

Student Code
Of
Conduct

Center ISD
2006 - 2007

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STUDENT CODE OF CONDUCT

CENTER ISD

PURPOSE

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

This Discipline Management Program and Student Code of Conduct represent Center ISD's response to requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may or must result in a range of specific disciplinary consequences. This document is an outgrowth of collaboration among District and campus staff, parents and other community members. This document, adopted by the Board of Trustees, provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct.

Discipline will be designed to correct misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators using a range of discipline management techniques. **Disciplinary action will be appropriate to the seriousness of the offense, the student's age and grade level, the frequency of the behavior, the student's attitude, the effect of the misconduct on the school environment and statutory requirements.** Because of these factors, discipline for an offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

SCHOOL JURISDICTION FOR DISCIPLINE

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

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

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

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

The school has disciplinary authority over a student:

- ◆ during the regular school day including open campus lunch periods and while the student is going to or from school on District transportation;
- ◆ while the student is participating in any activity during the school day on school property;
- ◆ 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 or volunteer is involved, either on or off school property;
- ◆ when the student commits a felony, as provided by Texas Education Code 37.006;
- ◆ when criminal mischief is committed on or off school property or at a school-related event;
- ◆ for certain mandatory disciplinary AEP and discretionary expulsion offenses within 300 feet of school property
- ◆ for any mandatory expulsion offense committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas.

Campus Discipline Person

In matters concerning student discipline, the Board's designee will be the Principal or Assistant Principal. The campus discipline person has the responsibility to assess and implement the district Discipline Management Plan and Student Code of Conduct. The campus discipline person will be authorized to consider the circumstances of each disciplinary situation including the following factors:

- the seriousness of the offense
- the student's age
- the frequency of the misconduct
- the student's attitude
- the potential effect of the misconduct on the school environment
- whether or not self-defense is a factor

District Police Department

The Center ISD Police Department is organized to help maintain safety on all campuses and all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, rented or otherwise under the control of the school district. A peace officer commissioned by the district: (1) has the duty to protect the property of the school district, (2) has the powers, privileges and immunities of peace officers, (3) may enforce all state and federal laws including municipal and county ordinances, (4) may, in accordance with Chapter 52, Family Code, take a juvenile into custody, (5) may provide assistance to another law enforcement officer, (6) has the duty to protect the safety and welfare of any person in the jurisdiction of the officer and (7) has the authority to issue citations to students who engage in any misconduct that is against the law or discipline management plan. Ticketed students must appear before the judge of the Municipal Court and are subject to the fines and other penalties that the judge may assess.

STANDARDS OF CONDUCT AND RESPONSIBILITIES

Center ISD is committed to providing each student with a quality educational program. In order to provide this, the school environment must be free from disruption that interferes with the educational process. School administrators, teachers, parents and students all share in the responsibility of providing a safe school environment.

STUDENT BEHAVIORS FOR ACHIEVING A POSITIVE LEARNING ENVIRONMENT AT SCHOOL OR SCHOOL-RELATED ACTIVITIES SHALL INCLUDE:

- Attending all classes, consistently and punctually and being prepared for each class with appropriate materials and assignments.
- Meet district and/or campus standards for grooming and dress.
- Demonstrate courtesies and respect for others even when others do not.
- Paying required fees and fines unless they are waived.
- Obeying all classroom and campus rules.
- Behaving in a responsible manner, always exercising self-discipline.
- Refraining from violations of this Discipline Management Program.
- Cooperate with or assist school staff in maintaining safety, order and discipline by cooperating in investigations of disciplinary cases and providing information relating to serious offenses.
- Respect the property of others, including District property and facilities.
- Pursue mastery of the curriculum of study prescribed by the District and State.

RESPONSIBILITIES OF PARENTS

- Make every effort to provide for the physical needs of the child.
- Teach the child to listen to teachers and other school personnel and obey school rules.
- Be sure the child attends school daily. Report absences to the school promptly and provide written explanations for absences and tardies.
- Encourage and lead the child to develop proper study habits at home.
- Participate in meaningful parent-teacher conferences to discuss the child's school progress and welfare.
- Teach the child respect for the law, for the authority of the school and for the rights and property of others.
- Keep informed about school policies and the academic requirements of school programs.
- Participate in school-related organizations.
- Be sure the child is in compliance with the student dress code at school and school-related functions.
- Discuss report cards and school assignments with the child.
- Bring to the attention of school authorities any learning problem or condition that may relate to the child's education.
- Maintain up-to-date home, work and emergency telephone numbers and other pertinent information at the school.
- Cooperate with school staff.
- Exercise appropriate parental control. Under the Family Code, a student's parent is legally liable for property damage caused by the negligent conduct of the student, the willful malicious conduct of a student, and any compliance with the compulsory attendance law.
- Submit a signed statement that they have received and understand the responsibilities outlined in this plan.

