



Agenda of Regular Meeting

The Board of Trustees Beeville ISD

A Regular Meeting of the Board of Trustees of Beeville ISD will be held July 26, 2018, beginning at 5:30 PM in the Board Room
201 N. St. Mary's
Beeville, TX 78102.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. Call to Order
2. Presentation of Colors/Pledge of Allegiance and Prayer
3. Recognition of Students/Employees and/or Programs/Presentations:
 - A. Mighty Trojan Awards: Coach of the Year
4. Public Forum
5. Consent Items: 3
 - A. June 21 and July 17, 2018 Board Meeting Minutes 4
 - B. June 2018 Expenditures 9
6. Information Items: 10
 - A. Update 111 (First Reading) Affecting Policies:
 1. BBD(Local): Board Members-Training and Orientation
 2. CAA(Local): Fiscal Management Goals and Objectives-Financial Ethics
 3. CJA(Local): Contracted Services-Criminal History
 4. DHE(Local): Employee Standards of Conduct-Searches and Alcohol/Drug Testing
 5. DI(Local): Employee Welfare
 6. FEA(Local): Attendance-Compulsory Attendance
7. Action Items:
 - A. Consideration and Possible Approval of 2018-2019 Student Code of Conduct 24
 - B. Consideration and Possible Approval of Powell & Leon, LLP 2018-2019 TREA Legal Services Program Agreement 61
 - C. Consideration and Possible Approval of 2018-2019 Professional Appraisal Calendar 71
 - D. Consideration and Possible Approval of Budget Amendments 74



- 8. Superintendent's Reports:
 - A. Strategic Plan Update
 - B. Business Office Report 76
 - 1. Quarterly Investment Report 78
- 9. Adjourn to Closed Session
 - A. For the purpose of considering matters for which closed sessions are authorized by Chapter 551.071-551.084, Texas Government Code, whereupon the Superintendent at the request of the Board President, will present for the Board's consideration or discussion the following matters:
 - 1. Purchase, Exchange, Lease, or Value of Real Property
 - 2. Employment of Personnel
 - 3. Personnel
- 10. Reconvene in Open Session
 - A. Consideration and Possible Approval of Items Discussed in Closed Session.
 - 1. Purchase, Exchange, Lease, or Value of Real Property
 - 2. Employment of Personnel
 - 3. Personnel
- 11. Agenda Planning
- 12. Adjournment

Beeville ISD
BOARD OF TRUSTEES

Date: September 21, 2017 Presented By: Dr. Puig
 Consent Items
Subject: See List Below Related Page(s) 9

Consent

BACKGROUND INFORMATION:

Attached are the following Consent Items:

- August 15 and 29, 2017 Board Meeting Minutes
- August 2017 Expenditures
- Bank Resolution (Update Prosperity Bank signatures)

RECOMMENDATION:

Approval

BOARD ACTION REQUIRED:

I move the Board approve the Consent Items.

Minutes of Regular Meeting

The Board of Trustees Beeville ISD

A Regular Meeting of the Board of Trustees of Beeville ISD was held Thursday, June 21, 2018, beginning at 5:30 PM in the Board Room at 201 N. St. Mary's, 2nd Floor, Beeville, TX 78102.

1. Call to Order: **5:30 PM**
Present: Dr. Kevin Behr, Orlando Vasquez, Leticia Munoz, Eddie Salazar, Theresa Arthur, and Pete Martinez. Darryl Martin was absent.
2. Presentation of Colors/Pledge of Allegiance and Prayer: **Coach Alan Burkett**
3. Recognition of Students/Employees and/or Programs/Presentations:
 - A. Softball Team
4. Public Forum: **N/A**
5. Consent Items:
 - A. Consideration and Possible Approval of May 24, June 7, and June 18, 2018 Board Meeting Minutes
 - B. Consideration and Possible Approval of May 2018 Expenditures
Orlando Vasquez made the motion to approve the Consent Items. The motion was seconded by Eddie Salazar and carried by unanimous vote.
6. Information Items:
 - A. STAAR/EOC Data Presentation: **Dr. Bonnie Bomar, Executive Director for Learning and Innovation**
 - B. Construction Projects Update: **Chris Brzozowski, Weaver and Jacobs Constructors, Inc.; and Christine Walker, Claycomb Associates, Architects**
 - C. Construction Update: **Dr. Marc Puig, Superintendent**
 - D. Security Presentation: **N/A**
 - E. TASBO Recommendations Update: **Dr. Marc Puig, Superintendent**
7. Action Items:
 - A. Consideration and Possible Approval of Policy CH(LOCAL)
N/A

- B. Consideration and Possible Approval to Designate Tax Assessor-Collector
Pete Martinez made the motion to approve the Tax Collection Resolution to Designate the Bee County Assessor-Collector of Taxes as the Beeville ISD Tax Collector using the Agreed Judgement Formula resulting from the settlement agreement with Bee County. The motion was seconded by Theresa Arthur and carried by unanimous vote.
- C. Consideration and Possible Approval of Budget Amendments
Leticia Munoz made the motion to approve the Budget Amendments. The motion was seconded by Orlando Vasquez and carried by unanimous vote.
- D. Consideration and Possible Approval of Name for Health Professions Magnet Academy
Theresa Arthur made the motion to approve naming the New High School Magnet Academy to “A.C. Jones Health Professions Magnet Academy.” The motion was seconded by Leticia Munoz and carried by unanimous vote. (Note: Pete Martinez mentioned he would have appreciated consideration for naming the new academy The Hector P. Garcia Health Professions Magnet Academy; and the board said a name change in the future is possible.)
- E. Consideration and Possible Approval to Move July 2018 Board Meeting Date
Orlando Vasquez made the motion to approve the July Board Meeting be held on Thursday, July 26, 2018. The motion was seconded by Theresa Arthur and carried by unanimous vote.
- 8. Superintendent's Reports:
 - A. Board Gallery Walk
 - 1. Strategic Plan Update
 - a. Fiscal Performance
 - b. Teaching and Learning
 - 2. Appoint TASA/TASB Austin Conference Delegate
After discussion, the board named Darryl Martin as the TASA/TASB Austin Conference Delegate.
 - B. Business Office Report: **Eva Cisneros, Director of Finance**
- 9. Adjourn to Closed Session: **6:40 PM**
 - A. For the purpose of considering matters for which closed sessions are authorized by Chapter 551.071-551.084, Texas Government Code, whereupon the Superintendent at the request of the Board President, will present for the Board's consideration or discussion the following matters:
 - 1. Purchase, Exchange, Lease, or Value of Real Property
 - 2. Employment of Personnel
 - 3. Personnel
 - 4. Deployment of Security Personnel

10. Reconvene in Open Session: **7:25 PM**

A. Consideration and Possible Approval of Items Discussed in Closed Session.

1. Purchase, Exchange, Lease, or Value of Real Property N/A

2. Employment of Personnel

Orlando Vasquez made the motion to approve the Employment of Personnel as presented. The motion was seconded by Leticia Munoz and carried by unanimous vote.

