Adherence to the Board-approved *Discipline Management Plan and Student Code of Conduct* is an essential part of maintaining a safe and orderly learning environment. However, it is only one of many tools that Katy ISD employs. Many of our elementary campuses are implementing the strategies in *Positive Behavior Interventions and Supports (PBIS)*, whereas secondary campuses are using the strategies outlined in *Safe and Civil Schools*. The feedback and reduction in disciplinary infractions has been very encouraging. In addition, the District has been incorporating restorative discipline practices into its *Discipline Management Plan and Student Code of Conduct* at Levels II and III. The goal is to comply with all statutory requirements pertaining to student discipline, while finding ways to help students learn to take responsibility for their own behavior in order to prepare them to be good citizens, good neighbors, and good employees. The integrated system being advocated by Katy ISD, does not eliminate consequences for inappropriate conduct, but it does place a greater emphasis on providing supports and strengthening relationships that encourage a caring school environment.

1. **What governs student discipline in Katy ISD?**

   Each year the District develops and the Board approves a discipline management plan and student code of conduct. The *Discipline Management Plan and Student Code of Conduct* is reviewed each year to incorporate changes in state statutory requirements, as well as feedback from campuses, departments, and the Katy Improvement Council, the District’s official advisory group.

2. **What is the purpose of the *Discipline Management Plan and Student Code of Conduct?***

   The *Discipline Management Plan and Student Code of Conduct* and other campus rules of behavior are developed to achieve the best possible climate for all students, to promote student self-discipline, and to ensure a safe and orderly learning environment.

3. **Is a student code of conduct required?**

   Yes. Chapter 37 of the *Texas Education Code* requires districts to define misconduct that may or must result in a range of specific disciplinary consequences.
4. **Who develops the Discipline Management Plan and Student Code of Conduct?**

Each year the Discipline Management Plan and Student Code of Conduct is reviewed by committees of administrators from the elementary, junior high, and high school levels. Throughout the year, the District also retains informal suggestions from parents, students, and staff for revisions to the Discipline Management Plan and Student Code of Conduct for consideration in the development of a proposed plan for the following year. The proposed plan is presented to District administrators, the Katy Improvement Council (KIC), and other advisory groups, as appropriate, for review and comment prior to submission to the Board for adoption.

5. **What is meant by a Level System?**

Disciplinary offenses are categorized into five (5) levels. The focus at Level I is on the implementation of the District’s proactive Response to Intervention (RTI) process and the use of tiered supports to teach and reinforce positive behavioral expectations for all students in the classroom setting. Levels II and III identify examples of offenses and disciplinary options available to administrators over which they have discretion. The consequences increase based on the seriousness of the offense and the student’s discipline record. At these two levels, the system is designed so that administrators can progressively assign discipline with an increasing degree of intervention. Level IV is primarily for disciplinary infractions that mandate removal to a DAEP by law. Level V includes serious disciplinary infraction for which removal to a JJAEP is required by statute.

6. **Does Katy ISD have a Zero Tolerance policy?**

Katy ISD does not have a Zero Tolerance policy. However, state law does dictate the actions to be taken in regard to certain disciplinary infractions that mandate removal to a disciplinary alternative education program (DAEP) or Juvenile Justice Alternative Education Program (JJAEP). Katy ISD uses a Level System to assess discipline that allows administrators to consider a variety of factors at those levels in which they have discretion.

Disciplinary options are determined by the level of the offense. At Levels I, II, and III, administrators are given a variety of disciplinary options from which to choose. At Levels IV and V, administrators have very little discretion, as these disciplinary options are primarily mandated by state law or local policy. Level IV offenses are primarily acts of misconduct for which mandatory removal to a DAEP is required by law. Level V offenses are primarily acts of misconduct for which mandatory expulsion to a JJAEP is required by law.
7. **To whom should parents address questions if they have a problem or concern with the District’s Discipline Management Plan and Student Code of Conduct?**

Concerns with specific discipline situations should be directed to the attention of the campus or grade level principal.

All comments and suggestions are taken into consideration as the Discipline Management Plan and Student Code of Conduct is reviewed if the District has jurisdiction over the issues raised.

8. **What do the acronyms DAEP and JJAEP stand for?**

DAEP stands for Disciplinary Alternative Education Program.

The District’s DAEP for secondary students is the Opportunity Awareness Center (OAC). Placements in the DAEP are primarily for conduct for which removal to a DAEP is mandated by the Discipline Management Plan and Student Code of Conduct and state law.

