

Student Code of Conduct For Island Foundation Schools 2010-2011

Seashore Learning Center And Seashore Middle Academy

Island Foundation's Philosophy

The Island Foundation operates on a community-based philosophy. Our schools were founded using the values that create great neighborhoods and outstanding schools:

- Our staff and faculty members give their best to the school every day.
- Our families are an integral part of our schools and our community programs; they share their expertise and their time to help make education a lifelong, enriching experience.
- Our students are here for scholastic excellence as well as to become part of the fabric of the community through volunteer work and field experiences.

Please contact our campus leaders for more information about our programs.

Campus directors

Seashore Early Childhood Academy (6 weeks – 5 years)

Heather Harkins

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Seashore Learning Center (K-4)

Maria Thompson

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Seashore Middle Academy (5-8)

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Campus liaisons

Campus liaisons are Island Foundation board members who, as needed, mediate concerns or disputes on their respective campuses. Preferably, staff members should address concerns to the director and parents should address concerns first with the teacher and then with the campus director. Should staff or parents desire a mediator, however, liaisons are available to help.

Seashore Early Childhood Academy: Lisl Ames: pep.liaison@gmail.com

Seashore Learning Center: Kimberly Grassedonio: slc.liaison@gmail.com

Seashore Middle Academy: Maria Mayden: sma.liaison@gmail.com

Island Foundation Board of Directors

Unless otherwise posted within required time limits, the board meets at 6 p.m. the third Monday of each month at Seashore Middle Academy. Prior to each meeting, the agenda is posted at each campus. Approved minutes are posted on the foundation's website, www.islandfoundation.com.

For more information about the role of the board or about becoming a board member, please contact Island Foundation Corporate Director Maryann Carl, (361) 949-0076 or

mcarl@seashore.esc2.net.

Board President: Colleen McIntyre

VP Vision and Planning: Garrett Dorsey

Treasurer: Cheryl Standifer

Secretary: Lisa Sheerer

VP Public Relations: Open

VP Fundraising, Capital: Gayle Mantello

VP Fundraising, Operations: Beth Koutsoumbaris

Community Programs: Open

SEASHORE LEARNING CENTER SEASHORE MIDDLE ACADEMY STUDENT CODE OF CONDUCT 2010/2011

PURPOSE

The Student Code of Conduct is Seashore Middle Academy'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 the school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires a school to define misconduct that may, or must, result in a range of specific consequences including removal from a regular classroom or campus, suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

The Student Code of Conduct has been adopted by the Island Foundation Board of Directors. The Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code will be posted at each school campus or will be available in the Director's office, and posted on the school website. Parents will be notified of any code violation that may result in suspension, expulsion, or alternative placement.

The Code of Conduct is adopted by the board of trustees, and therefore has the force of policy. In case of conflict between the Code and the Student Handbook, the Code will prevail.

Please Note: The discipline of students with disabilities who are eligible for services under federal law (IDEA and section 504) is subject to the provisions of those laws.

AUTHORITY AND JURISDICTION

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

The school has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on school transportation.
2. While the student is in attendance at any school related activity; regardless of time or location.
3. For any school –related misconduct, regardless of time or location
4. When retaliation against a school employee or volunteer occurs or is threatened regardless of time or location
5. When criminal mischief is committed on or off school property or at a school related event
6. For certain offenses (mandatory DAEP and discretionary expulsion offenses) committed within 300 feet of school property as measured from any point on the school’s real property boundary lines
7. For certain offenses (mandatory expulsion offenses) committed while on school property or while attending a school-sponsored or school related activity of another school
8. When the student commits a felony, as provided by the Texas Education Code 37.006 or 37.0081

The school shall have a right to search a student’s person, backpack, purse, or locker when there is a reasonable cause to believe it contains article or materials prohibited by the school.

School directors will report crimes as required by law and will call local law enforcement when he/she suspects that a crime has been committed on campus.

The school has the right to revoke the transfer of a student for violating the Code of Conduct.

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 campus standards for grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, staff, and volunteers.
- Respect the property of others, including school property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Code of Conduct.

