers or administrators may assign a student to one or more days of in-school suspension where, under the supervision of a *certified teacher or a paraprofessional,* students will complete assignments given them by their regular teachers. Both the length of the assignment and restrictions on participation in school-sponsored or school-related extracurricular activities during the suspension are left to the discretion of the CBC.

If a student is placed in in-school suspension for an extended period of time, he/she will be offered an opportunity to complete the courses in which he/she was enrolled at the time of the removal before the beginning of the next school year. This opportunity may be by via summer school, correspondence courses, distance learning, or other avenues. The parent/guardian will be assessed the ordinary charges associated with the program.

## Detention

For minor infractions of the Student Code of Conduct or campus or classroom rules, teachers or administrators may detain students after school hours or during lunch on one or more days. When detention is used, notice will first be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for the necessary transportation of the student. Except in the case of a student who is 18 years of age or older, the detention will not begin until the parents have been notified. The student's parents, if the student is a minor, may be required to provide transportation when the student has been assigned to detention.

## Suspension

***When and for how long will a student be suspended?*** The CBC may suspend a student for a maximum of three school days at a time if the student violates the Code of Conduct by engaging in any prohibited conduct. Both the length of the suspension and restrictions on participation in school-sponsored or school-related extracurricular activities during the suspension are left to the discretion of the CBC.

***How many times can a student be suspended?*** Neither state law nor this Code of Conduct imposes a limit on the number of times a student may be suspended during a semester or school year.

## Formal Removal from Class by Teacher

***What is the difference between being sent to the office and formal teacher removal?*** Students may be sent to the CBC's office for committing minor classroom infractions. However, a student who has been documented to repeatedly interfere with a teacher's ability to communicate effectively with the students in the class or with the ability of the students to learn, or who behaves in a manner the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students or with the ability of other students to learn will be formally removed from the teacher's classroom.

***What is the process for formally removing a student from a teacher's classroom?*** Within three class days of the removal, a conference

will be held between the CBC or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, and the student. Pending the conference, the CBC may place the student in another appropriate classroom, in-school suspension, or a disciplinary alternative education program. Following the conference, the CBC will order the placement of the student. The CBC will not return the student to the teacher's class without that teacher's consent, unless the Placement Review Committee determines that such placement is the best or only alternative.

***Are there any special limitations associated with formal teacher removal?*** If a teacher removes a student from class because the student committed any kind of assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent.

# Disciplinary Alternative Education Program

## General DAEP Information

***What is a DAEP?*** The District operates a Disciplinary Alternative Education Program (DAEP) for students who have committed certain serious offenses (see pages 44-49). The DAEP:

1. is in a setting other than the student's regular classroom;
2. is located apart from the student's regular school campus;
3. separates students in the DAEP from students in the regular program or in another disciplinary setting in the same building as the DAEP;
4. separates elementary school students assigned to DAEP from secondary school students assigned to DAEP;
5. focuses on English language arts, mathematics, science, history, and self-discipline;
6. provides for students' educational and behavioral needs;
7. provides supervision and counseling;
8. is taught by certified teachers; and
9. provides at least a 7-hour school day, including lunch and other breaks, but not longer than 10 hours each day.

No student who has engaged in behavior warranting a DAEP assignment will be placed in an unsupervised setting, other than an out-of- school suspension pending the DAEP conference.

***Where is the DAEP? Will it operate during the school day? Is transportation provided?*** MCISD's disciplinary alternative education program is located at the Roosevelt Alternative School, 407 E. 3rd Street, Mission, TX 78572, and operates between the hours of 7:45 am and 4:15 pm. District transportation is provided, and parents are responsible for making sure students attend while assigned. Failure to attend the DAEP is a violation of compulsory attendance laws. Parents may be prosecuted if their child fails to attend while assigned; students may be referred to Truancy Court for failure to attend while assigned.

***What is the DAEP Dress Code?*** The District has adopted standardized attire for all students assigned to the DAEP at Roosevelt Alternative School. All students assigned to the DAEP will adhere to the standardized dress code. The dress code will be discussed with the students and parents during the scheduled in-take conference.

***What kinds of courses are taught at the DAEP?*** Instruction in the DAEP will focus on English language arts, mathematics, science, history, and self-discipline. The District will provide an opportunity for students who have been placed in the DAEP to complete a foundation curriculum course in which the student was enrolled at the time of removal before the beginning of the next school year, if the term of the student's placement is such that the student is not able to continue enrollment in all his or her courses. The opportunity to complete coursework will be provided through any method available, which may include summer school, distance learning, or correspondence courses. The District will not assess any charge for the student to complete a course under this provision.

**TERM OF PLACEMENT**: Students are assigned to DAEP with a written removal order that states a specific term of placement that is the number of successful school days that must be served. Students will be credited with a "successful day" of DAEP assignment if the student is present, completes all assigned work, follows all rules of the DAEP, and engages in no additional violations of the Student Code of Conduct. The length of all DAEP assignments is at the discretion of the CBC, within the guidelines stated below.

***What are the guidelines for the term of DAEP placement?*** A removal to DAEP may be from as brief a time as 5 school days up to one full year from the date of the order. The CBC issuing the removal order will use his or her best professional judgment, considering the factors considered in all disciplinary actions, in making a DAEP placement. The duration of the placement will be determined by the sending CBC. In some circumstances, a placement term may be longer than one year if, after a review, the CBC determines that the student is a threat to the safety of other students or to employees or that an extended placement would be in the student's best interest. Ordinarily a DAEP assignment will not extend beyond the end of a school year. However, if the CBC making the placement determines:

1. that the student's presence in the regular classroom or at the student's regular campus poses a danger of physical harm to the student or another individual; or 2) the student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct, then the assignment may be continued to the next school year.

"Serious misbehavior" and "persistent misbehavior" are defined on pages 61-63 of this Code.

The DAEP administrator may extend the original term of removal based on new violations that occur while the student is assigned to the DAEP, including violation of DAEP rules, by following the procedures for initial DAEP placement, i.e., a conference with student

and parents.

House Bill (HB) 114 amends Texas Education Code, Chapter 37 to address mandatory discipline requirements related to marijuana, tetrahydrocannabinol (THC) and e-cigarettes.

- This bill requires a student to be placed in the DAEP if the student possesses, uses, or is under the influence of, or sells, gives, or delivers marijuana or THC within 300 feet of school property or at a school-related event.
- Placement in DAEP is also required is a student possesses, uses, sells, gives, or delivers to another person an e-cigarette within 300 feet of school property or at a school-related event.

If a DAEP is at capacity, a student who commits an offense related to marijuana, THC, e-cigarettes, alcohol, or abusable volatile chemicals shall be placed in in-school suspension (ISS) until a place in a DAEP becomes available or the period of the student's placement ends. If a DAEP is at capacity when a student who engaged in violent conduct needs to be placed, a district may move a student placed in DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical to ISS to make room for the student who engaged in violent conduct. If a district removes a student from a DAEP to ISS, the student must be returned to a DAEP if a place becomes available before the end of the period of placement.

***Are some offenses subject to a different length of assignment?*** Yes. A student who has received punishment through the criminal justice system for continuously sexually abusing or sexually assaulting another student, regardless of whether the conduct occurred on or off school property, and who cannot be assigned to a campus other than a campus where the victim of the assault is assigned may be assigned to the DAEP for so long as both students are enrolled in the District. Assignment to an alternative education program based on Title 5 or aggravated robbery felony conduct may also be subject to a different length of assignment.

**SCHOOL-RELATED ACTIVITIES**: Students assigned to the DAEP may not attend or participate in extracurricular activities during the term of their assignment.

**STUDENTS YOUNGER THAN TEN**: Students younger than ten who commit an expellable offense will be placed in a disciplinary alternative education program for elementary age students.

**STUDENTS YOUNGER THAN SIX:** Students younger than six will not be placed in a disciplinary alternative education program for any reason other than bringing a firearm to school.

**STUDENTS 21 OR OLDER:** Students twenty-one years of age or older who have been admitted to the District for the purpose of completing the requirements for a high school diploma will not be placed in the DAEP. If the student engages in conduct that would otherwise require placement in DAEP, the District will revoke the admission of the student.

**EFFECT OF WITHDRAWAL:** Withdrawing a student from school does not affect the District's authority to schedule and conduct a conference on the conduct and enter an order of removal, regardless of whether the student or parent is present to participate. The order of removal will be included with the records sent to any transferring school, including another public school, a campus charter program, or an open- enrollment charter school, and that district or school will be empowered to exercise its authority to honor the removal. Furthermore, even if we do not complete the removal process and issue a removal order, we will send disciplinary records to the next school, and that school has the authority to complete the removal process and issue a removal order.

Students who transfer out of this District to another public or private school, including students who withdraw from this District for the purpose of home schooling, and students who do not attend MCISD's disciplinary alternative education program for the duration of the placement for any reason (other than reasons which constitute an "excused absence" under District policy), will be required upon return to this District to complete the number of days missed in the disciplinary alternative education program before being allowed to return to the regular campus, unless their records indicate that the term of removal was served in another school district or charter school.

**EFFECT OF TRANSFER INTO DISTRICT:** If a student transfers into this District from another school district in which the student was placed in a disciplinary alternative education program, MCISD may continue the DAEP placement under the terms of the order provided by the sending school district.

If a student transfers into this District from an open-enrollment charter school or from another state and the District receives a copy of the removal order in the records from the other school, the District may enforce the terms of that removal order, provided the grounds for removal to DAEP in the charter school or other state are grounds for removal in the District.

**GRADUATING SENIORS IN THE DAEP:** When a student is placed in the DAEP during the 12th grade, the District may allow that student to participate in graduation ceremonies, provided that all prerequisites for graduation are met and provided that the student has successfully completed all of the days that the student was placed in the DAEP. If the student in question has unexcused absences or has not completed his or her days in the DAEP for any other reason, such as withdrawal or transfer to another school district, the student will not be allowed to participate in graduation ceremonies. Any decision concerning participation in graduation ceremonies will be made by the student's home campus principal, whose decision is final.

**Conduct That Warrants DAEP Placement**

**SCHOOL-RELATED CONDUCT**: The CBC will place a student in DAEP if the student:

makes a false report of bombing, fire, or other emergency involving a public school, regardless of when the false report is made or the place from which the false report is made

makes a terroristic threat involving a public school, regardless of when the threat is made or the place from which the threat is made. The CBC will place a student in DAEP if the student commits 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:

- Conduct punishable as a felony
- Assault resulting in bodily injury
- Offenses relating to marijuana, controlled substances and dangerous drugs
- Offenses relating to alcohol
- Offenses relating to abusable volatile chemicals
- Indecent exposure
- Public lewdness
- Retaliation against a school employee, regardless of where the conduct takes place
- Serious or persistent misbehavior, subject to administrative discretion as described in the following section Definitions of the above offenses can be found in the Definition section of the Code of Conduct, pages 52-65.

A student who is charged with an offense warranting expulsion will be suspended for three class days and then placed in the DAEP pending the expulsion hearing.

***What is "serious offense" or "persistent misbehavior?"*** "Serious offense" includes the following offenses, which will always result in DAEP placement:

Conduct punishable as a felony, which includes without limitation:

- Distribution of any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
- Placing graffiti on any tangible property owned by the District
- Harassment of any public servant, i.e., causing an employee to be in contact with the blood, bodily fluids, saliva, urine, or feces of any person or animal with the intent to assault, harass, or alarm
- Assault resulting in bodily injury, which may include dating violence
- Making a false report of bombing, fire, or other emergency involving a public school, which includes the following offenses:
  a. pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by the District when there is no smoke, fire, or danger that required evacuation
  b. calling 9-1-1 when no emergency exists
- Terroristic threat involving a public school
- Offenses relating to marijuana, controlled substances and dangerous drugs
- Offenses relating to alcohol
- Offenses relating to abusable glue, volatile chemicals and aerosol paint
- Indecent exposure
- Public lewdness
- Retaliation against a school employee, regardless of where the conduct takes place
- Online harassment

Serious misbehavior also includes the following offenses. The CBC will exercise discretion in making assignments for the serious offenses listed here and will consider all the facts and circumstances in determining appropriate disciplinary action:

- Using profanity, lewd or vulgar language, or obscene gestures directed at a school employee
- Lying about the conduct of other students or making false accusations about District employees
- Failing to comply with campus or District policies
- Bullying, cyberbullying, harassment, and making hit lists, which include the following offenses:
  a. Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force
  b. Making ethnic, racial, or religious slurs or any other harassment based on race, color, national origin, religion, or disability, against students, employees, or volunteers
  c. Verbal abuse or derogatory or offensive remarks addressed to others, which may include dating violence
  d. Damaging or vandalizing property of other students
  e. Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors, which may include dating violence

- Committing or assisting in a robbery, theft, or burglary
- Damaging or vandalizing District property when the value of the damage is less than $1,500

- Using or possessing a pellet gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a third party as a firearm
- Using or possessing a taser, stun-gun, or similar device
- Possessing or using martial arts objects, unless the conduct amounts to an assault resulting in bodily injury
- Inappropriate physical or sexual contact, whether or not it is consensual
- Inappropriate or indecent exposure of a student's body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the dress code
- Possessing or using any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
- Gambling of any kind
- Hazing
- Improper photography or visual recording
- Repeatedly violating other previously communicated campus or classroom standards of behavior
- Committing an assault of any kind, which may include dating violence
- Committing any act listed as "Prohibited Conduct" in this Code of Conduct

"Persistent misbehavior" consists of two or more separate violations of the Student Code of Conduct in general or repeated violations of the same offense.