TEACHER RESPONSIBILITIES

- Guide learning activities so students learn to think and reason, assume responsibility for their actions and respect the rights of others.
- Be fair, firm and consistent in enforcing school rules on school property and at all school-related activities.
- Demonstrate, by word and personal example, respect for law and order and self-discipline.
- Inform parents regarding student achievement and behavior, and consult with parents whenever needed.
- Comply with district and school policies, rules, regulations and directives.
- Use and strive to perfect discipline management techniques developed in the Student Code of Conduct and Discipline Management Program.
- Maintain an orderly classroom atmosphere conducive to learning.

- Plan and conduct a program of instruction which is of optimum benefit to each student.
- Provide recognition of each student's success and achievement.
- Ensure good student discipline by being in regular attendance and on time.
- Meet the standards of teaching performance established by the district.
- Establish rapport and an effective working relationship with parents, students and other staff members.
- Teach students to develop and practice self-discipline.
- Serve as appropriate role models for students, in accordance with the standards of the teaching profession.

RESPONSIBILITIES OF ADMINISTRATORS

- Implement policies, rules and regulations which facilitate an atmosphere conducive to good behavior and learning.
- Provide the necessary trained and dedicated leadership, personnel, equipment and materials to assure a quality education for each student.
- Encourage regular parent communication with the school, including participation in required parent-teacher conferences.
- Provide for the safety of the students and staff.
- Organize school schedules and teaching assignments and require effective classroom management and instruction.
- Be fair, firm and consistent in all decisions affecting students, parents and staff.
- Maintain open lines of communication between school and home.
- Seek positive parent and community involvement in the operation of the school and in the education of the children.
- Respond to discipline problems referred to them by teachers.
- Promote effective staff training and discipline of all students.
- Assume responsibility for discipline and for evaluation of the Student Code of Conduct and Discipline Management Program.
- Provide appropriate assistance to students in learning self-discipline.
- Serve as appropriate role models for students on their campus in accordance with the standards of the profession.

STUDENT MISCONDUCT and CONSEQUENCES

General Misconduct Violations

General misconduct violations identified under this section are generally considered to be less serious than conduct requiring certain consequences. General misconduct violations will not necessarily result in formal removal of a student, placement in an Alternative Education Placement (AEP) program or expulsion, but may result in routine referral, a written report, parent notification and use of any appropriate discipline management technique listed.

GENERAL MISCONDUCT VIOLATIONS

- < Causing excessive noise that disrupts the school environment
- < Cheating/copying/plagiarism
- < Dress code violation
- < Inappropriate physical and/or sexual contact
- < Minor property damage and/or vandalism in an amount less than \$1,500
- < Scuffling or fighting
- < Gambling
- < Possessing radios, tape/CD players, paging devices[#]
- < Throwing objects that can cause bodily injury or property damage
- < Leaving school grounds or school-sponsored events without permission
- < Directing profanity, vulgar language or obscene gestures and/or drawings toward other students or District employees
- < Disobeying school rules about conduct on school buses
- < Hazing
- < Failure to comply with directives given by school personnel
- < Committing extortion, coercion or blackmail
- < Committing or assisting in a robbery/theft that does not constitute a felony
- < Violating computer acceptable use policies
- < Possessing or using matches/lighter
- < Possessing, smoking or using tobacco products
- < Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband
- < Stealing from students, staff or school
- < Verbal abuse, teasing, name-calling, racial or ethnic slurs
- < Abusive language
- < Insubordination
- < Forgery
- < Motor vehicle violations
- < Posting/distributing unauthorized material
- < Defacing or damaging school property, including textbooks, furniture and other equipment, with graffiti or by other means
- < Possessing fireworks, smoke bombs or pyrotechnic devices of any kind
- < Discharging a fire extinguisher or pulling a fire alarm
- < Possessing or selling seeds or pieces of marijuana in less than a useable amount
- < Possessing or selling "look-alike" weapons
- < Possessing mace or pepper spray
- < Using articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists
- < Making bomb threats
- < Making false threats, hoaxes or accusations regarding school safety
- < Possessing or using a laser pointer for other than an approved use
- < Using the Internet to threaten students, to employees or volunteers or cause disruption the education program
- < Possessing any knife with a blade less than 5½" long, any device not listed as an illegal knife or prohibited weapon or any device or substance which may be used as a weapon
- < Possessing an air gun or BB gun
- < Possessing ammunition
- < Possessing a stun gun
- < Engaging in verbal or written exchanges that threaten the safety of another student, a school employee or school property
- < Sending or posting messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation or illegal
- < Possessing published or electronic material designed to promote or encourage illegal behavior or threaten school safety
- < Possessing material that is pornographic
- < Violating extracurricular standards of behavior
- < Any other misconduct adversely affecting student learning or disrupting school environment