GENERAL CONDUCT VIOLATIONS

The categories of conduct below are prohibited at school and all school related activities, but the list does not include the most serious offenses. In the subsequent sections on Suspension, DAEP placement and Expulsion, severe offenses that require of permit specific consequences are listed.

The school prohibits:

Disregard for Authority

- Failing to comply with directives given by school personnel (insubordination).
- Leaving the school grounds or school-sponsored activities without permission.
- Disobeying rules for conduct on school provided transportation.
- Refusing to accept discipline management techniques assigned by a teacher or Director.

Mistreatment of Others

- Using profanity or vulgar language or making obscene gestures.
- Fighting or scuffling.
- Threatening another student or a school employee on or off school property.
- Engaging in bullying, harassment, and making hit lists.
- Engaging in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, including requests for sexual favors directed toward another student.
- Engaging in inappropriate or indecent exposure of private body parts.
- Hazing.
- Causing an individual to act through the use of or threat of force (coercion),
- Committing extortion or blackmail (obtaining money or any object of value from an unwilling person).

- Engaging in inappropriate verbal, physical, or sexual conduct directed toward another student or school employee.

Property Offenses

- Damaging or vandalizing property owned by others. (For felony criminal mischief see DAEP placement or Expulsion).
- Defacing or damaging school property-including textbooks, lockers, furniture, and other equipment –with graffiti or by other means.
- Stealing from the students, staff, or school.
- Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (See DAEP and Expulsion)

Possession of Prohibited Items

Possession or using:

- fireworks of any kind smoke or stink bombs, or any other pyrotechnic device;
- a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- a ‘look a like” weapon;
- an air gun or bb gun;
- ammunition;
- a stun gun;
- mace or pepper spray;
- pornographic materials;
- tobacco products;
- matches or lighters;
- a laser pointer for other than approved uses;
- any articles not generally considered to be weapons, including school supplies, when the director or designee determines a danger exists. (For weapons and firearms see DAEP and Expulsion).

Illegal and Prescription Drugs

- Possessing or selling seeds or pieces of marijuana in less than a useable amount. (For illegal drugs, alcohol, and inhalants see DAEP and Expulsion).
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance. (see glossary for paraphernalia).
- Possessing or selling “look a like” drugs or items attempted to be passed off as drugs or contraband.
- Abusing the student’s own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person’s prescription drug on school property or at a school-related event.
- Having or taking prescription or over-the-counter drugs at school other than as provided by school policy.

Misuse of Computers and the Internet

- Violating computer use policies, rules or agreements signed by the student and/or agreements signed by the student’s parent.

- Using the internet or other electronic communications to threaten students or employees or cause disruption to the educational process.
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation or illegal.
- Using email or Web sites at school to encourage illegal behavior or threaten school safety.

Safety Transgressions

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

Miscellaneous Offenses

- Violating dress and grooming standards as communicated in the student handbook.
- Cheating or copying the work of another
- Gambling.
- Falsifying records, passes, or other school-related documents.
- Engaging in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeated violating other communicated campus or classroom standards of conduct.

The school may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or give to the student and may or may not constitute violations of the Code.

Discipline Management Techniques

Discipline will be designed to improve conduct and to encourage student to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of their misbehavior, the student's attitude, the effect of the misconduct of the school environment, and statutory requirements.

Because of these factors discipline for a particular offense (unless otherwise specified by the 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 Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail. In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making a hit list until an ARD committee meeting has been held to review the conduct. In deciding whether to order suspension, DAEP, or expulsion the school will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

The following discipline management techniques may be used-alone or in combination- for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal (oral or written) correction.
- Cooling-off or "time-out" period.
- Seating changes within the classroom
- Temporary confiscation of items that disrupt the educational process
- Rewards or demerits
- Behavioral contracts
- Counseling by teacher or administrator
- Parent-teacher conferences
- Grade reduction as permitted by policy
- Detention
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment to school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participating in extracurricular activities, eligibility for seeing or holding honorary offices, attending field trips, or membership in school sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Suspension section of this Code.

- Placement in DAEP, as specified in the DAEP 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 measure imposed by the district.
- Other strategies and consequences as determined by school officials.