**CONDUCT UNRELATED TO SCHOOL - TITLE 5 OFFENSES + FELONY AGGRAVATED ROBBERY:**

A student will be removed from class and placed in a disciplinary alternative education program based on off-campus criminal conduct punishable as a felony under Title 5, Texas Penal Code or felony aggravated robbery. However, if more than a year passes from the date of the off-campus criminal offense to the time that the CBC learns of the offense, the CBC is not required to place the student in the DAEP.

***What are Title 5 offenses?*** Title 5 offenses are crimes against the person, identified in Title 5 of the Texas Penal Code. Specifically, Title 5 offenses include: murder; capital murder; manslaughter; criminally negligent homicide; kidnapping; aggravated kidnapping; continuous sexual abuse of young child or children; indecency with a child; improper photography or visual recording; sexual assault; aggravated assault; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

**CONDUCT UNRELATED TO SCHOOL - NON-TITLE 5 OFFENSES**: A student will be removed from class and placed in a disciplinary alternative education program for off-campus criminal conduct punishable as a felony, other than offenses defined by Title 5, Texas Penal Code, or felony aggravated robbery if the administration determines that the student's continued presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. However, if more than a year passes from the date of the off-campus criminal offense to the time that the CBC learns of the offense, the CBC is not required to place the student in the DAEP.

**RELATIONSHIP OF CRIMINAL JUSTICE SYSTEM AND THE SCHOOL DISTRICT:** The school District may place a student in the DAEP regardless of any action or lack of action taken by the criminal justice system. However, in some circumstances, the District may re-assess the punishment based on information from law enforcement authorities.

***Does a student have to be arrested or convicted of a felony offense before the District can place the student in a DAEP?*** No. A student may be removed from class and placed in the DAEP if the CBC determines that the student committed an offense requiring DAEP assignment while he or she was under the school's jurisdiction. The District will send the required information about the removal to the juvenile authorities.

When the assignment is necessary because of CONDUCT UNRELATED TO SCHOOL, the removal is based on the CBC's reasonable belief that the student has committed a felony offense. If the out-of-school offense is neither a Title 5 felony nor felony aggravated robbery, before the student is placed in the DAEP, the CBC must also determine that the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense in the Penal Code, the CBC may consider all information available, including information furnished by law enforcement.

***What options does the school have if the student is found guilty of a Title 5 felony offense*** **or felony aggravated robbery*?*** The CBC must place the student in DAEP if the conviction, deferred prosecution, or determination of delinquency occurs during the school year while the student is enrolled in a District school and the student is not otherwise confined under the authority of the criminal justice system. The CBC also has the authority to expel the student to the DAEP or JJAEP in which the District participates. See Permissive Expulsion to JJAEP or DAEP of Students with Criminal Histories in the Expulsion portion of the Code for more complete information.

***What happens if the courts say the student did not commit the offense or the student is not prosecuted for other reasons?*** If, after the placement, the superintendent receives notice from an appropriate law enforcement agency that the student was found not guilty of the

felony offense and the case was dismissed with prejudice, or that the student was not prosecuted and no formal proceedings, deferred adjudication, or deferred prosecution was initiated, the superintendent will review the student's placement in the DAEP. **This review is not necessary if the reason for the removal is an offense that must result in DAEP placement because the conduct occurred on or within 300 feet of school property or at any school-related activity or event, regardless of time or place. The student will ordinarily remain in the DAEP until the term of removal has been completed, regardless of additional information from an appropriate law enforcement agency**.

The student will remain in the DAEP pending the review, which will take place within three class days of the superintendent's receiving the notice. The parents or guardian will be provided an opportunity for input. However, if after the review the superintendent believes that the presence of the student in the regular classroom threatens the safety of other students or teachers, the superintendent may continue the student's placement in the DAEP.

***If the student is not being prosecuted for the out-of-school offense, but the school wants to continue the DAEP placement, what rights of appeal does the student have?*** The student or the parent or guardian may appeal the decision of the superintendent to continue the student's placement in the DAEP to the MCISD Board of Trustees. The appeal will be heard at the next regularly scheduled board meeting, where the board will review the notice letter from law enforcement and receive information from the superintendent and the student or the student's parent or guardian. The decision of the Board of Trustees is appealable to the Commissioner of Education. The student remains in the DAEP pending all appeals.

**JUVENILE COURT-ORDERED PLACEMENT IN DAEP:** The juvenile court may order a student to attend the District's DAEP as a condition of probation, regardless of whether the school District has a basis for imposing discipline on the student. When the juvenile court orders a student to attend the DAEP as a condition of probation, the District, after receiving a copy of the order, will immediately transfer the student to the DAEP for the period of time designated by the court. However, state law prohibits the juvenile court from ordering a student who has been expelled from the District to attend the DAEP.

**OTHER COURT-ORDERED PLACEMENT IN DAEP:** When the District receives a copy of an order from a justice or municipal court indicating that a student must attend the DAEP as a condition of a term of probation under Code of Criminal Procedure 45.051, the CBC will hold a conference as described in Procedures for Removal to an DAEP and determine whether the student should be assigned to the DAEP or should remain in the regular school setting. The CBC will consider the nature of the misdemeanor offense resulting in the order in making this determination.

**SEX OFFENDER PLACEMENT IN DAEP:** A student who is currently required to register as a sex offender may be removed from the regular classroom and placed in another setting according to the requirements of state law.

A student who is a registered sex offender under any form of court supervision must be placed in the DAEP or a JJAEP in which the District participates, in accordance with the District's agreement with the juvenile board or in accordance with a court order, for at least one semester. If a student who is a registered sex offender under court supervision moves or transfers into the District, the District may require the student to complete an additional semester in the appropriate alternative setting without conducting a review or it may count any time the student has been in an alternative setting toward the mandatory one semester assignment.

A student who is a registered sex offender and who is not under any form of court supervision may be placed in the DAEP or a JJAEP in which the District participates, in accordance with the District's agreement with the juvenile board or in accordance with a court order, for at least one semester or in the regular classroom. However, the District may not place a student in the regular classroom if District officials 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.

At the end of the first semester of placement in an appropriate alternative setting, the District shall convene a committee to review the student's placement. The committee will be composed of a teacher from the student's home campus, the student's parole, probation, or juvenile probation officer, an instructor from the alternative setting, the principal of the home campus or CBC, and a District counselor. The committee by majority vote will determine a recommendation to be made to the superintendent or designee regarding whether the student should continue placement in the alternative setting or be returned to the regular campus.

The superintendent or designee shall follow the committee's recommendation on placement unless the superintendent or designee determines that the student's presence in the regular classroom (1) threatens the safety of other teachers and students, (2) will be detrimental to the educational process, or (3) is not in the best interest of the District's students. If the superintendent or designee determines that the student should remain in the alternative setting, then before the beginning of the next school year, and any additional school years, the District must convene the committee to review and determine the student's placement, using the same standards set out in this paragraph.

A student who is a registered sex offender not under court supervision who moves or transfers into the District will be placed in the regular classroom or an appropriate alternative setting using the committee recommendation and review process described above.

The student or parent may appeal the District's decision regarding placement by asking for a conference among the superintendent or designee, the parent, and the student. The conference is limited to the factual question of whether the student is or is not a registered sex offender. If the District determines that the student is a registered sex offender, then student will be placed as described above, and that decision is final and cannot be appealed.

An ARD committee will make decisions about placement of a student with disabilities who is a registered sex offender.

**Procedures for Removal to DAEP**

***Will the student have a chance to dispute the allegations?*** Before a student is placed in a disciplinary alternative education program, the principal or other administrator will tell the student briefly why he or she is being removed to that program and explain that the student will have an opportunity to give his or her version of events at a conference to be scheduled and held within three class days. In most circumstances, the student will be suspended pending the placement conference.

***Will parents have an opportunity to provide input?*** Within three class days after the date the student is charged with the offense, the CBC will contact the parent by telephone or in writing to schedule and hold a conference with the student, the teacher who removed the student from class (if any), and the parents and will make efforts to ensure that all invited parties can attend.

***What if the parent cannot attend the conference?*** The District may proceed with the conference without the parents or student present, so long as the parents and student have been notified of the conference. Whether or not the parents attend the conference, the student will receive oral or written notice at the conference from the CBC of the reason(s) for the removal and the offense the student is charged with violating. The student will have an opportunity at that time to explain or respond to the reasons for removal. The student and parents will receive a written notice no later than two business days after the conference memorializing the conference and stating the length of the removal to the DAEP, if applicable, and any conditions or other requirements related to the DAEP assignment, i.e., a written removal order.

***What information will be provided to the juvenile authorities?*** When a student is placed in the DAEP for a mandatory placement reason, a copy of the removal order, the child and parent's names and address, names and address of any witnesses, and a complete statement of the circumstances surrounding the conduct will be forwarded to the authorized officer of the juvenile court in the county in which the student resides.

## Emergency Placement

The CBC may order a student immediately placed in a disciplinary alternative education program if his or her behavior is so unruly, disruptive, or abusive that it seriously interferes with school operations or activities. At the time the student is placed in DAEP under this emergency provision, the student will be told of the reason for the placement, which must be one of the District's reasons for DAEP placement under this Code.

## Appeal of DAEP Placement

**The student remains in the DAEP during all appeals.**

A decision by the CBC to place a student in the DAEP may be appealed to the Superintendent or designee. The appeal must be in writing and filed with the Superintendent or designee within three business days of receipt of the DAEP removal order. The appeal must state all bases for the appeal and what remedy the student or parent is seeking. The Superintendent or designee will review the written appeal and the record of the removal prepared at the campus level. At his or her discretion, the Superintendent or designee may schedule a conference with the student or parent. If a conference is scheduled, it will be held within five business days, after which a written decision will be issued within seven business days.

If no conference is scheduled, the Superintendent or designee will issue a written decision within seven business days after the appeal is received. The Superintendent or designee's decision may be appealed to the Board of Trustees by filing a written appeal with the Superintendent within three business days after receipt of the decision. The written appeal must state all the bases for appeal and the remedy the student or parent is seeking. At the next regular Board meeting after the appeal is received and for which proper notice can be posted, the Board will review the complete record of the disciplinary action, including all written appeals. The Board may choose to take no action after reviewing the record and appeal, which has the effect of sustaining the last administrative decision. The Board may also choose to schedule an appeal at a future meeting at which the parents and administration may make an oral presentation. The Board's decision in either case is final and may not be appealed.

## 0-Day Review of DAEP Status

***What does a review consist of? Who attends?*** Both the discipline and the academic status of students assigned to the DAEP will be reviewed in 60 school days, but in any event, at least every 120 calendar days. At the review, the parents may make arguments for the student's return to the regular classroom. If the student is in high school and is to remain in the DAEP, the administration, together with the parents, will establish a plan designed to assist the student's progress toward meeting high school graduation requirements. The District is not required to provide all a student's courses necessary for graduation while the student is assigned to the DAEP, but must offer an opportunity for the student to complete courses before the beginning of the next school year without charge to the student.

## An assessment of DAEP Students

***What does an assessment consist of? Who will be assessed? How often?*** The District will assess a student who is placed in the DAEP for 90 school days or longer for academic growth in the areas of reading and mathematics. The assessment will be administered initially on placement of the student in the DAEP and subsequently on or near the date of the student's release. This assessment is in addition to

the state-mandated TAKS assessment.

**STUDENTS YOUNGER THAN TEN**: Students younger than ten who commit expellable offenses will be placed in a disciplinary alternative education program.

## Expulsion

**STUDENTS YOUNGER THAN SIX:** Students younger than six will not be expelled or placed in a disciplinary alternative education program for any reason other than bringing a firearm to school.