CONSEQUENCES FOR GENERAL MISCONDUCT VIOLATIONS

- < Verbal correction/reprimand
- < Teacher/student conferences
- < Classroom "Time Out"
- < Withdrawal of classroom privileges
- < Withdrawal of bus privileges
- < Restitution
- < Parent contact
- < Teacher/parent conference
- < Administrator/teacher/student conference
- < Administrator/parent/student conference
- < Corporal punishment*
- < SAC (Special Assignment Center)
- < Expulsion from extracurricular and curricular activities
- < Confiscation of prohibited items
- < Grade reduction as permitted by policy (See *Policy EIA*)
- < Lunch/After School Detention
- < Penalties identified in individual student organization codes of conduct
- < Police report/citation
- < Assigning demerits
- < Assigned school duties such as trash pick-up, cafeteria clean-up or desk clean-up
- < Suspension
- < AEP Placement
- < Expulsion
- < Alcohol/Drug abuse counseling for alcohol/drug related offenses
- < Report crimes to law enforcement as required by law
- < Referral to an outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District

* Corporal punishment shall be limited to spanking or paddling the student and shall be administered only in accordance with the following guidelines:

1. The student shall be told the reason corporal punishment is being administered.
2. Corporal punishment shall be administered only by the principal, assistant principal or a teacher.
3. The instrument to be used in administering corporal punishment shall be approved by the principal or designee.
4. Corporal punishment shall be administered in the presence of one other District employee and in a designated place out of view of other students.

Paging devices are prohibited except for persons who are members of volunteer fire or medical organizations. Students who violate this are subject to established disciplinary measures as well as those listed below:

1. Parents shall be notified within two school days after the paging device is confiscated.
2. Parents or paging companies may obtain the release of the device for an administrative fee of \$15.

Questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administrator. Consequences will not be deferred pending the outcome of a grievance.

VIOLATIONS REQUIRING CERTAIN CONSEQUENCES

Violations under this section are considered more serious than General Misconduct Violations. These violations require a written report, parent notification and may result in formal removal by suspension, AEP placement or expulsion. If the violation results in a formal removal, the Principal or Assistant Principal shall schedule a conference within three school days following the report. The conference shall include the parent, student and teacher (if necessary). Lack of attendance of the parent shall not defer the placement of a student. The Board has delegated to the Principal or Assistant Principal the authority to remove a student by AEP placement, suspension or expulsion.

Placement of Students with Disabilities:

The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review and dismissal (ARD) committee.

Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's ARD committee conducts a manifestation determination review under 20 U.S.C.S. Section 1415 (k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

1. functional behavioral assessments
2. positive behavioral interventions, strategies and supports; and
3. behavioral intervention plans

A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes.

A teacher in an alternative education program under Section 37.008 who has a special education assignment must hold an appropriate certificate or permit for that assignment.

Use of Confinement, Restraint, Seclusion and Time-out

It is the policy of the state and this district to treat with dignity and respect all students, including students with disabilities who receive special education services. A student with a disability who receives special education services may not be confined in a locked box, locked closet or other specially designed locked space as either a discipline management practice or a behavior management technique.

Restraint refers to the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

Seclusion refers to a behavior technique in which a student is confined in a locked box, locked closet or locked room that is designed solely to seclude a person and contains less than 50 square feet of space.

Time-out refers to a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting that is not locked and from which the exit is not physically blocked by furniture, a closed door held shut from the outside or another inanimate object.

A school district employee or volunteer or an independent contractor of a district may not place a student in seclusion. This section does not apply to the use of seclusion in a court-ordered placement other than a placement in an educational program of a school district or in a placement or facility to which the Children's Health Act of 2000 and any subsequent amendments or regulations to the Act apply.

The commissioner by rule shall adopt procedures for the use of restraint and time-out by a school district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services. Any procedure adopted must:

- < Be consistent with professionally accepted practices and standards of student discipline and techniques for behavior management and
- < Be consistent with relevant health and safety standards

- < Identify any discipline management practice or behavior management technique that requires a district employee or volunteer or an independent contractor of a district to be trained before using that practice or technique

For purposes of this subsection, “weapon” includes any weapon described in section 1 under Mandatory Expulsion. This section does not prevent a student’s locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if: a) the student possesses a weapon and b) the confinement is necessary to prevent the student from causing bodily harm to the student or another person.

This section and any rules or procedures adopted under this section do not apply to: a) a peace officer while performing law enforcement duties, b) juvenile probation, detention or corrections personnel or c) an educational services provider with whom the student is placed by a judicial authority, unless the services are provided in an educational program by the district.

Mandatory Expulsion (§ 37.007)

Before a student may be expelled, the Principal or Assistant Principal must provide the student a hearing at which the student is afforded appropriate due process as required by the federal Constitution and which the student’s parent or guardian is invited, in writing, to attend. At the hearing, the student is entitled to be represented by the student’s parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district. If the school district makes a good-faith effort to inform the student and the student’s parent or guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the student, student’s parent or guardian or another adult representing the student attends. If the decision to expel a student is made by the Principal or Assistant Principal, the decision may be appealed to the Board. The decision of the Board may be appealed by trial de novo to a district court of the county in which the school district’s administrative office is located.