JJAEP stands for Juvenile Justice Alternative Education Program. JJAEP programs are out-of-district and serve students who engage in serious misconduct, as defined by law, while placed in the OAC or who commit offenses for which expulsion is mandated by state statute.

9. **What factors are considered when imposing disciplinary options?**

In situations where administrators have discretion, the following factors are considered:

- The seriousness of the offense
- The student’s age, maturity, and attitude
- The frequency of misconduct
- Documented evidence of self-defense
- The potential effect of the misconduct on the school environment
- State law (*Texas Education Code*, Chapter 37)
- Katy ISD’s Discipline Management Plan and Student Code of Conduct

In addition to the general guidelines considered when determining whether a suspension, a discretionary DAEP placement, or a discretionary JJAEP placement is an appropriate disciplinary action, the administrator, to the extent allowed by law, also considers self-defense (as defined in the Discipline Management Plan and Student Code of Conduct at “Fighting/Physical Contact/Assault”), intent or lack of intent at the time the student engaged in the conduct, and whether or not there is a link between a student’s misconduct and a disability. The administrator only considers discipline history when determining whether the student can be considered for early release from his/her DAEP or JJAEP assignment. The
administrator has no discretion in regard to offenses in which a DAEP or JJAEP placement is required by law.

10. **Can a student’s grades and academic standing be considered before assessing disciplinary consequences?**

Grades and academic standing are not considered because to do so would result in discriminatory practices. Basing disciplinary consequences on the nature of the infraction ensures that all students are treated fairly regardless of their academic abilities.

11. **What types of appeal processes are available to parents who wish to complain about disciplinary assignments?**

Parental questions or complaints resulting from disciplinary consequences can be addressed informally with the teacher or campus administrator, as appropriate. The campus administration is responsible for investigating complaints. Parents may also exercise their right to file a formal complaint in accordance with Board Policy FNG (LOCAL) to complain about an action ancillary to the discipline process. However, a disciplinary action cannot be overturned as a result of the student complaint process at Levels I, II or III.

For some DAEP placements and all expulsions, there are more formal appeal processes. For off-campus DAEP placements that extend beyond 60 calendar days or the end of the next grading period, whichever is earlier, Chapter 37 affords the student/parent an opportunity to request a campus-level appeal hearing. All District DAEP placements are for 75 instructional days, entitling parents to request a campus-level appeal hearing. If the outcome of the campus-level hearing is not satisfactory, the student/parent may appeal to a District-level hearing committee. The decision of the District-level committee is final.

An expulsion of any length requires that a campus-level hearing be held unless the student/parent waives their right to a hearing. If the outcome of the campus-level hearing is not satisfactory, the student/parent can appeal the decision to a District-level hearing committee. Unlike appeals regarding DAEP placement, the student/parent can appeal the decision of the District-level hearing committee to the Board.

12. **When might an offense be disciplined at a higher level?**

Students who repeatedly commit offenses listed at one level may be disciplined at the next level for persistent misconduct. In addition, if a student commits an infraction on campus or at a school-related event that is listed at Level III and that infraction results in a felony charge, the student is disciplined at Level IV in accordance with state law because a felony occurred at school or at a school-sponsored or school-related event.
Secondary students who continue to engage in serious or persistent misbehavior at the home campus may be recommended for a permissive placement at the OAC. The placement is only granted if the campus can provide documentation of its RTI interventions.

13. **Can two students committing the same offense on the same campus be disciplined differently?**

When disciplinary actions are discretionary in nature, the overall discipline history of each student is considered. Therefore, it is possible that two students committing the same offense may be disciplined differently if they commit offenses at Level I, II, or III. For example, if the misconduct is a first offense for one student and the other student has multiple offenses, they may receive different consequences.

However, for Level IV and V offenses, the disciplinary consequences would be the same as most are dictated by state law or local policy.

14. **How do discipline consequences impact a student’s permanent record?**

Discipline is not recorded on a student’s permanent record card or high school transcript. For a high school student assigned to the OAC, the grade label will not indicate the name of the school attended (only a campus code for District use). The student’s permanent record card or high school transcript will indicate he/she is withdrawn from the home campus while at the OAC; however, when the student returns to the home campus, the new label will only indicate the date “Entered.”

Disciplinary records are maintained separately from a student’s permanent record file. Discipline files are boxed up at the end of each school year so that the student starts with a clean slate at the beginning of the next school year. If the length of a DAEP or JJAEP disciplinary assignment extends into the next school year, the record for that disciplinary assignment is carried forward.

