

2023-2024



Parent and Student Handbook  
And  
Student Code of Conduct

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# **PARENT AND STUDENT HANDBOOK**

## To Students and Parents

Welcome to the new school year! Education is a team effort, and we know that students, parents, teachers, and other staff members all working together can make this a wonderfully successful year for our students.

The TSBVI Parent and Student Handbook is designed to provide basic information that you and your child will need during the school year. The handbook is divided into two sections:

Section I—PARENTAL RIGHTS with other information to assist you in responding to school-related issues. We encourage you to take some time to closely review this section of the handbook.

Section II—OTHER IMPORTANT INFORMATION FOR STUDENTS AND PARENTS—organized alphabetically by topic, and, where possible, further divided by applicability to ages and/or grade levels for quick access when searching for information on a specific issue.

Please be aware that the term “parent” is used to refer to the parent, legal guardian, any person granted some other type of lawful control of the student, or any other person who has agreed in writing to assume school-related responsibility for a student.

Both students and parents should become familiar with the TSBVI Student Code of Conduct, which is a document adopted by the school board and intended to promote school safety and an atmosphere for learning. The Student Code of Conduct may be found immediately following the Parent and Student Handbook and is available in the Principal's Office.

The Parent and Student Handbook is a general reference guide only and is designed to be in harmony with board policy and the Student Code of Conduct. Please be aware that it is not a complete statement of all policies, procedures, or rules that may be applicable in a given circumstance.

In case of conflict between board policy (including the Student Code of Conduct) and any provisions of the Parent and Student Handbook, the current provisions of board policy and the Student Code of Conduct are to be followed.

Also please be aware that the handbook is updated yearly, while policy adoption and revision may occur throughout the year. Changes in policy or other rules that affect Student Handbook provisions will be made available to students and parents through newsletters or other communications. The School reserves the right to modify provisions of the Student Handbook at any time, whenever it is deemed necessary. Notice of any revision or modification will be given as is reasonably practical under the circumstances.

Although the Student Handbook may refer to rights established through law or School policy, the Student Handbook does not create any additional rights for students and parents. It does not, nor is it intended to, create contractual or legal rights between any student or parent and the School.

After reading through the entire handbook with your child, 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 Miles Fain, Principal, (512) 206-9251.

A copy of the TSBVI policy manual is available for review in the Superintendent's Office or online at [TSBVI Policy Manual](#).

## **SCHOOL ADDRESS**

Texas School for the Blind and Visually Impaired  
1100 West 45<sup>th</sup> Street, Austin, TX 78756  
(512) 454-8631  
[www.tsbvi.edu](http://www.tsbvi.edu)

## **ADMINISTRATION AND IMPORTANT NUMBERS**

Emily Coleman, Superintendent .....	(512) 206-9133
Miles Fain, Principal.....	(512) 206-9251
Tad Doezeema, Assistant Principal .....	(512) 206-9457
Eden Hagelman, Assistant Principal .....	(512) 206-9451
G'Nell Price, Assistant Principal.....	(512) 206-9396
Matt Schultz, Residential Director .....	(512) 206-9179
Eric Grimmitt, Director of Center for School Resources .....	(512) 206-9273
Valerie Perwein, Special Education Director .....	(512) 206-9281
Ria Ferich, School Counselor .....	(512) 206-9346
Helen Hollis, Social Worker .....	(512) 206-9194
Katherine Houck, Social Worker.....	(512) 206-9172
Kerim Peirce .....	(512)206-9280
Business Office Cashier .....	(512) 206-9215
Health Center .....	(512) 206-9136

## **BOARD OF TRUSTEES**

Dan Brown .....	Pflugerville
Maghan Guatney.....	Anna
Beth Jones .....	Anna
Brenda Lee .....	Brownwood
Julie Prause .....	Columbus
Elaine Robertson.....	Katy
Lee Sonnenberg, President.....	Lubbock
Ernest Worthington.....	Lancaster

## THE MISSION OF TSBVI

Texas School for the Blind and Visually Impaired serves as a leading center of expertise and resources, working in partnership with schools, families, and organizations to transform educational outcomes for students, ages birth–22, who are blind or visually impaired or deafblind, including those with additional disabilities.



## BELL SCHEDULE

Period 0: 7:15 a.m. - 7:45 a.m.  
Period 1: 7:50 a.m. - 8:40 a.m.  
Period 2: 8:45 a.m. - 9:35 a.m.  
Period 3: 9:40 a.m. - 10:30 a.m.  
Period 4: 10:35 a.m. - 11:25 a.m.  
Period 5: 11:25 a.m. - 12:10 p.m. (1st Lunch)  
Period 6: 12:15 p.m. - 1:10 p.m. (2nd Lunch)  
Period 7: 1:15 p.m. - 2:10 p.m. (Monday - Thursday)  
Period 8: 2:15 p.m. - 3:10 p.m. (Monday, Tuesday, Thursday)  
Period 9: 3:15 p.m. - 4:00 p.m. (optional)  
Period 10: 4:05 p.m. - 4:55 p.m. (optional)

Long Wednesdays - Students are released at 4:00 p.m.

Short Thursdays - Students are released at 2:10 p.m.

## **SECTION I: PARENTAL RIGHTS**

This section of the TSBVI Parent and Student Handbook includes several notices that TSBVI is required to provide to you, as well as other information related to certain rights of parents as specified in state or federal law.

### **PARENTAL RIGHTS**

#### **CONSENT, OPT-OUT AND REFUSAL RIGHTS**

##### **Consent to Conduct a Psychological Evaluation**

Unless required under state or federal law, a school employee will not conduct a psychological examination, test, or treatment without obtaining prior written parental consent. Note: An evaluation may be legally required under special education rules or by the Texas Education Agency for child abuse investigations and reports.

##### **Consent Before Human Sexuality Instruction**

Before a student receives human sexuality instruction, the district must obtain written consent from the student's parent. Parents will be sent a request for written consent at least 14 days before the instruction will begin.

##### **Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking**

Before a student receives instruction on the prevention of child abuse, family violence, dating violence and sex trafficking, the school must obtain written consent from the student's parent. Parents will be sent a request for written consent at least 14 days before the instruction will begin.

##### **Annual Notification**

Students in middle school and high school receive instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking. The School Health Advisory Council (SHAC) makes recommendations for curriculum materials, and the school board adopts the materials and determines the specific content of the instruction.

In accordance with state law, below is a summary of the school's curriculum regarding instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking. Each of the following curricula was approved by the TSBVI Board of Trustees. These curricula give staff the selection of topics and levels of information to ensure that all students have access to appropriate instruction related to the prevention of child abuse, family violence, dating violence or sex trafficking. Not all topics may be covered in each grade level each year.

##### **Curriculum Details**

##### **Expect Respect**

The Expect Respect curriculum covers a wide range of topics related to healthy relationships, prevention of abuse, as well as family and dating violence.

The Overview of each section of the curriculum is outlined below.

## **Part I: Increasing Resilience - Grades 3-5**

### **Unit 1: Building the Foundation—Promoting Safety, Connection, and Self-Regulation**

- Session 1: Welcome to the Group
- Session 2: Connecting and Collaborating
- Session 3: Creating a Safe Space
- Session 4: The Language of Feelings
- Session 5: Dealing with Difficult Feelings

### **Unit 2: Breaking the Cycle—Identifying Violence and Abuse, Learning Safety and Coping Skills**

- Session 6: Similarities and Differences in Families
- Session 7: Dealing with Family Stress and Family Violence
- Session 8: Coping with Stress
- Session 9: Expressing and Handling Anger

### **Unit 3: Path Forward—Developing Healthy Friendships**

- Session 10: Assertive Communication
- Session 11: Defining Healthy Friendships and Relationships
- Session 12: Boundaries and Consent
- Session 13: Standing Up Against Bullying
- Session 14: Sexual Harassment

### **Unit 4: Affirmation—Increasing Positive Self-Image and Social Support**

- Session 15: Knowing Your Strengths
- Session 16: Celebration and Closure

## **Part II: Building Healthy Relationships**

### **Unit 1: Developing Connections in Group**

- Session 1: Welcome to the Group
- Session 2: Weaving Connections
- Session 3: Active Listening
- Session 4: The Language of Feelings

### **Unit 2: Defining Personal Expectations for Relationships**

- Session 5: Questioning Gender Norms
- Session 6: Dating Expectations
- Session 7: The Use and Abuse of Power
- Session 8: Drawing the Line
- Session 9: Healthy Relationships
- Session 10: Warning Signs of Dating Abuse and Exploitation

### Unit 3: Making Sense of Your Life Story

- Session 11: Dealing with Stress and Trauma
- Session 12: Naming the Violence in Your Life
- Session 13: Handling Anger
- Session 14: The Past Does Not Define You
- Session 15: Being Kind to Yourself

### Unit 4: Learning Skills for Healthy Relationships

- Session 16: Assertive Communication
- Session 17: Taking Care of Relationships
- Session 18: Setting Boundaries
- Session 19: Asking for Consent
- Session 20: Confronting the Continuum of Sexual Aggression
- Session 21: Choosing What Feels Good for You
- Session 22: Ending Relationships

### Unit 5: Strengthening Support Systems

- Session 23: Strengthening Your Support System
- Session 24: Reflection and Celebration

## **UnHushed**

While TSBVI uses Unhushed as the curriculum for human sexuality instruction, the curriculum also has appropriate content that could be used for instruction in the topics related to the prevention of abuse, dating and family violence, and human trafficking. The specific sections of the curriculum that address these topics are overviewed below.

### Kindergarten:

- Session 1: I love My Body
- Session 3: Let's Go to the Doctor
- Session 4: Squeaky Clean
- Session 5: My Family Tree
- Session 6: I'm in Charge of My Body

### Grade 1:

- Session 4: How to be a Friend
- Session 5: What is Bullying?

### Grade 2:

- Session 1: Me and My Friends
- Session 5: I Decide, You Decide

### Grade 3:

- Session 1: Crushing It
- Session 2: Something Nice to Say
- Session 3: Bodies and Compassion
- Session 6: Who Can Tell Me

Grade 4:

- Session 3: I've Got a Feelin'
- Session 4: Give 'Em something to Talk About
- Session 5: Bullying

Grade 5:

- Session 1: Feelings, Hormones, and More
- Session 2: Saying Yes and Saying No
- Session 3: When Crushes are Crushed
- Session 5: Insta fraud

Middle School Units:

- Unit 3: Relationships
- Unit 5: Violence and Consent

High School Units:

- Unit 2: Relationships
- Unit 4: Media
- Unit 5: Global Perspectives

## **My Rights, My Life**

The My Rights, My Life Curriculum covers a wide range of topics related to healthy relationships, prevention of abuse, family and dating violence, as well as human sexuality. Because we already have an adopted curriculum that is used successfully for instruction in Human Sexuality, at this time, we are not using those portions of the My Rights, My Life Curriculum. We have identified the following units and lessons of the My Rights, My Life Curriculum for instruction on topics outlined in the Texas Essential Knowledge and Skills (TEKS) that are related to the prevention of child abuse, family violence, and dating violence for students in grades 9-12.

Curriculum Website: <https://myrightsmylife.safeaustin.org/>

Unit 1:

- Lesson 1: Introductions and Creating a Safe Space
- Lesson 2: Feelings
- Lesson 3: Self-Advocacy
- Lesson 4: Different Types of Relationships
- Lesson 5: Practicing Boundaries
- Lesson 6: Consent
- Lesson 7: Healthy Relationships
- Lesson 8: Internet Safety—Catfishing and Creating Online Profiles
- Lesson 9: Internet Safety—Cyber Bullying and Sexting Unit 2
- Lesson 10: Gender
- Lesson 11: Gender Stereotypes
- Lesson 12: Getting to Know Someone
- Lesson 13: Romantic Feelings and Flirting

- Lesson 14: What is Dating
- Lesson 15: Dream Dating Partner
- Lesson 16: Rejection and Ending Relationships

In accordance with state law, a parent may:

- Review, receive a copy of, or purchase a copy of curriculum materials depending on the copyright of the materials. As required by law, any curriculum materials in the public domain used in this instruction will be posted on the district's website at the location indicated above.
- Remove their child from any part of this instruction without academic, disciplinary, or other penalties.
- Become involved in the development of this curriculum by becoming a member of the district's SHAC or attending SHAC meetings. (See the Principal for details.)
- Use the district's grievance procedure concerning a complaint. See Complaints and Concerns (All Grade Levels) section and Policy FNG for information on the grievance and appeals process.

### **Consent to Provide a Mental-Health Care Service**

The school will not provide a mental health care service to a student or conduct a medical screening of a student as part of the school's intervention procedures except as permitted by law.

The school has established procedures for providing a parent with a recommendation for an intervention for a student with early warning signs of mental health, substance abuse, or risk of attempting suicide.

A school mental health liaison, (social worker or licensed specialist in school psychology), will notify the student's parent within a reasonable amount of time after the liaison learns that a student has displayed early warning signs and a possible need for intervention and provide information about available counseling options.

Staff members will escort a student displaying early warning signs to the Health Center to assess the student's need for additional interventions and supports.

The mental health services supervisor, Valerie Perwein can be reached at [perweinv@tsbvi.edu](mailto:perweinv@tsbvi.edu) or (512) 206-9281, and can provide further information regarding these procedures as well as curriculum materials on identifying risk factors, accessing resources for treatment or support on and off campus, and accessing available student accommodations provided on campus.

### **Consent to Display a Student's Original Works and Personal Information**

Teachers may display students' work, which may include personally identifiable student information, in classrooms or elsewhere on campus as recognition of student achievement.

However, the School will seek parental consent before displaying students' artwork, special projects, photographs taken by students, original videos or voice recordings, and other original works on the School's Web site, a website affiliated or sponsored by the School, and in School publications, which may include printed materials, videos, or other method of mass communication.

### **Consent to Receive Parenting and Paternity Awareness Instruction if Student is Under Age 14**

A student under the age of 14 must have parental permission to receive instruction in TSBVI's parenting and paternity awareness program; otherwise, the student will not be allowed to participate in the instruction. This program, developed by the Office of the Texas Attorney General and the State Board of Education (SBOE), is incorporated into the School's health education classes.

### **Consent to Video or Audio Record a Student When Not Otherwise Permitted by Law**

State law permits the school to make a video 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;
- When it relates to the promotion of student safety as provided by law for a student receiving special education services in certain settings.

The School will seek parental consent through a written request before making any other video or voice recording of your child not otherwise allowed by law.

**Please note that parents and visitors to a classroom, both virtual and in person, may not record video or audio or take photographs or other still images without permission from the teacher or other school official.**

### **Limiting Electronic Communications with Students by School Employees**

Teachers and other approved employees are permitted by the School to communicate with students through the use of electronic media within the scope of the individual's professional responsibilities. For example, a teacher may set up a social networking page for his or her class that has information related to class work, homework, and tests.

As a parent, you are welcome to join or become a member of such a page.

An employee described above may also contact a student individually through electronic media to communicate about items such as homework or upcoming tests but must include a parent or the Principal on the email or text message.

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

### **Objecting to the Release of Directory Information**

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

invasion of privacy if released. Examples include a student's photograph for publication in the school yearbook; a student's name and grade level for purposes of communicating class and teacher assignment; the name, weight, and height of an athlete for publication in a school athletic program; a list of student birthdays for generating school-wide or classroom recognition; a student's name and photograph posted on a school- approved and -managed social media platform; and the names and grade levels of students submitted by the school to a local newspaper or other community publication to recognize the A/B honor roll for a specific grading period. Directory information will be released to anyone who follows procedures for requesting it.

However, a parent or eligible student may object to the release of a student's directory information. If the parent or eligible student does not want to release directory information about the student's education records without prior written consent, the parent or eligible student must notify TSBVI Admissions Coordinator in writing within ten calendar days from the date of the student's initial or annual registration.

### **Directory Information for School-Sponsored Purposes**

The School often needs to use student information for the following school-sponsored purposes:

- Student directory
- Student yearbook
- School publications
- Graduation ceremonies
- Awards ceremonies
- Other school-sponsored events such as school plays, athletic and musical events
- School-sponsored participation in community organizations and activities

For these specific school-sponsored purposes, the School would like to use your student's:

- Name
- Address
- Photograph
- Place of birth
- Degrees, honors, and awards received
- Dates of attendance
- Grade level
- Most recent school previously attended
- Participation in officially recognized activities and sports
- Weight, height and visual acuity, if a member of an athletic team
- Enrollment status
- Student identification numbers or identifiers that cannot be used alone to gain access to electronic education records

This information will not be used for other purposes without the consent of the parent or eligible student, except as described above at Directory Information.

Unless you object to the use of your child's information for these limited purposes, the school will not need to ask your permission each time the School wishes to use this information for the school-sponsored purposes listed above. (Please see form on next page.)



## REQUEST TO WITHHOLD RELEASE OF DIRECTORY INFORMATION FORM

Indicate here your request for TSBVI to withhold release of Directory Information:

(Please remove this form for use if needed.)

Student's Name: \_\_\_\_\_

\_\_\_\_ I do not give TSBVI permission to use Directory Information for school-sponsored purposes without my prior written consent, **except as follows:**

TSBVI may release Directory Information only for the following purpose(s):

\_\_\_\_ I do not give TSBVI permission to release Directory Information to anyone who follows TSBVI procedures for requesting this information

\_\_\_\_\_  
Signature of Parent or Guardian or  
Student aged 18 or older who is able to give informed consent or  
Other Person with Legal Authority (Power of Attorney, Voluntary Adult Caregiver, or Agent)

\_\_\_\_\_  
Printed Name of Person Signing

\_\_\_\_\_  
Date

(Please send to the TSBVI Admissions Coordinator, 1100 W. 45<sup>th</sup> St., Austin, TX 78756)  
This permission remains in effect until such time as I notify TSBVI in writing that restrictions on release of directory information are no longer necessary.

**THE NEXT PAGE IS INTENTIONALLY LEFT BLANK**

## **Objecting to the Release of Student Information to Military Recruiters and Institutions of Higher Education (Secondary Grade Levels Only)**

The School is required by federal law to 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 School not to release their child's information without prior written consent. A form has been sent to you to complete if you do not want the School to provide this information to military recruiters or institutions of higher education.

## **Participation in Third-Party Surveys**

### **Consent Required Before Student Participation in a Federally Funded Survey, Analysis, or Evaluation**

- 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, doctors, and ministers,
- Religious practices, affiliations, or beliefs of the student or parents, and
- 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.

A parent may inspect the survey or other instrument and any instructional materials used in connection with such a survey, analysis, or evaluation.

### **“Opting Out” of Participation in Other Types of Surveys or Screenings and the Disclosure of Personal Information**

The PPRA gives parents the right to receive notice and an opportunity to opt a student out of:

As a parent, you have a right to receive notice of and deny permission for your child's participation in:

- Activities involving the collection, disclosure, or use of personal information gathered from your child for the purpose of marketing, selling, or otherwise disclosing that information to others.
- Any nonemergency, invasive physical examination or screening required as a condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student. Exceptions are hearing, vision, or scoliosis screenings, or any physical examination or screening permitted or required under state law.

A parent may inspect:

- Protected information surveys of students and surveys created by a third party;
- Instruments used to collect personal information from students for any of the above marketing; sales, or other distribution purposes, and;
- Instructional material used as part of the educational curriculum.

**The ED provides extensive information about the Protection of Pupil Rights Amendment, including a PPRA Complaint Form.**

## **REMOVING A STUDENT FROM INSTRUCTION OR EXCUSING A STUDENT FROM A REQUIRED COMPONENT OF INSTRUCTION**

### **Human Sexuality Instruction**

As a part of the School's curriculum, students receive instruction related to human sexuality. The School Health Advisory Council (SHAC) is involved with the selection of course materials for such instruction.

State law requires that any instruction related to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome must:

- Present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
- Devote more attention to abstinence from sexual activity than to any other behavior;
- Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, and the emotional trauma associated with adolescent sexual activity;
- Direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy and sexually transmitted diseases; and
- If included in the content of the curriculum, teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates.

In accordance with state law, below is a summary of the School's curriculum regarding human sexuality instruction:

Following are descriptions of the two sexuality education curricula at TSBVI. These two curricula give staff the selection of topics and levels of information to ensure that all students have access to appropriate sexuality education.

### **1. Family Life and Sexual Health (FLASH)**

The Family Life and Sexual Health curriculum is a comprehensive sexuality education curriculum and has lessons designed for students in special education with diverse learning needs. Topics addressed include the following:

- Private vs. public
- Self-esteem
- Gender identification
- Relationships—family, friendships, dating, acquaintances, and strangers
- Communication—non-verbal, assertiveness, setting boundaries, and consent
- Abuse prevention

- Understanding the body—anatomy, puberty, and sexual health and hygiene
- Reproduction and sexual decision-making (emphasizing abstinence)
- HIV, AIDS, and other STDs

## 2. **Unhushed: Hard Topics the Easy Way**

This curriculum emphasizes giving students accurate information about all aspects of their lives in order to take care of themselves and live safely. As with any sexuality education curriculum utilized at TSBVI, instruction is guided by student needs. *Unhushed* includes activities and lessons for grades K-12. The following topics are covered at each level:

### Elementary:

- Body awareness and self-image
- Healthy relationships with friends and family
- Feelings
- Boundaries and consent
- Living things and reproduction
- Simple Reproductive Anatomy
- Puberty

### Middle School:

- Media literacy and the capacity to make wise judgments about social media
- The human body and reproductive anatomy
- Gender identification
- Relationships – friendships, romantic relationships, beginning and ending relationships
- Safer Sex Decisions – conception, childbirth, contraception (abstinence to be emphasized), parenting, sexually transmitted diseases, and prevention
- Violence and Consent – dating violence, sexual harassment and misconduct, and the importance of sexual consent
- Sexual values
- Long-term goals

### High School:

- Sexual Values
- Gender identification and roles
- Healthy relationships--effective communication, setting boundaries, establishing consent, and self-care
- Sexual Health and safer Sex Decisions – conception, childbirth, contraception (abstinence to be emphasized), parenting, sexually transmitted diseases and prevention, sexual health care and wellness
- Media literacy addressing topics of body image, sexual health, and sexuality

As a parent, you are entitled to review the curriculum materials. In addition, you may remove your child from any part of the human sexuality instruction with no academic, disciplinary, or other penalties. You may also choose to become more involved with the development of the curriculum used for this purpose by becoming a member of the School's SHAC. Please see the principal for additional information.