A student over the age of 10 **must** be expelled for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

(1) uses, exhibits or possesses:

- a firearm as defined by Section 46.01(3), Penal Code (any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use). *“Firearm” under federal law includes: 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 any explosive; 2) the frame or receiver of any such weapon; 3) any firearm muffler or firearm weapon; or 4) any device, such as any explosive, incendiary or poison gas bomb or grenade. In accordance with 20 U.S.C. Section 7151, a school district shall expel a student who brings a firearm to school. The student must be expelled from the student’s regular campus for a period of at least one year except that 1) the superintendent may modify the length of the expulsion in the case of an individual student, 2) the district shall provide educational services to an expelled student in a disciplinary alternative education as provided in Section 37.008 if the student is younger than 10 years of age on the date of the expulsion and 3) the district may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program*
- an illegal knife as defined by Section 46.01(6), Penal Code, or by local policy (knife with a blade over 5 ½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including, but not limited to a dirk, stiletto and poniard; bowie knife, sword or spear)
- a club (any instrument that is specifically designed, made or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, blackjack, nightstick, mace, tomahawk, etc.) or
- a weapon listed as a prohibited weapon (explosive weapon, machine gun, short-barrel firearm, firearm silencer, switchblade knife, knuckles, armor-piercing ammunition, chemical dispensing device or zip gun)

(2) engages in conduct that contains the elements of the offense of:

- aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code
- arson under Section 28.02, Penal Code
- murder under Section 19.02, Penal Code capital murder under Section 19.03, Penal Code, or criminal attempt under Section 15.01, Penal Code to commit murder or capital murder
- indecency with a child under Section 21.11, Penal Code,
- aggravated kidnapping under Section 20.04, Penal Code
- aggravated robbery under Section 29.03, Penal Code
- manslaughter under Section 19.04, Penal Code or
- criminally negligent homicide under Section 19.05, Penal Code

(3) engages in conduct that contains the elements of selling, giving or delivering to another person, possessing, using or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious offense while under the influence of alcohol [Section 37.006(a)(2)(C) or (D)] if the conduct is punishable as a felony

(4) engages in serious or persistent misbehavior (two or more violations) while assigned to a disciplinary AEP

(5) second offense of possessing, using, selling, delivering any amount of alcohol, and/or being under the influence of alcohol while in attendance on the same campus

(6) second offense of the selling, giving or delivering to another person, possessing, using or being under the influence of marijuana, a controlled substance, or a dangerous drug while in attendance on the same campus

(7) second offense of behavior that contains the elements of an offense relating to abusable glue, aerosol paint or volatile chemicals while in attendance on the same campus

(8) engages in conduct that contains elements of any offense listed in Sections 1 and 2 against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property

Discretionary Expulsion

A student may be expelled if the student:

(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code or terroristic threat under Section 22.07, Penal Code

(2) while 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:

- A. sells, gives or delivers to another person or possesses, uses or is under the influence of any amount of:
 - marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.
 - a dangerous drug, as defined by Chapter 483, Health and Safety Code
 - an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code
- B. engages in conduct that contains the elements of an offense relating to an abusable, volatile chemical under Sections 485.031 through 485.034, Health and Safety Code
- C. engages in conduct that contains the elements of an assault [Section 22.01 (a)(1) Penal Code], against a school district employee or volunteer as defined by (Section 22.053, Penal Code) or
- D. engages in conduct that contains the elements of the offense of deadly conduct (recklessly places another in imminent danger of serious bodily injury) (Section 22.05 Penal Code).

- (3) while within 300 feet of school property as measured from any point on the school's real property boundary line:
- A. engages in conduct listed in sections 1 and 2 under Mandatory Expulsion
 - B. Possesses a firearm, as defined by 18 U.S.C. Section 921
- (4) engages in conduct that contains the elements of aggravated assault (Section 22.02, Penal Code), sexual assault (Section 22.011, Penal Code), or aggravated sexual assault (Section 22.021, Penal Code), murder (Section 19.02, Penal Code) capital murder (Section 19.03, Penal Code), or criminal attempt (Section 15.01, Penal Code) to commit murder or capital murder or the offense of aggravated robbery (Section 29.03, Penal Code), against another student, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property.
- (5) engages in conduct that contains the elements of intentionally, knowingly or recklessly causes bodily injury [Section 22.01(a)(1), Penal Code] against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property
- (6) engages in conduct that contains the elements of the offense of criminal mischief (Sections 28.03, Penal Code) if the conduct is punishable as a felony under that section. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student will be expelled
- (7) engages in conduct listed in Section 1 if the student engages in that conduct : a) on school property of another district in the state or b) while attending a school-sponsored or school-related activity of a school in another district in the state.

State law does not permit students, who are expelled or placed in a disciplinary AEP as a result of committing a violation resulting in placement in an AEP, to participate in any school-sponsored or school-related extracurricular and noncurricular activities. Students who are assigned to an AEP for disciplinary reasons may try out for extracurricular events/organizations which are scheduled to begin after the term of AEP assignment is completed. Students who are expelled may not try out for any organization or event during the term of expulsion.