**STUDENTS 21 OR OLDER:** Students twenty-one years of age or older who have been admitted to the District for the purpose of completing the requirements for a high school diploma will not be expelled to the JJAEP. If the student engages in conduct that would otherwise require placement in JJAEP, the District will revoke the admission of the student,

**Conduct that Warrants Expulsion**

**MANDATORY EXPULSION**: A student will be expelled if the student, on school property or while attending a school-sponsored or school-related activity on or off school property:

1. Intentionally, knowingly, or recklessly carries on or about his person a handgun, illegal knife, or club, or intentionally or knowingly possesses a prohibited weapon, unless pursuant to written regulations or written authorization of the District;
2. Commits aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, or criminally negligent homicide, or continuous sexual abuse of a young child or children;
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or a dangerous drug, if the conduct is punishable as a felony.
4. Sells, possesses, gives, or delivers to another person an alcoholic beverage, or commits a serious act or offense while under the influence of alcohol, or uses or is under the influence of an alcoholic beverage, if the conduct is punishable as a felony.

A student will also be expelled if he or she commits any offense listed in items 1-4 above against a District employee or volunteer in retaliation for or as a result of the person's employment or other work in the District, without regard to where the conduct occurs.
Please note that a student **will not** be expelled **solely** because of a firearm offense when the use, possession, or exhibition of the firearm occurs at an approved target range facility that is not located on school property while the student is participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Texas Parks & Wildlife Department or a shooting sports organization working with the TPWD. Furthermore, the exception stated in this paragraph does not by itself authorize a student to bring a firearm on school property.

Definitions of the above offenses can be found in the Definitions section of the Code of Conduct.

**PERMISSIVE EXPULSION FOR CONDUCT ON OR IN PROXIMITY TO SCHOOL:** A student may be expelled, in the discretion of the superintendent or CBC in view of all the facts and circumstances, for any of the following offenses when they occur on or within 300 feet of school property, as measured from any point on the school's real property boundary line:

1. Drug, alcohol, or abusable volatile chemical offenses, regardless of the amount.
2. Assault resulting in bodily injury against a school employee or volunteer.
3. Deadly conduct.
4. Making a false alarm or report of bombing, fire, or other emergency involving a public school.
5. Making a terroristic threat involving a public school.
6. Committing any offense stated in item 1 and 2 under MANDATORY EXPULSION.
7. Committing documented serious misbehavior while assigned to the DAEP despite documented behavior interventions. "Serious misbehavior is defined on pages 60-61 of this Code.

**PERMISSIVE EXPULSION FOR CONDUCT OUTSIDE OF SCHOOL**: A student may be expelled, in the discretion of the superintendent or CBC in view of all the facts and circumstances, for any of the following offenses, regardless of where they occur:

1. Intentionally or knowingly damaging personal property, including real estate and tangible personal property belonging to any public school or institution of higher education, and the amount of loss is greater than $1,500.
2. Intentionally or knowingly damaging the property of any other person without the person's consent, and the amount of losses greater than $1,500.
3. Making a false report or alarm or a terroristic threat involving a public school.
4. Assaulting an employee or volunteer in retaliation for or because of the person's relationship with the school and the assault results in bodily injury.
5. Committing aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt

to commit capital murder, or aggravated robbery against another student.

6. Committing any offense listed at items 1-4 under MANDATORY EXPULSION on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district.

**TITLE 5 FELONIES OR FELONY AGGRAVATED ROBBERY**: The administration also has the authority to expel a student to the Juvenile Justice Alternative Education Program (JJAEP) or the DAEP, after an opportunity for a hearing, if it determines that the student's presence in the regular classroom threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interest of the District's students. Expulsion to JJAEP or DAEP is not limited in this instance to when the student has received deferred prosecution or has been determined delinquent for a Title 5 felony offense or felony aggravated robbery, but may also be imposed if the student is charged with engaging in conduct defined as a Title 5 felony offense or felony aggravated robbery, has been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as a Title 5 felony offense or felony aggravated robbery, has received probation or deferred adjudication for a Title 5 felony offense or felony aggravated robbery, has been convicted of a Title 5 felony offense or felony aggravated robbery, or has been arrested for or charged with a Title 5 felony offense or felony aggravated robbery if the administration determines that the student's presence in the regular classroom threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interest of the District's students.

The administration can order expulsion to JJAEP or DAEP based on Title 5 felony conduct or felony aggravated robbery regardless of the date of the conduct, where the alleged offense occurred, whether the student was enrolled in the District at the time, or whether the student has successfully completed any court disposition requirements. A student expelled and ordered placed in an alternative setting in this circumstance is subject to that placement until: (1) the student graduates from high school; (2) the Title 5 felony or felony aggravated robbery 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, even if the student transfers to another Texas school district.

**The decision regarding expulsion placement in this circumstance is final and may not be appealed.**

**PERMISSIVE EXPULSIONS**

The expulsion committee may, instead of sending a student to the JJAEP, send the student to the DAEP and determine the time for the placement. The committee may not send a student to the DAEP in cases where there is a mandatory expulsion.

**Procedures for Expulsion**

Before a student is expelled, the student will have an opportunity for a due process hearing that will include the following:

1. At least three business days prior written notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation, including a written invitation to the student's parent or guardian to attend the expulsion hearing. The notice will also include the date, time, and location of the hearing and the names of adult witnesses who will present evidence at the hearing;
2. Right to a hearing before the Superintendent or a designee;
3. Opportunity to testify and to present evidence and witnesses in his or her defense; and
4. Opportunity to examine the evidence presented by the school administration and to question the administration's witnesses.

**REPRESENTATIVE**: At the hearing, the student is entitled to an adult representative or legal counsel who can provide guidance to the student and who is not an employee of the District. The District may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends, provided the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing.

**EVIDENCE**: In an expulsion hearing, the District may rely on hearsay evidence of school administrators who investigate disciplinary infractions. This means that the school administration may present evidence or statements taken from students without revealing the identity of the student. The decision will be based exclusively on the evidence presented at the hearing. The student may be expelled based on the Superintendent or designee's reasonable belief that the evidence shows it is more likely than not that the student committed the offense(s) with which he or she was charged.

**EXPULSION ORDER**: The administration will deliver a copy of the order expelling the student to the student's parent or guardian, who is responsible for providing adequate supervision for the student during the period of expulsion.

In addition to notifying the parents, and not later than the second business day after the date an expulsion hearing is held, the administration will deliver a copy of the expulsion order to the authorized officer of the juvenile court in the county in which the student resides. The administration will also provide the child's and parent's names and address, names and addresses of any witnesses, and a complete statement of the circumstances surrounding the conduct to the juvenile board, as required by Family Code § 52.041.

**GUIDELINES FOR TERM OF EXPULSION:** An expulsion may be for as brief a time as four school days up to one full year from the date of the order. The administrator issuing the expulsion order will use his or her best professional judgment, taking into account the factors considered in all disciplinary actions, in setting a term of expulsion. In some circumstances, an expulsion term may be longer than one year if, after a review, the administrator determines that the student is a threat to the safety of other students or to employees or that an extended expulsion would be in the student's best interest.

**EFFECT OF WITHDRAWAL**: Withdrawal from school does not affect the District's authority to schedule and conduct a hearing on the conduct and enter an order of expulsion, regardless of whether the student or parent are present to participate. The order of expulsion will be included with the records transferred to the new school district, including another public school, a campus charter program, or an open- enrollment charter school, and that district will be empowered to exercise its authority to honor the expulsion. Furthermore, even if we do not complete the expulsion process and issue an expulsion order, we will send disciplinary records to the next school, and that school has the authority to complete the expulsion process and issue an expulsion order.

Students who transfer out of this District to another public or private school, including students who withdraw from the District for the purpose of home schooling, and students who do not attend the Juvenile Justice Alternative Education Program for the duration of the placement for any reason (other than reasons that constitute an "excused absence" under District policy), will be required upon return to the District, to complete the number of days missed in the JJAEP program before being allowed to return to the regular campus, unless the student's records indicate the student served the days of expulsion in another district.

**EFFECT OF TRANSFER INTO DISTRICT:** If a student transfers into this District from another school district in which the student was expelled, MCISD may continue the expulsion under the terms of the order provided by the sending school district.

If a student transfers into this District from an open-enrollment charter school or from another state and the District receives a copy of the expulsion order in the records from the other school, the District may enforce the terms of that expulsion order, provided the grounds for expulsion in the open-enrollment charter school or other state are grounds for expulsion in the District.

If a student transfers into this District from another school district in which the student was placed in the juvenile justice alternative education program, this District shall continue the term of expulsion at the juvenile justice alternative education program under the previous school's order.

**EFFECT ON CREDITS:** Expelled students will not receive credit for courses not completed because of an expulsion. Students may use correspondence courses or credit by examination, within the limits set by District policy, to earn graduation units. Students are responsible for all costs associated with correspondence courses or credit by examination.

**GRADUATING SENIORS AND EXPULSION:** When a student is expelled during the $12^{th}$ grade, the District may allow that student to participate in graduation ceremonies, provided that all prerequisites for graduation are met. Any decision concerning participation in graduation ceremonies will be made by the student's home campus principal, whose decision is final.

**Appeal of Expulsion to Board of Trustees**

**A student is expelled during all appeals.**

A decision by the superintendent or designee to expel a student may be appealed to the Board by filing a written appeal within three business days receipt of the expulsion order. The written appeal must state all the bases for appeal. At the next regular meeting after the appeal is received and for which proper notice can be given, the Board will review the complete record of the expulsion, including all written appeals. The Board may choose to take no action after reviewing the record and appeal, which has the effect of sustaining the expulsion. The Board may also choose to schedule an appeal at a future meeting at which the parents may make an oral presentation of the appeal. The Board's decision regarding an oral appeal is final and may not be appealed.

If the Board permits an oral presentation, the administration may also be asked to speak. No new evidence or information, including witnesses or documents, will be permitted or considered. The Board may set reasonable time limitations for presentations.

**Emergency Expulsion**

A CBC or the superintendent may order the immediate expulsion of a student if the administrator reasonably believes that the action is necessary to protect people or property from imminent harm. At the time of the emergency expulsion, the student will be given oral notice of the reasons for the action, which must be a reason for which the student could be expelled on a non-emergency basis. Formal due process as explained on page 48-52 will occur within a reasonable time thereafter.

# Summer School

Our summer school program is not part of the regular school year program. MCISD students, enrolled during the previous school year, voluntarily and/or by invitation, attend summer school to earn additional credits, to re-take courses they did not pass in the regular school year, to receive intensive instruction in subject areas where they did not demonstrate mastery on the state assessment instruments, or to complete courses necessary for graduation that were incomplete because of the student's placement in DAEP. During summer school, students are expected to abide by the rules of conduct that are in place during the school year. We will handle minor, isolated violations of conduct expectations through parent conferences; however, students who commit serious offenses or who have persistent behavior problems while enrolled in summer school will be withdrawn from the program.

## Definitions

**ABUSABLE VOLATILE CHEMICAL OFFENSES**

No student shall inhale, ingest, apply, use, or possess an abusable volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

1. Contrary to the directions for use, cautions, or warnings appearing on a label of a container of the chemical;
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination, or elation, or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.

Health and Safety Code 485.031

No student shall knowingly deliver to a person younger than 18 an abusable volatile chemical that does not contain additive material in accordance with rules adopted by the Commissioner of Health.

Health and Safety Code 485.032

No student shall knowingly use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the human body an abusable volatile chemical. No student shall knowingly deliver, sell, or possess with intent to deliver or sell inhalant paraphernalia knowing that that person who receives it intends to use it to inhale, ingest, apply, use, or otherwise introduce into the human body an abusable volatile chemical.

Health and Safety Code 485.033

**AGGRAVATED ASSAULT**

"Aggravated assault" is defined as causing serious bodily injury to another or using or exhibiting a deadly weapon during the commission of any assault.

Penal Code 22.02(a)

"Serious bodily injury" is defined as bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Deadly weapon" is defined as a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

Penal Code 1.07(46), (17)

**AGGRAVATED KIDNAPPING**

1. A person commits an offense if he intentionally or knowingly abducts another person with the intent to:
    a. hold him for ransom or reward;
    b. use him as a shield or hostage;
    c. facilitate the commission of a felony or the flight after the attempt or commission of a felony;
    d. inflict bodily injury on him or violate or abuse him sexually;
    e. terrorize him or third person; or
    f. interfere with the performance of any governmental or political function.
2. A person commits an offense if the person intentionally or knowingly abducts another person and uses or exhibits a deadly weapon during the commission of the offense.