### **Reciting a Portion of the Declaration of Independence in Grades 3-12**

You may request that your child be excused from recitation of a portion of the Declaration of Independence. State law requires students in social studies classes in grades 3–12 to recite a portion of the text of the Declaration of Independence during Celebrate Freedom Week unless (1) you provide a written statement requesting that your child be excused, (2) the School determines that your child has a conscientious objection to the recitation, or (3) you are a representative of a foreign government to whom the United States government extends diplomatic immunity.

### **Reciting the Pledges to the U.S. and Texas Flags**

As a parent, you may request that your child be excused from participation in the daily recitation of the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag. The request must be in writing. State law does not allow your child to be excused from participation in the required minute of silence or silent activity that follows.

### **Religious or Moral Beliefs**

You may 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. The student must satisfy grade-level and graduation requirements as determined by the School and by state law.

### **Tutoring or Test Preparation**

Based on informal observations, evaluative data such as grades earned on assignments or tests, or results from diagnostic assessments, a teacher may determine that a student is in need of additional targeted assistance in order for the student to achieve mastery in state-developed essential knowledge and skills. The School will always attempt to provide tutoring and strategies for test-taking in ways that prevent removal from other instruction as much as possible. In accordance with state law and policy EC, the School will not remove a student from a regularly scheduled class for remedial tutoring or test preparation for more than ten percent of the school days on which the class is offered, unless the student's parent consents to this removal.

The School may also offer tutorial services; which students whose grades are below 70 will be required to attend.

Also refer to policies EC and EHBC, and contact your student's teacher with questions about any tutoring programs provided by the school.

## **RIGHT OF ACCESS TO STUDENT RECORDS, CURRICULUM MATERIALS, AND SCHOOL RECORDS**

### **Parent Review of Instructional Materials**

A parent has the right to review teaching materials, textbooks, and other teaching aids and instructional materials used in the curriculum, and to examine tests that have been administered, whether instruction is delivered in-person, virtually, or remotely.

The school will make instructional materials available for parent review no later than 30 days before the school year begins and for at least 30 days after the school year ends. However, tests that have not yet been administered will not be made available for parent examination.

The school will provide login credentials to each student's parent for any learning management system or online learning portal used in instruction to facilitate parent access and review.

A parent is also entitled to request that the school allow the student to take home instructional materials the student uses. The school may ask the student to return the materials at the beginning of the next school day.

A school must provide printed versions of electronic instructional materials to a student if the student does not have reliable access to technology at home.

### **School Review of Instructional Materials**

A parent may request that the district conduct an instructional material review in a math, English Language Arts, science, or social studies class in which the parent's student is enrolled to determine alignment with state standards and the level of rigor for the grade level.

The school is not required to conduct an instructional material review for a specific subject area or grade level at a specific campus more than once per school year.

For more information about requesting an instructional material review, Contact the Principal.

### **Notices of Certain Student Misconduct to Noncustodial Parent**

A noncustodial parent may request in writing that he or she be provided, for the remainder of the school year, a copy of any written notice usually provided to a parent related to your child's misconduct that may involve placement in a Disciplinary Alternative Education Program (DAEP) or expulsion.

### **Participation in Federally Required, State-Mandated, and District Assessments**

You may request information regarding any state or district policy related to your child's participation in assessments required by federal law, state law, or the district.

## **Student Records**

### **Accessing Student Records**

You may review your child's student records. These records include:

- Attendance records
- Test scores
- Grades
- Disciplinary records
- Counseling records
- Psychological records
- Applications for admission
- Health and immunization information
- Other medical records
- Teacher and counselor evaluations
- Reports of behavioral patterns
- State assessment instruments that have been administered to your child
- Teaching materials and tests used in your child's classroom

### **Authorized Inspection and Use of Student Records**

A federal law, known as the Family Educational Rights and Privacy Act, or FERPA, affords parents and eligible students' certain rights with respect to the student's education records. For purposes of student records, an "eligible" student is one who is 18 or older or who is attending an institution of post-secondary education. These rights, as discussed in this section are:

The right to inspect and review student records within 45 days after the day the School receives a request for access.

- The right to request an amendment to a student records the parent or eligible student believes in inaccurate, misleading, or otherwise in violation of FERPA.
- The right to provide written consent before the School discloses personally identifiable information from the student's records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning failures by the School to comply with FERPA requirements. For more information about how to file a complaint, see <https://studentprivacy.ed.gov/file-a-complaint>.

Both FERPA and state laws safeguard student records from unauthorized inspection or use and provide parents and eligible students certain rights of privacy. Before disclosing any personally identifiable information from a student's records, the School must verify the identity of the person including a parent or the student, requesting the information.

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

Inspection and release of student records is primarily restricted to an eligible student or a student's parents—whether married, separated, or divorced—unless the school is given a copy of a court order terminating parental rights or the right to access a student's education records. A parent's rights regarding access to student records are not affected by the parent's marital status.

Federal law requires that, as soon as a student reaches the age of 18 or is emancipated by a court, control of the records goes to the student. The parents may continue to have access to the records, however, if the student is a dependent for tax purposes and under limited circumstances when there is a threat to the health and safety of the student or other individuals.

FERPA permits the disclosure of personally identifiable information from a student's education records, without written consent of the parent of eligible student, in the following circumstances:

- When School officials have what federal law refers to as a “legitimate educational interest” in a student's records. School officials would include board members and employees such as the superintendent, administrators, and principals; teachers, counselors, diagnosticians, and support staff (including health or medical staff); a person or company with whom the School has contracted or allowed to provide a particular institutional service or function (such as an attorney, consultant, third party vendor, auditor, medical consultant, therapist, school resource officer, or volunteer); a parent or student serving on a school committee or a parent or student assisting a school official in the performance of his or her duties. “Legitimate educational interest” in a student's records includes working with the student; considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities; compiling statistical data; reviewing an educational record to fulfill the official's professional responsibility to the School and the student; and investigating or evaluating programs.
- To authorized representatives of various governmental agencies, including juvenile service providers, the U.S. Comptroller General's Office, the U.S. Attorney General's Office, the U.S. Secretary of Education, TEA, the U.S. Secretary of Agriculture's Office, and Child Protective Services (CPS) caseworkers or other child welfare representatives, in certain cases.
- To individuals granted access in response to a subpoena or court order.
- To another school, district/system or institution of postsecondary education to which a student seeks or intends to enroll or in which he or she is already enrolled.
- In connection with financial aid for which a student has applied or which the student has received.

- To accrediting organizations to carry out accrediting functions.
- To organizations conducting studies for, or on behalf of, the School, in order to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
- To appropriate officials in connection with a health or safety emergency.
- When the School discloses information it has designated as directory information.
- Release of personally identifiable information 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.

Director of Center for School Resources, Eric Grimmert, (512) 206-9273, 1100 W. 45th Street, Austin, TX 78756 is custodian of all records for currently enrolled students at TSBVI and for students who have withdrawn or graduated.

A parent or eligible student who wishes to inspect the student's records should submit a written request to the records custodian identifying the records he or she wishes to inspect. Records may be inspected by a parent or eligible student during regular school hours. If circumstances prevent inspection during these hours, the School will either provide a copy of the records requested or make other arrangements for the parent or student to review these records. The records custodian or designee will respond to reasonable requests for explanation and interpretation of the records.

A parent (or eligible student) may inspect the student's records and request a correction or amendment if the records are considered inaccurate or otherwise in violation of the student's privacy rights. A request to correct a student's record should be submitted to the Center for School Resources. The request must clearly identify the part of the record that should be corrected and include an explanation of how the information in the record is inaccurate. If the School denies the request to amend the records, the parent or eligible student has the right to request a hearing. If the records are not amended as a result of the hearing, the parent or eligible student 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 found in TSBVI Board Policy FNG. A grade issued by the classroom teacher can be changed only if, as determined by the board of trustees, the grade is arbitrary, erroneous, or inconsistent with the School's grading policy.

Copies of student records are available at a cost of ten 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.

The School's policy regarding student records, Board Policy FL, is available from the office of the Center for School Resources or on the School's Web site at [www.tsbvi.edu](http://www.tsbvi.edu).

The parent's or eligible student's right of access to and copies of student records do not extend to all records. Materials that are not considered educational records—such as a teacher's 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.

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

You may request information regarding the professional qualifications of your child's teachers, including whether a teacher has met state 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; whether the teacher is currently teaching in the field of discipline of his or her certification. You also have the right to request information about the qualifications of any paraprofessional who may provide services to your child.

## **STUDENTS WITH EXCEPTIONALITIES OR SPECIAL CIRCUMSTANCES**

### **Children of Military Families**

Children of military families will be provided flexibility regarding certain School requirements, including:

- Immunization requirements
- Grade level, course, or educational program placement
- Eligibility requirements for participation in extracurricular activities
- Graduation requirements

In addition, absences related to a student visiting with his or her parent, including a stepparent or legal guardian, who has been called to active duty for, is on leave from, or is returning from a deployment of at least four months will be excused by the School. The School will permit no more than five excused absences per year for this purpose. For the absence to be excused, the absence must occur no earlier than the 60<sup>th</sup> day before deployment or no later than the 30<sup>th</sup> day after the parent's return from deployment.

### **Notice for Adult Students and their Parents**

Parental rights transfer to a student when the student becomes age 18 unless the parent or someone else has been appointed legal guardian of the student.

### **Guardianship of an adult student**

If an adult student has a legal guardian, that person has the responsibility for making decisions on behalf of the student. The guardian must ensure that TSBVI has on file current guardianship documentation. At annual registration, guardians will be asked to provide current legal documents if needed. Unless TSBVI has a current and valid court order granting guardianship, TSBVI will assume that no guardianship exists.

## **Power of Attorney by an adult student**

TSBVI requires that each adult student without a guardian provide a signed and notarized Power of Attorney if the student is capable of doing so. In this document, the student designates someone as agent, such as a parent, who will have authority to act on the student's behalf in making medical care decisions in the event the student is unable to while the student attends TSBVI. The designated agent will have the right to make decisions or take actions for the student. TSBVI may contact or get assistance from the person, for example, if the student requires emergency medical care, if the student is unable to give consent for medical treatment, for signature on permission/authorization/release forms and/or if the student needs help in making other decisions. The student should ensure that the person designated as agent is able and willing to take on this responsibility. TSBVI will provide a Power of Attorney form for the adult student to use for this purpose.

## **Other document of legal authority**

If an adult student does not have a guardian and is not capable of providing a Power of Attorney, TSBVI may provide the student's parent or other responsible person with an "Authorization Agreement for Voluntary Adult Caregiver" form to use in designating a person to assist the student in decision-making. If no appropriate document of legal authority is provided and the parent or responsible person states that the student is a dependent for tax purposes/claimed on tax returns, TSBVI will assume that person has authority to make decision on behalf of the student.

## **Permissions and Consents**

If TSBVI has been provided current and valid guardianship documentation, the guardian will be asked to sign permission and consent forms. If not, the adult student or the person with designated authority in the Power of Attorney or other document of legal authority will sign permissions and consent.

## **ARD Participation**

At TSBVI, we encourage parents to continue to participate and support adult students in decision-making. TSBVI recognizes that parents usually have knowledge or special expertise regarding the student, so TSBVI will recommend to the student's local school district that the student's parents be notified and invited to all the student's ARD meetings. Parents may not attend an ARD meeting unless invited by the adult student or school. The student, rather than the parent, will make decisions.

Adult students should discuss concerns or questions regarding this arrangement with the student's Assistant Principal.

## **Student Records**

Federal law requires that, as soon as a student becomes 18 or is emancipated by a court, control of the records goes to the student. The parents may continue to have access to the records, however, if the student is a dependent for tax purposes.

## **Modifying the Visitor List**

Unless there is a guardian, the adult student may modify the student's visitor list at any time by notifying the Residential Instructor or Admissions Coordinator. When an adult student modifies the visitor list, the parent will be informed of the modification.

## **Parental Role in Certain Classroom and School Assignments**

### **Safety Transfers/Assignments**

As a parent, you may:

- Request the transfer of your child to another classroom if your child has been determined by the principal to have been a victim of bullying as the term is defined by *Education Code 37.0832*.
- Consult with the principal if your child has been determined by the principal to have engaged in bullying and the principal decides to transfer your child to another classroom.

### **Service/Assistance Animal Use by Students**

A parent of a student who uses a service/assistance animal because of the student's disability must submit a request in writing to the principal.

### **Services for Title I Participants**

The School accepts Title I federal grant funds for improving basic programs to enable all students to meet Texas academic achievement standards according to the expectations set by each student's Admission, Review and Dismissal (ARD) Committee. The funds, authorized by Public Law 107-110, support the school in implementing a school-wide program of services that are included in TSBVI's annual School Improvement Plan and may be consolidated with funds from other federal, state and local sources. All parents will be mailed a copy of the School's Annual Report and will be invited by mail to the annual meeting of the Instructional Planning Council when School Improvement Plan progress is reviewed and plans for improvement are made.

In Texas, students may transfer to a safe public school if students are enrolled in a persistently dangerous school or are the victims of a violent criminal act.

The Parent Involvement Coordinator, who works with parents of students participating in Title I programs is Miles Fain, Principal, (512) 206-9251.

### **Description and Explanation of Curriculum at TSBVI**

At TSBVI, students work primarily in one of following curricular approaches, but may participate in other approaches when necessary. These curricular approaches are:

- **Academics:** for elementary through high school students who are functioning within two years of their grade level. Instruction is in the general education curriculum and includes the TEKS (Texas Essential Knowledge and Skills)
- **Modified (Practical Academics):** for students 12 years of age and older who are functioning more than two years below their chronological age, with at least Kindergarten equivalent reading, writing and math skills. Students are taught to use their academic skills in a variety of meaningful, functional tasks, using grade level TEKS to the greatest extent possible.
- **Alternate (Basic Skills):** for students ages 6–22 (elementary through high school) who have visual impairment combined with other disabilities, who have difficulty generalizing skills to new situations, and who learn best with the support of consistent routines. Instruction occurs within meaningful, functional activities using pre-requisite TEKS skills.
- **EXIT (Experiences in Transition):** for students ages 18–22 who have earned their credits for state graduation and need programming that focuses on transitioning from school to adulthood. This instruction occurs in an environment that more closely replicates the adult environment in which they will be living.
- **Post-Secondary:** for students who have a high school diploma and are in need of remedial academic, independent living and work-related skills. They will cultivate the skills necessary to meet the demands of competitive employment and adult living.

### Forms of Assessment used to Measure Student Progress

Each curricular approach will have Performance Indicator Assessments/Evaluations that will reflect our definition of quality programming. Every student will be assessed in all of the Core and Expanded Core Curricular areas that have been identified as a need by the ARD committee.

The Core Curricular areas assessed include:

- Language Arts
- Mathematics
- Science
- Social Studies

The Expanded Core Curricular areas assessed include:

- Assistive Technology
- Career Education & Transition
- Compensatory Skills
- Independent Living Skills
- Orientation And Mobility
- Recreation And Leisure Skills
- Self Determination
- Social Interaction Skills
- Visual Efficiency Skills

The school's accreditation standard is:

- 70% of the students attending Texas School for the Blind and Visually Impaired will score 2.0 or higher (moderate to substantial progress) in every Core Curricular area in which they are receiving programming as determined by the ARD committee.
- Determination of Progress:
  - 1 - none to minimal progress:
    - less than 10% increase in competency in skills
    - less than 10% increase in generalized skills
  - 2 - moderate progress:
    - 10%–19% increase in competency in skills
    - 10%–19% increase in generalized skills
  - 3 - substantial progress:
    - 20% or greater increase in competency in skills
    - 20% or greater increase in generalized skills

For additional information about curriculum or assessments, please contact Angela Wolf, Curriculum Coordinator, at (512) 206-9183.

### **Aiding Students Who Have Learning Difficulties**

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 behavioral support services that are available to all students. Local districts include a response to intervention (RTI) process for general education referral or screening 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.

Students attending TSBVI have been previously evaluated, identified with a disability, and admitted to special education by their local school districts. Once a student is receiving special education services, learning difficulties are addressed by the student's Admission, Review, and Dismissal Committee.

Additional information regarding special education is available in a document titled [Parent's Guide to the Admission, Review, and Dismissal Process](http://framework.esc18.net/Documents/ARD_Guide_ENG.pdf). This guide can be accessed at the following location: [framework.esc18.net/Documents/ARD\\_Guide\\_ENG.pdf](http://framework.esc18.net/Documents/ARD_Guide_ENG.pdf).

### **Contact Person for Special Education Information:**

The designated person to contact regarding options for a student experiencing learning difficulties or concerns regarding current special education services is:

Valerie Perwein, Special Education Director  
Phone Number: (512) 206-9281

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

[Legal Framework for the Child-Centered Special Education Process](http://framework.esc18.net/display/Webforms/LandingPage.aspx)  
(framework.esc18.net/display/Webforms/LandingPage.aspx)

[Partners Resource Network](http://www.partnerstx.org/)  
(www.partnerstx.org/)

[Special Education Information Center](http://www.spedtex.org/)  
(www.spedtex.org/)

[Texas Project First](http://www.texasprojectfirst.org/)  
(www.texasprojectfirst.org/)

### **Students Who Speak a Primary Language Other than English**

A student may be eligible to receive specialized support if his or her primary language is not English, and the student has difficulty performing ordinary class work in English. If the student qualifies for these extra services, the Language Proficiency Assessment Committee (LPAC) will determine the types of services the student needs, including accommodations or modifications related to classroom instruction, local assessments, and state-mandated assessments.

### **Written Annual Notification to Access Public Benefits or Insurance (e.g., Medicaid)**

Medicaid services provided by school districts in Texas to Medicaid-eligible students are known as School Health and Related Services (SHARS). SHARS allows local school districts, including public charter schools, to obtain Medicaid reimbursement for certain designated health-related services documented in a student's Individualized Education Program (IEP).

The main objective of the SHARS program is to reduce the cost of delivering health care services in the school setting. Services received at school do not affect or compromise the type or amount of Medicaid services received outside of school. Further, **Texas School for the Blind & Visually Impaired:**

- a. Will not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive a free and appropriate education (FAPE);
- b. Will not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided;

- c. Will not use a child's benefits under a public benefits or insurance program if that use would: Decrease available lifetime coverage or any other insured benefit; Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school; Increase premiums or lead to the discontinuation of benefits or insurance; Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

**Texas School for the Blind & Visually Impaired** has previously notified and received parental consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) for reimbursement under the SHARS program. Consent may be withdrawn at any time. A parent's withdrawal of consent or refusal to allow consent does not relieve the resident school district of its responsibility to ensure that all required services are provided at no cost to the parent(s).

*(Consistent with 34 §300.154(d)(2)(i)-(v); and §300.503(c))*

If you have previously provided consent for TSBVI to disclose personally identifiable information to the agency responsible for the administration of the SHARS Medicaid program, the information above is your reminder of this decision. If you have not yet provided consent, TSBVI will ask you to sign a one-time consent form.

## **SECTION II: OTHER IMPORTANT INFORMATION FOR STUDENTS AND PARENTS**

Topics in this section of the handbook contain important information on academics, school activities, and school operations and requirements. Take a moment with your child to become familiar with the various issues addressed in this section. It is conveniently organized in alphabetical order to serve as a quick-reference when you or your child has a question about a specific school-related issue. Where possible, the topics are also organized to alert you to the applicability of each topic based on a student's age or grade level. Should you be unable to find the information on a particular topic, please contact Miles Fain, Principal, at (512) 206-9251.

### **ABSENCES/ATTENDANCE**

Regular school attendance is essential for a 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 days, 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 the required presence of school-aged children in school, e.g., compulsory attendance, the other with how a student's attendance affects the award of a student's final grade or course credit, are of special interest to students and parents. They are discussed below:

## **Compulsory Attendance**

State law requires that a student between the ages of six and 19 attend school unless the student is otherwise excused from attendance or legally exempt.

### **Between Ages 6 and 19**

State law requires attendance in an accelerated reading instruction program when kindergarten, first grade, or second grade students are assigned to such a program. Parents will be notified in writing if their child is assigned to an accelerated reading instruction program as a result of a diagnostic reading instrument.

A student will be required to attend any assigned accelerated instruction program, which may occur before or after school or during the summer, if the student does not meet the passing standard on the state assessment for his or her grade level and/or applicable subject area.

### **Kindergarten**

Students enrolled in kindergarten are required to attend school and are subject to the compulsory attendance requirements as long as they remain enrolled.