The Following Violations Require Mandatory AEP Placement:

A student **must** be placed in a disciplinary Alternative Education Program if the student makes a terroristic threat (Section 22.07, Penal Code) or false alarm or report (Section 42.06, Penal Code) affecting school safety (bomb threat, activating a fire alarm) or for any of the following offenses if the student commits these offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- < Engages in conduct punishable as a felony unless conduct requires expulsion
- < Commits an assault under Penal Code 22.01 (a)(1)
- < First offense of selling, giving or delivering, possessing, using or being under the influence of marijuana or other controlled substance, or a dangerous drug in an amount not constituting a felony
- < First offense of selling, giving or delivering an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses or is under the influence of alcohol if the conduct is not punishable as a felony
- < First offense of engaging in conduct that contains the elements of an offense relating to abusable glue, aerosol paint or volatile chemicals
- < Engages in conduct that contains the elements of public lewdness or indecent exposure
- < A student between the ages of 6 and 10 engages in an expellable offense as listed in this Code of Conduct. (An elementary student may not be placed in a disciplinary alternative education program with any other student who is not an elementary student)
- < Engages in criminal mischief, if punishable as a felony, whether committed on or off school property or at a school-related event
- < Engages in retaliation against any school employee regardless of where or when the offense occurs unless the offense is an expellable offense

- < Engages in conduct punishable as a felony (murder; kidnapping; sexual assault; indecency with a child; injury to a child, elderly person or disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product) that occurs off school property and not at a school-related or school-sponsored event and the student a) receives deferred prosecution, b) a court or jury finds that the student has engaged in delinquent conduct or c) the Superintendent or designee has reasonable belief that the student has engaged in the conduct, d) the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process, e) the Superintendent or Superintendent's designee has a reasonable belief that the student has engaged in any conduct defined as a felony offense other than those listed above.

Discretionary AEP Placement

The Principal or Assistant Principal, after opportunity for a hearing, may elect to place a student in a disciplinary AEP if:

- a. the student has received deferred prosecution for conduct defined as a felony offense in Title 5, Penal Code or
- b. the student has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family Code or conduct defined as a felony offense and
- c. the Principal or Assistant Principal determines that the student's presence in the regular classroom threatens the safety of other students or teachers,
- d. the Principal or Assistant Principal determines that the student's presence in the regular classroom will be detrimental to the educational process or
- e. the Principal or Assistant Principal determines that the student's presence in the regular classroom is not in the best interest of the district's students.
- f. the student engages in a violation of any offense in the General Misconduct section of this Student Code of Conduct

Any decision of the Principal or Assistant Principal under this subsection is final and may not be appealed.

The Principal or Assistant Principal may order placement in accordance with this subsection 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 district or whether the student has successfully completed any court disposition requirements imposed in connection with the event.

High School AEP Placement/Expulsion Consequences

High school students who are assigned to AEP or who are expelled during the current school year are prohibited from attending the prom that year. Senior students are also prohibited from attending the senior trip if they are assigned to AEP or are expelled during the senior year. This stringent policy has been adopted by the Board as a deterrent to misconduct and to encourage high school students to model exemplary behavior for younger students.

State law does not permit students, who are expelled or placed in a disciplinary AEP as a result of committing a violation resulting in placement in an AEP, to participate in any school-sponsored or school-related extracurricular and non-curricular activities. Students who are assigned to an AEP for disciplinary reasons may try out for extracurricular events/organizations that are scheduled to begin after the term of AEP assignment is completed. Students who are expelled may not try out for any organization or event during the term of expulsion.

ALTERNATIVE EDUCATION PROGRAM (AEP) INFORMATION

Each school district shall provide a disciplinary alternative program that:

- a. Is provided in a setting other than the student's regular classroom
- b. Is located on or off of a regular school campus
- c. Provides for the students who are assigned to the disciplinary AEP to be separated from the students who are not assigned to the program
- d. Focuses on English language arts, mathematics, science, history and self-discipline
- e. Provides for students' educational and behavioral needs
- f. Provides supervision and counseling
- g. Requires each teacher assigned to the AEP meet all certification requirements
- h. Requires that to teach in a disciplinary AEP of any kind, each teacher employed by a school district during the 2003-2004 school year or earlier meet, not later than the beginning of the 2005-2006 school year, all certification requirements

A disciplinary AEP may provide for a student's transfer to a different campus, school-community guidance center or a community-based alternative school.

A school district may not place a student, other than a student suspended or expelled, in an unsupervised setting as a result of conduct for which a student may be placed in a Disciplinary AEP.

An off-campus disciplinary AEP is not subject to a requirement imposed by this title, other than limitation on liability, a reporting requirement or a requirement imposed by this policy or Chapter 39.

A school may provide a disciplinary AEP jointly with one or more other districts.

Each school district shall cooperate with governmental agencies and community organizations that provide services in the district to students placed in a disciplinary AEP.

Funding for a Disciplinary AEP

A student removed to a disciplinary AEP is counted in computing the average daily attendance of students in the district for the student's time in actual attendance in the program.

A school district shall allocate to a disciplinary AEP the same expenditure per student attending the AEP, including federal, state and local funds that would be allocated to the student's school if the student were in attendance.

