



TLC ACADEMY STUDENT POLICIES

STUDENT EXPULSION POLICY

POLICY

(RECOMMENDED)

[Texas Education Code §12.131\(b\)](#) provides that an open-enrollment charter school may not expel a student for a reason that is not authorized by [TEC § 37.007](#), or that is specified in the School's Code of Conduct. Thus, the School may expel a student for one of the reasons authorized by [§ 37.007](#), whether or not those reasons are listed in the School's Code of Conduct. But for non-section 37.007 offenses, failure by the School to give notice to its students in the School's Student Code that a specific offense is expellable, will bar the School from applying that discipline measure.

The following list gives the School the *option* to expel, but does not require expulsion for the listed offenses. Under this proposal the student may be expelled only when one of these offenses is committed on a campus, at a School-sponsored or School-related event or activity, or during transportation to or from a School-sponsored activity. Be aware that [§ 37.007](#) (the list that is in the Code) permits expulsions for certain listed non-school related criminal acts.

The suggested Code of Conduct provision below expands the School's list of disciplinary offenses to be included in potential expulsion. Reference to the [§ 37.007](#) offenses (which are present under the law even if not included in the School's Code of Conduct) expands this list even further. Note that many minor violations have not been included, that should be subject to lesser disciplinary measures (such as dress code violations, classroom misbehavior, gum chewing and walking the halls without a pass, etc.) which should be addressed (or may already be addressed) in other parts of the School's Code of Conduct. This list should and may be expanded or contracted, depending on the School's specific needs with consultation of legal counsel.

Notice of Expellable Offenses

The Board hereby adopts the following policy and additions to the Code of Conduct and directs that the Chief Executive Officer disseminate this policy to all students and parents.

A student committing one of the following offenses, whether on campus, during transportation to or from a School-sponsored activity, or at a School-sponsored or School-related event or activity, is subject to expulsion.

- Stealing from students, staff, campus visitors, or theft or misuse of School property.
- Committing extortion, coercion, or blackmail, including obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force.
- Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with School activities.
- Engaging in verbal abuse such as name-calling, racial or ethnic slurs, or derogatory statements that may disrupt the School environment or incite violence.
- Insubordination.
- Directing disrespect or directing profanity, vulgar language, or obscene gestures toward teachers, other School employees or students.
- Fighting, committing physical abuse, or threatening physical abuse.
- Hazing.
- Engaging in offensive conduct that constitutes sexual harassment or sexual abuse, whether verbal or physical, that may include requests for sexual favors or other intimidating sexual conduct directed toward other students or School employees.
- Possession of, or conspiracy to possess, any explosive or explosive device, or explosive-appearing device.
- Falsification of records, passes or other School-related documents.
- Possession or distribution of pornographic materials.
- Making or assisting in making threats, including threats against individuals, and bomb threats.
- Refusing to accept discipline management techniques proposed by a teacher or by administration.
- Any conduct that materially disrupts the School environment or educational process.
- Selling or trading on campus any item not authorized by the administration.
- Placing a prohibited substance in another person's food, drink and/or other possessions.
- Participating in gang-related activities.
- Using any electronic equipment (*i.e.*, paging devices or cellular phones) in a manner that disrupts the peace or provokes hostility.
- Possessing, exhibiting or using a pellet gun, air-powered rifle, paint ball gun, BB-gun, sling-shot or other device which propels a projectile by compressed air or gas, chemical, springs or elastic material.
- Possessing, exhibiting or using devices that produce loud noises (cap guns, fireworks noise devices, etc.).

- Violating any rule set forth in this Code or School policy pertaining to computers and the Internet.
- Possessing or using a firearm or explosive devices.
- Possessing firearm or explosive device look-alikes (toy guns, fake guns, fake explosive devices).
- Possessing or using unloaded firearm accessories, components or parts (such as but not limited to a gun barrel, gun magazine, housing, grip, receiver, bolt, butt stock, scope, or firing mechanism).
- Possessing, exhibiting, or using weapons including but not limited to knives (regardless of design or length); brass knuckles or similar items; machetes; spears; and martial arts objects such as shurikan (throwing stars), nunchakus ("nun-chucks"), tonfa (wooden weapon), staff, baton (short stick), and bolo (long cord with weights at each end).
- Possessing, exhibiting, or using any of the following:
 - tobacco products;
 - alcohol products;
 - matches, lighters;
 - a prescription drug not belonging to the person;
 - unlawful drugs or controlled substances;
 - any drug look-alike product;
 - any so-called designer legal drug, party pill, or synthetic drug.
- Pulling a fire alarm as a prank, in a building owned or operated by the School when there is no smoke, fire, or danger that requires evacuation.
- Repeatedly violating classroom standards of behavior or repeatedly creating classroom disturbances.
- Displaying or using mace or pepper spray or other similar substance.
- Possessing or using fireworks or stink bombs.
- Acts of discrimination relating to race, ethnicity or national origin.
- Sexual harassment, sexual acts.
- Possession of noxious chemicals or toxins.
- Assaults that cause or threaten bodily injury to another.
- Academic dishonesty, such as cheating and plagiarism.
- Computer misuse.
- Bullying.
- Bomb threats.
- Willful destruction or defacement of School property.
- Conduct punishable as a felony.
- Offenses listed in [Texas Education Code § 37.007](#).
- Repeated minor offenses (including but not limited to repeated violations of the dress code).