### **Exemptions to Compulsory Attendance**

#### **All Grade Levels**

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:

- Religious holy days
- Required court appearances
- Appearing at a government office
- Obtain United States citizenship
- Taking part in a U.S. Naturalization oath ceremony
- Serving as an election clerk
- Health-care appointments for the student or the child of a student, including absences for recognized services for students diagnosed with autism spectrum disorders.
- Absences resulting from a serious or life-threatening illness or related treatment that makes a student's attendance impossible, with certification by a physician
- For students in the conservatorship (custody) of the state:
  - An activity required under a court-ordered service plan; or
  - Any other court-ordered activity provided it is not practicable to schedule the student's participation in the activity outside of school hours.

**Note** that documented health care appointments may include telehealth appointments. Students who are physically on campus will not be allowed to participate in a telehealth or other online appointments without specific authorization from an appropriate administrator.

## **Secondary Grade Levels**

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 Principal, follows the School procedures to verify such a visit, and makes up any work missed.

The school will allow a student to be absent for up to two days during the student's junior year and two days during the student's senior year for a career investigation day to visit a professional at that individual's workplace to determine the student's interest in pursuing a career in the professional's field, provided the student verifies these activities to the district.

Absences of up to two days in a school year will be considered an exemption for:

- A student serving as an early voting clerk provided the student notifies his or her teachers and receives approval from the principal prior to the absences; and
- A student serving as an election clerk if the student makes up any work missed.

An absence of the student in grades 6–12 for the purpose of sounding "Taps" at a military honors funeral for a deceased veteran will also be excused by the School.

## **Failure to Comply with Compulsory Attendance**

### **All Grade Levels**

School employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school; from any class; from required special programs, such as additional special instruction, termed "accelerated instruction" by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action.

### **Between Ages 6 and 19**

When a student between ages 6 and 19 incurs unexcused absences for three or more days or parts of days within a four-week period, the School will send a notice to the student's parent, as required by law, to remind the parent that it is the parent's duty to monitor the student's attendance and to require the student to come to school. The notice will also be sent to the student's local school district which may initiate truancy prevention measures.

A court of law may also impose penalties against both the student and his or her parents if a school-aged student is deliberately not attending school. A complaint against the parent may be filed in court if the student is absent without excuse from school on ten or more days or parts of days within a six-month period in the same school year.

### **Attendance for Credit or Final Grade (Kindergarten through Grade 12)**

To receive credit or a final grade in a class, a student in kindergarten-grade 12 must attend at least 90 percent of the days the class is offered. A student who attends at least 75 percent but fewer than 90 percent of the days the class is offered may receive credit or a final grade for the class if he or she completes a plan approved by the Principal that allows the student to fulfill the instructional requirements for the class. If a student is involved in a criminal or juvenile court proceeding, the approval of the judge presiding over the case will also be required before the student receives credit or a final grade for the class.

If a student attends less than 75 percent of the days a class is offered or has not completed the plan approved by the Principal, then the student will be referred to the attendance review committee to determine whether there are extenuating circumstances for the absences and how the student can regain credit or a final grade lost because of absences.

If makeup work is completed, absences for the reasons listed above at Exemptions to Compulsory Attendance will be considered extenuating circumstances for purposes of attendance for credit or the award of a final grade.

With the exception of absences due to serious or life-threatening illness or related treatment, all absences, excused or unexcused, may be held against a student's attendance requirement. To determine whether there were extenuating circumstances for any absences, the attendance committee will consider:

- Whether the student has mastered the essential knowledge and skills and maintained passing grades in the course or subject
- Whether the student or the student's parent had any control over the absences. · Any information presented by the student or parent to the committee about the absences.

The student or parent may appeal the committee's decision to the board by following policy

### **Official Attendance-Taking Time (All Grade Levels)**

TSBVI must submit attendance of its students to Texas Education Agency (TEA) reflecting attendance at a specific time each day.

Official attendance is taken every day during second period.

A student absent for any portion of the day, including at the official attendance-taking time, should follow the procedures below to provide documentation of the absence.

### **Documentation after an Absence (All Grade Levels)**

When a student is absent from school, the student—upon arrival or return to school—must bring a note, signed by the parent that describes the reason for the absence. A note signed by the student, even with the parent's permission, will not be accepted unless the student is 18 or older or is an emancipated

minor under state law. A phone call from the parent may be accepted, but the School reserves the right to require a written note.

The School will document in its attendance records for the student whether the absence is considered by the School to be excused or unexcused. Please note that, unless the absence is for a statutorily allowed reason under compulsory attendance laws, the School is not required to excuse any absence, even if the parent provides a note explaining the absence.

### **Doctor's Note after an Absence for Illness (All Grade Levels)**

Within three days of returning to school, a student absent for more than five consecutive days because of a personal illness must bring a statement from a doctor or health clinic verifying the illness or condition that caused the student's extended absence from school. Otherwise, the student's absence may be considered unexcused and, if so, would be considered to be in violation of compulsory attendance laws.

Should the student develop a questionable pattern of absences, the principal or attendance committee may require a statement from a doctor or health clinic verifying the illness or condition that caused the student's absence from school in order to determine whether the absence or absences will be excused or unexcused.

### **ACCOUNTABILITY UNDER STATE AND FEDERAL LAW (All Grade Levels)**

The School is held to certain standards of accountability under state and federal law. A key component of the accountability requirements is the dissemination and publication of certain reports and information, which include:

- Information compiled by TEA for the submission of a federal report card that is required by federal law.
- The TSBVI Annual Report.

Information about all of these can be found on the School's website at [www.tsbvi.edu](http://www.tsbvi.edu). Hard copies of any reports are available from the Principal.

### **ANIMALS IN THE SCHOOL**

Large personal pets, such as dogs and cats, will not be maintained in the dormitories or classrooms. Small contained animals, such as fish or hamsters, may be allowed in the classrooms or dormitories only with prior approval, respectively, from the Principal or Residential Director. Requests related to service animals should be directed to the Principal.

### **AWARDS AND HONORS**

## **National Honor Society**

Students who meet the minimum criteria for nomination (on at least the Foundation Graduation Program with Endorsement(s) and no courses with a modified curriculum; possess a cumulative GPA of 3.0 or above; sophomore class rank or above; have attended TSBVI at least one semester; and have not yet completed the minimum number of courses required for graduation) will be invited to complete a Student Activity Information Form which will be used to consider them for admission to the National Honor Society. A faculty council selects students based upon the minimum criteria and information regarding scholarship, character, leadership, and service, gathered from teachers and residential instructors. Members should understand fully that they are subject to dismissal if they do not maintain the standards of scholarship, leadership, service, and character that were used as a basis for their selection. The Principal appoints the faculty council and shall be a part of any appeal process for non-selection or dismissal.

## **BATHING, DRESSING and TOILETING ASSISTANCE**

Students who may need staff assistance when bathing, dressing and/or toileting will be accorded respect in determining whether a staff person of the same gender, or opposite gender, will provide that assistance. Sensitivity to the student's age, development, maturity and individual comfort levels of the student and staff person will be considered prior to staff assignments.

## **BIKE RIDING OFF CAMPUS**

Students may ride bikes off campus with a staff member on tandem bikes only. An activity proposal must be completed and submitted for route and destination approval by the Residential Director before the activity may occur. Special permission must be obtained from the Residential Director if a student desires to ride an individual bike off campus.

## **BULLYING (ALL Grade Levels)**

The school strives to prevent bullying, in accordance with the school's policies, by promoting a positive school culture; building healthy relationships between students and staff; encouraging reporting of bullying incidents, including anonymous reporting; and investigating and addressing reported bullying incidents.

Bullying is defined in state law 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
- Infringes on the rights of the victim at school

Bullying includes cyberbullying. Cyberbullying is defined in state law as bullying that is done using any electronic communication device, including:

- A cellular or other type of telephone
- A computer
- A camera
- Electronic mail
- Instant messaging
- Text messaging
- A social media application
- An internet website
- Any other internet-based communication tool

Bullying is prohibited by the school and could include:

- Hazing
- Threats
- Taunting
- Teasing
- Confinement
- Assault
- Demands for money
- Destruction of property
- Theft of valued possessions
- Name-calling
- Rumor-spreading
- Ostracism

The school will integrate into instruction research-based content designed to reduce bullying that is appropriate for students' age groups.

The school will use an age-appropriate survey regarding school culture that includes relevant questions on bullying to identify and address student concerns.

Each campus has a committee that addresses bullying by focusing on prevention efforts and health and wellness initiatives. The committee will include parents and secondary students. For more information on this committee, including interest in serving on the committee, contact School Counselor Ria Ferich, [ferichr@tsbvi.edu](mailto:ferichr@tsbvi.edu).

If a student believes that he or she has experienced bullying or witnesses the bullying of another student, the student or parent should notify a teacher, school counselor, principal, or another school

employee as soon as possible to obtain assistance and intervention. The administration will investigate any allegations of bullying or other related misconduct. The school will also provide notice to the parent of the alleged victim and the parent of the student alleged to have engaged in bullying.

A student may anonymously report an alleged incident of bullying by clicking the link on the TSBVI website under the heading, “Campus Safety Concerns: Keeping TSBVI a Safe & Secure School.”

If an investigation determines that bullying occurred, the administration will take appropriate disciplinary action and may, in certain circumstances, notify law enforcement. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying.

The school will provide research-based interventions, which may include counseling options, for students who engage in bullying behaviors, students who are targeted by bullying behaviors, and any student who witnessed the bullying behaviors.

Any action taken in response to bullying will comply with state and federal law regarding students with disabilities.

Any retaliation against a student who reports an incident of bullying is prohibited.

Upon recommendation of the administration, the board may transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student’s parent, the board may transfer the student to another campus in the district.

The parent of a student who has been determined to be a victim of bullying may request that the student be transferred to another classroom or campus within the district.

A copy of the school’s bullying policy is available in the principal’s office, superintendent’s office, and on the school’s website.

A student or parent who is dissatisfied with the outcome of an investigation may appeal through policy FNG.

## **CANE USAGE AND SAFETY**

Based upon a current orientation and mobility evaluation/screening, students should carry a cane at times indicated by their orientation and mobility specialists. All students must carry a cane while traveling off campus unless otherwise specified by their orientation and mobility specialist. Students should travel on the right-hand side of hallways and passageways for the safety of all students.

## **CAREER AND TECHNICAL EDUCATION (CTE) COURSES (Secondary Grade Levels Only)**

Career and technical education courses will be offered without regard to race, color, national origin, sex, English language skills or disability. The School will take steps to ensure that lack of English language skills will not be a barrier to participation in all educational and CTE courses.

### **CELEBRATIONS (All Grade Levels)**

Although a parent or grandparent is not prohibited from providing food for a school-designated function or for children in the child's or grandchild's classroom for his or her birthday, please be aware that children in the school may have severe allergies to certain food products. Therefore, it is imperative to discuss this with the child's teacher prior to bringing any food in this circumstance. Occasionally, the school or a class may host certain functions or celebrations tied to the curriculum that will involve food.

### **CHILD SEXUAL ABUSE AND OTHER MALTREATMENT OF CHILDREN (All Grade Levels)**

The School has established a plan for addressing child sexual abuse and maltreatment of children, a copy of which may be requested from the Principal. As a parent, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused. Sexual abuse is defined in the Texas Family Code as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. A person who compels or encourages a child to engage in sexual conduct commits abuse. It is illegal to make or possess child pornography or to display such material to a child. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

#### **Warning Signs of Sexual Abuse**

Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. A person who compels or encourages a child to engage in sexual conduct commits abuse. It is illegal to make or possess child pornography or to display such material to a child.

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, to report the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

A child who has been or is being sexually abused may exhibit physical, behavioral, or emotional warning signs, including:

- Difficulty sitting or walking, pain in the genital areas, and claims of stomachaches and headaches;
- Verbal references or pretend games of sexual activity between adults and children fear of being alone with adults of a particular gender, or sexually suggestive behavior; or
- Withdrawal, depression, sleeping and eating disorders, and problems in school.

Be aware that children and adolescents who have experiences dating violence may show similar physical behavioral, and emotional warning signs. [See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 43.]

### **Warning Signs of Trafficking**

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.

Traffickers are often trusted members of a child's community, such as friends, romantic partners, family members, mentors, and coaches, although traffickers frequently make contact with victims online.

Possible warning signs of sexual trafficking in children include:

- Changes in school attendance, habits, friend groups, vocabulary, demeanor, and attitude;
- Sudden appearance of expensive items (for example, manicures, designer clothes, purses, technology);
- Tattoos or branding;
- Refillable gift cards;
- Frequent runaway episodes;
- Multiple phones or social media accounts;
- Provocative pictures posted online or stored on the phone;
- Unexplained injuries;
- Isolation from family, friends, and community; and
- Older boyfriends or girlfriends.

Additional warning signs of labor trafficking in children include:

- Being unpaid, paid very little, or paid only through tips;
- Being employed but not having a school-authorized work permit;
- Being employed and having a work permit but clearly working outside the permitted hours for students;
- Owning a large debt and being unable to pay it off;
- Not being allowed breaks at work or being subjected to excessively long work hours;
- Being overly concerned with pleasing an employer and/or deferring personal or educational decisions to a boss;
- Not being in control of his or her own money;
- Living with an employer or having an employer listed as a student's caregiver; and
- A desire to quit a job but not being allowed to do so.

### **Reporting and Responding to Sexual Abuse, Trafficking, and Other Maltreatment of Children**

Anyone who suspects that a child has been or may be abused, trafficked, or neglected has a legal responsibility, under state law, to report the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

A child who has experienced sexual abuse or any other type of abuse or neglect should be encouraged to seek out a trusted adult. Children may be more reluctant to disclose sexual abuse than physical abuse and neglect and may only disclose sexual abuse indirectly. As a parent or trusted adult, it is important to be calm and comforting if your child or another child confides in you. Reassure the child that he or she did the right thing by telling you.

If your child is a victim of sexual abuse, trafficking, or other maltreatment, the school counselor or principal will provide information on counseling options for you and your child available in your area. The Texas Department of Family and Protective Services (DFPS) also manages early intervention counseling programs.

To find out what services may be available in your county, see [Texas Department of Family and Protective Services, Programs Available in Your County](http://www.dfps.state.tx.us/Prevention_and_Early_Intervention/Programs_Available_In_Your_County/default.t.asp)

([www.dfps.state.tx.us/Prevention\\_and\\_Early\\_Intervention/Programs\\_Available\\_In\\_Your\\_County/default.t.asp](http://www.dfps.state.tx.us/Prevention_and_Early_Intervention/Programs_Available_In_Your_County/default.t.asp))

Reports of abuse, trafficking, or neglect may be made to the CPS division of the DFPS at 1-800-252-5400 or on the web at [Texas Abuse Hotline Website](http://www.txabusehotline.org/Login/Default.aspx) ([www.txabusehotline.org/Login/Default.aspx](http://www.txabusehotline.org/Login/Default.aspx))

### **Further Resources on Sexual Abuse, Trafficking, and Other Maltreatment of Children**

The following websites might help you become more aware of child abuse and neglect, sexual abuse, trafficking, and other maltreatment of children:

#### [Child Welfare Information Gateway Factsheet](http://www.childwelfare.gov/pubPDFs/whatiscan.pdf)

([www.childwelfare.gov/pubPDFs/whatiscan.pdf](http://www.childwelfare.gov/pubPDFs/whatiscan.pdf))

#### [Kids Health, For Parents, Child Abuse](http://kidshealth.org/en/parents/child-abuse.html)

([kidshealth.org/en/parents/child-abuse.html](http://kidshealth.org/en/parents/child-abuse.html))

#### [Office of the Texas Governor's Child Sex Trafficking Team](http://gov.texas.gov/organization/cjd/childsextrafficking)

([gov.texas.gov/organization/cjd/childsextrafficking](http://gov.texas.gov/organization/cjd/childsextrafficking))

#### [Human Trafficking of School-aged Children](http://tea.texas.gov/about-tea/other-services/human-trafficking-of-school-aged-children)

([tea.texas.gov/about-tea/other-services/human-trafficking-of-school-aged-children](http://tea.texas.gov/about-tea/other-services/human-trafficking-of-school-aged-children))

#### [Child Sexual Abuse: A Parental Guide from the Texas Association Against Sexual Assault](http://taasa.org/product/child-sexual-abuse-parental-guide/)

([taasa.org/product/child-sexual-abuse-parental-guide/](http://taasa.org/product/child-sexual-abuse-parental-guide/))

### **CLASS RANK / HIGHEST RANKING STUDENT (Secondary Grade Levels Only)**

Rank in class shall be based on a weighted grading system. Weights shall be assigned to TEA-approved courses, as follows:

AP and Dual Credit – 6

Pre-AP and Honors – 5  
General Education – 4  
Modified/Alternate/Communication Applications/Health/MAPS – 3  
Local credit courses – 0  
Below 70 in any course – 0

## **Grade Point Average**

All eligible courses in grades 9-12 shall be graded on a 100-point system using the semester grades and corresponding weighted grade points.

Eligible courses for the computation of the grade point average (GPA) shall include all SBOE approved courses taken in grades 9–12. High School credits awarded prior to 9th grade will count towards GPA.

Scores earned on either type of credit by examination, with or without prior instruction, will also count toward the GPA.

The Academic Achievement Record (transcript) shall carry the final GPA.

## **Valedictorian and Salutatorian**

Students who graduate with the Foundation Graduation Program with Endorsement(s), who compile the highest and second highest grade point averages of the graduating seniors receiving a diploma from TSBVI, who pass all components of statewide assessment testing with a minimum cumulative grade point average of 3.0, and who have been continuously enrolled in and attending classes at TSBVI for one full regular school year immediately preceding the students' graduation, may be selected as Valedictorian and Salutatorian. These students also have demonstrated exemplary citizenship. Under certain circumstances, the Principal may restrict students' participation as Valedictorian or Salutatorian as a result of poor citizenship.

Students and parents should contact the counselor for further information about college automatic admissions, the application process and deadlines.

## **CLASS SCHEDULES (Secondary Grade Levels Only)**

All students are expected to attend school for the entire school day and maintain a class/course schedule to fulfill each period of the day. Exceptions may be made occasionally by the campus principal for students in grades 9–12 who meet specific criteria and receive parental consent to enroll in less than a full-day's schedule.

## **COLLEGE AND UNIVERSITY ADMISSIONS (Secondary Grade Levels Only)**

For two school years following graduation, a district student who graduates as valedictorian or in the top ten percent of his or her class is eligible for automatic admission into four-year public universities and colleges in Texas if the student:

- Completes the distinguished level of achievement under the foundation graduation program;

or

- Satisfies the ACT College Readiness Benchmarks or earns at least a 1500 out of 2400 on the SAT.

The student is ultimately responsible for meeting the admission requirements of the university or college, including timely submission of a completed application.

If a college or university adopts an admissions policy that automatically accepts the top 25 percent of a graduating class, the provisions above will also apply to a student ranked in the top 25 percent of his or her class.

The University of Texas at Austin may limit the number of automatically admitted students to 75 percent of the University's enrollment capacity for incoming resident freshmen. From the summer 2023 term through the spring 2025 term, the University will admit the top six percent of a high school's graduating class who meet the above requirements. Additional applicants will be considered by the University through a holistic review process.

As required by law, the school will provide written notice concerning the following:

#### Automatic college admission

##### Curriculum requirements for financial aid

- Benefits of completing the requirements for automatic admission and financial aid
- The Texas First Early High School Completion Program, which requires a student to provide an official copy of assessment results and transcripts, as applicable, to receive credit for the assessments and credits required for early graduation under the program
- The Texas First Scholarship Program
- The Future Texas Teachers Scholarship Program.

Students and parents should contact the school counselor for further information about automatic admissions, the application process, and deadlines.

#### **COLLEGE CREDIT COURSES (Secondary Grade Levels Only)**

Students in grades 9–12 may earn college credit from Austin Community College. Please contact the Principal for further information.

It is important to keep in mind that not all colleges and universities accept credit earned in all dual credit or AP courses taken in high school for college credit. Students and parents should check with the prospective college or university to determine if a particular course will count toward the student's desired degree plan.

#### **COMPLAINTS AND CONCERNS (All Grade Levels)**

Usually, student or parent complaints or concerns can be addressed informally by a phone call or a

conference with the teacher or residential instructor. If not resolved, the student's assigned Assistant Principal (for school day concerns) or Residential Director (for residential concerns) may be able to assist with the concern. For complaints and concerns that cannot be handled so easily, the Board has adopted a standard complaint policy at FNG in the School's policy manual. A copy of this policy may be obtained in the Principal's or Superintendent's office or on the School's Web site at [www.tsbvi.edu](http://www.tsbvi.edu).

Should a parent or student feel a need to file a formal complaint, the parent or student should file a complaint within the timelines established in Policy FNG. In general, the student or parent should request a conference with the Principal. If the complaint is not resolved, a written complaint with a request for a conference should be sent to the Superintendent. If still unresolved, the School provides for the complaint to be presented to the board of trustees.

## **CONDUCT (All Grade Levels)**

### **Applicability of School Rules**

As required by law, the Board has adopted a Student Code of Conduct that prohibits certain behaviors and defines standards of acceptable behavior—both on and off campus as well as on school vehicles—and consequences for violation of these standards. The School has disciplinary authority over a student in accordance with the Student Code of Conduct. Students and parents should be familiar with the standards set out in the Student Code of Conduct, as well as campus and classroom rules.

### **Campus Behavior Coordinator**

By law, each campus has a campus behavior coordinator to apply discipline management techniques and administer consequences for certain student misconduct, as well as provide a point of contact for student misconduct. The Principal serves as the campus behavior coordinator.

### **Corporal Punishment**

Corporal punishment of any kind is not permitted at the School.