Enrollment in Another District

If a student placed in a disciplinary AEP enrolls in another school district before the expiration of the period of placement, the board of trustees or the district requiring the placement shall provide to the board of trustees of the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls may continue the AEP placement under the terms of the order or may allow the student to attend regular classes without completing the period of placement. A district may take any action permitted by this subsection if: 1) the student was placed in a disciplinary AEP by an open-enrollment charter school and the charter school provides to the district a copy of the placement order or 2) the student was placed in a disciplinary AEP by a school district in another state and the out-of-state district provides to the district a copy of the placement order or 3) the student was placed in a disciplinary AEP by a school district in another state and the grounds for the placement by the out-of-state district are grounds for placement in the district in which the student is enrolling.

If a student was placed in a disciplinary AEP by a school district from another state for a period that exceeds one year and a school district in this state in which the student enrolls continues the placement, the district shall reduce the period of the placement so that the aggregate period does not exceed one year unless, after a review, the district determines that the student is a threat to the safety of other students or district employees or extended placement is in the best interest of the student.

A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs or alcohol as specified in Section 37.006 or 37.007. A disciplinary AEP that provides chemical dependency treatment services must be licensed under Chapter 464, Health and Safety Code.

Meeting Course Requirements

A school district is required to provide the district's disciplinary AEP a course necessary to fulfill a student's high school graduation requirements only as provide by this subsection. A school district shall offer a student removed to a disciplinary AEP an opportunity to complete the coursework before the beginning of the next school year. The school district may provide the student an opportunity to complete coursework through any method available, including a correspondence course, distance learning or summer school. The district may not charge the student for a course provided under this subsection.

Program Accountability

The commissioner shall adopt rules necessary to evaluate annually the performance of each district's disciplinary AEP. The evaluation required by this section shall be based on indicators defined by the commissioner, but must include student performance on required state assessment instruments. Academically, the mission of a disciplinary AEP shall be to enable a student to perform at grade level. The commissioner shall develop the evaluation process electronically. The commissioner shall also develop a system and standards for review of the evaluation or use systems already available to the agency. The system must be designed to identify districts that are at high risk of having inaccurate disciplinary AEP requirements. The commissioner shall notify the board of trustees of a district of any objection the commissioner has to the district's disciplinary AEP data of a violation of a law or rule revealed by the data, including any violation of disciplinary AEP requirements or of any recommendation by the commissioner concerning the data. If the data reflects that a penal law has been violated, the commissioner shall notify the county attorney, district attorney or criminal district attorney, as appropriate and the attorney general. The commissioner is entitled to all district records the commissioner considers necessary or appropriate for the review, analysis or approval of disciplinary AEP.

Length of Placement

Students will be placed in an AEP setting for a minimum of 30 days. Placement of students in grades PreK-6 may be modified by the principal or assistant principal. Students must complete the number of days assigned. Any days missed may cause the placement to carry over into the next semester or school year. Placement in an AEP is not appealable unless the placement extends beyond a grading period.

Transportation

Transportation will **not** be provided for students assigned to a disciplinary AEP unless transportation requirements are part of the IEP of a student with disabilities.

Emergency AEP Placement

The principal, assistant principal or other appropriate administrator may order the immediate placement of a student in the AEP if the principal, assistant principal or other administrator reasonably believes the student's behavior is so unruly, disruptive or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of classmates to learn or with the operation of school or school-related activity. When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the 10th day after the emergency placement, the student will be given appropriate due process required to placement in a disciplinary AEP. If the emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.

Pending the hearing, unless the student is removed under the EMERGENCY PLACEMENT OR EXPULSION provisions, the student may be suspended for up to three days or placed in In-School-Suspension or some other alternative arrangement.

Placement and Graduation

Students who are in a disciplinary AEP at the end of the school year and have met all requirements for graduation may be allowed to participate in the graduation ceremony.

CONFERENCE/HEARING/REVIEW OF ALTERNATIVE EDUCATION PROGRAM PLACEMENT

Not later than the third class day after the day on which a student is removed from class by the teacher or by the school principal or other appropriate administrator, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall order the placement of the student for a period consistent with the Student Code of Conduct. School district policy allows a student to appeal to the Board of Trustees or the Board's designee a decision of the principal or other appropriate administrator, other than an expulsion, the decision of the Board or the Board's designee is final and may not be appealed. If the period of placement is inconsistent with the guidelines included in the Student Code of Conduct, the order must give notice of the inconsistency. The period of placement may not exceed one year unless, after the review, the district determines that 1) the student is a threat to the safety of other students or to district employees or 2) extended placement is in the best interest of the student.

If a student's placement in a disciplinary AEP is to extend beyond 60 days or the end of the next grading period, whichever is earlier, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the Board of Trustees of the school district or the Board's designee, as provided by policy of the Board of Trustees of the district. Any decision of the Board or the Board's designee under this subsection is final and may not be appealed.

Before it may place a student in a disciplinary AEP for a period that extends beyond the end of the school year, the Principal or Assistant Principal must determine that: 1) the student's presence in the regular classroom or at the student's regular campus present a danger of physical harm to the student or to another individual or 2) the student has engaged in serious or persistent misbehavior that violates the district's Student Code of Conduct.