Notifications

The administrator or designee will notify a student's parent by phone or in writing of any violation that may result in suspension, DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

Appeals

Parental questions or complaint regarding disciplinary measure should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy. Consequences will not be deferred pending the outcome of a grievance.

Removal from the Regular Educational Setting

Routine Referral

A routine referral occurs when a teacher sends a student to the Director's office as a discipline management technique. The Director may employ additional techniques.

Formal Removal

A teacher or administrator **may** remove a student from class for a behavior that violated this code to maintain effective discipline in the classroom. 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
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

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 DAEP or expelled. When removed for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator will schedule a conference with the student's parent, the student; the teacher, in the case of removal by a teacher; and any the school liaison to the Board of Trustees.

At the conference, the administrator will inform the student of the misconduct for which he or she is charged and the consequences. The student will be given an opportunity to give his or her version of the incident.

When the student is removed from the regular classroom by a teacher and a conference is pending, the director may place the student in:

- Another classroom (if available)

- In-school suspension
- Out-of-school suspension

Returning Student to the Classroom

When a student has been formally removed from a classroom by a teacher for conduct against the teacher containing the element of assault or other felony, the student may not be returned to the teacher's class without the teacher's consent. When a student is formally removed by the teacher for any other conduct, the student may be returned to class without the teacher's consent, if the administration determines it is the best or only alternative.

Suspension

Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense or expellable offense.

In deciding whether to order suspension the school shall take into consideration:

1. Self-defense
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

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 will have an informal conference with the Director who shall advise the student of the conduct of which he or she is accused. Before the director makes a decision the student will be given an opportunity to explain his or her version of the incident.

The number of days of a student's suspension will be determined by the Director, but will not exceed three school days.

During the term of suspension, the student is prohibited from participation in school sponsored or school-related extracurricular and co-curricular activities.

Disciplinary Alternative Education Program (DAEP) Placement

Discretionary Placement: Misconduct that may result in DAEP placement:

A student who is expelled for an offense that otherwise would have resulted in DAEP placement does not have to be placed in DAEP in addition to expulsion.

In deciding to order DAEP placement, the school will take into consideration:

1. Self-defense
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

General Misconduct

A student **may** be placed in 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 DAEP for any one of the following offenses:

- Involvement in gang activity, including participating as a member or pledge or soliciting another person to become a member or pledge of a gang.
- Involvement in a public school fraternity, sorority, or secret society, including participation as a member or soliciting another person to become a member or pledge of a school fraternity, sorority, or secret society.
- Criminal mischief not punishable as a felony.

In accordance with state law, a student **may** be placed in DAEP, if the Director or designee has reasonable belief that the student has engaged in conduct punishable as a felony, other than those listed as involving injury to a person in Title 5 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 teacher or will be detrimental to the educational process.

The Director **may**, but is not required to, place a student in DAEP for off-campus conduct for which DAEP placement is required by state law if the Director does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Certain Felonies:

Unless removal is required by one of the reasons below, in accordance with Education Code 37.0081, a student may be placed in DAEP after an opportunity for a hearing before the board of trustees or its designee, if:

- The student receives deferred prosecution for the conduct defines as a felony offense in Title 5 of the Texas Penal Code, or
- The student has been found by the court to have engaged in delinquent conduct or conduct defined as a felony offense in Title 5 of the Texas Penal Code.

The board must determine that the student’s presence in the regular classroom:

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

A student’s placement in DAEP as a result of receiving deferred prosecution or delinquent conduct, as described above, may occur 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.

MANDATORY PLACEMENT: Misconduct That Requires DAEP

A student **must** be placed in mandatory DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terrorist threat involving a public school.
- Commits the following offenses on school property or within 300 feet of the school property as measured from any point on the school’s real property boundary line, or while attending a school-sponsored event or school related activity on or off school property:
 - Engages in conduct punishable as a felony
 - Commits an assault under the 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.
 - 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, is the conduct is not punishable as a felony.
 - Behaves in a manner that contains the elements of an offense relating to 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 element 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 a felony under Title 5 of the Texas Penal Code when the conduct occurs off school property and not at a school sponsored or school-related event and:

1. The student receives deferred prosecution,
2. A court or jury find the student has engaged in delinquent conduct, or
3. The director or designee has a reasonable belief that the student engaged in the conduct.