### **Disruptions of School Operations**

Disruptions of school operations are not tolerated and may constitute a misdemeanor offense. As identified by law, disruptions include the following:

- Interference with the movement of people at an exit, entrance, or hallway of a School building without authorization from an administrator.
- Interference with an authorized activity by seizing control of all or part of a building.
- Use of force, violence, or threats in an attempt to prevent participation in an authorized assembly.
- Use of force, violence, or threats to cause disruption during an assembly.
- Interference with the movement of people at an exit or an entrance to School property.
- Use of force, violence, or threats in an attempt to prevent people from entering or leaving School

- property without authorization from an administrator.
- Disruption of classes or other school activities while on School property or on public property that is within 500 feet of School property. Class disruption includes making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class or activity; and entering a classroom without authorization and disrupting the activity with loud or profane language or any misconduct.
- Interference with the transportation of students in vehicles owned or operated by the School.

## **Social Events**

School rules apply to all school social events. Guests attending these events are expected to observe the same rules as students, and a student inviting a guest will share responsibility for the conduct of his or her guest.

## **COUNSELING**

TSBVI has a comprehensive school counseling program that includes:

- A guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives;
- A responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk;
- An individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development; and
- Systems to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

TSBVI will make a preview of the program, including all materials and curriculum, available to parents to review during school hours.

### **Academic Counseling**

#### **Elementary and Middle School Grade Levels**

The school counselor will provide information to students and parents about college and university admissions and the importance of planning for postsecondary education, including appropriate coursework and financial aid availability and requirements.

In either grade 7 or 8, each student will receive instruction on how best to prepare for high school, college, and a career

#### **High School Grade Levels**

High school students and their parents are encouraged to talk with a school counselor, teacher, or principal to learn more about course offerings, graduation requirements, and early graduation procedures.

Each year, high school students will be provided information on anticipated course offerings for the next school year, how to make the most of academic and career and technical education (CTE) opportunities, and the importance of postsecondary education.

The school counselor will also provide information each year a student is enrolled in high school regarding:

- The importance of postsecondary education;
- The advantages of earning an endorsement and completing the foundation program with the distinguished level of achievement;
- The disadvantages of pursuing a high school equivalency exam (GED) as opposed to earning a high school diploma;
- Financial aid eligibility and how to apply for financial aid;
- Automatic admission to state-funded Texas colleges and universities;
- Eligibility requirements for the TEXAS Grant;
- Availability of district programs that allow students to earn college credit;
- Availability of tuition and fee assistance for postsecondary education for students in foster care; and
- Availability of college credit awarded by institutions of higher education to veterans and military service members for military experience, education, and training.

Additionally, the school counselor can provide information about workforce opportunities after graduation or technical and trade school opportunities, including opportunities to earn industry-recognized certificates and licenses.

### **Personal Counseling (All Grade Levels)**

The school counselor is available to assist students with a wide range of personal concerns, including such areas as social, family, emotional or mental health issues, or substance abuse. A student who wishes to meet with the school counselor, Ria Ferich, may contact her at [ferichr@tsbvi.edu](mailto:ferichr@tsbvi.edu) or (512) 206-9346. As a parent, if you are concerned about your child's mental or emotional health, please speak with the school counselor for a list of resources that may be of assistance.

If your child has experienced trauma, contact the school counselor for more information.

### **COURSE CREDIT (Secondary Grade Levels Only)**

A student in grades 9–12, or in a lower grade when a student is enrolled in a high school credit-bearing course, will earn credit for a course only if the final grade is 70 or above. For a two-semester (1 credit) course, the student's grades from both semesters will be averaged and a credit will be awarded if the combined average is 70 or above. Should the student's combined average be less than 70, the student will be required to retake the semester in which he or she failed.

### **CREDIT BY EXAMINATION**

#### **If a Student Has Taken the Course/Subject (All Grade Levels)**

A student who has previously taken a course or subject—but did not receive credit or a final grade for it—may, in circumstances determined by the Principal, or attendance committee, be permitted to earn credit by passing an examination on the essential knowledge and skills defined for the course or subject. Prior instruction may include, for example, incomplete coursework due to a failed course for excessive absences, home schooling, or coursework by a student transferring from a non-accredited school. The opportunity to take an examination to earn credit for a course or be awarded a final grade in a subject after the student has had prior instruction is sometimes referred to as "credit recovery."

The Principal will determine if a student may take an examination for this purpose. If approval is granted, the student must score at least 70 on the examination to receive credit for the course or subject.

The attendance review committee may also offer a student with excessive absences an opportunity to receive credit for a course by passing an examination.

### **CREDIT BY EXAMINATION FOR ADVANCEMENT/ACCELERATION**

#### **If a Student Has Not Taken the Course/Subject**

A student will be permitted to take an examination to earn credit for an academic course or subject area for which the student has had no prior instruction, i.e., for advancement, or to accelerate to the next grade level.

#### **Students in Grades 6–12**

A student in grade 6 or above will earn course credit with a passing score of at least 80 on the examination, a scaled score of 50 or higher on an examination administered through the CLEP, or a score of 3 or higher on an AP examination, as applicable or a score designated by the state for an examination that has alternate scoring standards. If a student fails to achieve the designated score on the applicable examination before the beginning of the school year in which the student would need to enroll in the course according to the school's high school course sequence, the student must complete the course.

### **DATING / HEALTHY RELATIONSHIPS**

Staff members will provide guidance to students and instruction in healthy relationships in consultation as needed with parents/guardians.

When students agree to date, they must obtain parent/guardian permission if a minor, and they must follow the "Displays of Affection / Student Interactions" information below. It is the responsibility of minor students to obtain parent/guardian permission, but a student's advisor, counselor or residential instructor may verify this permission as needed. Students may only date other students within the same age-range (within three years).

Students in dating relationships may visit each other on the dorm and in common areas of campus. See additional rules for EXIT students below. Students are not permitted to visit in a bedroom.

### **DATING VIOLENCE, DISCRIMINATION, HARASSMENT, AND RETALIATION (All Grade Levels)**

The School believes that all students learn best in an environment free from dating violence,

discrimination, harassment, and retaliation and that their welfare is best served when they are free from this prohibited conduct while attending school. Students are expected to treat other students and School employees with courtesy and respect; to avoid behaviors known to be offensive; and to stop those behaviors when asked or told to stop. School 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, sex, national origin, disability, age or any other basis prohibited by law.

## **Dating Violence**

Dating violence will not be tolerated at school. To report dating violence, see Reporting Procedures below.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense. This type of conduct is considered harassment if the conduct is so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of 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 belonging to the student, threats to commit suicide or homicide if the student ends the relationship, threats to harm a student's current dating partner, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.

In accordance with law, when the district receives a report of dating violence, a district official will immediately notify the parent of the alleged victim and alleged perpetrator.

The counselor's office has additional information about the dangers of dating violence and resources for seeking help.

For more information on dating violence, see: •

- Texas Attorney General's office recognizing and responding to dating violence flier (<https://www.texasattorneygeneral.gov/sites/default/files/files/childsupport/papa/session%2010/recognizing-relationship-violenceen.pdf>)
- The CDC's Preventing Teen Dating Violence (<https://www.cdc.gov/violenceprevention/intimatepartnerviolence/teen-datingviolence/fastfact.html>).

## **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**

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.

Two types of prohibited harassment are described below.

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

Sexual harassment and gender-based harassment of a student are prohibited.

Examples of 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.

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 sexual relationships, between students and School employees are prohibited, even if consensual.

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

## **Retaliation**

Retaliation of a student occurs 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.

Retaliation against a person who makes a good faith report of discrimination or harassment, including dating violence, is prohibited. A person who makes a false claim or offers false statements or refuses to

cooperate with a School investigation, however, may be subject to appropriate discipline. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited.

## **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 counselor or Principal. The report may be made by the student's parent.

Upon receiving a report of prohibited conduct as defined by policy FFH, the School will determine whether the allegations, if proven, would constitute prohibited conduct as defined by that policy. If not, the School will refer to policy FFI to determine if the allegations, if proven, would constitute bullying, as defined by law and that policy. If the alleged prohibited conduct, if proven, would constitute prohibited conduct and would also be considered bullying as defined by law and policy FFI, an investigation of bullying will also be conducted.

The School will promptly notify the parents of any student alleged to have experienced prohibited conduct involving an adult associated with TSBVI. In the event alleged prohibited conduct involves another student, the School 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 FFH.

## **Investigation of Report**

To the extent possible, the School 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 School will promptly notify the parents of any student alleged to have experienced prohibited conduct by an adult associated with the School.

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

During the course of an investigation and when appropriate, the School will take interim action to address the alleged prohibited conduct.

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

All involved parties will be notified of the outcome of the school investigation within the parameters and limits allowed under the Family Educational Rights and Privacy Act (FERPA).

A student or parent who is dissatisfied with the outcome of the investigation may appeal in accordance with TSBVI Board Policy FNG.

## **DISPLAYS OF AFFECTION / STUDENT INTERACTIONS**

Interactions between students should reflect a respect for others' body space and a mutual agreement between parties. When both students agree, examples of appropriate displays of affection on campus and school sponsored activities including weekends home buses may be: a short hug, holding hands, and walking or sitting with arms around shoulders. Kissing, sitting on another student's lap, or any other close physical contact that appears sexually suggestive will not be permitted. Sexual contact, touching of any sexual private body parts, of other students is not allowed.

## **DISTANCE LEARNING (All Grade Levels)**

Distance learning and correspondence courses include courses that encompass the state -required essential knowledge and skills but are taught through multiple technologies and alternative methodologies such as mail, satellite, Internet, video-conferencing, and instructional television. The Texas Virtual School Network (TXVSN) has been established by the state as one method of distance learning. A student has the option, with certain limitations, to enroll in a course offered through the TXVSN to earn course credit for graduation.

Depending on the TXVSN course in which a student enrolls, the course may be subject to the “no pass, no play” rules. In addition, for a student who enrolls in a TXVSN course for which an end-of-course (EOC) assessment is required, the student must still take the corresponding EOC assessment.

The School permits high school students to take correspondence courses —by mail or via the Internet— for credit toward high school graduation. These students should see the Principal.

## **DISTRIBUTION OF LITERATURE, PUBLISHED MATERIALS OR OTHER DOCUMENTS (All Grade Levels)**

### **School Materials**

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

### **Non-School Materials**

#### **From Students**

Students must obtain prior approval from the Principal before selling, posting, circulating, or distributing more than ten copies of written or printed materials, handbills, photographs, pictures, films, tapes or other visual or auditory materials that were not developed under the oversight of the School. To be considered, any non-school material must include the name of the sponsoring person or organization. The decision regarding approval will be made in two school days.

A student may appeal a Principal's decision in accordance with TSBVI Board Policy FNG. Any student who sells, posts, or distributes non-school material without prior approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without the Principal's approval will be removed.

### **From Others**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the School or by a School-affiliated school-support organization will not be sold, circulated, distributed, or posted on any School premises by any School employee or by persons or groups not associated with the School, except as permitted by policies at GKDA. To be considered for distribution, any non-school material must meet the limitations on content established in the policy, include the name of the sponsoring person or organization, and be submitted to the Principal for prior review. The Principal will approve or reject the materials within two school days of the time the materials are received. The requestor may appeal a rejection in accordance with the appropriate School complaint policy.

Prior review will not be required for:

- Distribution of materials by an attendee to other attendees of a school-sponsored meeting intended for adults and held after school hours.
- Distribution of materials by an attendee to other attendees of a community group meeting held after school hours in accordance with policy GKD or a non-curriculum-related student group meeting held in accordance with FNAB.

All non-school materials distributed under these circumstances must be removed from School property immediately following the event at which the materials are distributed.

### **DRESS AND GROOMING (All Grade Levels)**

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

Staff will assist students who have questions regarding what clothing choices are appropriate and inappropriate. Individuality in clothing selection will be respected, assuming that the clothing is clean, maintained, and not in poor taste, or inappropriate. Students may be excused to the dormitory to change clothing deemed inappropriate.

Shorts and skirts must be at least of mid-thigh length. No gym, running, or bike shorts, with the exception of during physical education classes or on recreational outings.

Clothing which exhibits cleavage (front or rear) is prohibited. If you are unable to bend over without exposing excessive cleavage the item is not appropriate to wear.

Undergarments may not be visible.

No tube tops, halter tops, crop tops, (i.e., no exposed midriffs); no shirts with the sleeves cut out or sleeveless shirts with oversized armholes.

Shoes must be worn at all times, except during swimming/water activities.

Swimwear may only be worn during swimming/water activities. If swimwear is worn to school on a day when such an activity is scheduled, it must be covered with appropriate clothing.

No clothing displaying inappropriate language, slogans, images, or advertisements promoting alcohol or tobacco or other topics inappropriate for a school setting.

No visible tattoos depicting inappropriate images or language.

No jewelry that could also be used as a weapon (for example, razor blade necklace or neck collar with metal points).

## **DRONES**

Students must have permission from the Principal to use a drone.

## **ELECTRONIC DEVICES AND TECHNOLOGY RESOURCES**

### **Acceptable Use of School Technology Resources**

School-owned technology resources for instructional purposes; specific resources may be issued to individual students. Use of these technological resources, which include the School's network systems and use of school equipment, is restricted to approved purposes only. Students and parents will be asked to sign a user agreement (separate from this handbook) regarding use of these School resources. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

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

Students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, whether the

equipment used to send such messages is School-owned or personally owned, if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as “sexting,” will be disciplined according to the Student Code of Conduct and may be required to complete an educational program related to the dangers of this type of behavior, and in certain circumstances, may be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with your child this site: [Before You Text](http://txssc.txstate.edu/tools/courses/before-you-text/) (txssc.txstate.edu/tools/courses/before-you-text/), a state developed program that addresses the consequences of engaging in inappropriate behavior using technology.

In accordance with state law, the district prohibits the installation or use of TikTok (or any successor application or service) on a district device, along with any other social media application or service determined by the governor.

In addition, any student who engages in conduct that results in a breach of the School’s computer security will be disciplined in accordance with the Student Code of Conduct, and, in some cases, the consequence may rise to the level of expulsion.

## **Student Use of Personal Computing Devices, Mobile Telephones, or Other Personal Electronic Devices**

### **Rules for Student Use of Personal Computing Devices**

Students must have approval to possess computing devices such as netbooks, laptops, tablets, or other portable computers. Students must report all personal computer equipment to classroom teachers/advisors. Each classroom teacher/advisor will notify the assigned technology teacher of the device. The assigned technology teacher will approve each device and ensure that appropriate precautionary steps will be taken to ensure secure use of the TSBVI network. This may include the installation of security software. Technical support for personal devices will be provided by Information Resources on a best-effort basis.

### **Rules for Student Use of Personal Mobile Telephones**

1. For safety purposes, the School permits students to possess personal mobile telephones; however, these devices must remain turned off during the instructional day, including during all testing, during instructional time in the residential setting, or at school events unless they are being used for approved instructional purposes.
2. The use of mobile telephones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.
3. If a student uses a cell phone when or where it is prohibited, a staff member will ask for the the phone, the staff member will complete a student incident report. When confiscated, the student must schedule an appointment with the Principal to receive the cell phone.

## **Rules for Student Use of Other Personal Electronic Devices**

1. Students may possess and use items such as tape recorders, radios, CD players, cameras, or other electronic devices at times that do not interfere with instruction and approved by the student's teacher or residential instructor.
2. For safety purposes, students may not listen to music or other auditory content with any electronic device with or without headsets/earbuds, while traveling in the buildings or across campus.
3. The Principal may determine that a student may not possess such items when they interfere with instruction or when they are disruptive.

## **Overnight Storage of Devices**

To ensure that students get enough sleep, maximize student learning, learn healthy lifestyles, and limit the number of technology-related incidents occurring overnight, each student's living area will establish a specified time when all personal electronic devices must be placed on a charger that allows the overnight staff to monitor the device throughout the night during their periodic room checks. Students are not permitted to use the device during lights-out hours unless specific permission is granted by the dorm manager and residential director for school-related purposes. In the event that a student does not comply with this rule, the staff may require that student devices be placed in the staff office for charging each night and returned to the student in the morning before leaving for school.

## **Sanctions – Termination/Revocation of Use**

Violation of these rules may result in suspension or revocation of system access and/or suspension or revocation of permission to use personal electronic devices while on campus, as well as other disciplinary action, in accordance with the Student Code of Conduct including confiscation of devices. If a student uses a cell phone or other device during a time that is not allowed, a staff member will ask for the student's device and turn it in to the Principal. If a student refuses to hand the staff member the device, the staff member will complete a Student Incident Report. When confiscated, the student must schedule an appointment with the Principal to retrieve the device. Confiscated telecommunications devices that are not retrieved by the student or the student's parents will be disposed of after the notice required by law.

In limited circumstances and in accordance with law, a student's personal telecommunications device may be searched by authorized personnel.

## **ELEVATOR USAGE**

Only students who have permission from the Assistant Principal or Principal may ride the elevator.

### **EMERGENT BILINGUAL STUDENTS (All Grade Levels)**

A student who is an emergent bilingual student is entitled to receive specialized services from the School. To determine whether the student qualifies for services, a Language Proficiency Assessment Committee (LPAC) will be formed, which will consist of both school personnel and at least one parent representative. The student's parent must consent to any services recommended by the LPAC for an English language learner. However, pending the receipt of parental consent or denial of services, an eligible student will receive the services to which the student is entitled and eligible.

In order to determine a student's level of proficiency in English, the LPAC will use information from a variety of assessments. If the student qualifies for services, and once a level of proficiency has been established, the LPAC will then designate instructional accommodations or additional special programs that the student will require to eventually become proficient at grade level work in English. Ongoing assessments will be conducted to determine a student's continued eligibility for the program.

The LPAC will also determine whether certain accommodations are necessary for any state-mandated assessments. The STAAR Spanish may be administered to an emergent bilingual student for a student up to grade 5. In limited circumstances, a student's LPAC may exempt the student from an otherwise required state-mandated assessment or may waive certain graduation requirements related to the English I end-of-course (EOC) assessment. The Texas English Language Proficiency Assessment System (TELPAS) will also be administered to English language learners who qualify for services.

If a student is considered an emergent bilingual student and receives special education services because of a qualifying disability, the student's ARD committee will make instructional and assessment decisions in conjunction with the LPAC.

### **EXIT PROGRAM PARTICIPATION**

The EXIT Program is designed to provide transition services to adult students who have met graduation credit requirements and are ready to focus on post-school goals in age-appropriate settings to prepare for adult life. The goal of EXIT is to create an experiential learning environment that prepares each student for his or her adult life. In order to do this, it is essential that students' EXIT experience is distinctly set apart from high school.

#### **EXIT Student Interactions**

EXIT students will primarily socialize with other adult students. The following rules apply when EXIT students wish to socialize with non-EXIT students during residential hours:

- With prior approval from a dorm manager, EXIT students are permitted to socialize with non-EXIT students at designated campus locations or events.
- With prior approval from a dorm manager, students who are at least 16 years old are permitted to visit EXIT dorms during residential hours.
- EXIT students will not visit high school or middle school dorms.

## **EXIT Student Extracurricular Activities**

As the instructional team assists adult-age students in selecting appropriate extracurricular and other residential activities for transition to adult life, an emphasis will be placed on real-life, community experiences. The focus will be on promoting independence by providing students the skills to find activities in their future home communities so that they are equipped to continue pursuing their interests in a sustainable manner when they are no longer in school. While students are in EXIT, opportunities for a variety of on campus and community-based activities will be provided, and students will be encouraged to participate.

EXIT students will not participate in UIL or SCASB sports teams (wrestling, goalball, track, cheerleading) or the school theater productions.

### **EXTRACURRICULAR ACTIVITIES, CLUBS, AND ORGANIZATIONS (All Grade Levels)**

Participation in school 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 initial and continuing participation in many of these activities is governed by state law and the rules of the University Interscholastic League (UIL) —a statewide association overseeing inter-district competition. If a student is involved in an academic, athletic, or music activity governed by UIL, the student and parent are expected to know and follow all rules of the [UIL organization](http://www.uil-texas.org/). (www.uil-texas.org/).

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 an Advanced Placement or International Baccalaureate course; or an honors or dual credit course in English language arts, mathematics, science, social studies, economics, or language other than English may not participate in extracurricular activities for at least three school weeks.
- A student 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-school competition, a maximum of five absences for post-school 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.

### **Standards of Behavior**

An absence for participation in an activity that has not been approved will receive an unexcused absence.

Sponsors of student clubs and performing groups such as the choir, the drama club and athletic teams may establish standards of behavior—including consequences for misbehavior—that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or TSBVI policy will apply in addition to any consequences specified by the organization's standards of behavior.

## **Offices and Elections**

Student government, in the form of a Student Council, affords students the opportunity to participate in the formation of general school policies, to discuss matters of student concern, and to provide students with experience in participating in the democratic process. The Student Council is under the supervision of a faculty sponsor and the Principal.

## **FEES (All Grade Levels)**

Materials that are part of the basic educational program are provided with state and local funds at no charge to a student. A student, however, may be expected to provide:

- Personal physical education and athletic equipment and apparel.
- Voluntarily purchased pictures, publications, class rings, graduation announcements, etc.
- Voluntarily purchased student accident insurance.
- Personal apparel used in extracurricular activities that becomes the property of the student.
- Fees for optional courses offered for credit that require use of facilities not available on School premises.

## **FOOD and DRINK**

No food or drinks should be purchased or brought into the school building without permission. Students may not access vending machines during school hours without teacher permission.

## **FUND-RAISING (All Grade Levels)**

Student groups or classes and/or parent groups may be permitted to conduct fund-raising drives for approved school purposes. An application for permission must be made to the Principal.

## **GANG-FREE ZONES (All Grade Levels)**

Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the School, a gang-free zone includes a school bus and a location in, on, or within 1000 feet of any school-owned or leased property or School playground.