3. Personnel N/A

4. Deployment of Security Personnel N/A

11. Agenda Planning

12. Adjournment: **7:30 PM**

Board President

Board Secretary

**BEEVILLE I.S.D. PERSONNEL ACTION
NEW HIRES/RESIGNATIONS**

6/21/2018

DATE	NAME	POSITION/LOCATION			SALARY	
Professional Resignations						
05/25/18	Holli Walton	Pre-Kinder Teacher/HMD ECC			\$ 48,200.00	
					Total	
					\$ 48,200.00	
DATE	RECOMMENDATION	DEG	POSITION/LOCATION	EXP.	REPLACING	SALARY
Professional New Hires						
08/06/18	Tyler Elliott	Bac	Social Studies Teacher/Coach/ACJ	1 yr.*	Nicholas Garza	\$ 44,950.00
					Coaching Stipends	7,904.00
08/06/18	Sheri Gonzalez	Mas	PPCD Teacher/HMD ECC	19 yrs.*	Patricia Ramirez	58,719.00
					Special Ed. Stipend	3,500.00
08/06/18	Elizabeth Moron	Bac	5th Gr. Teacher/R.A. Hall Elem.	19 yrs.	Cara Luke (Transfer)	46,785.00
08/06/18	Joanne Soward	Bac	Art Teacher/Moreno JH	2 yrs.*	Ashley Tausch	45,150.00
08/06/18	Erika Torres	Mas	3rd Gr. Teacher/FMC Elem.	10 yrs.*	Donna Randall	48,400.00
08/06/18	Seana Towner	Bac	Computer Science Teacher/Moreno JH	5 yrs.*	New position	46,160.00
08/06/18	Christina Garcia	Cert.	CTE Health Science Instr./AC Jones	11 yrs.	New Position	28,050.00
			*Pending verification of service record		Sub-Total	\$ 329,618.00
					GRAND TOTAL	\$ (281,418.00)

Minutes of Workshop

The Board of Trustees Beeville ISD

A Workshop of the Board of Trustees of Beeville ISD was held Tuesday, July 17, 2018, beginning at 7:00 AM in the Board Room at 201 N. St. Mary's, 2nd Floor, Beeville, TX 78102.

1. Call to Order: **7:00 AM**
Present: Dr. Kevin Behr, Orlando Vasquez, Leticia Munoz, Darryl Martin, Eddie Salazar, Theresa Arthur, and Pete Martinez
2. Budget Workshop #1 (Tier III Training): **Dr. Marc Puig, Superintendent**
3. Adjournment: **8:00 AM**

Board President

Board Secretary

DISBURSEMENTS BY FUND

Payments per fund for the period of June 1, 2018 through June 30, 2018.

Fund	Fund Name	Total
162	Barnhart Art	\$1,359.34
169	K to College	\$1,299.68
171	Barnhart Academic Decathlon	\$13,485.79
175	Barnhart	\$5,423.91
181	Athletics	\$19,500.12
199	Local Maintenance	\$350,869.27
211	Title I - Federal Programs	\$1,461.09
213	TTL 1 Priority & Focus Grant	\$2,681.39
224	Idea-B Formula	\$10,554.53
240	Food Service	\$84,092.67
244	CATE - Tech Program	\$216.45
270	Rural and Low Income	\$1,897.74
617	Capital Projects	\$641,150.39
660	Campus Security	\$16,767.65
876	Payroll Liabilities	\$229,670.32
	Grand Total	\$1,380,430.34

End of Report

Beeville ISD
BOARD OF TRUSTEES

Date: July 26, 2018 Presented By: Dr. Puig
Subject: Update 111 (First Reading) Related Page(s) 13

Information

BACKGROUND INFORMATION: Policy Update 111 Comparison Packet was emailed to the Board on July 10, 2018. The Comparison Packet details recommended changes to local policies. These recommendations are regularly provided by TASB to address legislation. The Update 111 Comparison Packet is attached for your review.

RECOMMENDATION: Information to initiate First Reading

BOARD ACTION REQUIRED:

No action required for First Reading. Policies affected:

- BBD(LOCAL): Board Members - Training and Orientation
- CAA(LOCAL): Fiscal Management Goals and Objectives - Financial Ethics
- CJA(LOCAL): Contracted Services - Criminal History
- DHE(LOCAL): Employee Standards of Conduct - Searches and Alcohol/Drug Testing
- DI(LOCAL): Employee Welfare
- FEA(LOCAL): Attendance - Compulsory Attendance

(LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's current policy, as found in TASB Policy Service records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)

Policies recommended for deletion are not included. If you want to include the text of these policies in the information given to the Board, you may download them from *Policy On Line*.

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

NOTE: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, Policy Service's recent migration to Word 2013 causes some margin notes to appear as a tracked change where no change has taken place.

For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

Policy.Service@tasb.org

800-580-7529

512-467-0222

**Public Information
Coordinator**

The Superintendent shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012. [See GBAA]

**Reporting
Continuing
Education Credit**

The Board President shall announce the status of each Board member's continuing education credit. The announcement shall be made annually at the last regular Board meeting before the District's uniform election date, whether or not an election is held. The announcement shall be reflected in the meeting minutes and, when necessary, posted on the District's website in accordance with law.

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: —See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
 - ~~for Board members—BBF~~
 - ~~for employees—DH~~
 - for Board members—BBF
 - for employees—DH
- Financial conflicts of interest:
 - for public officials—BBFA
 - for all employees—DBD
 - for vendors—CHE
 - Compliance with state and federal grant and award requirements: CB, CBB
 - Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
 - Systems for monitoring the District's investment program: CDA
 - Budget planning and evaluation: CE
 - Compliance with accounting regulations: CFC
 - Activity fund management: CFD
 - Criminal history record information for employees: DBAA, DC
 - Disciplinary action for fraud by employees: DCD, DCE, and DF series

Fraud and Financial Impropriety

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors,

FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

CAA
(LOCAL)

agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

Definition

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Any other dishonest act regarding the finances of the District.
13. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Financial Controls and Oversight

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

Fraud Prevention

FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

CAA
(LOCAL)

	<p>The Superintendent or designee shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.</p>
Reports	<p>Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to a person with authority to investigate the suspicions, including any supervisor, the Superintendent or designee, the Board President, or local law enforcement.</p> <p>Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.</p>
<i>Protection from Retaliation</i>	<p>Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]</p>
Fraud Investigations	<p>In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.</p>
Response	<p>If an investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.</p> <p>If an employee is found to have committed fraud or financial impropriety, the Superintendent or designee shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.</p> <p>When circumstances warrant, the Board, Superintendent, or designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.</p> <p>The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.</p>
Federal Awards Disclosure	<p>The District shall disclose, in a timely manner in writing to the federal awarding agency or pass-through entity, all violations of</p>

federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal grant award. [See CBB]

Analysis of Fraud

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent or designee shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

Emergencies

In an emergency due to a health or safety concern, a reasonably unforeseeable situation, or other exigent circumstance, the District employee who is in charge of the facility shall be authorized to determine whether an employee of a contracting or subcontracting entity who does not have the required criminal history record information (CHRI) review or who has a disqualifying conviction will be permitted to enter a District facility.

If allowed to enter the facility, the employee of the contracting or subcontracting entity shall be accompanied by a District employee at all times.

**Reasonable
Suspicion Searches**

The District reserves the right to conduct searches when the District has reasonable suspicion to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Searches that reveal a violation of the District's standards of conduct may result in disciplinary action. [See DH]

**Reasonable
Suspicion Alcohol
and Drug Testing**

The District may remove an employee from duty and require testing if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of District policy. The determination of reasonable suspicion may be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty or other relevant information. Any employee who is asked to submit to drug or alcohol testing shall be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening.

A District employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to and including termination.