15. **Why would an offense be disciplined differently on a particular campus this year when compared to several years ago?**

Each year the discipline plan is reviewed and revisions are made as needed to comply with state law and local needs. As a result, an offense that was disciplined one way several years ago, may be disciplined differently today because of legislative changes and/or input from various publics. Individual campuses may also adjust their standards for certain offenses to address areas of concern unique to their campus. Any such rules must be communicated to students.
16. **Are extra-curricular activities affected by disciplinary consequences?**

Sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the Board-adopted *Discipline Management Plan and Student Code of Conduct* and may condition membership or participation in the activity on adherence to specified standards. These higher standards are communicated to students/parents in each group’s guidelines/constitutions and may include conduct that occurs at any time, on or off school property. In assessing disciplinary consequences, administrators only consider the discipline infraction. It is the extra-curricular guidelines/constitutions that dictate the impact of discipline on extracurricular participation.

For example, some organizations may prohibit a student from participating after committing a level III offense or higher, regardless of the disciplinary consequence. In other situations, a student committing a level II or III offense may receive an after-school detention or Saturday detention that does not affect his/her participation in an activity (the consequence may be on a day that nothing is scheduled); however, another student committing a level II or III offense who is assigned one of these consequences may miss an after-school practice or competition.

By state law, students assigned to a DAEP or JJAEP are prohibited from attending or participating in school-sponsored or school-related activities on or off school property during the period of assignment. Students who are suspended have the same prohibition. This prohibition remains in effect until the day following the last day of the DAEP or JJAEP assignment. *TEC 37.006(g)*

17. **What constitutes a school-related activity?**

Any event sponsored or supervised by an employee based on that person’s employment with the District and with students directly associated with the person’s employment is considered school-related regardless of where it occurs. An employee, acting in their individual capacity, should not have any greater access to students than any other member of the community.

18. **Can students be questioned without the parent’s knowledge or presence?**

In order to handle investigations in a time-efficient manner and to maintain a safe and orderly environment, school administrators, and/or Katy ISD police officers, in accordance with state law, may question students concerning school-related behaviors or concerns without the parent’s knowledge or presence. However, campus administrators will make reasonable efforts to notify the student’s parent or other person having lawful control about the fact that an interview has occurred.
19. **What if a police officer wants to interview a student as part of an investigation unrelated to the school?**

There is no provision in statute authorizing a police officer to interview a student on campus about a matter unrelated to the school.

a. School officials are not required to facilitate these interviews absent a subpoena, court order, warrant, or unless the officers wants to take the student into custody.

b. School officials should obtain written parental consent before granting such interviews. Parents have the option of:

   - Refusing to give consent;
   - Requesting that the interview be rescheduled until the parent can be present;
   - Requesting that an administrator be present during questioning; or
   - Consenting to the interview.

**Note:** A school official must never interfere with an arrest. However, refusing to produce a student for questioning in a non-school related matter does not constitute interfering with an investigation.

20. **What role do district police officers play in school discipline?**

None. Police officers are not disciplinarians and should not be used as such. Their role is to investigate violations of law and ordinances in accordance with the authority and power specified in Board Policy. While police action may result in the assignment of a disciplinary consequence, discipline is the responsibility of campus administrators.

21. **Why are students not read their Miranda rights before questioning?**

State law that applies to law enforcement officers in interrogating juveniles does not apply to public school administrators in their enforcement of school discipline or to Katy ISD police officers in general interviews. It is the responsibility of the peace officer to administer Miranda rights to students when required by law.

22. **When are law enforcement authorities called?**

Administrators are required to make reports to local law enforcement authorities when there are reasonable grounds to believe that a crime has been committed.

23. **What is the difference between a disciplinary infraction and a crime?**
A disciplinary infraction is any action that violates the Discipline Management Plan and Student Code of Conduct. A crime is defined as any action that violates state law or the Penal Code.

24. **What happens to the disciplinary consequence assigned by the school when criminal charges are dropped or reduced in court?**

Since school discipline does not have to meet the same standards of evidence as law enforcement, the disciplinary assignment is not reduced or dropped based on the outcome of a criminal case. School discipline is based on the original classification of the conduct and evidence that the student did commit the offense as specified in state law and/or the Board-approved Discipline Management Plan and Student Code of Conduct at the time of the investigation.

25. **Can schools discipline students for crimes committed off-campus and not at a school related event?**

Yes, in some cases. State law requires the school to remove a student to a DAEP if the student commits a Title V felony or aggravated robbery off-campus. Title V felonies are violations against another person (murder, manslaughter, kidnapping, indecency with a child; sexual assault, aggravated assault, injury to a child, deadly conduct, terrorist threat, kidnapping, etc.) In other non-school-related cases, the school has no jurisdiction (i.e. felony theft or drug charges).