## **GRADE LEVEL CLASSIFICATION (Grades 9-12 Only)**

After the ninth grade, students are classified according to the number of credits earned toward graduation as follows:

- 5 Credits Earned      Grade 10 (Sophomore)
- 10 Credits Earned      Grade 11 (Junior)
- 15 Credits Earned      Grade 12 (Senior)

## **GRADING GUIDELINES (All Grade Levels)**

### **Grading and Credit System**

For students in grades 7 through 12, except students who are enrolled in Experiences in Transition (EXIT) courses, the following percentage grades will be used for reporting progress on report cards for all courses based upon students' relative mastery of assignments:

100 – 90	A	
89 – 80	B	
79 – 70	C	
69 or below	F	Not Passing

(For all students, teachers report Individual Education Program goal progress at the end of each quarter. See section below, REPORT CARDS / PROGRESS REPORTS AND CONFERENCES.)

A student will be allowed to redo an assignment or retake an examination for which the student originally made a failing grade.

### **Course Credit**

Students in grades 9 through 12 receive .5 credits for each semester of successful work. Middle school students in grades 6 through 8 receive report card grades but no credits for successful work.

## **GRADUATION (Secondary Grade Levels Only)**

### **Requirements for a Diploma**

A student must meet the following requirements to receive a high school diploma from TSBVI:

- Achieve passing scores on certain end-of-course (EOC) assessments or approved substitute assessments, unless specifically waived as permitted by state law.
- Complete the required number of credits established by the state and any additional credits required by the School.
- Complete any locally required courses in addition to the courses mandated by the state.

- Achieve passing scores on certain end-of-course (EOC) assessments or approved substitute assessments, unless specifically waived as permitted by state law.
- Demonstrate proficiency, as determined by the School, in the specific communication skills required by the State Board of Education.
- Complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

With ARD committee approval, a student may choose to graduate under the requirements of the local school district and with a diploma from the local school district.

### **Requirements for Students in the EXIT Program**

Students who enter the EXIT (Experiences in Transition) Program directly from the local school district will graduate under the requirements of the local school district and with a diploma from the local school district upon completion of the EXIT program and any additional needed transition services.

Students who enter the EXIT Program after completing credits at TSBVI may, with ARD committee approval, choose to graduate under the requirements of TSBVI or the local school district and with a corresponding diploma from TSBVI or the local school district.

### **Testing Requirements for Graduation**

Students are required, with limited exceptions and regardless of graduation program, to perform satisfactorily on the following EOC assessments: English I, English II, Algebra I, Biology, and United States History. A student who has not achieved sufficient scores on the EOC assessments to graduate will have opportunities to retake the assessments. State law and state rules also provide for certain scores on norm-referenced national standardized assessments to substitute for the requirement to meet satisfactory performance on an applicable EOC assessment should a student choose this option. See the Assistant Principal for more information on the state testing requirements for graduation.

If a student fails to perform satisfactorily on an EOC assessment, the School will provide remediation to the student in the content area for which the performance standard was not met.

In limited circumstances, a student who fails to demonstrate proficiency on two or fewer of the required assessments may still be eligible to graduate if an individual graduation committee, formed in accordance with state law (a student's ARD Committee), unanimously determines that the student is eligible to graduate.

### **Foundation Graduation Program**

Every student in a Texas public school who entered grade 9 in the 2014–15 school year and thereafter will graduate under the “foundation graduation program.” Within the foundation graduation program are “endorsements,” which are paths of interest that include Science, Technology, Engineering, and Mathematics (STEM); Business and Industry; Public Services; Arts and Humanities; and Multidisciplinary

Studies. Endorsements earned by a student will be noted on the student's transcript. The foundation graduation program also involves the term "distinguished level of achievement," which reflects the completion of at least one endorsement and Algebra II as one of the required advanced mathematics credits. A personal graduation plan will be completed for each high school student.

State law and rules prohibit a student from graduating solely under the foundation graduation program without an endorsement unless, after the student's sophomore year, the student and student's parent are advised of the specific benefits of graduating with an endorsement and submit written permission for the student to graduate without an endorsement. A student who anticipates graduating under the foundation graduation program without an endorsement and who wishes to attend a four-year university or college after graduation must carefully consider whether this will satisfy the admission requirements of the student's desired college or university.

Graduating under the foundation graduation program will also provide opportunities to earn "performance acknowledgments" that will be acknowledged on a student's transcript. Performance acknowledgments are available for outstanding performance in bilingualism and biliteracy, in a dual credit course, on an AP or IB examination, on certain national college preparatory and readiness or college entrance examinations, or for earning a state recognized or nationally or internationally recognized license or certificate. The criteria for earning these performance acknowledgments are prescribed by state rules, and the Assistant Principal can provide more information about these acknowledgments.

The foundation graduation program requires completion of the following credits:

<b>Course Area</b>	<b>Number of credits Foundation Graduation Program</b>	<b>Number of credits Foundation Graduation Program with an Endorsement</b>
English/Language Arts	4	4
Mathematics	3	4
Science	3	4
Social Studies, including Economics	3	3
Physical Education	1	1
Language other than English	2	2
Fine Arts	1	1
Electives	5	7

<b>Course Area</b>	<b>Number of credits Foundation Graduation Program</b>	<b>Number of credits Foundation Graduation Program with an Endorsement</b>
Miscellaneous		Available Endorsements Science, Technology, Engineering, and Math Business and Industry Public Services Arts and Humanities Multidisciplinary
<b>TOTAL</b>	22 credits	26 credits

Additional considerations apply in some course areas, including:

- **Mathematics:** In order to obtain the distinguished level of achievement under the foundation graduation program, which will be included on a student's transcript and is a requirement to be considered for automatic admission purposes to a Texas four-year college or university, a student must complete an endorsement and take Algebra II as one of the 4 mathematics credits.
- **Physical education:** A student who is unable to participate in physical activity due to a disability or illness may be able to substitute a course in English language arts, mathematics, science, social studies, or another locally determined credit-bearing course for the required credit of physical education. This determination will be made by the student's ARD committee, Section 504 committee, or other campus committee, as applicable.
- **Language other than English:** Students are required to earn two credits in the same language other than English to graduate. Any student may substitute computer programming languages for these credits. In limited circumstances, a student may be able to substitute this requirement with other courses, as determined by a district committee authorized by law to make these decisions for the student.

### **Available Endorsements**

A student must specify upon entering grade 9 the endorsement he or she wishes to pursue.

- Science, Technology, Engineering, and Mathematics (through LEA)
- Business and Industry (available at TSBVI)
- Public Services (through LEA)
- Arts and Humanities (available at TSBVI)
- Multidisciplinary Studies (available at TSBVI)

### **Personal Graduation Plans**

A personal graduation plan will be developed for each high school student. TSBVI encourages all students to pursue a personal graduation plan that includes the completion of at least one endorsement and to graduate with the distinguished level of achievement. However, after the student's sophomore year, the student and student's parent may request that the student graduate without an endorsement. Attainment of the distinguished level of achievement is a requirement for a student to be considered for automatic admission to a public four-year college or university in Texas, depending on his or her rank in class. The School will review personal graduation plan options with each student entering grade 9 and his or her parent. Before the end of grade 9, a student and his or her parent will be required to sign off on a personal graduation plan that includes a course of study that promotes college and workforce readiness and career placement and advancement, as well as facilitates the transition from secondary to postsecondary education. The student's personal graduation plan will denote an appropriate course sequence based on the student's choice of endorsement.

Please also review [TEA's Graduation Toolkit](https://tea.texas.gov/sites/default/files/Graduation_Toolkit_Summer2019.pdf).  
([tea.texas.gov/sites/default/files/Graduation\\_Toolkit\\_Summer2019.pdf](https://tea.texas.gov/sites/default/files/Graduation_Toolkit_Summer2019.pdf))

A student may, with parental permission, amend his or her personal graduation plan after the initial confirmation.

**Financial Aid Application Requirement Before graduating from high school, each student must complete and submit an application for financial aid for post-secondary education. Students must complete and submit either a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).** A student is not required to complete and submit a FAFSA or TASFA if

- The student's parent submits a form provided by the district indicating that the parent authorizes the student to opt out;
- A student who is 18 years of age or older or a legally independent minor submits a form provided by the district indicating that the student opts out; or
- A school counselor authorizes the student to opt out for good cause.

**Please contact the school counselor for more information.**

To confirm that a student has completed and submitted a TASFA, the student must submit one of the following:

- A screenshot that includes the processed date field of the FAFSA Apply Texas Counselor Suite; - Notification, such as a copy of an email, from the United States Department of Education verifying completion of the FAFSA;
- A copy or screenshot of the FAFSA acknowledgment page;
- A screenshot of the TASFA submission acknowledgment page (from those institutions that offer an electronic form);
- An acknowledgment receipt from an institution of higher education (IHE); or - A copy of a financial aid award letter from an IHE.

## **Certificates of Coursework Completion**

A certificate of coursework completion will be issued to a student who has successfully completed state and local credit requirements for graduation but has not yet demonstrated satisfactory performance on the state-mandated tests required for graduation.

## **Certificates of Attendance**

A student who receives special education services and has completed four years of high school, but has not met the requirements of his or her IEP, may participate in a graduation ceremony and receive a certificate of attendance. Even if the student participates in a graduation ceremony to receive the certificate of attendance, he or she may remain enrolled to complete the IEP and earn his or her high school diploma; however, the student will only be allowed to participate in one graduation ceremony at TSBVI, (even if they have or will participate in a graduation ceremony at the local school district).  
Graduating Under the Provisions of the Student's IEP

Upon the recommendation of the admission, review, and dismissal (ARD) committee, a TSBVI student may be permitted to graduate under the provisions of his or her individualized education program (IEP) and in accordance with state rules.

If a TSBVI student has completed four years of high school, but has not met the requirements of his or her IEP, the student may participate in graduation ceremonies and receive a certificate of attendance. Even if the student participates in graduation ceremonies to receive the certificate of attendance, he or she may remain enrolled to complete the IEP and earn his or her high school diploma; however, the student will only be allowed to participate in one graduation ceremony at TSBVI, (even if they have or will participate in a graduation ceremony at the local school district).

ARD committees for students with disabilities who receive special education services and who are subject to the foundation graduation program will make instructional and assessment decisions for these students in accordance with state law and rules. In order to earn an endorsement under the foundation program, a student must perform satisfactorily on the EOC assessments and receive no modified curriculum in the student's chosen endorsement area. A student may still be awarded an endorsement when the student fails to perform satisfactorily on no more than two EOC assessments but meets the other requirements for graduation under state law.

A student who has completed the EXIT program and is leaving TSBVI to return to the local school district may participate in the graduation ceremony and receive a certificate of attendance; however, the student will only be allowed to participate in one graduation ceremony at TSBVI, (even if they have or will participate in a graduation ceremony at the local school district).

## **Scholarships and Grants**

Students who have a financial need according to federal criteria and who complete the foundation graduation program, may be eligible under the T.E.X.A.S. Grant Program, Teach for Texas Grant Program, and Future Texas Teachers Program, for tuition and fees to Texas public universities, community colleges, and technical schools, as well as to private institutions.

Contact the school counselor for information about other scholarships and grants available to students.

### **HAZING (All Grade Levels)**

Hazing is defined as any intentional, knowing, or reckless act occurring on or off campus directed against a student that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated to, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students.

Examples include:

- Any type of physical brutality;
- Any type of physical activity that subjects the student to an unreasonable risk of physical or mental harm, such as sleep deprivation, exposure to the elements, confinement to small spaces or calisthenics;
- Any activity involving consumption of food, liquids, drugs, or other substances that subjects the student to unreasonable risk of physical or mental harm;
- Any activity that adversely affects the mental health or dignity of the student, such as ostracism, shame, or humiliation; and
- Any activity that induces, causes, or requires the student to violate the Penal Code.

Hazing will not be tolerated by the School. If an incident of hazing occurs, disciplinary consequences will be handled in accordance with the Student Code of Conduct. It is a criminal offense if a person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in hazing; or has firsthand knowledge of an incident of hazing being planned or having occurred and fails to report this to the Principal.

### **HEALTH-RELATED MATTERS**

#### **Bacterial Meningitis (All Grade Levels)**

See the following links for information regarding meningitis.

[Meningitis Information for Students & Parents](http://www.dshs.state.tx.us/immunize/school/meningitis-information-for-students---parents/)

([www.dshs.state.tx.us/immunize/school/meningitis-information-for-students---parents/](http://www.dshs.state.tx.us/immunize/school/meningitis-information-for-students---parents/))

[CDC - Meningitis](http://www.cdc.gov/meningitis/index.html)

([www.cdc.gov/meningitis/index.html](http://www.cdc.gov/meningitis/index.html))

[Adolescent \(Pre-teen\) Immunization Program](#)

([www.dshs.texas.gov/immunize/PreteenVaccines.aspx](http://www.dshs.texas.gov/immunize/PreteenVaccines.aspx))

## **Diabetes**

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse for information.

## **Food Allergies (All Grade Levels)**

Parents must annually complete the TSBVI Diet and Eating History form provided prior to the start of the school year or, if a student enrolls during the school year, upon admission. Part of completing this form requires the parent to report all known student food allergies, including those allergies that could result in dangerous or possibly life-threatening reactions either by breathing, eating or touching the particular food. It is important to disclose the food to which the student is allergic, as well as the nature of the allergic reaction. Please contact the TSBVI Health Center, (512) 206-9136, if your child has a known food allergy or as soon as possible after any diagnosis of a food allergy.

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

## **Head Lice (All Grade Levels)**

The school does not require or recommend that students be removed from school because of lice or nits. Head lice, although not an illness or a disease, is very common among children and is spread very easily through head-to-head contact during play, sports, or nap time and when children share things like brushes, combs, hats, and headphones. If careful observation indicates that a student has head lice, the school nurse will contact the student's parent to determine whether the student will need to be picked up from school and to discuss a plan for treatment with an FDA-approved medicated shampoo or cream rinse that may be purchased from any drug or grocery store. After the student has undergone one treatment, the parent should check in with the school nurse to discuss the treatment used. The nurse can also offer additional recommendations, including subsequent treatments and how best to get rid of lice and prevent their return.

More information on head lice can be obtained from the TDSHS Web site at:

[Managing Head Lice in School Settings and at Home](http://www.dshs.state.tx.us/schoolhealth/lice.shtm) ([www.dshs.state.tx.us/schoolhealth/lice.shtm](http://www.dshs.state.tx.us/schoolhealth/lice.shtm))

## **Illness**

When your child is ill, please contact the school to let us know.

State rules require schools to exclude students with certain illnesses from school for certain periods of time. For example, if a child has a fever over 100 degrees, he or she must stay out of school until fever -

free for 24 hours without use of fever-reducing medications. Students with diarrheal illnesses must stay home until they are diarrhea-free without use of diarrhea-suppressing medications for 24 hours.

A full list of conditions for which the school must exclude children can be obtained from the school nurse. If a student becomes ill during the school day, and the school nurse determines that the child should go home, the nurse will contact the parent.

The school is required to report certain contagious (communicable) diseases or illnesses to the Department of State Health Services (DSHS) or our local/regional health authority. The school nurse can provide information from DSHS on these notifiable conditions.

The school nurse is available to answer any questions for parents who are concerned about whether or not their child should stay home.

### **Immunization (All Grade Levels)**

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized.

For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (DSHS), Immunization Branch, can be honored by the district. You may access the [DSHS exemption form](https://dshs.texas.gov/immunize/school/exemptions.aspx) (<https://dshs.texas.gov/immunize/school/exemptions.aspx>) online or by writing to this address:

Texas Department of State Health Services  
Immunization Section, Mail Code 1946  
P.O. Box 149347  
Austin, Texas 78714-9347

The form must be notarized and submitted to Eric Grimm, Director of Center for School Resources, (512) 206-9273, within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student.

The immunizations required are:

- Diphtheria, tetanus, and pertussis
- Polio
- Measles, mumps, and rubella
- Hepatitis B
- Varicella (chicken pox) Meningococcal Hepatitis A

The school nurse can provide information on immunization requirements. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. registered and licensed physician stating that, in the doctor's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or a member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a lifelong condition.

## **PHYSICAL ACTIVITY REQUIREMENTS**

### **Elementary School**

In accordance with policies at EHAB, EHAC, and EHBG, the School will ensure that students in kindergarten through grade 5 engage in moderate or vigorous physical activity for at least 30 minutes per day or 135 minutes per week.

For additional information on the School's requirements and programs regarding elementary student physical activity requirements, please see the Principal.

### **Middle School**

In accordance with policies at EHAB, EHAC, and EHBG, the School will ensure that students in middle school will engage for at least 225 minutes in moderate or vigorous physical activity within each 2 -week period for at least 4 semesters.

For additional information on the School's requirements and programs regarding middle school student physical activity requirements, please see the Principal.

### **Temporary Restriction from Participation in Physical Education**

Students who are temporarily restricted from participation in physical education will remain in the class and shall continue to learn the concepts of the lessons but not actively participate in the skill demonstration.

### **School Health Advisory Council (SHAC) (All Grade Levels)**

During the preceding school year, the School's School Health Advisory Council (SHAC) held four meetings. Additional information regarding the SHAC is available from the School Counselor.

The duties of the SHAC range from recommending curriculum to developing strategies for integrating curriculum into a coordinated school health program encompassing issues such as school health services, counseling services, a safe and healthy school environment, recess recommendations, improving student fitness, mental health concerns, and employee wellness.

## **Other Health-Related Matters**

- Physical Fitness Assessment (Grades 3-12)

Annually, the School will conduct a physical fitness assessment of students in grades 3–12 who are enrolled in a physical education course or a course for which physical education credit is awarded. At the end of the school year, a parent may submit a written request to the Principal to obtain the results of their child's physical fitness assessment conducted during the school year.

- Seizures (All Grade Levels)

To address the care of a student with a seizure disorder while at school or participating in a school activity, a parent may submit a seizure management and treatment plan to the school before the beginning of the school year, upon enrollment of the student, or as soon as practicable following diagnosis of a seizure disorder.

- Vending Machines (All Grade Levels)

The School has adopted and implemented the state and federal policies and guidelines for food service including the guidelines to restrict student access to vending machines. For more information regarding these policies and guidelines see the Principal.

- Tobacco and E-Cigarettes Prohibited (All Grade Levels and All Others on School Property)

Students are prohibited from possessing or using any type of tobacco product, electronic cigarettes (e-cigarettes), or any other electronic vaporizing device, while on school property at any time or while attending an off-campus school-related activity.

The School and its staff strictly enforce prohibitions against the use of tobacco products, including electronic cigarettes or any other electronic vaporizing device, by students and others on school property and at school-sponsored and school-related activities.

## **HEALTH-RELATED RESOURCES, POLICES, AND PROCEDURES**

### **Physical and Mental Health Resources (All Grade Levels)**

Parents and students in need of assistance with physical and mental health concerns may contact the following campus and community resources:

- The Health Center (512) 206-9136
- For help in finding a local public health authority, see:

### [Health Clinics Health Organizations Resource Centers](#)

(hhs.texas.gov/sitesearch?search\_api\_views\_fulltext=services%20health%20clinics%20health%20organizations%20resourcecenters)

For help finding a local mental health authority, see:

### [HHS - Local Mental Health or Behavioral Health Authority](#)

(hhs.texas.gov/services/mental-health-substance-use/mental-health-substance-use-resources/find-your-local-mental-health-or-behavioral-health-authority)

## **Policies and Procedures that Promote Student Physical and Mental Health (All Grade Levels)**

The school has adopted board policies that promote student physical and mental health. Policies on the topics below can be found in the school's policy manual, available at [www.tsbvi.edu](http://www.tsbvi.edu).

- Food and nutrition management: CO, COA, COB
- Wellness and Health Services: FFA
- Physical Examinations: FFAA
- Immunizations: FFAB
- Medical Treatment: FFAC
- Communicable Diseases: FFAD
- Counseling and Guidance Program policies FFE and FFEA
- Care Plans: FFAF
- Crisis Intervention: FFB
- Trauma-informed Care: FFBA
- Student Support Services: FFC
- Student Safety: FFF
- Child Abuse and Neglect: FFG
- Freedom from Discrimination, Harassment, and Retaliation: FFH
- Freedom from Bullying: FFI

## **Asbestos Management Plan (All Grade Levels)**

The School works diligently to maintain compliance with federal and state law governing asbestos in school buildings. A copy of the TSBVI Asbestos Management Plan is available in the Office of the Director of Operations. If you have any questions or would like to examine the School's plan in more detail, please contact:

Brian Swegle  
Director of Operations  
Designated Asbestos Coordinator  
(512) 206-9126

## **Pest Management Plan (All Grade Levels)**

TSBVI is required to follow integrated pest management (IPM) procedures to control pests on the school campus. Although TSBVI strives to use the safest and most effective methods to manage pests, including a variety of non-chemical control measures, periodic indoor and outdoor pesticide use is sometimes necessary to maintain adequate pest control and ensure a safe, pest-free school environment.

All pesticides used are registered for their intended use by the United States Environmental Protection Agency and are applied only by certified pesticide applicators. Except in an emergency, signs will be posted 48 hours before indoor application. All outdoor applications will be posted at the time of treatment, and signs will remain until it is safe to enter the area. Parents who have further questions or who want to be notified of the times and types of applications prior to pesticide application inside their child's school assignment area may contact:

Brian Swegle  
Director of Operations  
IPM Coordinator  
(512) 206-9126

## **HELMETS**

Students must wear helmets when riding bicycles, scooters, rollerblades, roller skates and skateboards.