A District employee confirmed to have violated the District's policy pertaining to alcohol or drugs may be subject to disciplinary action. [See DF series and DH]

Note: The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

**Federally Required
DOT Testing
Program**

In accordance with DOT rules, the District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(LOCAL)

Drug-Related
Violations

The following constitute drug-related violations under the DOT rules:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
4. Testing positive for controlled substances in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
8. Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above shall not be eligible for reinstatement as a driver.

Alcohol Results
Between 0.02 and
0.04

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.

[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at [District-Imposed Consequences](#)~~DISTRICT-IMPOSED CONSEQUENCES~~, below.]

Reasonable
Suspicion DOT
Testing

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

**District-Imposed
Consequences**

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances, including a second or subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, shall be subject to District-imposed discipline, as determined by his or her supervisor and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the District may be considered.

EMPLOYEE WELFARE

DI
(LOCAL)

**Drug-Free
Awareness Program**

~~The District shall maintain a drug-free environment and shall establish, as needed, a drug-free awareness program complying with federal requirements. [See DH] The program shall provide applicable information to employees in the following areas:~~

- ~~1. The dangers of drug use and abuse in the workplace.~~
- ~~2. The District's policy of maintaining a drug-free environment. [See DH(LOCAL)]~~
- ~~3. Drug counseling, rehabilitation, and employee assistance programs that are available in the community, if any.~~
- ~~4. The penalties that may be imposed on employees for violation of drug use and abuse prohibitions. [See DH(LOCAL)]~~

**Employee
Responsibility**

~~All fees or charges associated with drug/alcohol abuse counseling or rehabilitation shall be the responsibility of the employee.~~

Students in violation of the compulsory attendance law shall be reported to the District attendance officer, who may institute court action as provided by law.

Excused Absences

In addition to excused absences required by law, the District shall excuse absences for the following purposes.

Higher Education Visits

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education. A student shall be required to submit verification of such visits in accordance with administrative regulations.

Armed Services Enlistment

The District shall excuse a student 17 years of age or older for up to four days during ~~his or her enrollment in high school-year~~ for activities related to pursuing enlistment in a branch of the U.S. Armed Services or Texas National Guard. A student shall be required to submit verification of such activities in accordance with administrative regulations.

Early Voting or Election Clerk

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk. A student shall be required to submit verification of service in accordance with administrative regulations.

[For extracurricular activity absences, see FM.]

Withdrawal for Nonattendance

The District may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent ten consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For District-initiated withdrawal of students 19 or older, see FEA(LEGAL).]

Students Attending Homeschools

Students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in other private schools.

Adequate documentation of homeschooling for withdrawal shall consist of either a statement of withdrawal in accordance with FD(LOCAL) indicating the date homeschooling began, or a signed and dated letter from a parent or guardian indicating that his or her child is being homeschooled and the date the homeschooling began.

ATTENDANCE
COMPULSORY ATTENDANCE

FEA
(LOCAL)

The District may request from a parent or guardian a letter of assurance that a child is being educated using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

Enforcing
Compulsory
Attendance

If a parent or guardian refuses to submit a requested statement or letter, or if the District has evidence that a school-aged child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

Beeville ISD
BOARD OF TRUSTEES

Date: July 26, 2018 Presented By: Dr. Bomar

Subject: 2018-2019 Student Code of Conduct Related Page(s) 35

Action

BACKGROUND INFORMATION:

As per Policy FO(LEGAL), the board shall adopt a Student Code of Conduct for the district.

RECOMMENDATION:

Approval

BOARD ACTION REQUIRED:

I move the Board approve the Beeville ISD 2018-2019 Student Code of Conduct as presented.

Beeville ISD
Student Code of
Conduct

2018-2019

Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact Rosario Zambrano, Director of Special Education at rzambrano@beevilleisd.net or 361- 362-6021.

Purpose

The Student Code of Conduct (“Code”) is the district’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 district 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 Beeville ISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside 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 posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be available at the office of the campus behavior coordinator and posted www.beevilleisd.net . 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 district’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 District Authority and Jurisdiction

Campus Behavior Coordinator

As required by law, a person at each campus 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. The district maintains a current list of the persons serving as a campus behavior coordinator in the Student Handbook or on the district's website at www.beevilleisd.net.

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

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
11. When the student is required to register as a sex offender.

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.

District administrators conduct routine blanket inspections and searches of lockers and desks.

Reporting Crimes

The principal or 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.

“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 district has the right to limit a student’s participation in graduation activities for violating the district’s Code.

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry or eject a person from district 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 district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL), as appropriate.

See **DAEP—Restrictions During Placement** on page 24, for information regarding a student assigned to DAEP at the time of graduation.

Standards for Student Conduct

Each student is 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 district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district 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 district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, 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 Regular Educational Setting as detailed in that section.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See glossary for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse,

General Conduct Violations

whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer.

- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see DAEP Placement or Expulsion.)
- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery, and theft, see DAEP Placement and Expulsion.)

Possession of Prohibited Items

Students shall not possess or use:

- 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 location-restricted knife;
- A hand instrument designed to cut or stab another by being thrown;
- *A firearm;
- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;

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- Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- 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.

*For weapons and firearms, see DAEP Placement and Expulsion. In most circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Use a telecommunications device, including a cellular telephone, or other electronic device in violation of district and campus rules.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see DAEP Placement and Expulsion for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount. Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)
- Abuse over-the-counter drugs. (See glossary for “abuse.”) Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not

General Conduct Violations

limited to, computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.

- Use the Internet or other electronic communications to threaten district 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.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the Internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, 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

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

The district may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms 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 discipline practices. Discipline shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Because of these factors, discipline for a particular offense, including misconduct in a district vehicle owned or operated by the district, unless otherwise specified by law, may bring into consideration varying techniques and responses.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law shall prevail.

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

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

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 correction, oral or written.
- Cooling-off time or "time-out."
- Seating changes within the classroom or vehicles owned or operated by the district.
- 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 district transportation privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.
- Out-of-school suspension, as specified in the Out-of-School 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 district.
- Other strategies and consequences as determined by school officials.

Notification

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator 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. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 pm of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration office or through *Policy On Line* at the following address: www.beevilleisd.net .

Consequences shall not be deferred pending the outcome of a grievance.

Removal from the School Bus

A bus driver may refer a student to the Director of Transportation or principal's office to maintain effective discipline on the bus. The Director of Transportation or principal must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the Director of Transportation or the principal may restrict or revoke a student's transportation privileges, in accordance with law.

Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

Routine Referral

A routine referral occurs when a teacher sends a student to the campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

Formal Removal

A teacher **may** also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

Within three school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the misconduct for which he or she is charged and the consequences. The student shall have an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

Returning a Student to the Classroom

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

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent if the placement review committee determines that the teacher's class is the best or only alternative available.

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 district 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 in grade 2 or below 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 district shall use a positive behavior program as a disciplinary alternative for students in grade 2 or below 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, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the conduct of which he or she is accused. The student shall be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension shall be determined by the campus behavior coordinator, but shall not exceed three school days.

In deciding whether to order out-of-school suspension, the campus behavior coordinator 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.

The appropriate administrator shall determine any restrictions on participation in school- sponsored or school-related extracurricular and co-curricular activities.

Disciplinary Alternative Education Program (DAEP) Placement

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.

Summer programs provided by the district shall serve students assigned to a DAEP in conjunction with other students.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a 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 campus behavior coordinator 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.