Penal Code 20.04

**AGGRAVATED ROBBERY**

A person commits an offense if he commits robbery and he:

1. causes serious bodily injury to another;
2. uses or exhibits a weapon; or
3. causes bodily injury to a person or threatens or places another person in fear of imminent bodily injury or death if the other person is 65 years of age or older or a disabled person, i.e., an individual with a mental, physical, or developmental disability who is substantially unable to protect himself from harm.

Penal Code 29.031

A person commits robbery if, in the course of committing theft as defined in Chapter 31 and with intent to obtain or maintain control of the property, he

1. intentionally, knowingly, or recklessly causes bodily injury to another; or
2. intentionally or knowingly threatens or places another in fear of imminent bodily injury or death. Penal Code 29.02

**AGGRAVATED SEXUAL ASSAULT**

"Aggravated sexual assault" is defined as sexual assault (see page 61) in which the actor:

1. Causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; or
2. By acts or words, places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; or
3. By acts or words occurring in the presence of the victim, threatens to cause death, serious bodily injury, or kidnapping; or
4. Uses or exhibits a deadly weapon in the course of the same criminal episode; or
5. Acts in concert with another, who commits a sexual assault directed toward the same victim and occurs during the same criminal episode; or
6. Assaults a victim who is younger than 14 years of age or is 65 years of age or older. Penal Code 22.021

**ARSON**

1. A person commits an offense if the person starts a fire, regardless of whether the fire continues after ignition, or causes 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:
        i. knowing that it is within the limits of an incorporated city or town;
        ii. knowing that it is insured against damage or destruction
        iii. knowing that it is subject to a mortgage or other security interest;
        iv. knowing that it is located on property belonging to another;
        v. knowing that it has located within its property belonging to another; or
        vi. when he is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. It is an exception to the application of
3. Subsection (a-1) that the fire or explosion was a part of the controlled burning of open- spaced land. (a-2) A person commits an offense if the person intentionally starts a fire or causes 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.

Penal Code 28.02

**ASSAULT**

Assault is defined as:

1. Intentionally, knowingly, or recklessly causing bodily injury to another. Penal Co 22.01(a)(1)
2. Intentionally or knowingly threatening another with imminent bodily injury. Penal Code 22.01(a)(2)
3. Intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. Penal Code 22.01(a)(3)

"Bodily injury" is defined as physical pain, illness, or any impairment of physical condition. Penal Code 1.07(8)

Education Code 25.0341 (a)

**BULLYING**

Bullying is a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct 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 student's person or of damage to the student's property;
2. is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. infringes on the rights of the victim at school.

**Bullying includes cyberbully.** (See page 9) State law (TEC 37.0832) on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of student to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Education Code 37.0832

**CAPITAL MURDER, CRIMINAL ATTEMPT TO COMMIT CAPITAL MURDER**

1. A person commits an offense of capital murder if he commits murder (see page 46) as defined under Section 19.02(b)(1) and:
   a. the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer for fireman;
   b. the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, or obstruction or retaliation;
   c. the person commits the murder for remuneration or employs another to commit the murder for remuneration or the promise of remuneration;
   d. the person commits the murder while escaping or attempting to escape from a penal institution;
   e. the person, while incarcerated in a penal institution, murders another:
      i. who is employed in the operation of the penal institution; or
      ii. with the intent to establish, maintain, or participate in a combination or in the profits of a combination;
   f. the person:
      i. while incarcerated for an offense under this section or Section 19.02, murders another; or
      ii. while serving a sentence of life imprisonment or a term of 99 years for an offense under Section 20.04, 22.021, or 29.03, murders another;
   g. the person murders more than one person:
      i. during the same criminal transaction; or
      ii. during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct; or
   h. Penal the person murders an individual under six years of age.

Code 19.03

**CONTINUOUS SEXUAL ABUSE OF A YOUNG CHILD OR CHILDREN**

1. In this section, "child" means a person younger than 17 years of age who is not the spouse of the actor.
2. A person commits an offense if:
    a. during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and
    b. at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age.
3. For purposes of this section, "act of sexual abuse" means any act that is a violation of one or more of the following penal laws:
    a. aggravated kidnapping under Section 20.04(a)(4), if the actor committed the offense with the intent to violate or abuse the victim sexually;
    b. indecency with a child under Section 21.11(a)(1), if the actor committed the offense in a manner other than by touching, including touching through clothing, the breast of a child;
    c. sexual assault under Section 22.011;
    d. aggravated sexual assault under Section 22.021;
    e. burglary under Section 30.02, if the offense is punishable under Subsection
    f. (d) of that section and the actor committed the offense with the intent to commit an offense listed in Subdivisions (1)-(4); and
    g. sexual performance by a child under Section 43.25.
4. It is an affirmative defense to prosecution under this section that the actor:
    a. was not more than five years older than:
        i. the victim of the offense, if the offense is alleged to have been committed against only one victim; or
        ii. the youngest victim of the offense, if the offense is alleged to have been committed against more than one victim;
    b. did not use duress, force, or a threat against a victim at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense; and
    c. at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense:
        i. was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
        ii. was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section or an act of sexual abuse as described by Subsection (c).

Penal Code 21.02 (a)-(c), (g)

**CONTROLLED SUBSTANCE AND DANGEROUS DRUG**

Controlled substances or dangerous drugs include but are not limited to marijuana; any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, barbiturate; synthetic hallucinogens ("bath salts"); synthetic cannabinoids; anabolic steroid; or any prescription medicine provided to any person other than the person for whom the prescription was written.

Health and Safety Code Ch. 481, 482 Policy FNCF Local

**CRIMINAL MISCHIEF**

1. A person commits an offense if, without the effective consent of the owner:
    a. he intentionally or knowingly damages or destroys the tangible property of the owner;
    b. he intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
    c. he intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner.
2. An offense under this section is a state jail felony if the amount of the pecuniary loss to real property or to tangible personal property is $1,500 or more but less than $20,000 and the damage or destruction is inflicted on a public or private elementary school, a secondary school, or institution of higher education.

Penal Code 28.03

**CRIMINALLY NEGLIGENT HOMICIDE**

Causing the death of an individual by acting with criminal negligence, i.e., with respect to circumstance surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care

that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 19.05, 6.03(d)

**CYBERBULLYING**

Bullying (see page 9) that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool

Education Code 37.0832

**DATING VIOLENCE**

An act by an individual that is against another individual with whom that person has or has had a dating relationship and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself. "Dating violence" may include the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship.

For purposes of this section, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature, but does not include a casual acquaintanceship or ordinary fraternization.

Family Code 71.0021

**DEADLY CONDUCT**

A person engages in deadly conduct if he recklessly engages in conduct that places another in imminent danger of serious bodily injury or knowingly discharges a firearm at or in the direction of one or more individuals or a habitation, building, or vehicle and is reckless as to whether it is occupied. Recklessness and danger are presumed if the person knowingly points a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded.

A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 22.05, 6.03(c)

**DISRUPTION OF CLASSES AND/OR LAWFUL ASSEMBLY**

Conduct by students either in or out of class that for any reason - whether because of time, place, or manner of behavior - materially disrupts class work or involves substantial disorder or invasion of the rights of others is prohibited.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

No person shall be permitted, on school property or on public property within 500 feet of school property, to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities.

Conduct that disrupts the educational activities of a school includes:

1. Emissions by any means of noise of an intensity which prevents or hinders classroom instruction.
2. Enticement or attempted enticement of students away from classes or other school activities which students are required to attend.
3. Prevention or attempted prevention of students from attending classes or other school activities which students are required to attend.
4. Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.

For purposes of this provision, "school property" shall include the public-school campuses or school grounds upon which any public school is located, and any grounds or buildings used by District schools for assemblies or other school-sponsored activities.

For purposes of this provision, "public property" shall include any street, highway, alley, public park, or sidewalk.

Education Code 37.124

No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the District. Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway or any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative,

educational, research, or other authorized activity.

3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly by the school administration.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of any person at any exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the school.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

Education Code 37.123

**ECIGARETTE**

An electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; a component, part, or accessory for the device, regardless whether sold separately from the device.

Health and Safety Code 161.081 (1-a)

**GANG ACTIVITY**

A "gang" is defined as any group of two or more individuals whose purposes may include the commission of illegal acts. A gang is a prohibited fraternity, sorority, or society as defined by Education Code 37.121.

Gang activities and gang involvement are described as:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other items that are evidence of membership or affiliation in a gang.
2. Committing any act or using any speech, either verbal or non-verbal such as gestures, handshakes, and the like, that indicates membership or affiliation in a gang.
3. Promoting interest in any gang or gang activity, including but not limited to:
    a. Soliciting others for membership.
    b. Requesting any person to pay protection or otherwise intimidating or threatening any person.
    c. Committing any other illegal act or other violation of District policies.
    d. Inciting other students to act with physical violence toward any other person.
    e. Engaging in concert with others in intimidating, fighting, assaulting, or threatening to assault others.
    f. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs, on school property, or on property of students or staff.

**GANG-FREE ZONES**

All District schools and any other property owned, rented, or leased by the District are "gang-free zones." Certain criminal offenses that occur in, on, or within 1,000 feet of a school or any other property owned, rented, or leased by the District will be enhanced **in the criminal justice system** to the next highest category of offense if they are determined to be committed by a person who is a member of a criminal street gang, unless the offense is already punishable as a first-degree felony.

Affected offenses include (1) murder, capital murder, arson, aggravated robbery, robbery, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, and assault resulting in bodily injury; (2) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons; (3) obscene display or distribution, obscenity, sale, distribution, or display of harmful material to a minor, sexual performance by a child, employment harmful to children, possession or promotion of child pornography when a child younger than 18 years of age is depicted or involved in the offense.

Penal Code 72.028; Subchapter B, Chapter 43; Penal Code

**GRAFFITI**

A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings on the tangible property of the owner with (1) aerosol paint; (2) an indelible marker; or (3) an etching or engraving device.

Penal Code 28.08 (a)

The District also defines "tagging" as graffiti.

**HARASSMENT**

"Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restrain, or maliciously taking any action that substantially harms another student's physical or emotional health and safety.

Education Code 37.001 (b) (1)

**HARASSMENT OF PUBLIC SERVANT**

A person commits an offense if, with the intent to assault, harass, or alarm, the person causes another person the actor knows to be a public servant to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of the public servant's official power or performance of an official duty.

Penal Code 22.11 (a)(2)

**HAZING**

"Hazing" means any intentional, knowing, or reckless act occurring on or off school property directed against a student, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students. The term includes but is not limited to:

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to any unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above.
5. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Education Code 37.151

A person commits an offense if the person commits any of the following:

1. Engages in hazing.
2. Solicits, encourages, directs, aids, attempts to aid another in an act of hazing.
3. Recklessly permits hazing to occur.
4. Has firsthand knowledge of the planning of a specific hazing incident involving a student, or first-hand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the principal, Superintendent or designee.

Education Code 37.152

**HIT LIST**

"Hit list" means 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. Education Code 37.001(b)(2)

**IMPROPER PHOTOGRAPHY OR VISUAL RECORDING**

1. In this section, "promote" means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.
2. A person commits an offense if the person:
    a. photographs or by videotape or other electronic means visually records another:
        i. without the other person's consent; and
        ii. with intent to arouse or gratify the sexual desire of any person; or
    b. knowing the character and content of the photograph or recording, promotes a photograph or visual recording described by Subdivision (1).

Penal Code 21.15

**INDECENCY WITH A CHILD**

1. A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex, the person:
   a. engages in sexual contact with the child or causes the child to engage in sexual contact; or
   b. with intent to arose or gratify the sexual desire of any person:
      i. exposes the person's anus or any part of the person's genitals, knowing the child is present; or
      ii. causes the child to expose the child's anus or any part of the child's genitals.
2. It is an affirmative defense to prosecution under this section that the actor:
   a. was not more than three years older than the victim and of the opposite sex; and
   b. did not use duress, force, or a threat against the victim at the time of the offense; or
   c. was the spouse of the child at the time of the offense.
3. In this section, "sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:
   a. any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a child; or
   b. any touching of any part of the body of a child, including touching through clothing, with the anus, breast, or any part of the genitals of a person.

Penal Code 21.11

**INDECENT EXPOSURE**

A person commits an offense if he exposes his anus or any part of his genitals with intent to arouse or gratify the sexual desire of any person, and he is reckless about whether another is present who will be offended by his act.