## **HOMEWORK (All Grade Levels)**

Homework is assigned by individual teachers based on subject requirements, student level, and needs.

## **LAW ENFORCEMENT AGENCIES (All Grade Levels)**

### **Questioning of Students**

When law enforcement officers or other lawful authorities wish to question or interview a student at school, the Principal will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation. In other circumstances:

- 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.

## **Students Taken into Custody**

State law requires the School 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 law enforcement officer to obtain fingerprints or photographs for comparison in an investigation;
- By a law enforcement officer to obtain fingerprints or photographs to establish a student's identity, where the child may have engaged in conduct indicating a need for supervision, such as running away;
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court;
- By an authorized representative of Child Protective Services, Texas Department of Family and Protective 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;
- To comply with a properly issued directive to take a student into custody.

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 student's release to a law enforcement officer, any notification will most likely be after the fact.

## **Notification of Law Violations**

The School is required by state law to notify:

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

## **LEAVING CAMPUS**

Student attendance is crucial to learning. We ask that appointments be scheduled outside of school hours as much as reasonably possible. Also note that picking up a child early on a regular basis, results in missed opportunities for learning. Unless the principal has granted approval because of extenuating circumstances, a student will not regularly be released before the end of the school day.

State rules require that parental consent be obtained before any student is allowed to leave campus for any part of the school day. The School has put the following procedures in place in order to document parental consent:

- A parent or otherwise authorized adult must come to the office and sign the student out. Please be prepared to show identification. Once an identity is verified, a campus representative will then call for the student or collect the student and bring him or her to the office. If the student returns to campus the same day, the parent or authorized adult must sign the student back in through the office upon the student's return. Documentation regarding the reason for the absence will also be required.
- If a student is 18 years of age or older, the student may produce a note on his or her own behalf. Documentation regarding the reason for the absence will be required.
- If the student becomes ill and the School nurse determines that the student should go home, the nurse will contact the student's parent to make the necessary arrangements.

## **LOST AND FOUND (All Grade Levels)**

A "lost and found" box is located in the principal's office. If your child has lost an item during the school day, please encourage him or her to check the lost and found box.

## **LUNCH CAFETERIA RULES**

1. All students must report to the cafeteria at lunchtime.
2. All students must remain in the cafeteria until the specified release time.
3. At the specified time, students may remain in the cafeteria or go to an approved alternate location.
4. Lunchtime is the only time students may use personal music devices and cell phones. Students must use headphones.
5. No purchases from campus vending machines may be made during lunchtime.

## **MAKEUP WORK (All Grade Levels)**

### **Makeup Work Because of Absence**

For any class missed, the teacher may assign the student makeup work based on the instructional objectives for the subject or course and the needs of the individual student in mastering the essential knowledge and skills or in meeting subject or course requirements.

A student will be responsible for obtaining and completing the makeup work in a satisfactory manner and within the time specified by the teacher.

A student who does not make up assigned work within the time allotted by the teacher will receive a grade of zero for the assignment.

A student will be permitted to make up tests and to turn in projects due in any class missed because of absence. Teachers may assign a late penalty to any long-term project in accordance with timelines approved by the Principal and previously communicated to students.

### **DAEP or In-school Suspension Makeup Work (All Grade Levels)**

A student removed to a Disciplinary Alternative Education Program (DAEP) during the school year will have an opportunity to complete, before the beginning of the next school year, coursework needed to fulfill the student's high school graduation requirements.

The School may provide the opportunity to complete the coursework through an alternative method, including a correspondence course, another distance learning option, or summer school. The School will not charge the student for any method of completion provided by the School.

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The School may provide the opportunity by any method reasonably available.

Students and their parents are encouraged to discuss options with the teacher or counselor to ensure the student completes all work required for the course or grade level.

### **MEDICINE AT SCHOOL (All Grade Levels)**

Students may not keep prescription or over-the-counter medicines in the dormitories, on their person, in their lockers, or any place on or off campus. All medications must be in properly labeled containers and dispensed through the Health Center. This includes aspirin, vitamins, all cough and cold medications, diet pills, and stomach and digestive medicines. Students should report to the Health Center promptly for medications at assigned times. Students will receive instruction in self-administration of medication as outlined in their IEPs.

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

Only authorized employees may administer:

- Prescription medication, in the original, properly labeled container, provided by the parent, along with a written request;
- Prescription medication from a properly labeled unit dosage container filled by a registered nurse or another qualified School employee from the original, properly labeled container;
- Nonprescription medication, in the original, properly labeled container, provided by the parent along with a written request. Note: Insect repellent is considered a nonprescription medication.

With the approval of the TSBVI Health Center Director and the Principal, a student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or health-care provider and to the TSBVI Health Center Director the ability to use the prescribed medication, including any device required to administer the medication. If the student has been prescribed asthma or anaphylaxis medication, the student and parents should discuss this with the Health Center Director.

With the permission of the Health Center Director and the Principal and in accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity.

### **Unassigned Epinephrine Auto-injectors**

In accordance with Chapter 38, Subchapter E of the Education Code, the board has adopted a policy to allow authorized school personnel who have been adequately trained to administer an unassigned epinephrine auto-injector to a person who is reasonably believed to be experiencing a severe allergic reaction (anaphylaxis).

An "unassigned epinephrine auto-injector" is an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the school issued with a non-patient specific standing delegation order for the administration of an epinephrine auto-injector. Epinephrine auto-injectors include brand-name devices such as EpiPens®.

Authorized and trained individuals may administer an epinephrine auto-injector at any time to a person experiencing anaphylaxis on a school campus.

The district will ensure that at each campus a sufficient number of school personnel are trained to administer epinephrine so that at least one trained individual is present on campus during regular school hours and whenever school personnel are physically on site for school-sponsored activities.

Authorized and trained individuals may administer an unassigned epinephrine auto-injector to a person experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event when an unassigned epinephrine auto-injector is available.

For additional information, see Policy FFAC.

## **Unassigned Prescription Asthma Medication**

In accordance with Chapter 38, Subchapter E of the Education Code, the board has adopted a policy to allow a school nurse to administer an unassigned prescription asthma medication on a school campus to a student with diagnosed asthma if the nurse, in his or her professional judgment, reasonably believes the student is experiencing symptoms of asthma that warrant administration of the medication and the district has obtained prior written consent from the student's parent or guardian. The school nurse may only administer unassigned prescription asthma medication to a student on a school campus.

"Unassigned asthma medication" means a fast-acting bronchodilator delivered by metered dose inhaler with single use spacer or by nebulizer as a rescue medication, prescribed by an authorized health-care provider in the name of the district with a non-patient-specific standing delegation order for the administration of an asthma medication, and issued by an authorized health-care provider.

**For additional information, see Policy FFAC Mental Health Support (All Grade Levels)**

The school has implemented programs to address the following mental health, behavioral health, and substance abuse concerns:

- Mental health promotion and early intervention;
- Building skills to manage emotions, establish and maintain positive relationships, and engage in responsible decision-making;
- Substance abuse prevention and intervention;
- Suicide prevention, intervention, and postvention (interventions after a suicide in a community);
- Grief, trauma, and trauma-informed care;
- Positive behavior interventions and supports;
- Positive youth development; and
- Safe, supportive, and positive school climates.

If a student has been hospitalized or placed in residential treatment for a mental health condition or substance abuse, the school will plan to support the student's return to school. Please contact the school's mental health services supervisor for further information.

Teachers and other school employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend use of psychotropic drugs. A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication that is intended to alter perception, emotion, mood, or behavior.

A school 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. [See policy FFEB for more information.]

For related information, see:

- **Consent to Conduct a Psychological Evaluation or Provide a Mental Health Care Service** on page 5 for the school's procedures for recommending a mental health intervention and the mental health liaison's contact information;
- **Counseling** on page 37 for the school's comprehensive school counseling program;
- **Physical and Mental Health Resources** on page **Error! Bookmark not defined.** for campus and community mental and physical health resources; and
- **Policies and Procedures that Promote Student Physical and Mental Health** on page 55 for board-adopted policies and administrative procedures that promote student health.

## **MOBILITY CARD PRIVILEGES**

Orientation & Mobility Instructors will recommend that student receive the privilege of obtaining a mobility card when the student has demonstrated the skills to travel safely off campus. These off-campus privileges fall into the following categories:

1. GREEN CARD (full mobility privileges; may travel anywhere in Austin independently; students 16 years old and older)
2. RED CARD (limited mobility privileges; may travel with a student who has full privileges and who may serve as a sighted guide)
3. WHITE CARD (specific route privileges; may travel to specific instructor-approved routes).

Steps to obtaining mobility cards:

1. The orientation & mobility instructor and student sign the mobility permission sheet. The O&M instructor signs to indicate that the student demonstrates the necessary skills to travel safely off campus. The student signs to indicate that are applying for the card.
2. The permission sheet is mailed to parents for approval.
3. Once the signed sheet is received from parents by the O&M instructor, students must make an appointment with the Principal.

Based upon the interview with the Principal and upon information gathered from teachers and residential instructors, the Principal will decide whether the student will receive a mobility card. Student safety will be the primary concern in making the decision.

## **NONDISCRIMINATION STATEMENT (All Grade Levels)**

In our efforts to follow the law to prohibit all forms of illegal discrimination, and as required by law, the Texas School for the Blind and Visually Impaired does not discriminate on the basis of race, religion, color, national origin, gender, sex, disability, age, or any other basis prohibited by law, in providing education services, activities, and programs, including vocational programs.

The staff member designated to coordinate compliance with these legal requirements is:

Eric Grimm  
Director of Center for School Resources  
(512) 206-9273

Please see the Superintendent for all other concerns regarding discrimination:

Emily Coleman  
Superintendent  
(512) 206-9133

In accordance with Title IX, TSBVI does not and is required not to discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends to admission and employment. Inquiries about the application of Title IX may be referred to TSBVI's Title IX Coordinator (see below), to the Assistant Secretary for Civil Rights of the Department of Education, or both. Other federal laws that prohibit discrimination include Title VI, Section 504, the Age Discrimination Act, the Boy Scouts Act, and Title II.

TSBVI has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment: Eric Grimm, Director of Center for School Resources, 1100 W. 45<sup>th</sup> St., Austin, TX 78756, (512) 206-9273, [grimmeter@tsbvi.edu](mailto:grimmeter@tsbvi.edu). Reports can be made at any time and by any person, including during non-business hours, by mail, phone, or email. During school business hours, reports may also be made in person. Upon TSBVI receiving notice or an allegation of sex-based harassment, the Title IX Coordinator will promptly respond in accordance with the process described at FFH(LOCAL).

## **ON- AND OFF-CAMPUS ACTIVITIES**

Students attending TSBVI may participate in various on and off campus activities such as: swimming, team sports, Special Olympics (requires an application), amusement parks, skating, camping, restaurant, shopping, and community-based instruction. Team sports may require out-of-state travel. These activities are school sponsored and may be considered a part of a student's activity program. TSBVI is not financially responsible for medical treatment of injuries to students sustained while participating in such activities.

## **PARENTAL INVOLVEMENT**

### **Working Together**

Both experience and research tell us that a child's education succeeds best when there is good communication and a strong partnership between home and school. Your involvement in this partnership may include:

- Encouraging your child to put a high priority on education and working with your child on a daily basis to make the most of the educational opportunities the school provides;
- Ensuring that your child completes all homework assignments and special projects and comes to school each day prepared, rested, and ready to learn;
- Becoming familiar with all of your child's school activities and with the academic programs, including special programs, offered at TSBVI;
- Discussing with the school counselor or principal any questions you may have about the options and opportunities available to your child;
- Reviewing the requirements and options for graduation with your child in middle school and again while your child is enrolled in high school;
- Monitoring your child's academic progress and contacting teachers as needed;
- Attending scheduled conferences and requesting additional conferences as needed;  
(Note: To schedule a telephone or in-person conference with a teacher, school counselor, or principal, please call the school office at (512) 206-9167 for an appointment. The teacher will usually return your call or meet with you during his or her conference period or before or after school);
- Becoming a school volunteer; Serving on the School Health Advisory Council (SHAC) and assisting the district in aligning local community values with health education instruction, human sexuality instruction, instruction on the prevention of child abuse, family violence, dating violence, and sex trafficking, and other wellness issues
- Being aware of the school's ongoing bullying and harassment prevention efforts;
- Contacting school officials if you are concerned with your child's emotional or mental well-being;
- Attending board meetings to learn more about School operations.
- Participating in events of the school's family organization, Family Lynx.

## **PHYSICAL EXAMINATIONS / HEALTH SCREENINGS**

### **Athletic Participation (Secondary Grade Levels Only)**

A student who wishes to participate in, or continue participation in, TSBVI's athletics program governed by the UIL must submit certification from a health-care provider authorized under UIL rules that the student has been examined and is physically able to participate in the athletic program.

This examination is required in the first year of middle school competition and the first and third years of high school competition. During the alternate years, the student must complete a medical appraisal form, and the results of this appraisal may prompt the School to require a physical examination.

Students are required to undergo a risk assessment for type 2 diabetes at the same time the School screens students for hearing and vision issues, or for abnormal spinal curvatures.

## **Other Examinations and Screenings (All Grade Levels)**

### **Hearing Screenings**

Students receive hearing screenings in first, third, fifth, and seventh grades as required by law. If a re-check is needed, a student may receive more frequent screenings.

### **Spinal Screening Program**

School-based spinal screening helps identify adolescents with abnormal spinal curvature and refer them for appropriate follow-up by their physician. Screening can detect scoliosis at an early stage when the curve is mild and may go unnoticed. Early detection is key to controlling spinal deformities.

All students who meet the Texas Department of State Health Services criteria will be screened for abnormal spinal curvature before the end of the school year. For information on spinal screening by an outside professional or exemption from spinal screening based on religious beliefs, see policy FFAA(Legal) or contact the superintendent.

Spinal screening is non-invasive and conducted following the most recent, nationally accepted and peer-reviewed standards for spinal screening.

## **PLEDGES OF ALLEGIANCE AND A MINUTE OF SILENCE (All Grade Levels)**

Each school day, students will recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag. The pledge to the Texas flag is "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible." Parents may submit a written request to the Principal to excuse their child from reciting a pledge.

One minute of silence will follow recitation of the pledges. Each student may choose to reflect, pray, meditate, or engage in any other silent activity during that minute so long as the silent activity does not interfere with or distract others.

## **PRAYER (All Grade Levels)**

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 encourage, require, or coerce a student to engage in or to refrain from such prayer or meditation during any school activity.

## **PROHIBITED OBJECTS**

In addition to objects prohibited by the Student Code of Conduct, students may not possess pocketknives, slingshots, or other dangerous objects. Students may use high-powered water guns only under close supervision by staff members.

## **PROMOTION AND RETENTION**

A student will be promoted only on the basis of academic achievement or demonstrated proficiency in the subject matter of the course or grade level, the recommendation of the student's teacher, the score received on any criterion-referenced or state-mandated assessment, and any other necessary academic information as determined by the School.

In addition, at certain grade levels a student—with limited exceptions—will be required to pass the State of Texas Assessments of Academic Readiness (STAAR), if the student is enrolled in a public Texas school on any day between January 1 and the date of the first administration of the STAAR.

### **Elementary and Middle School Grade Levels**

In order to be promoted to grade 6, students enrolled in grade 5 must perform satisfactorily on the mathematics and reading sections of the grade 5 assessment in English or Spanish.

In order to be promoted to grade 9, students enrolled in grade 8 must perform satisfactorily on the mathematics and reading sections of the grade 8 assessment in English.

If a student in grade 5 or 8 is enrolled in a course that earns high school credit and for which an end-of-course (EOC) assessment will be administered or in a course intended for students above the student's current grade level in which the student will be administered a state mandated assessment, the student will not be subject to the promotion requirements described above for the relevant grade 5 or 8 assessment. The student will instead take the corresponding EOC assessment.

If a student in grades 3-8 is enrolled in a class or course intended for students above his or her current grade level in which the student will be administered a state mandated assessment, the student will be required to take an applicable state mandated assessment only for the course in which he or she is enrolled, unless otherwise required to do so by federal law.

A student in grades 3–8 shall be assessed at least once in high school with the ACT or the SAT if the student completes the high school end-of-course assessments in mathematics, reading/language arts, or science prior to high school.

A student in grades 5 or 8 will have two additional opportunities to take a failed assessment. If a student fails a second time, a grade placement committee, consisting of the Principal or designee, the teacher, and the student's parent, will determine the additional special instruction the student will receive. After a third failed attempt, the student will be retained; however, the parent can appeal this decision to the committee. In order for the student to be promoted, based on standards previously established by the School, the decision of the committee must be unanimous and the student must complete additional

special instruction before beginning the next grade level. Whether the student is retained or promoted, an educational plan for the student will be designed to enable the student to perform at grade level by the end of the next school year.

Certain students—some classified as English language learners—may be eligible for exemptions, accommodations, or deferred testing.

Parents of a student at or above grade level 3 who does not perform satisfactorily on his or her state-mandated examinations will be notified that their child will participate in special instructional programs designed to improve performance. The student may be required to participate in this instruction before or after normal school hours or outside of the normal school year. Failure of a student to attend these programs may result in violations of required school attendance as well as the student not being promoted to the next grade level.

A Personal Graduation Plan (PGP) will be prepared for any student at the middle school or junior high level who did not perform satisfactorily on a state-mandated assessment or is determined by the School as not likely to earn a high school diploma before the fifth school year following enrollment in grade 9. At TSBVI, a student's IEP will be used as the student's personal graduation plan and will identify the student's educational goals and include consideration of the parent's educational expectations for the student. For a TSBVI student, the student's IEP may serve as the student's PGP and would therefore be developed by the student's ARD committee.

The admission, review, and dismissal (ARD) committee of a TSBVI student, including a LEP student, who does not perform satisfactorily on a designated assessment instrument, shall determine the manner in which the student will participate in an accelerated reading instruction program and whether the student will be promoted or retained.

### **High School Grade Levels**

To earn credit in a course, a student must receive a grade of at least 70 based on course-level or grade-level standards.

Students in grades 9–12 will be advanced at grade level based on the level of course credits earned.

Students will have multiple opportunities to take EOC assessments.

### **Repeating a High School Credit Course**

A parent may request in writing that a student repeat a high school credit course in which the student was enrolled during the previous school year unless the school determines that the student has met all requirements for graduation. Before granting the request, the district may convene a retention committee to meet and discuss the request and will invite the parent to participate.

## **RELEASE OF STUDENTS FROM SCHOOL**

Only persons on the student's visitor list may remove a student from campus. The student must be signed out through the school or dormitory office. When parents or a visitor are returning students to school, the student must be signed in through the school or dormitory office.

Because class time is important, doctor's appointments should be scheduled, if possible, at times when the student will not miss instructional time.

A student who will need to leave school during the day must bring a note from his or her parent that morning and follow the campus sign-out procedures before leaving the campus. Otherwise, a student will not be released from school at times other than at the end of the school day. Unless the Assistant Principal has granted approval because of extenuating circumstances, a student will not regularly be released before the end of the instructional day.

If a student becomes ill during the school day, the student should receive permission from the teacher before reporting to the Health Center. The nurse will decide whether or not the student should be sent home and will notify the student's parent.

### **Remote Instruction**

The school may offer remote instruction when authorized by TEA.

All school policies, procedures, guidelines, rules, and other expectations of student behavior will be enforced as applicable in a remote or virtual learning environment

## **REPORT CARDS / PROGRESS REPORTS AND CONFERENCES (All Grade Levels)**

All students in grades 7 through 12 receive report card grades and a record of student absences at the end of each quarterly grading period. Report card grades from the first and second quarters are averaged to determine the first semester grade; grades from the third and fourth quarters are averaged to determine the second semester grade.

At the end of the first three weeks of a grading period, parents will be given a written progress report if their child's performance in any course is near or below 70, or is below the expected level of performance. If the student receives a grade lower than 70 in any class or subject at the end of a grading period, the parent will be requested to schedule a conference with the teacher of that class or subject.

Teachers follow grading guidelines that have been approved by the Principal pursuant to the board-adopted policy and are designed to reflect each student's relative mastery of each assignment for the grading period. State law provides that a test or course grade issued by a teacher cannot be changed unless the board determines that the grade was arbitrary or contains an error, or that the teacher did not follow the School's grading policy.

Questions about grade calculation should first be discussed with the teacher; if the question is not resolved, the student or parent may request a conference with the Principal in accordance with TSBVI Board Policy FNG.

The report card or unsatisfactory progress report will state whether tutorials are required for a student who receives a grade lower than 70 in a class or subject.

Report cards and unsatisfactory progress reports must be signed by the parent and returned to the school. The school may use an electronic program to communicate academic information about your child, including for report card and progress reporting purposes.

### **ROLLERBLADES, ROLLER SKATES & SKATEBOARDS**

Students may not bring rollerblades, roller skates or skateboards into school buildings unless they are used as an educational activity under the close supervision of a staff member. Otherwise, they are for after school recreational usage only. During these times, a helmet must be worn and they are allowed on the service road on the east side of campus. They are not allowed on sidewalks on campus. Off campus, they are allowed on sidewalks, but not on streets. Crossing streets with them is not allowed.

### **RUNNING INDOORS PROHIBITED**

Students should not run indoors.

### **SAFETY (All Grade Levels)**

Student safety on campus, at school-related events, and on School vehicles is a high priority of the School. Although the School has implemented safety procedures, the cooperation of students is essential to ensuring 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 any safety hazards, such as intruders on campus or 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 School employees who are overseeing the welfare of students.