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, 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 Texas 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 campus behavior coordinator **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 Texas Penal Code 22.01(a)(1).
 - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, 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 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 offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and 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 and Campus Assignments

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault

against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

Process

Removals to a DAEP shall be made by the campus behavior coordinator.

Conference

When a student is removed from class for a DAEP offense, the campus behavior coordinator or appropriate administrator shall 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 campus behavior coordinator or appropriate administrator shall inform the student, orally or in writing, of the reasons for the removal and shall 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 district 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 campus behavior coordinator 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.

Placement Order

After the conference, if the student is placed in the DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order 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 shall 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 shall give notice of the inconsistency.

Coursework Notice

The parent or guardian of a student placed in 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 campus behavior coordinator.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to 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 district 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 district 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 district determines that the student is a threat to the safety of other students or to district 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 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 campus behavior coordinator or the board's designee 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 district'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.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through *Policy On Line* at the following address: www.beevilleisd.net .

Appeals shall begin at Level I with the principal.

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

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

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

Placement Review

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

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may

be conducted, and the campus behavior coordinator 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 district 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 superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee 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 superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. 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 superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal During Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the campus behavior coordinator may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the campus behavior coordinator 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.

Newly Enrolled Students

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district.

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

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 must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

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

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may

not be in the regular classroom if the board or its designee determines that the student's presence:

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

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee 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 committee's recommendation.

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

Newly Enrolled Student

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

Appeal

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

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or campus behavior coordinator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas 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 a 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 district may expel the student and order placement under these circumstances regardless of:

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

Newly Enrolled Students

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

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator 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.

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.
- Criminal mischief, if punishable as a felony.
- 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)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at a 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:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. 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. (See glossary for "under the influence.")
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable

volatile chemicals.

- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)

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 children.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student's person a handgun, a location-restricted knife, or a club, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal law. (See glossary.)

Property of Another District

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 another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in DAEP

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

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

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 district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See glossary.)

Note: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

Under the Texas Penal Code

- Carrying on or about the student's person the following, as defined by the Texas Penal Code:
 - 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, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
 - A location-restricted knife, as defined by state law. (See glossary.)
 - A club, as defined in 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 Texas 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 children.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of

marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.

- 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 campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

Hearing

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 district,
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 district at the hearing.

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

The board of trustees delegates to the Superintendent or Asst. Superintendent authority to conduct hearings and expel students.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the

superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

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

The board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation.

Consequences shall not be deferred pending the outcome of the hearing.

Expulsion Order

Before ordering the expulsion, the board or campus behavior coordinator 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.

If the student is expelled, the board or its designee shall 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 Superintendent/Asst. Superintendent 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 correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

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 district determines that:

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

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent 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 district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the campus behavior coordinator 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 campus behavior coordinator 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 district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Newly Enrolled Students

The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

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

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

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

Emergency 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 district 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

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Texas Penal Code 29.03(a) as 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 Texas 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 Texas 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.
- 1. 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
- 2. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - a. Recklessly damages or destroys a building belonging to another, or
 - b. Recklessly causes another person to suffer bodily injury or death.

Assault is defined in part by Texas Penal Code §22.01(a)(1) 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 knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Texas Penal 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.

Chemical dispensing device is defined by Texas Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable 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 defined by Texas Penal Code 46.01 as 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.

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

Cyberbullying is 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.

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

Deadly conduct occurs when a person 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. 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 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 weapon; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

Firearm silencer is defined by Texas Penal Code 46.01 as any device designed, made, or adapted to muffle the report of a firearm.

Graffiti are 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 Texas Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another 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 Section 37.001(b)(2) of the Education Code.

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, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

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 Texas 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 Texas 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 Texas Civil Practices and Remedies Code 98B.001 and Texas 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 Texas Penal Code 46.01 as a knife with a blade over five and one-half inches.

Knuckles as defined by Texas Penal Code 46.01 are 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 Texas 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.

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 Texas 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. Knuckles;
3. Armor-piercing ammunition;
4. A chemical dispensing device;
5. A zip gun;
6. A tire deflation device;
7. An improvised explosive device; or
8. A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

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 seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are accepted from this definition. **Reasonable belief** is a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

Self-defense is the use of force against another 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, Texas Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Texas Penal Code;
 - b. Indecent exposure under Section 21.08; Texas Penal Code;
 - c. Criminal mischief under Section 28.03, Texas Penal Code;
 - d. Personal hazing under Section 37.152, Education Code; or

- e. Harassment under Section 42.07(a)(1), Texas Penal Code, 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 the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work 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 Texas 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 Texas 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 district).

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

Title 5 felonies are those crimes listed in Title 5 of the Texas Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02, – .05, Texas Penal Code;
- Kidnapping under Section 20.03, Texas Penal Code;
- Trafficking of persons under Section 20A.02, Texas Penal Code;
- Smuggling or continuous smuggling of persons under Sections 20.05 – .06, Texas Penal Code;
- Assault under Section 22.01, Texas Penal Code;

- Aggravated assault under Section 22.02, Texas Penal Code;
- Sexual assault under Section 22.011, Texas Penal Code;
- Aggravated sexual assault under Section 22.021, Texas Penal Code;
- Unlawful restraint under Section 20.02, Texas Penal Code;
- Continuous sexual abuse of a young child or children under Section 21.02, Texas Penal Code;
- Bestiality under Section 21.09, Texas Penal Code;
- Improper relationship between educator and student under Section 21.12, Texas Penal Code;
- Voyeurism under Section 21.17, Texas Penal Code;
- Indecency with a child under Section 21.11, Texas Penal Code;
- Invasive visual recording under Section 21.15, Texas Penal Code;
- Disclosure or promotion of intimate visual material under Section 21.16, Texas Penal Code;
- Sexual coercion under Section 21.18, Texas Penal Code;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04, Texas Penal Code;
- Abandoning or endangering a child under Section 22.041, Texas Penal Code;
- Deadly conduct under Section 22.05, Texas Penal Code;
- Terroristic threat under Section 22.07, Texas Penal Code;
- Aiding a person to commit suicide under Section 22.08, Texas Penal Code; and
- Tampering with a consumer product under Section 22.09, Texas Penal

Code. [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 Texas 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.

Beeville ISD
BOARD OF TRUSTEES

Date: July 26, 2018 Presented By: Dr. Puig
Retainer Agreement with TREA-
Powell & Leon, LLP as School
Subject: District Attorneys Related Page(s): 9

Action

BACKGROUND INFORMATION:

The Law Firm of Powell & Leon, LLP has many attorneys who are experts in school law. The administration is requesting that the District enter into a retainer agreement again with this firm through the TREA (Texas Rural Education Association). The retainer agreement and services provided are included for your information.

RECOMMENDATION:

Approval

BOARD ACTION REQUIRED:

I move the Board approve the retainer agreement with Powell & Leon, LLP through the TREA Legal Services Program.

Blake G. Powell
Sara Hardner Leon
Darrick W. Eugene
Michelle Alcala
Mackenzie Lewis
Casandra Johnson
William C. Bednar, *Of Counsel*



Jay Youngblood
Tyler, Texas
John J. Janssen, Ph.D.
Corpus Christi, Texas
Geneva L. Taylor
Houston, Texas
Rick W. Powell
Pittsburg/Lewisville, Texas

May 2, 2018

Via First Class Mail

Dr. Marc Puig
Superintendent of Schools
Beeville Independent School District
201 N Saint Mary's St.
Beeville, TX 78102-4606

Dear Dr. Puig:

Re: Annual TREA Legal Services Program Agreement

Congratulations on your decision to participate in the Texas Rural Education Association (TREA). As an added benefit to TREA membership, Powell & Leon has waived its annual retainer fee for TREA member school districts.