Penal Code 21.08

**MANSLAUGHTER**

Recklessly causing the death of an individual, i.e., acting, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 19.04, 6.03(c)

**MURDER**

[Subsections (a) and (b) are not pertinent to school offenses.]

c. A person commits an offense of murder if he:
   i. intentionally or knowingly caused the death of an individual;
   ii. intends to cause serious bodily injury and commits an act clearly dangerous to human life that caused the death of an individual; or
   iii. commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

Penal Code 19.02

**ONLINE HARASSMENT**

1. A person commits an offense if the person uses the name or persona of another person to create a web page on or to post one or more messages on a commercial social networking site:
   a. without obtaining the other consent; and
   b. with the intent to harm, defraud, intimidate, or threaten any person.
2. A person commits an offense if the person sends an electronic mail, instant message, text message, or similar communication that references a name, domain address, phone number, or another item of identifying information belonging to any person:
   a. without obtaining the other person's consent;
   b. with the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication; and
   c. with the intent to harm or defraud any person.

Penal Code 33.07

"Identifying information" means (A) name, social security number, date of birth, and government-issued identification number; (B) unique biometric data, including the individual's fingerprint, voice print, and retina or iris image; (C) unique electronic identification number, address, and routing code, financial institution account number; and (D) telecommunication identifying information or access device.

Penal Code 32.51

**PAGING DEVICE OR CELLULAR TELEPHONE**

A "paging device or cellular telephone" is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

Education Code 37.082

**PERSISTENT MISBEHAVIOR**

"Persistent misbehavior" consists of two or more separate violations of the Student Code of Conduct in general or repeated violations of the same offense.

**POSSESSION**

"Possession" means having actual or constructive control of an item either on the student's person, or in a car, locker, bag, or other article under the actual or constructive control of the student, regardless of the student's knowledge or intent to possess the item.

**PROHIBITED WEAPONS**

"Prohibited weapons" are defined as follows:

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; any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer). Penal Code 46.03(a), 46.01(3); 18 U.S.C. § 921(a)(3)

1. A handgun (any firearm that is designed, made, or adapted to be fired with one hand). Penal Code 46.03 (a), 46.01 (5)
2. A destructive device (any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of these devices. The term does not include an antique firearm). 18 U.S.C. § 921(a)(4)
3. An illegal knife as defined by law (knife with a blade over 5 ½ inches, hand instrument designed to cut or stab another by being thrown, dagger, bowie knife, sword, spear). Penal Code 46.01(6), 46.03(a)
4. An explosive weapon (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, and includes a device designed, made or adapted for delivery or shooting an explosive weapon). Penal Code 46.01(2)
5. A machine gun (any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger). Penal Code 46.01(9)
6. A short-barrel firearm (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). Penal Code 46.01(10)
7. A switchblade knife (any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force, but not a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion to the blade by hand, wrist, or arm to overcome the bias toward closure to open the knife). Penal Code 46.01 (11)
8. A firearm silencer (any device designed, made, or adapted to muffle the report of a firearm). Penal Code 46.01 (4)
9. Knuckles (any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles). Penal Code 46.01(8)
10. Armor-piercing ammunition (handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers). Penal Code 46.01(12)
11. A chemical dispensing device (device other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being). Penal Code 46.01(14)
12. A zip gun (a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance). Penal Code 46.01(16)
13. A tire-deflation device (a device, including 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). Penal Code 46.01 (17)

14. A club (an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace and tomahawk). Penal Code 46.01(1), 46.03(a)

A student shall not interfere with normal activities, occupancy, or use of any building or portion of the campus or of any school bus engaged in the transportation of students to and from school-sponsored activities by exhibiting, using, or threatening to exhibit or use a firearm.

Education Code 37.125

**PUBLIC LEWDNESS**

A person commits an offense if he knowingly engages in any of the following acts in a public place or, if not in a public place, he is reckless about whether another is present who will be offended or alarmed by his:

1. act of sexual intercourse;
2. act of deviate sexual intercourse;
3. act of sexual contact; or
4. act involving contact between the person's mouth or genitals and the anus or genitals of an animal or fowl. Penal Code 21.07

**RETALIATION**

Intentionally or knowingly harms or threatens to harm another by an unlawful act:

1. in retaliation for or on account of the service or status of another as a:
   a. public servant
   b. person who has reported or who the actor knows intends to report the occurrence of a crime; or
2. to prevent or delay the service of another as a:
   a. public servant, witness, prospective witness, or informant; or
   b. person who has reported or who the actor knows intends to report the occurrence of a crime.

A person commits an offense if the person posts on a publicly accessible website the residence address or telephone number of a person he or she knows is a public servant or a member of a public servant's family or household with the intent to cause harm or threat of harm to the individual or a member of the individual's family or household in retaliation for or on account of the service or status of the individual as a public servant.

"Informant" means a person who has communicated information to the government in connection with any governmental function.

"Harm" means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested.

Penal Code 1.07 (25), 36.06

**SELF-DEFENSE**

1. Except as provided in Subsection (b), a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other's use or attempted use of unlawful force.
2. The use of force against another is not justified:
   a. in response to verbal provocation alone;
   b. to resist an arrest or search that the actor knows is being made by a peace officer, or by a person acting in a peace officer's presence and at his direction, even though the arrest or search is unlawful, unless the resistance is justified under Subsection (c);
3. if the actor consented to the exact force used or attempted by the other;
4. if the actor provoked the other's use or attempted use of unlawful force, unless:
   a. the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and
   b. the other nevertheless continues or attempts to use unlawful force against the actor; or
5. if the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was:
   a. carrying a weapon in violation of Section 46.02; or
   b. possessing or transporting a weapon in violation of Section

46.05. Penal Code 9.31 (a)-(b)

**SERIOUS MISBEHAVIOR**

"Serious misbehavior" means:

- deliberate violent behavior that poses a direct threat to the health or safety of others
- extortion, meaning the gaining of money or other property by force or threat
- conduct that threatens, however communicated, to commit an offense, inflict bodily injury on someone, to accuse someone of any offense, to expose a person to hatred, contempt, or ridicule, to harm someone financially, or to cause a public servant to take or refuse to take some action
- public lewdness
- indecent exposure
- criminal mischief
- personal hazing
- harassment of students or employees by making obscene communication in writing, by telephone, or electronically

## SERIOUS OFFENSE

"Serious offense" includes, but is not limited to, the following offenses:

- Conduct punishable as a felony, which includes without limitation:
  - distribution of any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
  - placing graffiti on any tangible property owned by the District
  - harassment of a public servant, i.e., causing an employee to be in contact with the blood, bodily fluids, saliva, urine, or feces of any person or animal with the intent to assault, harass or alarm
- Assault resulting in bodily injury, which may include dating violence
- Making a false report of bombing, fire, or other emergency involving a public school, in which includes the following offenses:
  - Pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by the District when there is no smoke, fire, or danger that requires evacuation
  - Calling 9-1-1 when no emergency exists
- Terroristic threat involving a public school
- Offenses relating to marijuana, controlled substances and dangerous drugs
- Offenses relating to alcohol
- Offenses relating to abusable glue, volatile chemicals and aerosol paint
- Indecent exposure
- Public lewdness
- Retaliation against a school employee, regardless of where the conduct takes place
- Using profanity, lewd or vulgar language, or obscene gestures directed at a school employee
- Lying about the conduct of other students or making false accusations about District employees
- Failing to comply with campus or District policies
- Bullying, cyberbullying, harassment, and making hit lists, which include the following offenses:
  - Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force
  - Making ethnic, racial, or religious slurs or any other harassment based on race, color, national origin, religion, or disability, against students, employees, or volunteers
  - Verbal abuse or derogatory or offensive remarks addressed to others, which may include dating violence
  - Damaging or vandalizing property of other students
  - Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors, which may include dating violence
- Committing or assisting in a robbery, theft, or burglary
- Damaging or vandalizing District property when the value of the damage is less than $1,500
- Using or possessing a pellet gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a third party as a firearm
- Possessing or using martial arts objects, unless the conduct amounts to an assault resulting in bodily injury

- Inappropriate physical or sexual contact, whether or not it is consensual
- Inappropriate or indecent exposure of a student's body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the dress code
- Possessing or using any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
- Gambling of any kind
- Hazing
- Improper photography or visual recording
- Repeatedly violating other previously communicated campus or classroom standards of behavior
- Committing an assault of any kind, which may include dating violence

**SEXUAL ASSAULT**

"Sexual assault" is defined as intentionally or knowingly causing physical sexual contact or sexual penetration of another person without that person's consent. Sexual assault is without the consent of the other person if the actor compels the other person to submit or participate by use of physical force or violence, or threat of force or violence, and the other person believes the actor has the present ability to execute the threat; or the other person cannot consent.

Penal Code 22.01

**TERRORISTIC THREAT**

A "terroristic threat" is a threat to commit any offense involving violence to any person or property with the intent to:

1. cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies
2. place any person in fear of imminent serious bodily injury; or
3. prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place; or
4. cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service.

Penal Code 22.07

**TITLE 5 FELONY OFFENSE**

| Chapter | § and Offense | A felony when: |
|---|---|---|
| 19 | 19.02 Murder | always |
| | 19.03 Capital Murder | always |
| | 19.04 Manslaughter | always |
| | 19.05 Criminally Negligent Homicide | state jail felony |
| 20 | 20.02 Unlawful Restraint | the actor recklessly exposes the victim to substantial risk of serious bodily injury |
| | 20.03 Kidnapping | always |
| | 20.04 Aggravated Kidnapping | always |
| 21 | 21.02 Continuous Sexual Abuse of a Young Child or Children | always |
| | 21.06 Homosexual Conduct | never |
| | 21.07 Public Lewdness | never |
| | 21.08 Indecent Exposure | never |
| | 21.11 Indecency with a Child | always |
| | 21.15 Improper Photography or Visual Recording | state jail felony |
| 22 | 22.01 Assault | against a person the actor knows is a public servant while servant lawfully discharging an official duty or in retaliation or on account of an exercise of official power |
| | 22.011 Sexual Assault | always |
| | 22.015 Coercing Gang Membership | always |
| | 22.02 Aggravated Assault | always |
| | 22.021 Aggravated Sexual Assault | always |
| | 22.04 Injury to a Child, Elderly Individual, or Disabled Individual | always |
| | 22.041 Abandoning or Endangering Child | always |
| | 22.05 Deadly Conduct | knowingly discharge a firearm at or in direction one or more individuals or a habitation, building, or vehicle and is reckless as to whether it is occupied |
| | 22.07 Terroristic Threat | cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service |
| | 22.08 Aiding Suicide | causes suicide or attempted suicide that results in serious bodily injury |
| | 22.09 Tampering with Consumer Product | Always |
| | 22.10 Leaving a Child in a Vehicle | Never |
| | 22.11 Harassment of Public Servant | state jail felony |

**UNDER THE INFLUENCE**

"Under the Influence" means not having the normal use of mental or physical faculties; however, the student need not be legally intoxicated.

District officials may determine that a student is under the influence based on information from other students, employees, or patrons or the student's admission that student used a prohibited substance (alcohol, dangerous drug, controlled substance, or any other intoxicant) at school or recently enough prior to being at school or a school activity that the student would experience the effects of using the substance while at school or the school activity.

**USE**

"Use" means a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, or speech.

**VOYEURISM**

A person commits an offense if the person, with the intent to arouse or gratify the sexual desire of the actor, observes another person without the other person's consent while the other person is in a dwelling or structure in which the person has a reasonable expectation of privacy.

Penal Code 21.16

Excerpts from Board Policy FNCA(LOCAL) pertaining to standardized dress for students in grades PK – 8:

PreK – Grade 5

1. Shirts: Shirt styles and colors to be worn shall be determined by the administration at each campus.

2. Pants: Pant styles shall be determined by the campus administration and shall adhere to the guidelines of the approved District student dress code in the student handbook/Student Code of Conduct. Plain pants must fit at the waist and shall not have any designs, logos, or emblems down the length of the pants.

3. Belts: Belts when worn must fit properly.

4. Skirts: Skirts shall be permitted as long as they meet the fit and length requirements of the approved District student dress code in the student handbook/Student Code of Conduct.

Grades 6 – 8

1. Shirts: Each grade level shall be assigned a color specific to its grade based upon the school colors of the campus, as determined by the administration.

2. Pants: Pants must fit at the waist and shall not have any designs, logos, or emblems down the length of the pants.

3. Belts: Belts when worn must fit properly.

4. Skirts: Skirts shall be permitted as long as they meet the fit and length requirements of the approved District student dress code in the student handbook/Student Code of Conduct.

# ACCEPTABLE USE GUIDELINES

## SECTION III

## MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
## INTERNET / EXTRANET SYSTEM

# Mission Consolidated Independent School District
# Internet Acceptable Use Agreement

Please read this document carefully before signing.

