

Please return Questionnaire to:
Attorney General Mark White
Supreme Court Building
Post Office Box 12548
Austin, Texas 78711



QUESTIONNAIRE

The Conduct Code will be divided into two categories: Student Conduct and Student Discipline. The former will include activities and forms of expression which the school district may choose to restrict or prohibit altogether. The latter will include types of discipline that may be imposed when it is established that a student has violated conduct requirements.

A rough draft of a Conduct Code will be prepared on the basis of responses to the questionnaire. In order that we may fully understand your views, please respond to these questions as thoroughly as possible. If the allotted space is insufficient, do not hesitate to use additional pages.

I. Student Conduct

Care of School Property

The Family Code, Article 33.01, provides that the parent or other person who has the duty of control and reasonable discipline of a child is liable for property damage proximately caused by (1) the child's negligence if the negligence is reasonably attributable to the negligent failure of the parent or guardian to exercise that duty, or (2) the willful or malicious conduct of a child at least 12 but under 18 years old.

Our intention is to substitute "student" for "child", track this provision, and include a policy directing school officials to institute formal charges, as deemed appropriate, to seek repayment for property damage. The Code will also provide for disciplinary action to be taken regardless of whether charges are filed.

Have you any additional suggestions?

Hazing and other forms of abuse

State law prohibits hazing in universities, but not in public schools. Our intention is to adopt the statutory language as local policy, as follows:

"Hazing includes any willful act done by a student, either alone or with others, to another student for the purpose of subjecting such other student to humiliation, physical abuse or threats of abuse, social or other ostracism, shame, or disgrace."

The Code will provide for disciplinary action to be taken upon proof that a student(s) has engaged in hazing.

Have you any additional suggestions?

Smoking and Possession or use of Tobacco

At least two approaches might be taken:

1. Students shall be prohibited from using or possessing tobacco during school hours, on school grounds or at school events, and shall be subject to appropriate disciplinary action upon proof that a violation has occurred.

2. Smoking areas shall be designated, and use of tobacco by students shall be limited to those areas. Use or possession outside of designated areas or during unscheduled times shall, upon proof of a violation, result in appropriate disciplinary action.

Which approach do you favor?

Have you any additional suggestions?

Alcohol and Drug Use

The Education Code, Article 4.22, prohibits the possession of intoxicants for consumption, sale, or distribution on school grounds, in school buildings, or while entering or inside athletic stadiums while district school events are being held. The Code will reflect this provision and direct school officials to initiate proceedings for enforcement, as deemed appropriate.

The Code will also prohibit use or possession of marijuana, alcohol, barbituates, amphetamines, etc., on school premises or at school events. Drugs authorized by licensed physicians shall be exempted.

Students convicted of felonies or misdemeanors involving drugs or alcohol may be suspended when there is evidence to support the reasonable belief that the student's continued presence in school might substantially disrupt school operations or constitute a threat to other students or personnel.

Have you any additional suggestions?

Weapons

Students will be prohibited from bringing onto school grounds any instrument that might reasonably be considered dangerous to the possessor or to other students. Students shall be prohibited from possessing or transmitting objects that might reasonably be considered weapons while on school grounds or at school events, and shall be required to surrender such item upon request from school personnel. The Code shall provide that reasonable force may be used, when necessary, to disarm students.

Have you any additional suggestions?

Assaults

"Assault" shall be defined as: intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or intentionally or knowingly causing physical contact with another when the student knows or should reasonably believe that the other will regard the conduct as offensive or provocative.

An offense under the first definition constitutes a class A misdemeanor. When committed against a classroom teacher, counselor, principal, or similar instructional personnel of a primary or secondary school while engaged in the performance of educational duties, an offense under the second and third definitions constitutes a class B misdemeanor.

School officials shall be directed to cooperate with local law enforcement personnel in enforcing this provision. Local disciplinary action may also be taken.

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Have you any additional suggestions?

Disruption

The philosophy of the Code will be that if a particular type of student conduct disrupts, or is likely to disrupt, the learning atmosphere, it is subject to restriction or prohibition. District policies shall be designed to ensure an effective educational environment by minimizing disruptions, health and safety hazards, and by providing for disciplinary action to be taken against offenders.

Conduct by students, either in or out of class, which materially disrupts classwork or invades the rights of others shall be prohibited. Demonstrations and similar activities may be prohibited when there is evidence which might reasonably lead school officials to predict substantial disruption of normal school operations.

Have you any additional suggestions to make?

II. Student Discipline

The philosophy of the Code will be that discipline shall be designed to correct student misconduct, to promote adherence by the students and others to the principle of respect for others' rights, and to obtain compliance with district policies. Discipline shall be based upon the seriousness of the offense, its potential effect upon others, the facts and circumstances existing at the time, and the need to maintain an effective educational environment. Students shall never be ridiculed or held up to scorn.

The final draft of the Code will contain detailed procedures for student suspensions, assignment to in-school or alternative suspension programs, and the like, which are not included in this questionnaire.

Corporal Punishment

Which of the following reflects your views on corporal punishment:

1. Corporal punishment should not be allowed in the schools.
2. Corporal punishment should be permissible unless a parent specifically objects to its use where his or her child is concerned. It shall not be used on students who, by reason of physical, mental, or emotional infirmity, are likely to be unable to withstand it.
3. School officials should be authorized to use reasonable corporal punishment without parental consent. Students who are likely to be unable to withstand its use because of physical, mental, or emotional infirmity shall be exempted.

Have you any additional comments?

Suspensions

The Code will provide that students may be suspended for violating district policies and conduct regulations; for conduct which substantially interferes with essential school discipline or warrants the reasonable belief that substantial disruption of normal school operations is likely to result; or for incorrigible conduct, including insubordination, persistent misbehavior or violation of school rules, or immorality.

Suspensions will be divided into short-term (10 days or less) and long-term (more than ten days), and due process appropriate to the length of suspension will be included.

For districts with in-school suspension programs, policies addressing such programs will be included. We are especially interested in your views as to how the Code might address this area:

Detention

For minor misconduct, detention may be imposed. Parents shall be notified so as to permit arrangements for the student's transportation to be made.

Student offenses and the discipline imposed, with the name of the student omitted, shall be posted so that other students may be impressed with the consistency of the district's enforcement of conduct regulations.

Comments

In the space provided below, please indicate any other areas you feel should be addressed in the conduct code, as well as any other comments you wish to make:

Name

Address

City

State

Zip

Please check appropriate category:

Administrator _____

Parent _____

Student _____

Teacher _____

Trustee _____

Other _____