[Gun-Free Schools Act](#)

In accordance with the [Gun-Free Schools Act](#), the School shall expel from the student's regular program for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to the campus. The School may modify the term of

expulsion for a student, or assess another comparable penalty that results in the student's expulsion from the regular school program, on a case-by-case basis. For the purposes of this law "firearm" means: (1) any weapon (including a starter gun) which will or is designed to or which 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 silencer; (4) any destructive device. "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described and from which a destructive device may be readily assembled.

Procedures For Suspensions And Expulsions

Suspensions

The School may suspend a student for up to five school days for Student Code of Conduct violations. Suspension may be in-school or out-of-school in the discretion of the suspending administrator. Prior to the suspension, the principal or other designated administrator will hold an informal conference with the student. The purpose is to notify the student of the violations charged, the factual basis for the charges, and to permit the student to present his or her version of the incident. Parents or guardians will be notified of the suspension as soon as practically possible. The parents or guardians will be informed of the violations charged, and the factual basis for the charges. The administrator may offer, and the parents or guardians may request, a further conference with the principal or designee. The decision of the administration is final and may not be appealed to the Board of Directors.

The conditions of the suspension will be decided in the sole discretion of the administration. These conditions will address the number of days of the suspension, on-campus or off-campus suspension, exclusion from extra-curricular activities, the opportunity to receive credit for missed class work, and other conditions. A suspension may be combined with other discipline consequences in the sole discretion of the administration.

Emergency Suspensions

In an emergency, the administration may order the immediate suspension of a student for up to five school days if the student's presence at School or School-sponsored or School-related activities, threatens the health, safety, or welfare of himself/herself or others. A

conference with the student will be held within three school days of the suspension. Parents/Guardians may attend this conference. The purpose is to notify the student of the violations charged, the factual basis for the charges, and to permit the student to present his or her version of the incident.

Expulsions

Expulsions, either permanent or for a specified period, may be imposed for those infractions of the Student Code of Conduct listed above (see **Notice of Expellable Offenses**). The decision of whether to suspend, expel or apply any lesser form of discipline will rely on an assessment of the facts and circumstances of each case. The length of the expulsion, the opportunity, if any, to return to the educational program, the conditions of return, and other conditions of the expulsion will be decided by the administration. An expulsion may be preceded by a suspension.

An expulsion affects, for the period of the expulsion, a general severance of the student from the right to attend the School and to receive educational services from the School. Expulsions can be permanent or for a period of time. The length of the expulsion, the opportunity, if any, to return to the educational program, the conditions of return, and other conditions of the expulsion will be decided by the administration.

Prior to a decision to expel, the administration shall conduct an expulsion conference. The parents or guardians must be provided with at least twenty-four hours' prior notice of the conference. The notice must include a statement of the offense or offenses with which the student is charged, notice that the student is potentially subject to discipline consequences including expulsion, and the time and place for the conference. The conference normally occurs within three school days of the date of the notice, but in cases in which a student has been suspended for a period exceeding five school days, the conference shall not take place later than five school days of the date of the suspension (the parties may mutually agree to extend the date). The purpose of the conference is to notify the student of the violations charged, the factual basis for the charges, and to allow the student to present his or her version of the incident. Parents or guardians may, but are not required, to attend and participate in the conference. The parents or guardians may present evidence on the student's behalf, hear the School's evidence and witnesses, and may be represented by an attorney if they wish.

The conference will be audio recorded or transcribed. An appropriate order in writing will thereafter issue. In the event of a decision to expel, the order will specify the length of the expulsion, the procedures for re-admittance (if any) at the end of the expulsion period, and the right to appeal the order to the Board of Directors.

To effect an appeal, the parents or guardians must notify the Chief Executive Officer of the appeal in writing within seven calendar days of receipt of the order. The Board shall listen to the audio tape of the conference, or review a conference transcript, or take any other appropriate action in reaching a decision at the next regularly scheduled Board meeting, or, in the discretion of the Board, at a specially called meeting. The Board will

notify the parents or guardians of its decision in writing. An appeal to the Board of an expulsion decision will not abate that decision pending the Board's review and final decision.