Internet access is available to students and teachers in the Mission Consolidated Independent School District.

We are very pleased to bring this access to Mission Consolidated Independent School District and believe the Internet offers vast, diverse, and unique resources to both students and teachers. Our goal in providing this service to teachers and students is to promote educational excellence in schools by facilitating resource sharing, innovation, and communication.

The Internet is an electronic highway connecting thousands of computers all over the world and millions of individual subscribers. Students and teachers have access to:

1. Electronic mail (e-mail) communication with people all over the world.
2. Information and news from research institutions.
3. Public domain software and graphics of all types for school use.
4. Discussion groups on a plethora of topics ranging from Chinese culture to the environment to music to politics.
5. Access to many University Library Catalogs, the Library of Congress, and ERIC, a large collection of relevant information to educators and students.

With access to computers and people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting. Mission Consolidated Independent School District has taken precautions to restrict access to controversial materials. However, on a global network it is impossible to control all materials and an industrious user may discover controversial information. We (Mission Consolidated Independent School District) firmly believe that the valuable information and interaction available on this worldwide network far outweigh the possibility that users may procure material that is not consistent with the educational goals of the District.

Internet access is coordinated through a complex association of government agencies, and regional and state networks. In addition, the smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided here so that you are aware of the responsibilities you are about to acquire. In general, this requires efficient, ethical and legal utilization of the network resources. If a Mission Consolidated Independent School District user violates any of these provisions, his or her account will be terminated and future access could possibly be denied.

The Mission CISD *Student Code of Conduct* identifies violations and additional consequences that may be considered. The signature(s) on the Student Participation Agreement page is(are) legally binding and indicate(s) the party(parties) who signed has(have) read the terms and conditions carefully and understand(s) their significance.

**Internet--Terms and Conditions of Use**

1) **Acceptable Use** - The purpose of the backbone networks making up the Internet is to support research and education in and among academic institutions by providing access to unique resources and the opportunity for collaborative work. The use of your account must be in support of education and research and consistent with the educational objectives of the Mission Consolidated Independent School District. Use of other organization's network or computing resources must comply with the rules appropriate for that network. Transmission of any material in violation of any national or state regulation is prohibited. This includes, but is not limited to: copyrighted material, threatening or obscene material, or material protected by trade secret.

2) **Privileges** - The use of the Internet is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. (Each student or teacher who receives an account will be part of a discussion with a Mission Consolidated Independent School District staff member pertaining to the proper use of the network.) The system administrators will deem what is inappropriate use and their decision is final. Also, the system administrators may close an account at any time as required. The administration, faculty, and staff of Mission Consolidated Independent School District may request the system administrator to deny, revoke, or suspend specific user accounts.

3) **Network Etiquette** – Users are expected to abide by the generally accepted rules of network etiquette. These include (but are not limited to) the following:

- Be polite. Do not become abusive in your messages to others.
- Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
- Illegal activities are strictly forbidden.
- Do not reveal your personal address or phone numbers of students or colleagues. Alert your teacher if you meet a suspicious person on the Internet. Know where you are in cyberspace and follow that site’s rules.
- Note that electronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
- Do not use the network in such a way that you would disrupt the use of the network by other users.
- All communications and information accessible via the network should be assumed to be private property. Don’t cut, copy, or plagiarize Internet content. Always cite your sources.
- Cyberbullying is strictly prohibited.
- The use of unauthorized software to bypass our internet filter is strictly prohibited and will result on immediate account suspension.

4) Mission Consolidated Independent School District makes no warranties of any kind, whether expressed or implied, for the service it is providing. Mission Consolidated Independent School District will not be responsible for any damages you suffer. These include loss of data resulting from delays, non- deliveries, mis-deliveries, or service interruptions caused by its own negligence or your errors or omissions. Use of any information obtained via the Internet is at your own risk. Mission Consolidated Independent School District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

5) **Security** - Security on any computer system is a high priority, especially when the system involves many users. If you feel you can identify a security problem on the Internet, you must notify a system administrator or your Mission Consolidated Independent District Administrator for Technology Systems. Do not demonstrate the problem to other users. Do not use another individual's account without written permission

from that individual. Attempts to logon to the Internet as a system administrator will result in cancellation of user privileges and/or other disciplinary actions as described in the *Student Code of Conduct*. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the Internet.

6) **Vandalism** - Vandalism will result in cancellation of privileges. Vandalism is defined as any malicious attempt to harm or destroy data of another user, Internet, or any of the above listed agencies or other networks that are connected to any of the Internet backbones. This includes, but is not limited to,

1. The uploading or creation of computer viruses.
2. Use of any software having the purpose of damaging the Mission Consolidated Independent School District's systems or other user's system.

**TERMINATION/REVOCATION OF SYSTEM USER ACCOUNT**

The District may suspend or revoke a system user's access to the District's system upon any violation of District policy and/or administrative regulation. Prior to suspension or revocation of system service, or as soon as practicable, the principal or designee will inform the system user of the suspected violation and give him or her an opportunity to present an explanation, as outlined in the *Electronic Communication and Data Management CQ (Regulations)*.

**INDIVIDUAL USER RESPONSIBILITIES**

The following rules will apply to all users of the District's electronic information/communications system.

**INFORMATION CONTENT/THIRD PARTY SUPPLIED INFORMATION**

System users and parents of students with access to the District's system should be aware that use of the system may provide access to other electronic communications systems in the global electronic network that may contain inaccurate and/or objectionable material.

A student knowingly bringing prohibited materials into the school's electronic environment will be subject to disciplinary action in accordance with District Policy.

**Use of Handheld devices**

These devices include: iPhone, smart phone, tablets, or other mobile devices (this list is not exhaustive).

- Unless express permission is granted, mobile devices should not be used to make calls, send messages, search the internet, take photos or use any other application during school lessons and other educational activities, such as assemblies.
- Mobile devices must not disrupt classroom lessons with ringtones or beeping.
- Using mobile devices to bully and threaten other students is unacceptable and will not be tolerated. In some cases, it can constitute criminal behavior.
- It is forbidden for students to "gang up" on another student and use their mobile devices to take videos and pictures of acts to denigrate and humiliate that student and then share the recording/pictures to other students or upload it to a website for public viewing. This also includes using mobile devices to photograph or film any student without their consent. It is a criminal offense to use mobile devices to menace, harass or offend another person and almost all calls, text messages and emails can be traced.
- Mobile devices are not to be used in changing rooms or toilets or used in any situation that

may cause embarrassment or discomfort to their fellow students, staff or visitors to the school.

**ONLINE CONDUCT**

The individual in whose name a system account is issued will be responsible at all times for its proper use.

System users may not use another person's system account without written permission from the campus administrator or Network Administrator, as appropriate. Attempts by a user to log on to the District's system as another user will result in cancellation of user privileges and shall result in other disciplinary action.

Transmission of material, information, or software in violation of any District policy or local, state, or federal law is prohibited.

System users must not encourage the use of tobacco, alcohol or controlled substances or otherwise promote any other activity that is prohibited by District policy or state or federal law.

System users identifying a security problem in the District's system must notify the appropriate teacher, Network Administrator, or immediate supervisor.

To reduce unnecessary system traffic, a student may use real-time features such as talk/chat/Internet relay chat only as approved and supervised by the classroom teacher.

System users must remove electronic mail in accordance with established retention guidelines. Such messages will be removed by the principal or designee if timelines are not respected by the system user. The principal may remove the file of a user who continues to exceed disk space quotas after seven calendar days of notification.

System users may not download copyrighted material exclusively for their own use.

System users may redistribute noncommercial copyrighted programs or data only with the express permission of the owner or authorized person. Such permission must be specified in the document or must be obtained directly from the author in accordance with applicable copyright laws, District policy and administrative regulations. System users may upload public domain programs to the system.

System users may also download public domain programs for their own use or non-commercially redistribute a public domain program. System users are responsible for determining whether a program is in the public domain.

**GENERAL MISCONDUCT VIOLATIONS**

State law requires that the following violations be reported to the principal or other appropriate administrator, who will send notification to the parent or guardian within 24 hours of receiving the report. 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 following behaviors are prohibited. Disciplinary actions are described in the *Student Code of Conduct*.

- Violating computer use policies, rules or agreements signed by the student, and/or agreements signed by the student’s parent or guardian.
.
- Using the Internet to threaten students or employees, or to cause disruption to the educational program.

- Sending or posting messages that are abusive, obscene, sexually-oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety.
- Possessing material that is pornographic.
- Downloading, duplicating or distributing of copyrighted media such as images, audio and video files.

# Mission Consolidated Independent School District
# Internet Acceptable Use Agreement

## STUDENT PARTICIPATION AGREEMENT

**STUDENT**

I understand and will abide by the Internet Acceptable Use Agreement as outlined in the 2023- 2024 Student Handbook. I further understand that any violation of the regulations in the Internet Acceptable Use Agreement is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be taken.

Campus: _____

User's (Student's) Full Name: _____

User's (Student's) Signature: _____

**PARENT OR GUARDIAN**

Date:_____ ID #: _____ Grade Level: _____

As the parent or guardian of this student, I have read the Internet Acceptable Use Agreement. I understand that this access is designed for educational purposes. Mission Consolidated Independent School District has taken precautions to eliminate controversial material. However, I also recognize it is impossible for Mission CISD to restrict access to all controversial materials and I will not hold them responsible for materials acquired on the network. Further, I accept full responsibility for supervision if and when my child's use is not in a school setting. I hereby give permission to issue an account for my child and certify that the information contained on this form is correct.

Parent or Guardian's Name (please print): _____

Parent or Guardian's Signature: _____

**SPONSORING TEACHER**

(Must be signed if the applicant is a student.)

I have read the Internet Acceptable Use Agreement and agree to promote THIS agreement with the student. Because the student may use the network for individual work or in the context of another class, I cannot be held responsible for the student use of the network. As the sponsoring teacher I do agree to instruct the student on acceptable use of the network and proper network etiquette.

Teacher's Name (please print): _____

Teacher's Signature: _____

## MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

District Policy for Videotaping, Photographing, or Recording Students

Be advised that Section 26.009 (b) of the Texas Education Code permits school districts to make a videotape or photograph of a child or record or authorize the recording of a child's voice if the videotape or voice recording is used for purposes of safety, including the maintenance of order and discipline, in common areas of the school or on school buses, for purposes related to a co-curricular or extracurricular activity; or for a purpose related to regular classroom instruction or media coverage of the school. Parent permission is not required by law; however, if you have an objection to the videotaping, photographing, or recording of your child, or the use of those images as described above, please contact the campus principal.

*For more information, call the*
*Public Information Office at (956)323-5530 Monday through Friday, 8:00 AM to 5:00 PM*

## MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

CONTRACTUAL DISCLAIMER

The provisions and information set forth in this handbook are intended to be informational and not contractual in nature. Thus, this handbook is not intended and shall not be construed to constitute a contract between the Mission Consolidated Independent School District and any student, prospective student, agency of the local, state or federal government, or any other person or legal entity of any and every nature whatsoever.

The District hereby reserves and retains the right to amend, alter, change, delete or modify any of the provisions of this handbook at any time, without notice in any manner that the Administration or the Board of Trustees of the District deems to be in the best interest of the District. The contents of this student handbook apply to all students and programs in the District and do not amend, abridge or replace Board Policies of Administrative Regulations established by the District. As necessary, principals may include supplementary regulations and directives pertinent to their individual campuses.

Students and their parents are required to acknowledge that they have received and read the 2023-2024 Student Handbook/Student Code of Conduct/Acceptable Use Guidelines by signing and returning the Receipt Form.