As a part of this program, we offer 3 hours of **free legal consultations** on topics such as 313 agreements, special education concerns, employment contracts, student discipline, employee reprimands and dismissals, sexual harassment complaints, grievance procedures, Public Information Act request, governmental relations, and a host of other topics. You will only be billed if one of our attorneys must research, write, or do additional work outside of providing advice over the phone.

Participation in the program allows you to access our legal services at a reduced rate if needed. Powell & Leon understands budgets are tight. Therefore, our rate structures are some of the most competitive you will find. **As part of the Legal Services Retainer Agreement, clients will receive:**

- 3-hours of Board Training
- Weekly newsletter – Ed Clips – sent electronically covering informative and useful topics in education
- Client Alerts – sent electronically as needed covering “call to actions” when the legislature is meeting and any topic our clients need to know about quickly.
- Webinars and Audio Conferences. Over the course of the school year our firm offers webinars and audio conferences on pertinent subjects. In the fall of 2018, we are pleased to expand this service to offer Webinars and interactive Video Conferences with state-of-the-art audio visual resources.
- Discounted rates on all additional legal services needed.

1001 ESE Loop 323, Ste. 450
Tyler, Texas 75701
t: 903-526-6618
f: 903-526-5766

115 Wild Basin Rd., Ste. 106
Austin, Texas 78746
t: 512-494-1177
f: 512-494-1188

7324 Southwest Freeway, Ste. 365
Houston, Texas 77074
t: 713-779-7500
f: 713-485-0169

802 N. Carancahua, Ste. 665
Corpus Christi, Texas 78401
t: 361-452-2804
f: 361-452-2743

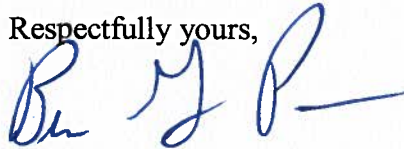
Enclosed you will find a Legal Services Program Agreement. If your District chooses to participate, please sign and return the Agreement electronically or by mail by August 31, 2018.

In addition, we enclose an updated Conflict of Interest Questionnaire (Texas Ethics Commission Form CIQ) and we are standing by and ready to comply with the new disclosure requirements required by Section 2252.908 of the Government Code. Please provide our office with a new contract number so that we may submit the necessary information online to ensure that both the District and our firm are in compliance.

We very much enjoyed working with you and the Beeville Independent School District in the 2017-2018 school year and look forward to continuing working together in the 2018-2019 school year. We hope you see the value in signing this agreement and return it promptly so we may serve your legal needs. At Powell & Leon, our clients come first. We will work to earn your trust every day.

With best regards, I am

Respectfully yours,

A handwritten signature in blue ink, appearing to read 'Blake Powell', with a long horizontal stroke extending to the right.

Blake Powell
For the Firm

Blake G. Powell
Sara Hardner Leon
Darrick W. Eugene
Michelle Alcala
Mackenzie Lewis
Casandra Johnson
William C. Bednar, *Of Counsel*



Jay Youngblood
Tyler, Texas
John J. Janssen, Ph.D.
Corpus Christi, Texas
Geneva L. Taylor
Houston, Texas
Rick W. Powell
Pittsburg/Lewisville, Texas

2018-2019 TREA Legal Services Program Agreement

In accordance with Board Policy BDD (LOCAL), the undersigned ("Client") retains the law firm of Powell & Leon, LLP ("Firm") to serve as the Client's general legal counsel and attorney in matters requiring legal services, as requested by Client. Services to be performed and compensation to be paid by the Client are set forth in this Legal Services Program Agreement ("Agreement") between the Client and the Firm.

General Counsel - As a part of this Agreement, Texas Rural Education Association members will receive the following general counsel legal services:

- Prompt access to a school attorney (including access after-hours);
- Toll-free telephone access (800-494-1971);
- After-hours access to attorneys;
- Electronic *Ed Clips and Client Alerts*;
- Firm publications provided at a discounted rate;
- Three (3) hours of board member training;
- Teacher/Administrator/Other legal trainings are available at a reduced rate;
- All requested legal services at Firm's reduced TREA LSP member hourly rate;
- Complimentary insurance audit evaluating all existing insurance coverage upon request of Client;
- Powell & Leon, LLP is pleased to provide training modules and resources that will assist schools in meeting the mandated training requirements for a broad scope of legal topics, including Family Law, FERPA and Student Privacy Rights, Sexual Harassment, Handling School Employee Grievances, and other school-related topics dealing with legal issues.

Additional Transaction Services

- Powell & Leon routinely serves as legal counsel to school districts in connection with 313 Economic Development Agreements. Legal fees are paid from the application fee.
- Government relation services are offered under individual government relations or coalition agreements.
- Powell & Leon, LLP has become a leading bond counsel firm recognized by the *Bond Buyer's Municipal Market Place (Red Book)* and performs bond counsel services at the Client's request. Bond counsel services are provided through bond counsel agreements. Cost and fees are paid as a part of cost of issuance.

Client shall receive prompt responses to all legal inquiries, and any "question calls" (that is, telephone consultation of a routine nature such as those requiring no research or drafting effort, or which are not part of an ongoing legal matter) are responded to at no charge. This Agreement includes the Firm's publications and training components, which are provided at no cost. The Firm regularly publishes *Ed Clips* on subjects of interest to school administrators. Client will receive, upon request, a board training session for up to three hours. Training and resource materials are generated for each training session, and presented in a format that Client may distribute. In the event that Client desires more training sessions, additional training will be provided at the Firm's reduced LSP member hourly rate.

1001 ESE Loop 323, Ste. 450
Tyler, Texas 75701
t: 903-526-6618
f: 903-526-5766

115 Wild Basin Rd., Ste. 106
Austin, Texas 78746
t: 512-494-1177
f: 512-494-1188

7324 Southwest Freeway, Ste. 365
Houston, Texas 77074
t: 713-779-7500
f: 713-485-0169

802 N. Carancahua, Ste. 665
Corpus Christi, Texas 78401
t: 361-452-2804
f: 361-452-2743

Annual Retainer and Hourly Fees - Client agrees to an annual TREA membership fee of \$500.00 for participation in the Firm's Legal Services Program for the 2018-2019 School Year. (*Firm's annual retainer is waived for TREA member districts*). All requested legal services shall be provided at Firm's reduced LSP member rate.

Monthly Statements - Firm attorneys maintain daily time records, in 1/10 hour increments. Monthly invoices identify the person performing the work, describe the legal work performed, and record the time expended on each task. Invoices provide separate totals for services and expenses followed by a combined total of services and costs. Fees and expenses are due and payable within thirty days after the date of billing.

Expenses - As part of the computation of legal fees, court costs, deposition costs, postage, filing fees, travel expenses, courier fees, consultant's fees and other professional fees incurred on Client's behalf (including specialized counsel), and other disbursements are billed at the amount incurred by the Firm. Expenses are included separately within each invoice. (*See Schedule of Fees and Expenses*).

Of Counsel - Client understands that attorneys may serve the Firm in an Of Counsel relationship. Client consents to the involvement of attorneys in an Of Counsel relationship to the Firm and understands that these individuals may be involved from time to time in the delivery of Firm's legal services.