The Principal or Assistant Principal shall set a term for a student's placement in a Disciplinary AEP. If the period of the placement is inconsistent with the guidelines in the Student Code of Conduct, the order must give notice of the inconsistency. The period of placement may not exceed one year unless, after review, the district determines that: 1) the student is a threat to the safety of other students or to the district employees or 2) extended placement is in the best interest of the student.

Placement Review

A student placed in a disciplinary AEP shall be provided a review of the student's status, including a review of the student's academic status, by the Board's designee at interval not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without the teacher's consent. The teacher may not be coerced to consent.

Before a student may be expelled, the Principal or Assistant Principal must provide the student a hearing at which the student is afforded appropriate due process as required by the federal Constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, the student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district. If the school district makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the student, student's parent or guardian or another adult representing the student attends. If the decision to expel a student is made by the Principal or Assistant Principal, the decision may be appealed to the Board. The decision of the Board may be appealed by trial de novo to a district court of the county in which the school district's administrative office is located.

The Principal or Assistant Principal shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a disciplinary AEP or expelling the student.

If the period of an expulsion is inconsistent with the guidelines of the Student Code of Conduct, the order must give notice of the inconsistency. The period of an expulsion may not exceed one year unless, after a review, the district determines that: 1) the student is a threat to the safety of other students or to district employees, or 2) extended placement is in the best interest of the student. After a school district notifies the parents or guardians of a student that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion.

Withdrawal of Expelled Student

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

Continued Misconduct

If, during the term of the placement or expulsion ordered under this section, a student engages in additional conduct for which placement in a disciplinary AEP or expulsion is required or permitted, additional proceedings may be conducted under this section regarding that conduct and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings.

A district may readmit an expelled student while the student is completing any court disposition requirements on the recommendation of the committee or on its own initiative. A district may not refuse to admit a student who has successfully complete 1) any court disposition requirements, 2) conditions of deferred prosecution or 3) such conditions required by the prosecutor or probation department, if the student meets requirements for admission to public schools. The district may place the student in a disciplinary AEP. The student may not be returned to the classroom of the teacher under whose supervision the offense occurred without the teacher's consent. The teacher may not be coerced to consent.

SUSPENSION

State law allows a student to be suspended for any reason that also requires placement in a disciplinary AEP. The suspension may be for up to three school days per offense, with no limit on the number of times a student may be suspended in a semester or school year.

A student who is to be suspended will be given an informal conference with the principal, assistant principal or appropriate administrator advising the student of the conduct with which he/she is charged. The student will be given the opportunity to explain his/her version of the incident.

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

Any restrictions on participation in school-sponsored or school-related extracurricular and noncurricular activities will be determined by the principal, assistant principal or other appropriate administrator.

The attendance committee for the campus will decide if the days missed as a result of suspension will be considered as unexcused absences for granting course credit.

Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. Cumulative suspensions that exceed 10 days constitute a change in placement and must be addressed by an ARD committee. To the extent any conflict exists, state and/or federal law will prevail. If the cumulative days of suspension for students with disabilities meets or exceeds ten (10) school days, an ARD/REVIEW COMMITTEE must be held.

REMOVAL OF A STUDENT BY A TEACHER

Discretionary Teacher Removal of a Student to Office (Routine Offenses)

A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques consistent with this Student Code of Conduct and Discipline Management Program.

Mandatory Teacher Removal of a Student From Class (Extremely Serious Disruptive Behavior)

A teacher **must** remove from class and send to the principal or assistant principal for placement in an alternative education program or for expulsion, as appropriate, a student who engages in conduct described in the sections "MANDATORY STUDENT EXPULSION" and "MANDATORY STUDENT PLACEMENT". The student may not be returned to that teacher's class without the teacher's consent unless the campus Placement Review Committee determines that such a placement is the best or only alternative available. (Students with disabilities are subject to ARD/REVIEW committee action)

Discretionary Teacher Removal of a Student From Class (Serious Offenses)

A teacher **may** remove from class a student:

- who has been sufficiently documented by the teacher to repeatedly interfere with the teacher's ability to communicate with the students in the class or with the ability of the student's classmates to learn; or
- whose behavior the teacher determines is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate with students in the class or with the ability of the student's classmates to learn.

NOTIFICATION REQUIREMENTS

Required Notification to Principal of Offenses

A teacher with knowledge that a student has violated the Student Code of Conduct *shall* file with the principal, assistant principal or other appropriate administrator a written report, not to exceed one page documenting the violation.

Required Notification of Student Code of Conduct Violation to Parent or Guardian

The principal, assistant principal or other appropriate administrator *shall*, not later than 24 hours after the receipt of a report of a Student Code of Conduct violation, send a copy of the report to the student's parents or guardians. Notice of misconduct requiring corporal punishment and/or suspension shall also be given to parents or guardians.

Notification of Chapter 37 to Teachers and Administrators

The District *shall* provide each teacher and administrator with a copy of Subchapter A. "Alternative Settings for Behavior Management", Texas Education Code Chapter 37 and a copy of the District's local policy relating to that subchapter.