# District Contacts

**From time to time, as parents you may have questions or concerns. If those questions or concerns cannot be answered at the campus level, parents are encouraged to contact the appropriate department as listed below.**

**Advanced Academic Services / UIL**
323-5506
**Athletic Office & Ticket Sales**
323-5683
**Attendance Zones**
323-5578
**Bilingual / ESL**
323-5554
**Business Office**
323-5515
**Career & Technical Education**
323-5508
**Child Nutrition Program**
323-3800
**Curriculum & Instruction**
323-5415
**Dyslexia / Section 504 / RTI**
323-5626
**Employee Benefits, Payroll, and Risk Management**
323-5545
**Federal Programs**
323-5550
**Fixed Assets / Warehouse**
323-8900
**General Information**
323-5500
**Guidance / Counseling Services**
323-5575
**Health Services**
323-5538
**Homeless**
323-5559
**Human Resources**
323-5641
**Information Systems**
323-5600
**Instructional Technology / Library Services**
323-5560
**Maintenance & Operations**
323-8960
**Migrant and FACE Services**
323-5559
**Public Information**
323-5530
**Special Education**
323-5570
**Student Records**
323-8900
**PEIMS and Student Services**
323-5578
**Superintendent**
323-5505
**Technology**
323-5300
**Testing & Evaluation**
323-5548
**Transportation**
323-8930

**Mission CISD does not discriminate on the basis of race, religion, color , national origin, gender, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973 as amended; and Title II of the Americans with Disabilities Act. The following District staff members have been designated to coordinate compliance with requirements: Title IX Coordinator, for concerns regarding discrimination on the basis of gender: Elisa Pacheco[Employees] at 956-323-5641; Jesse Treviño[Students] at 956-323-5578; Section 504 Coordinator, for concerns regarding discrimination on the basis of disabili: Erika Miller Morales at 956-323-5626.**

# Academic Calendar 2024 – 2025

1201 Bryce Drive
Mission, TX 78572
PH: 956-323-5500
Website: www.mcisd.net

REVISED: BOARD APPROVED
June 19, 2024

Students First • Innovation • Collaborative Ownership • Diversity • Continuous Learning

## JULY 2024

| S | M | T | W | T | F | S |
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## AUGUST 2024

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## SEPTEMBER 2024

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## OCTOBER 2024

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## NOVEMBER 2024

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## DECEMBER 2024

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| 29 | 30 | 31 | | | | |

### *REPORTING PERIODS*

1st Reporting Period:
August 14 – September 19

2nd Reporting Period:
September 23 – October 31

3rd Reporting Period:
November 4 – December 20

4th Reporting Period:
January 8 – February 14

5th Reporting Period:
February 18 – April 3

6th Reporting Period:
April 7 – May 22

### *HB 2610 MIN. OF INSTRUCTION*

Elem: 172 days x 450 min. = 77,400

JHS: 172 days x 480 min. = 82,560

HS: 172 days x 480 min. = 82,560

### *HOLIDAYS*

Fall Break: November 25 - 29

Winter Break: Dec. 23 – Jan. 3

Spring Break: March 17 - 24

Easter: April 18 & April 21

Memorial Day: May 26

### *BAD WEATHER MAKEUP DAYS*

September 2, 2024

February 10, 2025

### *OTHER DATES*

Students' First Day: Aug. 14

Students' Last Day: May 22

### *STATE TESTING DATES*

December 3-13: STAAR EOC

April 8-May 2: STAAR/STAAR EOC Window

June 17-27: STAAR EOC Window

* BOY Inservice/Workdays may be adjusted due to scheduling conflicts

- Staff Development
- Work Day
- Holiday
- Testing Date
- Weather Day

## JANUARY 2025

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## FEBRUARY 2025

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## MARCH 2025

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## APRIL 2025

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## MAY 2025

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## JUNE 2025

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| 29 | 30 | | | | | |

***Our Vision:*** *Mission CISD will prepare and inspire all students to be equipped to excel in the college and career of their choice, dominate 21st century skills in leadership, knowledge, language, and technology to compete in a global economy and serve as successful citizens in their community.*

***Declaración de la Visión:*** *Mission CISD preparará e inspirará a todos los estudiantes a estar preparados para sobresalir en la universidad y la carrera de su elección, dominar habilidades del siglo 21 en liderazgo, conocimiento, lenguaje y tecnología para competir en una economía global y servir como ciudadanos exitosos en su comunidad.*

# TASB Director Candidates

*Indicates Large District Director Positions
(I) Incumbents

| REGION/POSITION | DIRECTOR | DISTRICT | TERM |
|---|---|---|---|
| Region 1, Position A | Alison Busse-Savage | Lyford CISD | 2024–2027 |
| | Yolanda Castillo | Pharr-San Juan-Alamo ISD | |
| | Deborah Crane Aliseda | McAllen ISD | |
| | Marcos Garcia | Mercedes ISD | |
| Region 3 | Margaret Pruett | Victoria ISD | 2024–2027 |
| Region 4, Position A | Rose Avalos | Aldine ISD | 2024–2027 |
| Region 4, Position C | Kelly Hodges | Spring ISD | |
| | Tony Hopkins | Friendswood ISD | 2024–2027 |
| Region 4, Position F* | Vacant | Cypress-Fairbanks ISD | 2024–2027 |
| Region 4, Position G* | Angie Hanan | Fort Bend ISD | 2024–2026 |
| Region 5 | Nicholas Phillips | Nederland ISD | 2024–2027 |
| Region 10, Position A | Tricia Ikard | Maypearl ISD | 2024–2027 |
| Region 10, Position E* | Dynette Davis | Frisco ISD | 2024–2026 |
| Region 11, Position D | Steven Newcom | Eagle Mountain-Saginaw ISD | 2024–2027 |
| Region 12 | Steven Carter | Connally ISD | 2024–2027 |
| | Russ Johnson | Lorena ISD | |
| | Marvin Rainwater | Killeen ISD | |
| | Keri Roberts | Goldthwaite CISD | |
| | Pam Watts | Midway ISD-McLennan County | |
| Region 13, Position C | Bryan Holubec | Thrall ISD | 2024–2027 |
| | Kathy Major | Liberty Hill ISD | |
| | Stephanie Rodriguez-Barnett | Manor ISD | |

Updated: 7/1/24

# TASB Director Candidates

*Indicates Large District Director Positions
(I) Incumbents

| REGION/POSITION | DIRECTOR | DISTRICT | TERM |
|---|---|---|---|
| Region 17 | Carlos Bentancourt | Slaton ISD | 2024–2027 |
| | Sylvia De La Garza | Plainview ISD | |
| Region 18 | Steve Brown | Ector County ISD | 2024–2027 |
| | Sara Burleson | Midland ISD | |
| Region 19 | Marlene Bullard | Tornillo ISD | 2024–2027 |
| Region 20, Position A | Ginger Friesenhahn | East Central ISD | 2024–2026 |
| Region 20, Position D | Rich Sena | Boerne ISD | 2024–2025 |



Updated: 7/1/24

# TASB ENDORSEMENT FORM

DATE: _____

Our school board endorses the candidacy of the following individual nominated to fill a position on the TASB Board of Directors.

**CANDIDATE INFORMATION**

NAME: _____

SCHOOL DISTRICT: _____

This endorsement was approved by our school district's board of trustees at a duly called meeting on

_____.
(Date)

Best regards,

_____
(Signature of board president or officer)

PRINTED NAME: _____

SCHOOL DISTRICT: _____

MAILING ADDRESS: _____

CITY: _____ ZIP: _____

This form is to be used to endorse a nominated individual from a board of trustees within your TASB Region who is a timely candidate for a position on the TASB Board of Directors.

**Must be received by TASB on or before AUGUST 29, 2024.**

**RETURN TO: E-mail: boardcommunications@tasb.org**

**SUBJECT:** Discussion and Action to Terminate Alliant Insurance Services Agreement and Authorize the Superintendent to Issue a 60-day Termination Notice

**PRESENTER**: Joel Garcia, CPM Deputy Superintendent for Business & Support Services

## BACKGROUND INFORMATION

On December 4, 2023, Mission CISD engaged Alliant Insurance Services, Inc. to provide consulting services for the Mission CISD self-group health insurance plan at an annual fee of $40,000.00.

## ADMINISTRATIVE CONSIDERATIONS

In an effort to save money for the District, we propose terminating the Alliant Insurance Services Agreement and repurposing the savings for educational programs. The District plans to hire an insurance consultant on an as-needed basis, primarily during the Request for Qualifications (RFQ) process, which is not scheduled to occur for another year. The District can continue to operate our insurance services properly and orderly, maintaining the same level of service and oversight. By strategically reallocating resources, we aim to enhance our educational offerings without compromising on essential services.

## FUNDING SOURCE AND AMOUNT

N/A

## RECOMMENDATION

N/A

## CONTACT PERSON(S)

Blanca Lopez, Executive Director for Business Operations
Sylvia Cruz, Director for Employee Benefits & Risk Management

Alliant

# BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("Agreement") is entered into by and between Mission Consolidated Independent School District ("Covered Entity"), as administered by Mission Consolidated Independent School District ("Plan Sponsor") and Alliant Insurance Services, Inc., a California corporation ("Business Associate"), as of the date last written below. Each Covered Entity and Business Associate are sometimes referred to herein singularly as "Party" and collectively as "Parties."

Pursuant to the Parties' separate services agreement ("Services Agreement"), Business Associate has agreed to perform certain services for or on behalf of the Covered Entity that may involve the creation, maintenance, use, transmission or disclosure of protected health information within the meaning of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), and its implementing regulations, 45 CFR Parts 160 and 164 ("HIPAA Rules").

This Agreement supplements the Services Agreement and all other concurrent and future agreements between the Parties that may involve protected health information and compliance with HIPAA. The Agreement is intended to and shall be interpreted to satisfy the requirements for business associate agreements as set forth in the HIPAA Rules as they have been amended, including but not limited to privacy and security amendments of the Affordable Care Act and the Health and Human Services ("HHS") Omnibus Final Rule.



Business Associate understands and acknowledges that it is subject to the HIPAA Rules, and that violation of the HIPAA Rules carries significant penalties as described in 45 CFR § 160.404. Business Associate also understands that it is subject to and must comply with the Health Information Technology for Economic and Clinical Health Act ("HITECH") privacy provisions of the American Recovery and Reinvestment Act, as well as with any applicable state privacy laws.

WHEREFORE, for valuable consideration, including the mutual promises and benefits as set forth below and in the Services Agreement, the Parties agree as follows:

## DEFINITIONS

I. **General Definitions**. The following terms used in this Agreement shall have the same meaning as those terms in the HIPAA Rules: Breach, Data Aggregation, Designated Record Set, Disclosure, Health Care Operations, Individual, Minimum Necessary, Notice of Privacy Practices, Required By Law, Secretary, Security Incident, Subcontractor, Unsecured Protected Health Information, and Use.

II. **Specific Definitions.**

(A) ***Business Associate*** shall generally have the same meaning as the term "business associate" at 45 CFR § 160.103, and in reference to the Party to this Agreement, shall mean Business Associate.

(B) ***Covered Entity*** shall generally have the same meaning as the term "covered entity" at 45 CFR § 160.103, and in reference to the Party to this Agreement, shall mean Covered Entity.

(C) ***Protected Health Information ("PHI")*** shall generally have the same meaning as the term "protected health information" at 45 CFR § 160.103, and shall include any individually identifiable information that is created, received, maintained, or transmitted by Business Associate on behalf of Covered Entity that relates to an Individual's past, present, or future

physical or mental health, health care, or payment for health care, whether such information is in oral, hard copy, electronic, or any other form or medium.

## AGREEMENT

I. **Recitals Incorporated.** The recitals above are expressly incorporated into the terms of this Agreement.

II. **Relationship of the Parties.** Business Associate is, and at all times during this Agreement shall, be acting as an independent contractor to the Covered Entity, and not as the Covered Entity's agent. Covered Entity shall not have authority to control the method or manner in which Business Associate performs its services on behalf of Covered Entity, provided that Business Associate complies with the terms of this Agreement and the HIPAA Rules. Business Associate shall not have authority to bind Covered Entity to any liability unless expressly authorized by Covered Entity in writing, and Covered Entity shall not be liable for the acts or omissions of Business Associate. Business Associate shall not represent itself as the agent of Covered Entity. Nothing in this Agreement shall be deemed to establish an agency, partnership, joint venture or other relationship except that of independently contracting entities.

III. **Business Associate Responsibilities.** Business Associate agrees to:

**(A)** Fully comply with the HIPAA Rules as they apply to business associates.

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**(B)** Not use or disclose PHI except as permitted by this Agreement or as otherwise required by law.

**(C)** Use appropriate safeguards to prevent the use or disclosure of PHI other than as permitted by this Agreement. Business Associate shall comply with the requirements in 45 CFR Part 164, Subpart C applicable to business associates, including the use of administrative, physical and technical safeguards to protect electronic PHI.

**(D)** Within thirty (30) days after discovery, report to Covered Entity any use or disclosure of PHI not permitted by this Agreement, applicable state privacy laws, or the HIPAA Rules of which Business Associate becomes aware, including but not limited to reporting breaches of unsecured PHI as required by 45 CFR § 164.410, reporting security incidents as required by 45 CFR § 164.314(a)(2)(i)(C), and reporting breaches and security incidents of Business Associate's contractors and subcontractors.

**(E)** Fully cooperate with Covered Entity's efforts to promptly investigate, mitigate, and notify third parties of breaches of unsecured PHI or security incidents as required by the HIPAA Rules.