Insurance Defense - Client shall make every effort to require its insurance carrier to assign its litigation cases to Firm. The Client agrees that any costs or time incurred by Firm on litigation but not paid by the Client's insurer(s) shall be borne by the Client.

Termination and Withdrawal - This Agreement may be terminated and the Firm may withdraw from Client's representation at any time if:

- (a) Client or Firm request termination;
- (b) Client insists on presenting a claim or defense that is not warranted under existing law and cannot be supported by good-faith argument for an extension, modification, or reversal of existing law; or
- (c) Client insists that the Firm pursue a course of conduct that is illegal or that is prohibited under the disciplinary rules or disregards an agreement or obligation to the Firm as to expenses or fees for services rendered.

In the event of withdrawal from employment, the Firm will take reasonable steps to avoid foreseeable prejudice to the rights of Client, including giving due notice to Client, allowing time for employment of other counsel, delivering to Client all papers and property to which Client is entitled, and complying with the applicable laws and rules.

CLIENT UNDERSTANDS THAT THE FIRM HAS MADE NO REPRESENTATION CONCERNING THE SUCCESSFUL OUTCOME OF ANY LEGAL ACTION THAT IS OR MAY BE FILED, AND HAS NOT GUARANTEED THAT THE FIRM WILL OBTAIN REIMBURSEMENT TO CLIENT OF ANY OF THE FEES, COSTS, AND/OR EXPENSES INCURRED BY CLIENT IN THE PROSECUTION OR DEFENSE OF SAID CLAIM OR CLAIMS. CLIENT FURTHER EXPRESSLY ACKNOWLEDGES THAT ALL STATEMENTS OF ATTORNEY ON THESE MATTERS ARE STATEMENTS OF OPINION ONLY.

Confidentiality - Conversations between an attorney and a client are protected by law and by the disciplinary rules to which attorneys are subject. No attorney can be compelled to reveal anything a client says to him or her, except in instances where a person's life may be endangered or as prescribed by section

261.101 of the Texas Family Code regarding child abuse. The reason for this protection is that the experience of many hundreds of years has proved that the interests of the client are best served when the client's attorneys are fully informed of *all* the facts well in advance of any possible contest.

Electronic Mail – The Firm will attempt to promptly check for and respond to any e-mail correspondence from Client. Client understands that e-mail correspondence is not as secure as mail through the Postal Service and that e-mail can be intercepted by third parties. By the sending of an e-mail to the Firm, Client consents to the Firm responding and using e-mail in the future to communicate with Client and Client bears all risks of the loss of privacy that may occur with e-mail communication and releases the Firm from any liability for loss of privacy.

Information and Communication – The Firm pledges to do its best to keep Client advised on how any legal matter is progressing, based on information received from the court, opposing party, and from Client. The Firm routinely sends Client copies of all pleadings, discovery and correspondence for Client's information. Day-to-day communication between Client and the Firm is typically between the Superintendent (and appropriate administrative staff) and the Firm. The LSP Response Form below invites the Superintendent to identify specific staff members, if desired, who are authorized to access the services of the Firm. In accordance with this written Agreement and Board Policy BDD (LOCAL), individual Trustees shall channel legal inquiries through the Superintendent or Board designee, as appropriate, when advice or information from the District's legal counsel is sought. A report of legal advice received shall be presented to the Board when deemed appropriate by the administration or upon request of the Board.

Duty to Advise of Current Address - Client agrees to keep the Firm advised of any changes in address, all telephone numbers, and e-mail addresses.

Records Management and Destruction of File - Client's records management officer is responsible to ensure compliance with the applicable minimum retention schedules. The Firm shall return any original instruments to the Client. However, **unless notified to the contrary, in writing, the Firm reserves the right and privilege to destroy files five (5) years from the date a file matter is closed.** If Client fails to request, in writing, the return of any items, Client consents that said items may be destroyed after the passage of five (5) years from the date the file or matter is closed.

Texas Lawyer's Creed - The Texas Supreme Court and Courts of Appeals have adopted the Texas Lawyer's Creed as a mandate to the legal profession in Texas. The Creed requires Texas attorneys to advise clients of the contents of the Creed when undertaking to represent a client. A copy of the Texas Lawyer's Creed is attached to this Agreement for Client's review. Client understands that the Firm may do nothing which violates this Creed.

Notices to Client - The State Bar of Texas investigates and prosecutes professional misconduct committed by Texas attorneys. Although not every complaint against or dispute with a lawyer involves professional misconduct, the State Bar Office of General Counsel will provide you with information about how to file a complaint. For more information, please call 1-800-932-1900. This is a toll-free call. In compliance with TEX. GOVT. CODE § 2270.002, the Firm hereby affirms that it has not and will not boycott Israel during the term of this Agreement and that it is not identified on a list prepared and maintained under TEX. GOVT. CODE §§ 806.051, 807.051 or 2252.153.

Texas Law - Texas law shall govern this Agreement. In the event any part or provision of this Agreement shall be held to be illegal, such illegal provision shall be deleted, shall not affect any other part of this Agreement, and this Agreement shall be construed as if such illegal provision had never been contained herein.

Entire Agreement - This Agreement represents the entire and integrated agreement between Client and Firm and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the Client and Firm.

Schedule of Fees and Expenses

Members of the Firm's Legal Services Program receive a reduced hourly fee for services from the Firm's attorneys, as well as "question call" services at no cost to Client. The Firm has a sliding fee scale for attorneys, based upon the experience of the attorney. The maximum hourly rate for P&L attorney time is currently \$285.00 per hour (reduced from the full fee of \$375.00 per hour for non-LSP members). Fees may be charged for paralegal services or administrative services at a billing rate of \$100-\$130 per hour. The Firm reserves the right to increase its hourly rate during the term of this Agreement, particularly in the event of unanticipated increases in the costs of doing business, but only after first providing Client with notice of the proposed change in rates, and permitting Client the opportunity to terminate the Agreement.

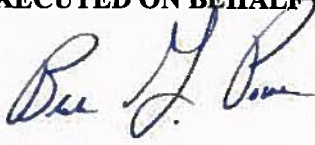
P&L charges attorney time on the following fee scale:

Partner/ of Counsel	\$285.00 per hour
Senior Associate (5+ years)	\$255.00 per hour
Junior Associate (1-5 years)	\$225.00 per hour
Paralegal	\$130.00 per hour
Legal Assistant	\$100.00 per hour
Travel Time	½ the Attorney's hourly rate

The Firm charges only for expenses which represent direct costs of the delivery of legal services. Expenses are to be billed as follows:

In-house photocopies:	25¢ per copy
Electronic Library Charges	\$95.00 per hour (not to exceed \$300/month)
Telicon	No charge
Bill Summaries	No charge
Outside photocopy services	At cost as billed by provider
Postage	At cost
Litigation expenses (consultants, expert witness, court reporter, graphic exhibits)	At cost
Mileage:	.535/mile (or current IRS rate)
Travel/Lodging	At cost
Courier Services	At cost

EXECUTED ON BEHALF OF POWELL & LEON, LLP BY:



Blake G. Powell, Partner
Powell & Leon, LLP

Sara Hardner Leon, Partner
Powell & Leon, LLP

EXECUTED ON BEHALF OF THE LEGAL SERVICES PROGRAM MEMBER CLIENT BY:

Date: _____

Signature

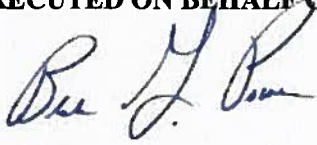
Printed Name: _____

Title: _____

Client Name: _____

This original is for your file

EXECUTED ON BEHALF OF POWELL & LEON, LLP BY:



Blake G. Powell, Partner
Powell & Leon, LLP

Sara Hardner Leon, Partner
Powell & Leon, LLP

EXECUTED ON BEHALF OF THE LEGAL SERVICES PROGRAM MEMBER CLIENT BY:

_____ Date: _____

Signature

Printed Name: _____

Title: _____

Client Name: _____

Please return this form in the self-addressed stamped envelope along with the completed form below

2018-2019 Legal Services Program Response Form

- Yes, I would like to enroll in Powell & Leon's TREA Legal Services Program for the 2018-2019 School Year. I am enclosing a \$500.00 check made payable to the Texas Rural Education Association for 2018-2019 Membership.**

- Yes, I would like to enroll in Powell & Leon's Legal Services Program for the 2018-2019 School Year. Please ask TREA to invoice me \$500.00 for the 2018-2019 LSP membership after August 31, 2018.**

- Yes, I would like to enroll in Powell & Leon's Legal Services Program for the 2018-2019 School Year. Our school district has paid TREA for the 2018-2019 Membership.**

Name: _____ **Title:** _____

School: _____ **Date:** _____

Superintendent's Current Electronic Mail Address: _____

Client's Tax-Exempt ID No.: _____

Other administrators or categories of administrators authorized to contact Firm:

Name/Email: _____

Special Education/504 Contact: _____

Board President E-mail: _____

Electronic mail address of other administrator(s) who wish to receive P&L's *Client Alert*:

[Please return this form in the self-addressed stamped envelope]

Powell & Leon, L LP EIN No.: 74-2768755

Beeville ISD
BOARD OF TRUSTEES

Date: July 26, 2018 Presented By: Dr. Bomar
2018-2019 Professional
Subject: Appraisal Calendar Related Page(s) 2

ACTION

BACKGROUND INFORMATION:

Each year the school board is asked to approve the Professional Appraisal Calendar for the school year and the list of appraisers. The appraisal calendar and list of appraisers is determined based on state rules and laws and local policy and procedure. The Professional Appraisal Calendar and list of appraisers is being presented.

RECOMMENDATION:

Approval

BOARD ACTION REQUIRED:

I move to approve the 2018-19 Professional Appraisal Calendar.



BEEVILLE

INDEPENDENT SCHOOL DISTRICT

INSPIRING BOLD INNOVATIVE LEADERS

DISTRICT-WIDE CALENDAR FOR APPRAISAL OF ALL TEACHERS 2018-2019 Appraisal Calendar

<i>Appraisal orientation</i>	Within the first three weeks of school for all teachers
<i>Teacher goal setting/professional development plan</i>	October 1, 2018 or within 6 weeks after appraisal orientation
<i>Appraisal period</i>	September 10, 2018 thru April 1, 2019 (two weeks after orientation)
<i>Formal observations</i>	Unscheduled for a minimum of 45 minutes
<i>Teacher self-reflection</i>	Completed by teacher to bring to post-conference summary
<i>Post-conference summary</i>	Within 10 working day of observation
<i>Second appraisal</i>	A teacher may request within 10 working days after receiving a post-conference summary or end-of-year conference summary with which he/she disagrees
<i>Informal observations including coaching summary</i>	April 1, 2019 (Conduct and submit written evidence for at least two documented informal observations for every classroom teacher with coaching summary)
<i>Intervention plans</i>	At the discretion of appraiser when rating is "Emergent"
<i>End-of-Year Conferences (Including Preliminary Teacher Goal Setting & Professional Development Plans)</i>	May 3, 2019
<i>Consult with HR/Superintendent Regarding Individuals with tenuous status</i>	By January 28, 2019
<i>No observations to be conducted on these dates:</i>	Two weeks after Orientation Friday November 16, 2018 December 21, 2018 Friday, March 8, 2019 Any other day scheduled for End-of-Semester Tests, State-Mandated Assessments and other Standardized Test

Pending Board Approval



BEEVILLE

INDEPENDENT SCHOOL DISTRICT

INSPIRING BOLD INNOVATIVE LEADERS

DISTRICT-WIDE CALENDAR FOR APPRAISAL OF ALL TEACHERS 2018-2019 Appraisal Calendar

The following persons are proposed as teacher appraisers for the 2018-2019 school year:

<u>School</u>	<u>Teacher Supervisor</u>	<u>Other Appraisers</u>
<i>AC Jones</i>	Ann Ewing Benjamin Barris Deborah DelBosque Veronica Alaniz Jay Viertel Kelly Billington Jean Blankenship	Deborah DelBosque Veronica Alaniz Kelly Billington Benjamin Barris Jean Blankenship Ann Ewing Jay Viertel
<i>Moreno</i>	Jaime Rodriguez Diana Krone Larry Cantu Klaire DeLeon	Klaire DeLeon Diana Kroen Jamie Rodriguez Larry Cantu
<i>RA Hall</i>	Belinda Aguirre Heather Vasquez Elinor Stracener	Heather Vasquez Elinor Stracener Belinda Aguirre
<i>FMC</i>	Anita Taylor Dr. Eloisa Garza Leticia Escamilla	Dr. Eloisa Garza Leticia Escamilla Anita Taylor
<i>Hampton-Moreno-Dugat</i>	Annette Sanchez Debrena Lightfoot	Debrena Lightfoot Rosario Zambrano
<i>Special Education Central Staff</i>	Rosario Zambrano	Dr. Bonnie Bomar

Board approval for these assignments is requested. Although “other appraisers” are listed by campus, they are “other appraisers” for the district and could be utilized on other campuses if needed. If a position is vacated, the person filling the position will become the approved appraiser.

Note:

- Second appraisals, if requested, shall be conducted on all domains.
- First and Second appraisals shall be averaged for a final summative score.
- Appraisals shall be in accordance with District Policies DNA (LEGAL) and DNA (LOCAL) regarding teachers eligible for less than annual appraisals.

Beeville ISD
BOARD OF TRUSTEES

Date: July 26, 2018 Presented By: Eva Cisneros

Subject: 2017-18 Budgetary Amendments Related Page(s) 1

Action

BACKGROUND INFORMATION:

As we continue forward with strategic planning and improvement efforts the following amendments are respectfully requested.

The funds will be used to:

- Purchase new choir supplies and equipment
- Address various campus improvements
- Required HVAC repairs
- Allocate TRS payments for Child Nutrition staff

RECOMMENDATION: Approval

BOARD ACTION REQUIRED:

I move to approve the budget amendments as presented and all related expenditures.