Notification to Teachers

A school district shall inform each teacher who has regular contact with a student through a classroom assignment of the conduct of a student who has engaged in any offense requiring expulsion listed in the Student Code of Conduct. ***A teacher shall keep the information received confidential.*** The State Board for Educator Certification may revoke or suspend the certification of a teacher who intentionally violates this confidentiality.

Notification of Expulsion or AEP Placement to Parents

The Board or Board's designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in an Alternative Education Program or expelling the student. After the school district notifies the parent or guardian of the student that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion. A noncustodial parent may request, in writing, that a school district or school, for the remainder of the school year in which the request is received, provide that parent with a copy of any written notification relating to student misconduct that is generally provided by the school district to the student's parent or guardian. The school district may not unreasonably deny this request. The school shall comply with any applicable court order of which the district has knowledge.

Notification to Local Law Enforcement

The District's principal(s), assistant principals or persons designated by the principal(s), shall notify any school district police department and the police department of the municipality in which the school is located or, if the school is not located in a municipality, the sheriff of the county in which the school is located if the principal has any reasonable grounds to believe that any of the following activities occur at school, on school property or at a school-sponsored or school-related activity on or off school property, whether or not the activity is investigated by school security officers:

1. Conduct that may constitute an offense listed under Section 8(c), Article 42.18, Code of Criminal Procedure;
2. Deadly conduct;
3. A terroristic threat;
4. The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana;
5. The possession of any weapons or prohibited devices;
6. Conduct that may constitute a criminal offense.

The District's principals, assistant principals or designees who make a notification under this section shall include the name and address of each student believed to have participated in the activity. A notification is not required if the principal, assistant principal or designee reasonably believes that the activity does not constitute a criminal offense. The principal may designate a school employee who is under the supervision of the principal to make the reports.

Notice to Commissioner of Education of Expulsions and AEP Placements

Each school district shall annually report to the Commissioner of Education the following information concerning AEP placements:

- Information identifying the student, including race, sex, and date of birth, that will enable the agency to compare placement data collected through other sources
- Information indicating whether the AEP placement was based on code of conduct violations, conduct requiring removal from class, conduct requiring AEP placement or continuing placement initiated by a previous district
- The number of full or partial days the student is assigned to an AEP and number of full or partial days attended
- Information indicating whether the expulsion was based on conduct requiring expulsion, conduct which permits expulsion, serious or persistent misbehavior while assigned to an AEP
- The number of full or partial days the student was expelled
- Information indicating whether the student was placed in a juvenile justice AEP, the student was placed in an AEP or the student was not placed
- The number of placements that were inconsistent with the guidelines included in the Student Code of Conduct

COURT INVOLVEMENT

Cooperation With Governmental Agencies

The District shall cooperate with governmental agencies and community organizations that provide services in the District to students placed in an alternative education program. The Board of Trustees of the district or the Board's designee shall regularly meet with the juvenile board for the county in which the district's central administrative office is located. Matters for discussion shall include service by probation officers at the disciplinary AEP, recruitment of volunteers to serve as mentors and coordination with social services.

Court Involvement

Not later than the second business day after the date of a hearing is held under Section 37.009, the Principal or Assistant Principal shall deliver a copy of the order placing a student in a disciplinary AEP or expelling a student and any information required under Section 52.04 of the Family Code, to the authorized officer of the juvenile court in the county in which the student resides.

Unless the juvenile board for the county in which the district's administrative office is located has entered into a memorandum of understanding with the Board of Trustees concerning the juvenile's probation department's role in supervising and providing other support services for students in a disciplinary AEP, a court may not order a student expelled to attend a regular classroom, a regular campus or a school district's disciplinary AEP as a condition of probation.

Unless the juvenile board for the county in which the district's administrative office is located has entered into a memorandum of understanding with the Board of Trustees the court may not order a student to attend a disciplinary AEP without the district's consent if: 1) the student has attended a disciplinary AEP previously as a condition of probation or 2) has successfully completed any sentencing requirements imposed by the court.

Any placement in a disciplinary AEP by a court must prohibit the student from attending or participating in school-sponsored or school-related activities.

Placement of Student Pending Court Disposition

If a student is expelled, the District may, on the recommendation of the Placement Review Committee or on the District's own initiative, readmit the student while the student is completing any court disposition requirements. After the student has successfully completed any court disposition requirements and/or conditions of a deferred prosecution ordered by the court, probation department or prosecutor and the student meets the requirements for admission into public schools established by law, the District may not refuse to admit the student, but the District may place the student in an alternative education program. Notwithstanding any provision to the contrary relating to the Placement Review Committee decision-making authority, in this instance the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without the teacher's consent. The teacher may not be coerced to consent.

Court-Related Child Liaison Officer

The District *shall* appoint at least one educator to act as liaison officer for court-related children who are enrolled in the district. The liaison officer shall provide counseling and services for each court-related child and the child's parent(s) to establish or reestablish normal attendance and progress of the child.

Destruction of Certain Records From Law Enforcement Officers

Information received by the District from law enforcement authorities may not be attached to the permanent academic file of the student who is the subject of the report. The District shall destroy the information at the end of the school year in which the report was filed.