Sexual Assault and Campus Assignment

If a student has been convicted or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim or the victim's parent request that the board transfer the offending student to another campus, the offending student shall be transferred to another campus. If there is not other campus in the district serving that grade level of the offending student, the offending student will be transferred to DAEP.

Emergencies

In an emergency, the Director may order the immediate placement of a student in DAEP for any reason for which placement in DAEP may be made on a non-emergency basis.

Process

Removals for DAEP will be made by the Director.

Conference

When a student is removed from class for a DAEP offense, the director will schedule a conference within three school days with the student's parent, the student, and the teacher, in case of a teacher removal.

At the conference, the director will inform the student, orally or in writing, of the reason to the removal and will give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the school may hold the conference and make placement decision regardless of whether the student or the student's parents attend the conference.

Placement Order

After the conference, if the student is placed in DAEP, the appropriate administrator will write a placement order. A copy of the DAEP placement order will be sent to the student and the student's parent.

Not later than the second business day after the conference, the director will deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code

If the student is placed in the DAEP, and the length of placement is inconsistent with the guidelines included in this code, the placement order will give notice of the inconsistency.

Length of Placement

The length of placement will be determined by the director.

The duration of a student's placement will be determined on a case-by-case basis. The length of a placement will 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 maximum placement is one calendar year except where provided below.

Exceeds One Year

A placement may exceed one year if, after review, the school determines that:

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

The statutory limitation on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student in A DAEP so that the students are not assigned to the same campus.

Exceeds School Year

Students who commit offenses requiring placement in the 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 the placement.

For placement in DAEP to extend beyond the end of the school year, the director 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 is engaged in serious or persistent misbehavior that violates the school's Code.

Exceeds 60 days

For placement in the DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent will be given notice and the opportunity to participate in the proceeding before the board.

Appeals

The decision to place a student in DAEP may be appealed to the Director if the decision is made by someone other than the director. The Director must receive written notice for a request for an appeal within two days from notification of the placement. Upon receipt of the request for appeal, the placement will be abated until the appeal can be heard. The appeal will be considered as soon as practical. Disciplinary consequences can be appealed to the board.

Restrictions during Placement

Students placed in DAEP are not permitted to attend school-sponsored or related activities during the period of placement. They may not seek or hold honorary positions and/or membership in school-sponsored clubs or organizations.

Placement Review

A student placed in DAEP will be provided a review of his or her status, including academic status, by the Director at intervals not to exceed 120 days. At the review, the student or the student's parent will be allowed to present arguments for the student's return to the regular

classroom. The student may not be returned to the classroom of a teacher who removed the student without the teacher's consent.

Additional Misconduct

If during the term of placement, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceeding may be conducted and the appropriate administrator of the board may issue an additional disciplinary order as a result to those proceedings.

Notice of Criminal Proceedings

The office of the prosecuting attorney will notify the school if a student was placed in DAEP for certain offenses including any felony, unlawful restrain, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses or possession of a weapon, and:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication or deferred prosecution will be initiated; or
2. The court of 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 DAEP for such conduct, or receiving the notice from the prosecutor, the director will review the student's placement and schedule a review with the student's parent not later than the third day after receiving the 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 director 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 the other students or the teachers.

The student's parent may appeal the decision to the board. The student is not permitted to return to the regular classroom pending the appeal. At the next scheduled meeting, the board will review the notice from the prosecutor, and receive information from the student, the student's parent, and the director, and conform of reverse the decision of the director. The board will make a record of the decision.

If the board confirms the decision of the director, the student and the student's parent may make an appeal to the Commissioner of Education. The student is not permitted to return to the regular classroom pending the appeal

Withdrawal during process

When a student has violated the school's Code in a way that requires or permits DAEP placement and the student withdraws from the school and the students withdraws from the school before the expulsion hearing takes place, the school may complete the proceedings and issue the placement order. If the student reenrolls in the school during the same subsequent school year, the school

may enforce the placement order at this time, less any time that has been served by the student enrollment in another school.