BEEVILLE

INDEPENDENT SCHOOL DISTRICT
INSPIRING BOLD INNOVATIVE LEADERS

Eva Cisneros
Director of Finance
201 N. St. Mary's
Beeville, Texas 78102
361-358-7111
ecisneros@beevilleisd.net

Fund	Func	Scope of Work Summary	Location	Totals
199	11	Choir supplies	ACJ	\$ 25,685
199	35	District's TRS portion for child nutrition program	Food Service	\$ 37,000
199	51	Summer repairs and maintenance	District wide	\$ 42,110
199	51	Paint various areas at R.A. Hall	R.A. Hall	\$ 46,812
199	81	Install new glass door in cosmetology lab	A.C. Jones	\$ 12,128
199	81	Canopies related to HMD and Moreno upgrades	MJH & HMD	\$ 574,920
199	81	Intercom system	A.C. Jones	\$ 315,124
199	81	HVAC repairs and replacement	District wide	\$ 188,500
199	81	Fencing and gates related to new parking lots	A.C. Jones & MJH	\$ 93,300
Total budget amendment				\$ 1,335,579

Beeville ISD
BOARD OF TRUSTEES

Date: July 26, 2018 Presented By: Eva Cisneros

Subject: Finance Reports Related Page(s) 2

Information

BACKGROUND INFORMATION:

Financial Reports as of June, 2018

RECOMMENDATION:

Information only

BOARD ACTION REQUIRED:

No action required

Beeville ISD
District Cash Flow Statement Funds 181,199, 240 & 599
2017-2018
As of June 30, 2018

REVENUE					
	Budget	Actual YTD	Actual MTD	Balance	% Budget Realized
5711 Current Taxes	8,700,407	8,509,433	53,018	190,974	97.8%
5712 Delinquent Taxes	180,000	200,907	9,626	(20,907)	111.6%
5716 Penalties & Discounts	(2,000)	(14,167)	11,918	44,176	708.4%
5719 Late Rend. Penalties	10,000	9,752	161	248	97.5%
57XX All Other Local Revenue	314,060	1,550,031	29,496	(1,235,971)	493.5%
5811/5812 State Foundation Collected	18,244,875	13,810,280	1,946,656	4,434,595	75.7%
58XX Other State Revenue **	1,832,023	1,678,304	112,904	153,719	91.6%
59XX Total Federal Revenue	364,895	557,658	55,541	(192,763)	152.8%
240/5XXX Break/Lunch Revenue **	1,842,564	1,738,691	19,657	103,873	94.4%
Total Revenue	\$ 31,486,824	\$ 28,040,889	\$ 2,238,978	\$ 3,445,935	89.1%

EXPENDITURES						
Salaries & Benefits	Budget	Actual YTD	Actual MTD	Balance	% Budget Expended	
61XX Payroll	\$ 24,198,616	\$ 19,203,881	\$ 2,101,504	\$ 4,994,735	79.4%	
Expenses by Function (Excluding Payroll 61XX)	Budget	Actual YTD	Actual MTD	Encumbrances	Balance	% Budget Expended
00 Non-Recurring/Transfer Out	4,174,787	4,174,787	0.00	0.00	0.00	100%
11 Instruction	919,289	648,139	70,074	238,878	32,273	96%
12 Library	106,300	97,678	7,395	1,995	6,627	94%
13 Curriculum/Instr	51,994	50,944	2,910	1,047	3	100%
21 Instructional Development	27,250	22,387	1,591	747	4,115	85%
23 School Administration	27,550	20,603	617	2,322	4,625	83%
31 Guidance & Counseling	11,050	9,137	114	56	1,857	83%
32 Social Service	350	349	56.70	0.00	1	100%
33 Health Services	7,000	3,023	0.00	939	3,037	57%
34 Transportation	279,346	254,707	43,586	24,278	361	100%
35 Food Service	1,222,189	896,934	59,627	182,670	142,585	88%
36 Extracurricular	452,980	429,559	13,898	10,653	12,768	97%
41 General Admin	442,374	350,822	16,547	32,691	58,861	87%
51 Maintenance & Operations	2,122,260	1,717,004	142,840	202,778	202,479	90%
52 Security	17,500	3,522	0.00	7350.00	6,628	62%
53 Data Processing	825,067	766,554	41,474	46,030	12,482	98%
71-73 Debt Services	744,733	391,502	0.00	0.00	353,231	53%
81-Facilities Construction	1,260,019	300,487	0.00	905,010	54,523	96%
93 Payments to Fiscal Agent/Member	24,016	24,016	0.00	0.00	0.00	100%
99 Appraisal District	208,079	93,783	0.00	0.00	114,296	45%
Total Expenses by Function:	\$ 12,924,133	\$ 10,255,936	\$ 400,728	\$ 1,657,445	\$ 1,010,752	92%
TOTAL	\$ 37,122,749	\$ 29,459,818	\$ 2,502,233	\$ 1,657,445	\$ 6,005,486	76.0%

CASH & INVESTMENTS	
General Fund	\$ 2,217,855.49
Investments	\$ 10,473,694.44
Cafeteria	\$ 247,498.92
Payroll	\$ 3,760,143.12
Debt Service	\$ 472,268.95
Total Cash & Investments	\$ 17,171,460.92

CAFETERIA	
Revenue	\$ 1,738,691.07
Expenditures	\$ 1,568,878.42
Balance	\$ 169,812.65

YTD CASH FLOW	
Revenue:	\$ 28,040,888.76
Expenditures:	\$ 29,459,817.82
YTD cash flow:	-\$ 1,418,929.06

Beeville ISD
BOARD OF TRUSTEES

Date: July 26, 2018 Presented By: Eva Cisneros

Subject: Quarterly Investment Reports Related Page(s) 1

Information

BACKGROUND INFORMATION:

Quarterly Investment Reports for Quarter ending June, 2018

RECOMMENDATION:

Information only.

BOARD ACTION REQUIRED:

No action needed.



**Investment Report
For the quarter ending June 2018**

TexStar	General Operating	Interest & Sinking	Capital Projects	Totals
Beginning Balance	\$ 2,839,782.40	\$ 6,571.25	\$ 356,915.42	\$ 3,203,269.07
Interest Earned	\$ 12,257.20	\$ 28.32	\$ 1,540.53	\$ 13,826.05
Ending Value	\$ 2,852,039.60	\$ 6,599.57	\$ 358,455.95	\$ 3,217,095.12
(Investment Pool; MDY 1.83%)				

Texas Term	General Operating	Interest & Sinking	Capital Projects	Totals
Beginning Balance	\$ 3,610,266.02	\$ 7,030.05	\$ 70.87	\$ 3,617,366.94
Interest Earned	\$ 20,387.63	\$ 39.69	\$ 0.41	\$ 20,427.73
Ending Value	\$ 3,630,653.65	\$ 7,069.74	\$ 71.28	\$ 3,637,794.67
(Money Market Fund; MDY 1.85%)				

First Public	General Operating	Interest & Sinking	Capital Projects	Totals
Beginning Balance	\$ 2,000,401.07	\$ 1,600,320.85	\$ -	\$ 3,600,721.92
Interest Earned	\$ 10,045.86	\$ 8,036.69	\$ -	\$ 18,082.55
Ending Value	\$ 2,010,446.93	\$ 1,608,357.54	\$ -	\$ 3,618,804.47
(Corporate Overnight Fund; MDY 2.11%)				

Prosperity Bank	General Operating	Interest & Sinking	Capital Projects	Totals
Beginning Balance	\$ 2,171,504.45	\$ 456,296.89	\$ 20,221.21	\$ 2,648,022.55
Deposits for the Period	\$ 12,911,800.99	\$ 15,565.06	\$ 2,794,252.43	\$ 15,721,618.48
Withdrawals for the Period	\$ 12,867,513.66	\$ -	\$ 2,399,489.87	\$ 15,267,003.53
Interest Earned	\$ 2,063.71	\$ 406.47	\$ 1,452.13	\$ 3,922.31
Ending Value	\$ 2,217,855.49	\$ 472,268.42	\$ 416,435.90	\$ 3,106,559.81
(Checking; APY .35%)				

Total Interest Earned All funds \$ 56,258.64