**(F)** Ensure that any subcontractors that create, receive, maintain, or transmit PHI on behalf of Business Associate agree to the same or equivalent restrictions, conditions, and requirements set forth in this Agreement, applicable state privacy laws, HITECH, and the HIPAA Rules applicable to such subcontractors. Without limitation, Business Associate shall ensure that any subcontractors comply with the applicable requirements of 45 C.F.R. Parts 160, 162, and 164. Business Associate shall fulfill this requirement by executing a written agreement with any subcontractors in compliance with the requirements of the HIPAA Rules.

**(G)** Within fifteen (15) days following Covered Entity's request, make available to Covered Entity any PHI in Business Associate's control as necessary to enable Covered Entity to satisfy its obligations to provide an Individual with access to PHI under 45 CFR § 164.524.

**(H)** Within fifteen (15) days following Covered Entity's request, make available to Covered Entity any PHI for amendment and incorporate any amendments to PHI as necessary to enable Covered Entity to satisfy its obligations under 45 CFR § 164.526.

**(I)** Maintain information concerning Business Associate's or subcontractors' disclosures of PHI

as required by 45 CFR § 164.528(a)-(b) and, within fifteen (15) days following Covered Entity's request, make such information available to Covered Entity as necessary to enable Covered Entity to render an accounting of disclosures pursuant to 45 CFR § 164.528.

**(J)** To the extent Business Associate is to carry out Covered Entity's obligations under 45 CFR Part 164, Subpart E, comply with the requirements of Subpart E that apply to Covered Entity in the performance of such obligations.

**(K)** Make Business Associate's internal practices, books, and records relating to the use and disclosure of Protected Heath Information received from, or created or received by, Business Associate on behalf of Covered Entity, available to the Secretary for purposes of determining Covered Entity's compliance with the HIPAA Rules.

## IV. Uses and Disclosures by Business Associate.

**(A) Permissible Uses and Disclosures.** Business Associate may use or disclose PHI only as follows:

**(1)** As necessary to perform the services set forth in the Service Agreement.

**(2)** To de-identify PHI in accordance with 45 CFR § 164.514(a)-(c).

**(3)** As required by law.

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**(4)** For the proper management and administration of Business Associate or to carry out the legal responsibilities of Business Associate, provided that any disclosures for these purposes (a) are required by law, or (b)(i) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that the information will remain confidential and used or further disclosed only as required by law or for the purposes for which it was disclosed to the person, and (b)(ii) the person notifies Business Associate of any instances of which it is aware in which the confidentiality of the information has been breached.

**(5)** To provide data aggregation services relating to the health care operations of Covered Entity as defined in 45 CFR § 164.501.

**(B) Impermissible Uses or Disclosures.** Business Associate may not use or disclose PHI in a manner that would violate 45 CFR Part 164, Subpart E, if done by Covered Entity except for the specific uses and disclosures set forth in Sections IV(A)(1)-(5), if applicable.

**(C) Minimum Necessary.** Business Associate agrees to use or disclose the minimum amount of PHI necessary for a permitted purpose pursuant to this Section IV, Covered Entity's policies and procedures, and 45 CFR § 164.502(b).

## V. Obligations and Duties of Covered Entity.

**(A) Notice of Privacy Practices.** Covered Entity shall notify Business Associate of any limitation(s) in its notice of privacy practices in accordance with 45 C.F.R. § 164.520, to the extent that such limitation(s), if any, may affect Business Associate's use or disclosure of PHI. Covered Entity may satisfy this requirement by providing Business Associate with the notice of privacy practices that it delivers in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

**(B) Notice of Individual Permission.** Covered Entity shall notify Business Associate of any changes in, or revocation of, permission by Individual to use or disclose PHI, to the extent that such changes may affect Business Associate's use or disclosure of PHI.

**(C) Notice of Other Restrictions.** Covered Entity shall notify Business Associate of any restriction to the use or disclosure of PHI to which Covered Entity has agreed in accordance with 45 C.F.R. § 164.522, to the extent that such restriction may affect

Business Associate's use or disclosure of PHI.

(D) **Impermissible Requests.** Covered Entity shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the HIPAA Privacy Rule if done by Covered Entity.

VI. **Term and Termination.** Unless otherwise agreed in writing by the Parties, this Agreement shall be effective as of the date executed by the Parties and shall continue until terminated as provided below.

(A) **Termination.** This Agreement shall terminate on the date the Services Agreement is terminated for any reason. In addition, this Agreement may be terminated earlier as follows:

(1) Covered Entity may terminate this Agreement without cause upon sixty (60) days' prior written notice to Business Associate.

(2) Covered Entity may terminate this Agreement upon thirty (30) days' prior notice if Covered Entity determines that Business Associate or any subcontractor has violated the HIPAA Rules, a material term of this Agreement, or otherwise engaged in conduct that may compromise the PHI. Subject to Section VI(A)(3), Business Associate shall have the opportunity to cure the breach or violation within the 30-day notice period. If Business Associate fails to cure the breach or violation within the 30-day notice period, Covered Entity may immediately terminate this Agreement.



(3) Notwithstanding Section VI(A)(2), Covered Entity may terminate this Agreement immediately if Business Associate or any subcontractor engages in any conduct that Covered Entity reasonably believes may result in adverse action against Covered Entity by any governmental agency or third party.

(B) **Termination of Services Agreement.** Notwithstanding anything in the Services Agreement to the contrary, Covered Entity shall have the right to terminate the Services Agreement immediately if Business Associate's creation, maintenance, use, transmission or disclosure of PHI is a material purpose of the Service Agreement and this Agreement is terminated for any reason.

(C) **Obligations of Business Associate Upon Termination.** Upon termination of this Agreement for any reason, Business Associate shall with respect to PHI received from Covered Entity, or created, maintained, used, or received by Business Associate on behalf of Covered Entity:

(1) If feasible, return all PHI to Covered Entity or, if Covered Entity agrees, destroy such PHI.

(2) If the return or destruction of PHI is not feasible, continue to extend the protections of this Agreement and the HIPAA Rules to such information, and not use or further disclose the information in a manner that is not permitted by this Agreement or the HIPAA Rules, and Business Associate will notify the Covered Entity of the retained information in writing. The notification shall include: (a) a statement that the Business Associate has determined that it is infeasible to return or destroy the PHI in its possession; and (b) the specific reasons for such determination. Business Associate further agrees to extend any and all protections, limitations and restrictions contained in this Agreement to the Business Associate's use and/or disclosure of any PHI retained after the termination of this Agreement, and to limit any further uses and/or disclosures to the purposes that make the return or destruction of the PHI infeasible. If it is infeasible for the Business Associate to obtain from employees, contractors, subcontractors, or agents any PHI in their possession, the Business Associate must provide a written explanation to Covered Entity and require the employees, contractors, subcontractors, or agents to agree to extend any and all protections, limitations, and restrictions contained in this Agreement to their use and/or disclosure of any PHI

retained after the termination of the Agreement, and to limit any further uses and/or disclosures to the purposes that make the return or destruction of the PHI infeasible.

**(D) Survival.** Business Associate's obligations under Section VI shall survive termination of this Agreement.

**VII. Regulatory References.** A reference in this Agreement to a section in the HIPAA Rules means the section as in effect or as amended.

**VIII. Amendment.** The Parties agree to take such action as is necessary to amend this Agreement from time to time to comply with the requirements of the HIPAA Rules and any other applicable laws.

**IX. Governing Law.** This Agreement shall be construed to comply with the requirements of the HIPAA Rules, and any ambiguity in this Agreement shall be interpreted to permit compliance with the HIPAA Rules. All other aspects of this Agreement shall be governed under the laws of Texas and all actions shall be venued in the state or district courts of Texas.

**X. Assignment/Subcontracting.** This Agreement shall inure to the benefit of and be binding upon the Parties and their respective legal representatives, successors, and assigns. Business Associate may assign or subcontract rights or obligations under this Agreement to subcontractors or third parties without the express written consent of Covered Entity provided that Business Associate complies with Section III(F), above. Covered Entity may assign its rights and obligations under this Agreement to any successor or affiliated entity.

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**XI. Cooperation.** The Parties agree to cooperate with each other's efforts to comply with the requirements of the HIPAA Rules and other applicable laws; to assist each other in responding to and mitigating the effects of any breach of PHI in violation of the HIPAA Rules or this Agreement; and to assist the other Party in responding to any investigation, complaint, or action by any government agency or third party relating to the performance of this Agreement. In addition to any other cooperation reasonably requested by Covered Entity, Business Associate shall make its officers, members, employees, and agents available without charge for interview or testimony.

**XII. Notice.** All notices, requests, and other communications given under this BAA, shall be in writing and deemed duly given: (A) when delivered personally to the recipient; (B) one (1) business day after being sent to the recipient by reputable overnight courier service (charges prepaid); or (C) five (5) business days after being sent by U.S. certified mail (charges prepaid). Except as otherwise provided herein, all notices requests or communications under this BAA shall be addressed as follows:

**If to Covered Entity:**

Attn: Dr. Carol G. Perez
1201 Bryce Drive
Mission, Texas 78572

**If to Business Associate:**

Attn: Nick Long
3600 N. Capital of Texas Hwy
Building B, Suite 100
Austin, Texas 78746

With a copy to:
General Counsel
701 B Street, 6th Floor
San Diego, CA 92101

**XIII. Relation to Services Agreement.** This Agreement supplements the Services Agreement. The terms and conditions of the Services Agreement shall continue to apply to the extent not inconsistent with this Agreement. If there is a conflict between this Agreement and the Services

Agreement, this Agreement shall control.

**XIV. No Third Party Beneficiaries.** Nothing in this Agreement is intended to nor shall it confer any rights on any other persons except Covered Entity and Business Associate and their respective successors and assigns.

**XV. Insurance.** Unless waived in writing by Covered Entity, Business Associate shall obtain and maintain insurance or equivalent programs of self-insurance with appropriate limits sufficient to cover costs, losses and damages that may arise from Business Associate's breach of this Agreement or any unauthorized use or disclosure of PHI by Business Associate. Upon Covered Entity's request, Business Associate shall provide proof of such insurance to Covered Entity.

**XVI. Indemnification.** Business Associate agrees to defend, indemnify, and hold harmless Covered Entity and Covered Entity's officers, members, employees and agents from and against any and all claims, fines, penalties, liabilities, demands, damages, losses, costs, expenses (including without limitation costs, reasonable attorneys' fees, fines, penalties, and assessments) resulting from Business Associate's breach of this Agreement, or any acts or omissions of Business Associate or Business Associate's officers, members, employees, agents, or subcontractors arising out of or related to the use or disclosure of PHI or violation of the HIPAA Rules, HITECH, or any other state or federal laws governing information privacy.

**XVII. Entire Agreement.** This Agreement contains the entire agreement between the Parties as it relates to the use or disclosure of PHI, and supersedes all prior discussions, negotiations and services relating to the same to the extent such other prior communications are inconsistent with this Agreement.

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| COVERED ENTITY | BUSINESS ASSOCIATE |
|---|---|
| By Carol Perez (Dec 7, 2023 10:14 CST) | By |
| Print: Carolina "Carol" G. Perez, Ed. D., | Print: Dana Scott |
| Title: Assistant Superintendent for Finance | Title: Senior Vice President |
| Date: December 4, 2023 | Date: December 4, 2023 |

Reviewed and Approved by Mission CISD

Joel Garcia (Dec 6, 2023 13:21 CST)

Joel Garcia, CPM
Assistant Superintendent for Finance

**SUBJECT**: Consideration and Approval of Telephone Consultation Agreement Between Mission Consolidated Independent School District and Eichelbaum, Wardell, Hansen, Powell, & Munoz, P.C.

**PRESENTER**: Joel Garcia, CPM, Deputy Superintendent for Business & Support Services

## BACKGROUND INFORMATION

Following the selection of new legal counsel, a need remains to effectively close out ongoing legal matters and transition responsibilities from Eichelbaum, Wardell, Hansen, Powell, & Munoz, P.C. The telephone consultation agreement is designed to provide the necessary expertise and guidance to finalize these matters efficiently.

The agreement covers telephone consultations between our organization and Eichelbaum, Wardell, Hansen, Powell, & Munoz, P.C. These consultations will focus on resolving specific legal issues and providing strategic advice related to pending cases and contractual obligations that were initiated before the change in legal representation.

## ADMINISTRATIVE CONSIDERATIONS

Not applicable

## FUNDING SOURCE AND AMOUNT

Respective Departments

## CONTACT PERSON

Joel Garcia, CPM, Deputy Superintendent for Business & Support Services Blanca I. Lopez, Executive Director for Business Operations