Newly enrolled students

As a charter school, students with a documented history of behavioral problems will not be allowed to enroll under Chapter 37 of the Texas Education Code.

Emergency placement

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Within tenth days after the date of the placement, the student will be given the appropriate conference required for assignment to DAEP

Discretionary Expulsion: Misconduct That May Result in Expulsion

In deciding whether to order expulsion the school shall take into consideration:

1. Self-defense
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

A student **may** be expelled for:

Any Location

- Engaging in the following no matter where it takes place:
 - Conduct that contains the elements of assault 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, without regard to where the conduct occurs:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.

At School, within 300 feet, or at School Event

At School:

- Commits the following offenses on school property or within 300 feet of the school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored event or school related activity on or off school property:
 - 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.

- 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.
- Engages in conduct that contains the elements of an offense relating to volatile chemicals.
- Engages in conduct that contains the elements of assault under Section 22.01 (a) (1) against an employee or volunteer.
- Engaging in deadly conduct (see glossary)

Within 300 Feet of School:

- Engaging in the following conduct within 300 feet of the school property as measured from any point on the school’s real property boundary line.
- Aggravated assault, aggravated sexual assault, sexual assault.
- Murder, capital murder, criminal attempt to commit murder or capital murder.
- Arson/
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide or aggravated robbery.
- Felony drug or alcohol related offense.
- Use, exhibition or possession of a fire arm (as defined by state law), an illegal knife, club, or prohibited weapon, or possession of a firearm (as defined by federal law).

Property of Another School:

- Committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another school or while the student is attending a school-sponsored or related event in another school district.

Mandatory Expulsion: Conduct that Requires Expulsion

A student **MUST** be expelled for any of the following offenses that occur on school property or while attending school related events.

Federal Law

- Bring to school a firearm as defined by federal law. “Firearm” under federal law includes:
 - Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by action of an explosive.
 - The frame or receiver of any such weapon.
 - Any firearm muffler or firearm weapon.
 - Any destructive device, such as an explosive, incendiary or poison gas bomb or grenade.

Texas Penal Code

- Using, exhibiting, or possessing the following as defined by the Texas Penal Code
 - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using energy generated by an explosion or burning substance or any device readily convertible to that use).

- An illegal knife, such as a knife with a blade over 5 1/2 inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to dirk, stiletto, and poniard; bowie knife; sword; or spear.
- A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick mace and tomahawk.
- A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun.
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, aggravated sexual assault.
 - Murder, capital murder, criminal attempt to commit murder or capital murder
 - Aggravated robbery.
 - Arson.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Manslaughter.
 - Criminally negligent homicide.
 - 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.
 - Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school related activity.

Under Age Ten

When a student under the age of ten engages in behavior that is expellable, the student will not be expelled, but will be placed in an DAEP. A student under age six will not be removed from class or placed in a DAEP unless the student commits a federal firearm offense.

Emergency

In an emergency, the Director may order the immediate expulsion of a student for any reason for which expulsion **may** be made on a non-emergency basis.

Process

If a student is believed to have committed an expellable offense, the director will schedule a hearing within a reasonable time. The student's parent will be invited in writing to attend the hearing.

Until a hearing can be held, the principal may place the student in:

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

Hearing

A student facing expulsion will 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 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 school's witnesses.

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

The Board of Trustees delegates to the Director the 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 Director within Seven days after receipt of the written decisions. The Director will 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 will review the record of the expulsion hearing in a closed meeting unless the parent request in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent from the board's designee.

The board will hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statement made by the parties at the review. The board will make and communicate its decision orally at the conclusion of the presentation. Consequences will not be deferred pending the outcome of the hearing.

Expulsion Order

After the due process hearing, if the student is expelled, the board or its designee will deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the appropriate administrator will deliver to the juveniles 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 will give notice of the inconsistency.

Length of Expulsion

The length of an expulsion will 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 will be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except where provided below.

An expulsion can not exceed one year unless, after review, the school determines that:

3. The student is threat to the safety of other students or employees, or
4. 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 Director may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

Withdrawal during Process

When a student has violated the school's Code in a way that requires or permits expulsion from the school and the student withdraws from the school and the student withdraws from the school before the expulsion hearing takes place, the school may conduct the hearing after sending written notice to the parent and student.