### **Accident Insurance**

A parent wishing to purchase low-cost accident insurance that would help meet medical expenses in the event of injury to their child may contact TSBVI Director of Center for School Resources Eric Grimmert, (512) 206-9273.

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

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

## **Preparedness Training: CPR and Stop the Bleed**

The school will annually offer instruction in CPR and the use of an automated external defibrillator (AED) at least once to students enrolled in grades 7–12. The instruction will be provided as part of PE class and is not required to result in CPR or AED certification.

The school will annually offer students in grades 7–12 instruction on the use of bleeding control stations to respond to traumatic injury as part of PE class. For more information, see:

[Homeland Security's Stop the Bleed](http://www.dhs.gov/stopthebleed) (www.dhs.gov/stopthebleed)

## **Emergency Medical Treatment and Information**

All parents are asked each year to complete an emergency care consent form. Parents should keep emergency care information up to date (name of doctor, emergency phone numbers, allergies, etc.). Please contact the admissions coordinator (512) 206-9182) to update any information.

The school may consent to medical treatment, which includes dental treatment, if necessary, for a student if:

- The school has received written authorization from a person having the right to consent;
- That person cannot be contacted; and
- That person has not given the school actual notice to the contrary.

The emergency care authorization form will be used by the school when a student's parent or authorized designee is unable to be contacted. A student may provide consent if authorized by law or court order.

Regardless of parental authorization for the school to consent to medical treatment, school employees will contact emergency medical services to provide emergency care when required by law or when deemed necessary, such as to avoid a life-threatening situation.

## **SCHOOL FACILITIES**

### **Food and Nutrition Services**

The School participates in the National School Lunch Program and offers students nutritionally balanced lunches daily. Parents may be asked for information that TSBVI will use to ensure its full participation in the program.

The following information is published as required by the USDA for participation in the National School Lunch Program: "In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720 -2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD -3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. mail:

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

2. fax:

(833) 256-1665 or (202) 690-7442; or

3. email:

[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

"This institution is an equal opportunity provider."

The responsible state agency that administers the program is the Texas Department of Agriculture (<https://www.texasagriculture.gov/Home/Contact-Us>), which can be reached at (800) TELL-TDA (835-5832) or (800) 735-2989 (TTY).

## **Library**

The library is a learning laboratory with books in regular print, large print, braille, and recorded; computers; magazines; and other materials available for classroom assignments, projects, and reading or listening pleasure

## **Meetings of Non-Curriculum-Related Groups**

Student-organized, student-led non-curriculum-related groups are permitted to meet during the hours designated by the Principal before and after school in accordance with board policy.

## **SEARCHES**

In the interest of promoting student safety and attempting to ensure that the TSBVI campus is safe and drug free, School officials may from time-to-time conduct searches. Such searches are conducted without a warrant and as permitted by law.

### **Students' Desks, Lockers and Bedrooms (All Grade Levels)**

Students' desks, lockers and bedrooms are school property and remain under the control and jurisdiction of the school even when assigned to an individual student.

Students are fully responsible for the security and contents of their assigned desks and lockers. Students must be certain that their lockers are locked, and that the combinations are not available to others.

Searches of desks, lockers or bedrooms may be conducted at any time there is reasonable suspicion to believe that they contain articles or materials prohibited by board policy, whether or not a student is present.

The parent will be notified if any prohibited items are found in the student's desk, locker or bedroom.

### **Telecommunications and Other Electronic Devices (All Grade Levels)**

Use of School-owned equipment and its network systems is not private and will be monitored by the School.

Any searches of personal telecommunications or other personal electronic devices will be conducted in accordance with law, and the device may be confiscated in order to perform a lawful search. A confiscated device may be turned over to law enforcement to determine whether a crime has been committed.

### **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 permission of the student. A student has full responsibility for the security 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 (All Grade Levels)**

The School may use trained dogs to alert school officials to the presence of prohibited or illegal items, including drugs and alcohol. At any time, trained dogs may be used around lockers and the areas around vehicles parked on school property. Searches of classrooms, common areas, residential areas or student belongings may also be conducted by trained dogs when students are not present. An item in a classroom, a bedroom, a locker, a vehicle or residential area to which a trained dog alerts may be searched by school officials.

### **SPECIAL PROGRAMS (All Grade Levels)**

A parent with questions about services for homeless children and youth, emergent bilingual students, and students diagnosed with dyslexia may contact Miles Fain, Principal, (512) 206-9251.

### **STANDARDIZED TESTING**

#### **SAT/ACT (Scholastic Aptitude Test and American College Test)**

Many colleges require either the American College Test (ACT) or the Scholastic Aptitude Test (SAT) for admission. Students are encouraged to talk with the school counselor early during their junior year to determine the appropriate examination to take; these examinations are usually taken at the end of the junior year. The Preliminary SAT (PSAT) and ACT-Aspire are the corresponding preparatory and readiness assessments for the SAT and ACT, and more information can be obtained on these assessments from the school counselor.

Note that participation in these assessments may qualify a student to receive a performance acknowledgment on his or her transcript under the foundation graduation program and may qualify as a substitute for an end-of-course testing requirement in certain circumstances. A student's performance at certain level on the SAT or ACT also makes the student eligible for automatic admission to a Texas public institution of higher education.

#### **TSI (Texas Success Initiative) Assessment**

Prior to enrollment in a Texas public college or university, most students must take a standardized test called the Texas Success Initiative (TSI) assessment. The purpose of the TSI assessment is to assess the reading, mathematics, and writing skills that entering freshmen-level students should have if they are to perform effectively in undergraduate certificate or degree programs in Texas public colleges and universities. This assessment may be required before a student enrolls in a dual-credit course offered through the School as well. Achieving certain benchmark scores on this assessment for college readiness may also waive certain end-of-course assessment requirements in limited circumstances.

## **STAAR (State of Texas Assessments of Academic Readiness)**

### **Grades 3–8**

In addition to routine tests and other measures of achievement, students at certain grade levels are required to take the state assessment, called STAAR, in the following subjects:

- Mathematics, annually in grades 3–8
- Reading, annually in grades 3–8
- Writing, including spelling and grammar, in grades 4 and 7
- Science in grades 5 and 8
- Social Studies in grade 8

Successful performance on the reading and math assessments in grades 5 and 8 is required by law in order for the student to be promoted to the next grade level, unless the student is enrolled in a reading or math course intended for students above the student's current grade level. Exceptions may apply for students enrolled in a special education program if the ARD committee concludes the student has made sufficient progress in the student's individual education plan (IEP).

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain state-established criteria as determined by the student's ARD committee.

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

### **High School Courses - End-of-Course (EOC) Assessments**

STAAR end-of-course (EOC) assessments are administered for the following courses:

- Algebra I
- English I and English II
- Biology
- United States History

Satisfactory performance on the applicable assessments will be required for graduation, unless otherwise waived or substituted as allowed by state law and rules.

There are three testing windows during the year in which a student may take an EOC assessment, which will occur during the fall, spring, and summer months. If a student does not meet satisfactory performance, the student will have additional opportunities to retake the assessment.

STAAR Alternate 2 for students receiving special education services who meet certain state established criteria, will be available for eligible students, as determined by the student's ARD committee.

A student's ARD committee for students receiving special education services will determine whether successful performance on the EOC assessments will be required for graduation within the parameters identified in state rules and the student's personal graduation plan.

### **Failure to Perform Satisfactorily on a STAAR or EOC Assessment**

If a student does not perform satisfactorily on a required state assessment in any subject, the school will provide accelerated instruction for the student in the subsequent school year by:

- Assigning the student to a teacher who is certified as a master, exemplary, or recognized teacher if one is available in the grade and subject matter of the state assessment on which the student did not perform satisfactorily, or
- Providing supplemental instruction.

A student may be required to attend any assigned supplemental instruction program before or after school or during the summer. When a student fails to perform satisfactorily on a required state assessment in the same subject area for two or more years, the district shall develop an accelerated education plan. Parents are encouraged to participate in developing this plan.

## **STERIODS**

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.

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.

## **STUDENTS EXPERIENCING HOMELESSNESS (All Grade Levels)**

You are encouraged to inform the School if you or your child are experiencing homelessness. School staff can share resources with you that may be able to assist you and your family.

For more information on services for homeless students, contact the School's homeless education liaison, Katherine Houck, Social Worker, (512-206-9172).

## **STUDENTS IN FOSTER CARE (ALL GRADE LEVELS)**

In an effort to provide educational stability, the School strives to assist any student who is currently placed or newly placed in foster care (temporary or permanent custody) of the state of Texas with the

enrollment and registration process, as well as other educational services throughout the student's enrollment in the School.

Please contact Katherine Houck, Social Worker, who has been designated as the School's foster care liaison, at (512) 206-9172 with any questions.

## **STUDENT PROPERTY**

Students are encouraged not to bring any item of value to the School campus. The School is not responsible for replacing or repaying students for any item that is lost or stolen from the student.

Any student who does bring anything of value will be offered the use of a footlocker that can be used with a padlock.

## **TEXTBOOKS, ELECTRONIC TEXTBOOKS, TECHNOLOGICAL EQUIPMENT AND OTHER INSTRUCTIONAL MATERIALS (All Grade Levels)**

Textbooks and other school-approved instructional materials are provided to students free of charge for each subject or class. Books must be treated with care. Electronic textbooks and technological equipment may also be provided to students, depending on the course and course objectives. A student who is issued a damaged item should report the damage to the teacher.

### **Transfers (All Grade Levels)**

The principal is authorized to transfer a student from one classroom to another.

## **TRANSPORTATION (All Grade Levels)**

### **School-Sponsored Trips**

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.

### **Buses and Other School Vehicles**

Students are expected to assist School staff in ensuring that buses remain in good condition and that transportation is provided safely. When riding in School 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 vehicle 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 vehicle 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 vehicle.
- Not possess or use any form of tobacco or e-cigarettes in any school vehicle.
- Be seated while the vehicle is moving.
- Fasten their seat belts, if available.
- Wait for the driver's signal upon leaving the vehicle and before crossing in front of the vehicle.
- Follow any other rules established by the operator of the vehicle.

Misconduct will be punished in accordance with the Student Code of Conduct; the privilege to ride in a school vehicle, including a school bus, may be suspended or revoked.

### **VANDALISM (All Grade Levels)**

The taxpayers of the State of Texas have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended—both this year and for years to come—littering, defacing, or damaging school property is not tolerated. Students will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

### **VIDEO CAMERAS (All Grade Levels)**

For safety purposes, video and audio recording equipment is used to monitor student behavior on buses and in common areas on campus. Students will not be told when the equipment is being used.

The Principal will review the video and audio recordings routinely and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

### **VISITORS TO THE SCHOOL (All Grade Levels)**

Parents and other visitors are welcome to visit TSBVI classrooms and dormitories. All visitors must first report to the school or dormitory office. Visits during the school day are permitted only with the Assistant Principal's or Principal's approval, and such visits are not permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment.

#### **Student Visitor List**

TSBVI maintains a list of visitors who have approval from parents --or from the student, if 18 or over--to visit with the student on campus and/or to check the student off campus. The parent or adult student submits a list of approved visitors annually as a part of the registration process. Please remember that visitors for students aged 13 and younger must be either a relative of the student or over age 18.

## **Modifying the Visitor List**

The parent or adult student may modify the list at any time by notifying the Residential Instructor or Admissions Coordinator. When an adult student modifies the visitor list, the parent will be informed of the modification. When a student younger than 18 requests that the list be modified, the parent will be contacted for permission within the 24-hour period after the student requests the modification.

## **Authority to Restrict Visitation**

A designated supervisor or administrator may determine that allowing a visitor to visit on campus or take the student off campus is unduly disruptive to the school routine or may jeopardize the safety of the student. In this case, the Superintendent has delegated to the supervisor or administrator the authority to request that the visitor leave campus and/or to inform the visitor that the visitor may not take the student off campus.

## **Rules for Visitors**

An on-campus visitor must wear a visitor's badge at all times while on the campus. The visitor may obtain the badge from a staff member in the area where the student resides.

While visiting on campus or taking the student off campus, the visitor must stay with the student visited.

## **VOTER REGISTRATION (Secondary Grade Levels Only)**

A student who is eligible to vote in any local, state, or federal election may obtain a voter registration application at the main campus office.

## **WEEKENDS HOME PROGRAM**

The School operates a "Weekends Home" program in which students attending TSBVI are required or permitted to return to their homes on selected weekends during the school year. Parents will receive a copy of the School's Weekends Home Parent and Student Handbook. Questions about the program may be directed to the student's Residential Director.

For students who are transported in TSBVI buses and vans during the Weekends Home program, the following rules apply:

1. Students must respect the rights and privileges of other students and Weekends Home staff.
2. Students must respect the property of others.
3. Students must cooperate with or assist the Weekends Home staff in maintaining safety, order, and discipline.
4. Students must remain seated and buckled in their seats as long as the vehicle is in route.
5. All radios, CD players, and other sound-producing equipment must be used with a headset unless Weekends Home staff has given permission otherwise.
6. Students must keep all noise levels as low as possible.

7. Students may not purchase snacks or drinks at rest stops.
8. Students may not bring glass objects onto the vehicle unless they are stored in their luggage.
9. Students may not bring aerosols or sprays (such as perfumes, colognes, etc.) into the seating area of the vehicle.
10. Students must not throw or hang anything out of the window of the vehicle.

## **WILDCAT INN**

Parents may contact a student's Residential Director or Assistant Principal to reserve a room in the Wildcat Inn, the School's hospitality training center and visitors' accommodations, when visiting the campus to observe, interact with or assist their child as a part of the core educational program or due to a medical need. Examples of eligible activities include parent-teacher conferences; attendance at Admission, Review, Dismissal (ARD) meetings; observation in classes and dormitory activities. In order to ensure that access is available to parents as needed, the Residential Director or Assistant Principal may approve a reasonable number of requests per parent that meet the eligibility criteria. For other activities and visits, the Residential Director or Assistant Principal may provide recommendations about area hotels.

## **WITHDRAWING FROM SCHOOL (All Grade Levels)**

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. The parent may obtain a withdrawal form from the Principal's office.

On the student's last day, the withdrawal form must be presented to each teacher for current grade averages and book and equipment clearance; to the librarian to ensure a clear library record; to the Health Center for health records; to the technology teacher; to the Assistant Principal; and to the Principal. A copy of the withdrawal form will be given to the student, and a copy will be placed in the student's permanent record.

A student who is 18 or older, who is married, or who has been declared by a court to be an emancipated minor, may withdraw without parental signature.

## GLOSSARY

**Accelerated instruction**, including supplemental instruction, is an intensive educational program designed to help an individual student acquire the knowledge and skills required at his or her grade level. It is required when a student does not meet the passing standard on a state-mandated assessment. Accelerated instruction may be provided by assigning a student to a classroom teacher who is certified as a master, exemplary, or recognized teacher or by providing supplemental instruction in addition to regular instruction.

**ACT**, or the American College Test, is one of the two most frequently used college or university admissions examinations. The test may be required for admission to certain colleges or universities.

**ACT-Aspire** refers to an assessment that took the place of ACT-Plan and is designed as a preparatory and readiness assessment for the ACT. This is usually taken by students in grade 10.

**ARD** is the admission, review, and dismissal committee convened for each student who is identified as needing a full and individual evaluation for special education services. The eligible student and his or her parents are members of the committee.

**Attendance Review Committee** is responsible for reviewing a student's absences when the student's attendance drops below 90 percent, or in some cases 75 percent, of the days the class is offered. Under guidelines adopted by the board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit lost because of absences.

**CPS** stands for Child Protective Services

**DAEP** stands for disciplinary alternative education program, a placement for students who have violated certain provisions of the Student Code of Conduct.

**DFPS** is the Texas Department of Family Protective Services.

**DPS** stands for the Texas Department of Public Safety.

**EOC (end of course) assessments** are end-of-course tests, which are state-mandated, and are part of the STAAR program. Successful performance on EOC assessments are required for graduation. These examinations will be given in English I, English II, Algebra I, Biology, and United States History.

**ESSA** is Every Students Succeeds Act.

**FERPA** refers to the federal Family Educational Rights and Privacy Act that grants specific privacy protections to student records. The law contains certain exceptions, such as for directory information, unless a student's parent or a student 18 or older directs the school not to release directory information.

**IEP** is the written record of the Individualized Education Program prepared by the ARD committee for a student with disabilities who is eligible for special education services. The IEP contains several parts, such as a statement of the student's present educational performance; a statement of measurable annual goals, with short-term objectives; the special education and related services and supplemental aids and services to be provided, and program modifications or support by school personnel; a statement regarding how the student's progress will be measured and how the parents will be kept informed; modifications to state or School wide tests; whether successful completion of state-mandated assessments is required for graduation, etc.

**IGC** is the individual graduation committee, formed in conformance with state law, to determine a student's eligibility to graduate when the student has failed to demonstrate satisfactory performance on no more than two of the required state assessments. The ARD Committee serves in this role for students at TSBVI.

**ISS** refers to in-school suspension, a disciplinary technique for misconduct found in the Student Code of Conduct. Although different from out-of-school suspension and placement in a DAEP, ISS removes the student from the regular classroom.

**PGP** stands for Personal Graduation Plan, which is required for high school and for any student in middle school who fails a section on a state-mandated test or is identified by the School as not likely to earn a high school diploma before the fifth school year after he or she begins grade 9.

**PSAT** is the preparatory and readiness assessment for the SAT. It serves as the basis for the awarding of National Merit Scholarships.

**SAT** refers to one of the two most frequently used college or university admissions examinations: the Scholastic Aptitude Test. The test may be a requirement for admissions to certain colleges or universities.

**SHAC** stands for School Health Advisory Council, a group of at least five members, a majority of whom must be parents, appointed by the school board to assist TSBVI in ensuring that local community values and health issues are reflected in the TSBVI's health education instruction, along with providing assistance with other student and employee wellness issues.

**Section 504** is the federal law that prohibits discrimination against a student with a disability, requiring schools to provide opportunities for equal services, programs, and participation in activities. Unless the student is determined by an ARD committee to be eligible for special education services, appropriate regular educational services will be provided.

**STAAR** is the State of Texas Assessments of Academic Readiness, the state's system of standardized academic achievement assessments.

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

**STAAR Spanish** is an alternative state-mandated assessment administered to eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

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

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

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

**TSI Assessment** is the Texas Success Initiative assessment designed to measure the reading, mathematics, and writing skills that entering college-level freshmen students should have if they are to be successful in undergraduate programs in Texas public colleges and universities.

**TxVSN** is the Texas Virtual School Network, which provides online courses for Texas students to supplement the instructional programs of public school districts. Courses are taught by qualified instructors, and courses are equivalent in rigor and scope to a course taught in a traditional classroom setting.

**UIL** refers to the University Interscholastic League, the statewide voluntary nonprofit organization that oversees educational extracurricular academic, athletic, and music contests.

# **TSBVI STUDENT CODE OF CONDUCT 2023-2024**

# PURPOSE

The Student Code of Conduct is the School's response to the requirements of Chapter 37 of the Texas Education Code.

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

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

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

In accordance with state law, the Code shall be available for review at the office of the Principal (Campus Behavior Coordinator). Additionally, the Code will be posted on the School's web site: [www.tsbvi.edu](http://www.tsbvi.edu). Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the School's Board of Trustees it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code shall prevail.

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

## **SCHOOL AUTHORITY AND JURISDICTION**

### **Campus Behavior Coordinator**

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

The School has disciplinary authority over a student:

- During the regular school day and residential hours and while the student is going to and from school or a school-sponsored or school-related activity on School transportation;
- During lunch periods;
- When a student engages in cyberbullying, as provided by Education Code 37.0832;
- While the student is in attendance at any school-related activity, regardless of time or location;
- For any school-related misconduct, regardless of time or location;
- When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
- When criminal mischief is committed on or off school property or at a school-related event;
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
- For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas; and
- When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081.
- When the student is required to register as a sex offender.

As required by law, a person must be designated to serve as the campus behavior coordinator. The designated person may be the Principal of the campus or any other campus administrator selected by the Principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. At TSBVI, Principal Miles Fain is the School's campus behavior coordinator. His email is [fainm@tsbvi.edu](mailto:fainm@tsbvi.edu) and his phone number is (512) 206-9251.

### **Threat Assessment and Safe and Supportive School Team**

The Principal will work closely with the campus threat assessment safe and supportive school team to implement the threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

### **Searches**

TSBVI officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and school policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the school's policies at FNF for more information regarding investigations and searches.

Desks, lockers school-provided technology, and similar items are the property of the school and are provided for student use as a matter of convenience. School property is subject to search or inspection at any time without notice.

### **REPORTING CRIMES**

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

## **SECURITY PERSONNEL**

To ensure sufficient security and protection of students, staff, and property, the Board employs security officers, the safety security Program Supervisor, and the Campus Behavior coordinator to partner with local law enforcement

## **“PARENT” DEFINED**

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

## **PARTICIPATING IN GRADUATION ACTIVITIES**

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

## **UNAUTHORIZED PERSONS**

In accordance with *Education Code 37.105*, a school administrator, or school security officer shall have the authority to refuse entry or eject a person from school property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from school property may be filed in accordance with policies FNG or GF, as appropriate. However, the timelines for the school’s grievance procedures shall be adjusted as necessary to permit the person to address the Board in person within 90 days, unless the complaint is resolved before a board hearing.

## **DISCIPLINING TSBVI STUDENTS**

This Code of Conduct addresses standards for student conduct, general conduct violations and removal from the educational setting, including suspension, placement in a Disciplinary Alternative Education Program (DAEP) and expulsion.