If the student reenrolls in the school during the same subsequent school year, the school may enforce the expulsion order at this time, less any expulsion period that has been served by the student enrollment in another school.

If the appropriate administrator or the board fails to issue an expulsion order after the student withdraws, the next school 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 proceeding may be conducted and the appropriate administrator of the board may issue an additional disciplinary order as a result to those proceedings.

Restrictions during Expulsion

Expelled students are prohibited from being on school grounds or attending school-sponsored or related activities during the period of expulsion. No academic credit will be earned for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program or another school approved program.

Newly Enrolled Students

As a charter school, students with a documented history of behavioral problems will not be allowed to enroll under Chapter 37 of the Texas Education Code.

Emergency Expulsion

When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will be given appropriate due process required for the student facing expulsion.

DAEP Placement of Expelled Students

The school may provide education services to any expelled student in a DAEP; however, education service in the DAEP must be provided if the student is less than ten years of age.

Glossary

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

Armor-piercing ammunition is handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is a crime that involves starting a fire or causing an explosion with intent to destroy or damage:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle:
 - Knowing that it is within the limits of an incorporated city or town;
 - Knowing that it is insured against damage or destruction;
 - Knowing that it is subject to a mortgage or other security interest;
 - Knowing that it is located on property belonging to another;
 - Knowing that it is has located within it property belonging to another; or
 - When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or safety of the property of another.

Assault is defined in part by Texas Penal Code 22.01 (a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another.

Bullying is written or oral expression or physical conduct that a school's board of trustees determines:

1. To 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; or
2. To be sufficiently severe, persistent, or pervasive to create an intimidating threatening, or abusive educational environment for a student.

Chemical dispensing device is a devise designed, made, or adapter for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is an instrument specially designed, made or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

Deadly conduct occurs when a person recklessly engaged 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 juvenile 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 violated certain juvenile court order, including probation orders, but does not include violations of traffic law.

Discretionary means that some thing is left to or regulated by a local decision maker.

Explosive weapon is 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 casing 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 past, present, 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 serous bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

Graffiti are markings with aerosol paint or an indelible pen or marker on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Harassment is conduct that threatens to cause bodily harm to another student, is sexually intimidating, and causes physical damage to the property of another student that endangers the physical or mental health or safety of a student for the purpose of pledging or initiation into any organization.

Hazing is an intentional or reckless act, on or off campus, by one person alone or acting with others, than endangers the physical or mental health or safety of a student for the purpose of pledging or initiation into any organization.

Hit list is a list of people target to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Knuckles is an instrument consisting of finger rings or guards make of a hard substance and designed or adapted for inflicting serious bodily harm or death by striking a person with a fist enclosed in the knuckles.

Machine gun is a 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 than can be used for inhaling, ingesting, injecting or otherwise introducing controlled substances into a human body.

Persistent misbehavior is two or more violation of the Code in general or repeated occurrence of the same violation.

Possession means to have an item on one's person or in one's personal property including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to an from school or school related activities; or any other school property used by the student, including but not limited to a locker or desk.

Reasonable belief is determination made by the director using available information, including 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 offenses include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Sexual harassment of a student or employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school related documents.
- Refusal to accept discipline assigned by the teacher or director.

Short barrel firearm is a rifle with a barrel length of less than 16 inches or a shotgun barrel with a 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.

Switchblade is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force.

Terroristic threat is a threat of violence to any person or property with the intent to:

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person or the public in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation of a building, room, or place of assembly or place to which the public has access;
4. Cause impairment of public communications, transportation, utilities, or services, or
5. Influence the conduct of activities of a branch or agency of the federal, state, or local government.

Title 5 offences are those that involve injury to a person and include murder, kidnapping; assault; sexual assault; unlawful restraint; coercing, soliciting, or inducing gang membership if it causes bodily injury to a child; indecency with a child; injury to a child, elderly person, or a disabled person; abandoning or endangering a child; deadly conduct, terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

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 or the presence of physical symptoms of drug or alcohol use. 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 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 energy generated by an explosion or burning substance.