It is important to remember that, in addition to the Student Code of Conduct, the discipline of students with disabilities, including all TSBVI students, is subject to the provisions of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. To the extent of any conflict between any provision in the Code of Conduct and the provisions of the IDEA and/or Section 504, the provisions of IDEA and Section 504 will prevail.

Because of this, all of the following information applies to disciplinary action for all TSBVI students.

- Following the Code of Conduct

Parents will remember that, as part of your student's Admission, Review and Dismissal (ARD) meeting, the ARD committee determined whether your student a) is capable of following the Code of Conduct, b) is capable of following the Code of Conduct with modifications, or c) is not capable of following the Code of Conduct.

For a student who is not capable of following the Code of Conduct, the provisions of the TSBVI Code of Conduct do not apply at all. Information about how staff will respond to your student's behavior is contained in the Individualized Education Program (IEP) and, if one has been developed for your student, in the Behavior Intervention Plan (BIP).

For a student who is capable of following the Code of Conduct or following it with modifications, the additional provisions below apply.

- Removals from the Student's Current Placement

A "removal" includes out-of-school (OSS), removal to In-school Suspension (ISS), removal to a Disciplinary Alternative Education Placement (DAEP), or expulsion.

In deciding whether to order suspension, DAEP, or expulsion, the School will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

If a TSBVI student engages in bullying, cyberbullying, harassment or making hit lists, the student may not be disciplined for this conduct until an ARD committee meeting has been held to review the conduct.

For a student who is capable of following the Code of Conduct or following it with modifications, for any violation of School rules, the student's Principal, with input, as needed, from administrators, supervisors and direct service staff members working with the student:

- may remove the student from the student's current placement for not more than 10 consecutive school days; or
- may remove the student from the student's current placement for separate periods of time less than 10 consecutive school days in the same school year for separate incidents of misconduct as long as the removals do not constitute a pattern based on the length of time of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

## School Responsibilities After Certain Removals

- **Manifestation Determination Review**

After any of the following four events has occurred, the student's ARD Committee will conduct a manifestation determination review (MDR) to determine whether the student's behavior has a direct and substantial relationship to the student's disability(ies):

- a student removal for more than 10 consecutive school days is initiated;
- any separate removal for less than 10 days is initiated that will result in a pattern of removals exceeding 10 days in a school year;
- a removal to a DAEP for possessing a weapon or possessing or soliciting the sale of illegal drugs is initiated; or
- the total number of days a student has been removed exceeds 10 days in a school year.

No later than the tenth day the student will be removed from the educational placement, the School will convene an ARD meeting to review the relationship between the student's disability and the behavior subject to the disciplinary action. The ARD committee may determine that the behavior was not a manifestation of the student's disability only if:

- the conduct in question was the direct result of TSBVI's failure to implement the IEP; or
- the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability.

If the ARD Committee identifies any deficiencies in the student's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.

- **Responsibility When Behavior Is a Manifestation of Disability.** If the ARD Committee determined that the student's behavior is a manifestation of the student's disability because the behavior was caused by, or had a direct and substantial relationship to, the student's disability, the ARD Committee will arrange for a Functional Behavior Assessment (FBA) to be conducted and a Behavior Intervention Plan (BIP) to be developed and will assign a timeline for these activities. If the student already has a BIP, the ARD Committee will arrange for the BIP to be reviewed and modified as necessary to address the behavior and will assign timelines for this activity.

As soon as practical after completing the FBA and BIP (or the modified BIP), the ARD Committee shall meet again to adopt the FBA and BIP.

- **Responsibility When Behavior is Not a Manifestation of Disability.** If the ARD Committee determined that the student's behavior is not a manifestation of the student's disability because the behavior was not caused by, or did not have a direct and substantial relationship to, the student's disability, the ARD Committee will arrange for a Functional Behavior Assessment (FBA) to be conducted and for behavior services and modifications to be provided to address the

behavior that is determined not to be a manifestation of the student's disability. The behavior services may include applying the provisions of the Code of Conduct to the student.

- Responsibility for Conducting FBA and Developing BIP Related to Drug or Weapons Offenses or The Infliction of Serious Bodily Injury

When the student has committed an offense related to drugs or weapons or has inflicted serious bodily injury on another person, the student may be placed in DAEP for not more than 45 school days regardless of whether the behavior was caused by or has a substantial relationship to the student's disability. In this case, the ARD Committee will arrange for an FBA to be conducted and a BIP developed.

- Provision of Services During Student Removals Greater than 10 Days

After a student has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal the School will ensure that educational services are provided to the student in accordance with the Individuals with Disabilities Education Act.

- Procedural Safeguards

For information regarding an appeal of any school or ARD committee decision related to student discipline, the parent is referred to the "Notice of Procedural Safeguards; Parents of Students with Disabilities". Each parent is given a copy of these safeguards with the ARD notice for the student's annual ARD meeting.

## **STANDARDS FOR STUDENT CONDUCT**

Students are expected to follow campus-wide rules incorporating expectations for behavior related to student safety, respectfulness, responsibility and participation and must:

- Be Safe
- Be Respectful
- Be Responsible
- Be a Participant

Each student is also expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet School standards of grooming and dress.
- Obey all campus and classroom rules.

- Respect the rights and privileges of students, teachers, and other School staff and volunteers.
- Respect the property of others, including School property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

## **GENERAL CONDUCT VIOLATIONS**

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

The School prohibits the following:

### **Disregard for Authority**

- Failing to comply with directives given by School personnel (insubordination).
- Leaving School grounds or school-sponsored events without permission.
- Disobeying rules for conduct on School vehicles.
- Refusing to accept discipline management techniques assigned by a teacher or Principal.

### **Mistreatment of Others**

- Using profanity or vulgar language or making obscene gestures.
- Fighting or scuffling. (For assault see DAEP Placement and Expulsion)
- Threatening another student or School employee on or off school property.
- Engaging in bullying, cyberbullying, harassment, or making hit lists.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engaging in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, including requests for sexual favors directed toward another student or a School employee.
- Engaging in conduct that constitutes dating violence.
- Engaging in inappropriate or indecent exposure of private body parts.
- Hazing. (See glossary)
- Causing an individual to act through the use of or threat of force (coercion).
- Committing extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engaging in inappropriate verbal, physical, or sexual conduct directed toward another student or a School employee.

- Recording the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

### **Property Offenses**

- Damaging or vandalizing property owned by others. (For felony criminal mischief see DAEP Placement or Expulsion)
- Defacing or damaging School property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means.
- Stealing from students, staff, or the school.
- Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft see DAEP Placement and Expulsion)
- Enter, without authorization, school facilities that are not open for operations.

### **Possession of Prohibited Items**

Possessing or using:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon
- An air gun or BB gun
- Ammunition
- A stun gun
- Knuckles
- \*A location-restricted knife
- A pocketknife or any other small knife
- \*\*A club
- \*\*A firearm
- A hand instrument designed to cut or stab another by being thrown
- A firearm silencer or suppressor
- Mace or pepper spray;
- Pornographic material
- Tobacco products, including electronic cigarettes
- Matches or a lighter
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the Principal or designee determines that a danger exists

\*A knife with a blade of more than 5.5 inches

\*\*For weapons and firearms, see DAEP Placement and Expulsion. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law

### **Possession of Telecommunications or Other Electronic Devices**

- Turning on or using cell phones or other electronic communication devices during the school day, during instructional times in the residential setting, after “lights out” time on dorms, or at School events is not allowed.

### **Illegal, Prescription, And Over-The-Counter Drugs**

- Possessing, using, giving, or selling alcohol or an illegal drug. (Also see DAEP Placement and Expulsion for mandatory and permissive consequences under state law.)
- Possessing or selling seeds or pieces of marijuana in less than a usable amount.
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance. (See glossary for “paraphernalia”)
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.
- Abusing over-the-counter drugs. Being under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. Having or taking prescription drugs or over-the-counter drugs at school other than as provided by School policy.

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

- Violating policies, rules, or agreements signed by the student’s parent regarding the use of technology resources.
- Attempting to access or circumvent passwords or other security-related information of the School, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempting to alter, destroy, or disable School technology resources including but not limited to computers and related equipment, school data, the data of others, or other networks connected to the School’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Using the Internet or other electronic communications to threaten students, employees, Board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

### **Safety Transgressions**

- Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten School safety.
- Engaging in verbal (oral or written) exchanges that threaten the safety of another student, a School employee, or School property.
- Making false accusations or perpetrating hoaxes regarding School safety.

- Engaging in any conduct that School officials might reasonably believe will substantially disrupt the School program or incite violence.
- Throwing objects that can cause bodily injury or property damage.
- Discharging a fire extinguisher or fire alarm without valid cause.

### **Miscellaneous Offenses**

- Violating dress and grooming standards as communicated in the Parent and Student Handbook.
- Engaging in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
- Gambling.
- Falsifying records, passes, or other school-related documents.
- Engaging in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violating other communicated campus or classroom standards of conduct.

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

## **DISCIPLINE MANAGEMENT TECHNIQUES**

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

### **Techniques**

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

- Verbal (oral or written) correction.

- Cooling-off time or a brief period, “time-out”.
- Seating changes within the classroom or vehicles owned or operated by the School.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations’ extracurricular standards of behavior.
- Restriction or revocation of School transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the School.
- Other strategies and consequences as determined by school officials.

### **Prohibited Aversive Techniques**

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain.
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student’s face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.

- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

## **Notification**

The Principal/campus behavior coordinator or appropriate administrator shall promptly notify a student's parent by phone or in person of any violation that may result in an in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The Principal/campus behavior coordinator or other appropriate administrator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day of the day the disciplinary action was taken, the Principal/campus behavior coordinator or other appropriate administrator shall send written notification by U.S. Mail and email.

## **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the teacher, Assistant Principal or Principal, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG. A copy of the policy may be obtained from the Principal's office or the School's website [www.tsbvi.edu](http://www.tsbvi.edu).

The School shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the school will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL).

## **REMOVAL FROM THE EDUCATIONAL SETTING**

A teacher or other instructional staff member may use a variety of behavior support techniques within the instructional setting and may request additional support from a behavior specialist or Assistant Principal, as needed. The teacher or other instructional staff member and behavior specialist or Assistant Principal may also determine to remove the student from the instructional setting.

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

### **Misconduct**

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

The School shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

A student below grade 3 or a student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Penal Code *Section 46.02 or 46.05*;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The School shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

## **PROCESS**

State law allows a student to be suspended for no more than three school days per behavior violation subject to the provisions of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973.

Before being suspended, a student shall have an informal conference with the Principal/campus behavior coordinator or other appropriate administrator who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision.

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

In deciding whether to order out-of-school suspension, the Principal/campus behavior coordinator or other appropriate administrator shall take into consideration:

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

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

### **DISCIPLINARY ALTERNATIVE EDUCATION PLACEMENT (DAEP)**

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

For purposes of DAEP, elementary classification shall be kindergarten–grade 6 and secondary classification shall be grades 7–12.

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

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care) or
6. A student's status as homeless.

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

### **Coursework During Suspension**

The School shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom.

## **COOPERATION WITH THE LOCAL SCHOOL DISTRICT**

As with all areas of the provision of a student's Free and Appropriate Public Education (FAPE), the School will cooperate with the student's local school district in providing a DAEP placement for a student. Due to the residential nature of the School, it may be necessary for the student to access the local school district's DAEP according to the length of the placement and individual student needs.

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

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

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

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

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society, or gang. (See glossary)
- Involvement in criminal street gang activity. (See glossary)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

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

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

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

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engages in conduct punishable as a felony.
  - Commits an assault (see glossary) under *Penal Code 22.01(a)(1)*.
  - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of a controlled substance, or a dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence")
  - Sells, gives or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
  - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol
  - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - Sells, gives or delivers to another person or possesses or uses an e-cigarette.
  - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
  - Engages in conduct that contains the elements of an offense of harassment against an employee under *Penal Code 42.07(a)(1), (2), (3), or (7)*.
  - Engages in expellable conduct and is six to nine years of age.
  - Commits a federal firearms violation and is younger than six years of age.
  - Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  - The student receives deferred prosecution (see glossary),

- A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
- The Superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

## **Sexual Assault**

If a student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student, and if the victim's parent or another person with the authority to act on behalf of the victim so requests, the Board shall transfer the offending student to a DAEP.

## **Process**

Removals to a DAEP will be made by the Principal/campus behavior coordinator or other appropriate administrator.

## **Conference**

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

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

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

## **Consideration of Mitigating Factors**

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care) or
6. A student's status as homeless.

## **Placement Order**

After the conference, if the student is placed in a DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services shall be sent to the student and the student's parent.

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

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

### **DAEP at Capacity**

If a DAEP is at capacity at the time the campus behavior coordinator is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS then transferred to a DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement. If a DAEP is at capacity at the time the campus behavior coordinator is deciding placement for a student who engaged in violent conduct, a student placed in a DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be placed in ISS to make a position in the DAEP available for the student who engaged in violent conduct. If a position becomes available in a DAEP before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP for the remainder of the period.

## **Coursework Notice**

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

## **Length of Placement**

The duration of a student's placement in a DAEP shall be determined by the Principal/campus behavior coordinator or other appropriate administrator. The duration of a student's placement shall be determined on a case-by-case basis based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

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

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

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

### **Exceeds One Year**

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

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

### **Exceeds School Year**

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

For placement in a DAEP to extend beyond the end of the school year, the Principal/campus behavior coordinator or other must determine that:

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

### **Exceeds 60 Days**

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

Questions from parents regarding disciplinary measures should be addressed to the Principal/campus behavior coordinator.

### **Appeals**

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with Policy FNG. A copy of this policy may be obtained from the Principal's office or from the website [www.tsbvi.edu](http://www.tsbvi.edu).

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

### **Restrictions During Placement**

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

### **Placement Review**

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the Principal/campus behavior coordinator or other appropriate administrator at intervals not to exceed 120 days.

### **Additional Misconduct**

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

### **Notice of Criminal Proceedings**

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the School or Resident ISD if:

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

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

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

The student or the student's parent may appeal the Principal's decision to the Board. In the case of an appeal, the Board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the Principal, and confirm or reverse the decision of the Principal. The Board shall make a record of the proceedings.

If the Board confirms the decision of the Principal, the student and the student's parent may appeal to the Commissioner of Education.

### **Withdrawal During Process**

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

### **Emergency Placement Procedure**

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

## **PLACEMENT AND/OR EXPULSION FOR CERTAIN OFFENSES**

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

### **Registered Sex Offenders**

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the administration and ARD committee shall determine appropriate placement unless the court orders JJAEP placement.

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

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

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

### **Review Committee**

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

### **CERTAIN FELONIES**

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with *Education Code 37.0081*, a student may be expelled and placed in either DAEP or JJAEP at the local school district if the Principal/campus behavior coordinator or other appropriate administrator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Penal Code. The student must:

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

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

- The date on which the student's conduct occurred,
- The location at which the conduct occurred,
- Whether the conduct occurred while the student was enrolled in the School; or

- Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

### **Hearing and Required Findings**

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

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

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

### **Length of Placement**

The student is subject to the placement until:

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

### **Newly Enrolled Students**

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

## **EXPULSION**

In deciding whether to order expulsion, the Principal/campus behavior coordinator or other appropriate administrator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care) or
6. A student's status as homeless.

### **Discretionary Expulsion: Misconduct That May Result in Expulsion**

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See DAEP Placement)

### **Any Location**

A student may be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under *Penal Code 22.01(a)(1)* in retaliation against a school employee or volunteer.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
  - Aggravated assault
  - Sexual assault
  - Aggravated sexual assault
  - Murder
  - Capital murder
  - Criminal attempt to commit murder or capital murder
  - Aggravated robbery
- Breach of computer security (See glossary)

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

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

- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under *Section 22.01(a)(1)* against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary)

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

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (see glossary)

- Murder, capital murder, or criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.
- Felony controlled substance or dangerous drug offenses not including THC
- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a, or prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, (as defined by federal law). (See glossary.)

### **Property of the School**

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

### **While in DAEP**

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

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

### **MANDATORY EXPULSION: MISCONDUCT THAT REQUIRES EXPULSION**

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

#### **Under Federal Law**

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

### **Under the Penal Code**

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by *Penal Code 46.02*:
  - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary) *Note*: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus.
  - A location-restricted knife, as defined by state law (See glossary)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary)
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See glossary)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous sexual abuse of a young child or disabled individual.
- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of a controlled substance, or a dangerous drug, engaging in retaliation against a school employee or volunteer combined with one of the above - listed mandatory expulsion offenses.

### **UNDER AGE TEN**

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

### **PROCESS**

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

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

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

## **Hearing**

The Board of Trustees delegates to the Principal authority to conduct hearings and expel students.

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

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

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

## **Expulsion Order**

Before ordering the expulsion, the Principal/campus behavior coordinator or other appropriate administrator shall take into consideration:

1. Self-defense (see glossary)
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care) or
6. A student's status as homeless.

If the student is expelled, the Principal/campus behavior coordinator or other appropriate administrator will deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the Principal/campus behavior coordinator or other appropriate administrator shall deliver to the juvenile court a copy of the expulsion order and the information required by *Section 52.04* of the Family Code.

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

## **Length of Expulsion**

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

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

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

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

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

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

## **Withdrawal During Process**

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

If the student is later referred to the School during the same or subsequent school year, TSBVI may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district or deny eligibility.

If the Principal/campus behavior coordinator or other appropriate administrator or the Board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

## **Additional Misconduct**

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

## **Restrictions During Expulsion**

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

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

### **Emergency Expulsion Procedures**

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

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

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

## GLOSSARY

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

**Abuse** is improper or excessive use.

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

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

**Armor-piercing ammunition** is defined by *Penal Code 46.01* as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**Arson** is defined in part by *Penal Code 28.02* as:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
  - a. Any vegetation, fence, or structure on open-space land; or
  - b. Any building, habitation, or vehicle:
    - 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 it, property belonging to another; or
    - vi. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
  - a. Recklessly damages or destroys a building belonging to another, or
  - b. Recklessly causes another person to suffer bodily injury or death.

**Assault** is defined in part by *Penal Code 22.01(a)(1)* as intentionally, knowingly, or recklessly causing bodily injury to another §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

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

**Bullying** 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:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the 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 cyberbullying. (See below) This state law 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 students 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.

This conduct is considered bullying if it:

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

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

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

**Controlled substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

**Criminal street gang** is defined by *Penal Code 71.01* as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**Cyberbullying** is 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.

**Dangerous drug** is defined by *Health and Safety Code 483.001* as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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

**Deadly conduct** under *Penal Code 22.05* occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

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

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

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

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

**E-Cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or

under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

**Explosive weapon** is defined by *Texas Penal Code 46.01* as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the Principal purpose of causing such a loud report as to cause undue public alarm or terror.

**False alarm or report** under *Penal Code 42.06* occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

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

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

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade. Such term does not include an antique firearm.

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

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

**Harassment** includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Education Code 37.001(b)(2); or
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
  - a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;

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

**Hazing** is defined by *Section 37.151* of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in *Education Code 37.151*, including:

- 1. Any type of physical brutality;
- 2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
- 3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
- 4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

**Hit list** is defined in *Section 37.001(b)(3)* of the Education Code as 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.

**Improvised explosive device** is defined by *Penal Code 46.01* as a completed and operational

bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

**Indecent exposure** is defined by *Penal Code 21.08* as an offense that occurs when a person exposes his or her anus or any part of his or her genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

**Intimate visual material** is defined by *Civil Practices and Remedies Code 98B.001* and *Penal Code 21.16* as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

**Location-restricted knife** is defined by *Penal Code 46.01* as a knife with a blade over five and one-half inches.

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

**Look-alike weapon** means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

**Machine gun** as defined by *Penal Code 46.01* is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

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

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

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

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

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

1. The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
  - a. An explosive weapon;
  - b. A machine gun;
  - c. A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device; or
6. An improvised explosive device

**Public Lewdness** is defined by *Texas Penal Code 21.07* as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

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

**Reasonable belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information, and must consider the information furnished in the notice of a student's arrest under *Article 15.27* of the Code of Criminal Procedure.

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

**Serious misbehavior means:**

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

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

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

**Short-barrel firearm** is defined by *Penal Code 46.01* as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Terroristic threat** is defined by *Penal Code 22.07* as a threat of violence to any person or property with intent to:

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

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

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

- Murder, manslaughter, or homicide under *Sections 19.02, – .05*;
- Kidnapping under *Section 20.03*;
- Trafficking of persons under *Section 20A.02*
- Smuggling or continuous smuggling of persons under *Sections 20.05 – .06*
- Assault under *Section 22.01*;
- Aggravated assault under *Section 22.02*;
- Sexual assault under *Section 22.011*;
- Aggravated sexual assault under *Section 22.021*

- Continuous sexual abuse of a young child or disabled individual under *Section 21.02*;
- Bestiality under *Section 21.09*;
- Improper relationship between educator and student under *Section 21.12*;
- Voyeurism under *Section 21.17*;
- Indecency with a child under *Section 21.11*;
- Invasive visual recording under *Section 21.15*;
- Disclosure or promotion of intimate visual material under *Section 21.16*;
- Sexual coercion under *Section 21.18*;
- Injury to a child, an elderly person, or a disabled person of any age under *Section 22.04*;
- Abandoning or endangering a child under *Section 22.041*;
- Deadly conduct under *Section 22.05*;
- Terroristic threat under *Section 22.07*;
- Aiding a person to commit suicide under *Section 22.08*; and
- Tampering with a consumer product under *Section 22.09*.

[See *FOC(EXHIBIT)*.]

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

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

**Zip gun** is defined by *Penal Code 46.01* as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

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