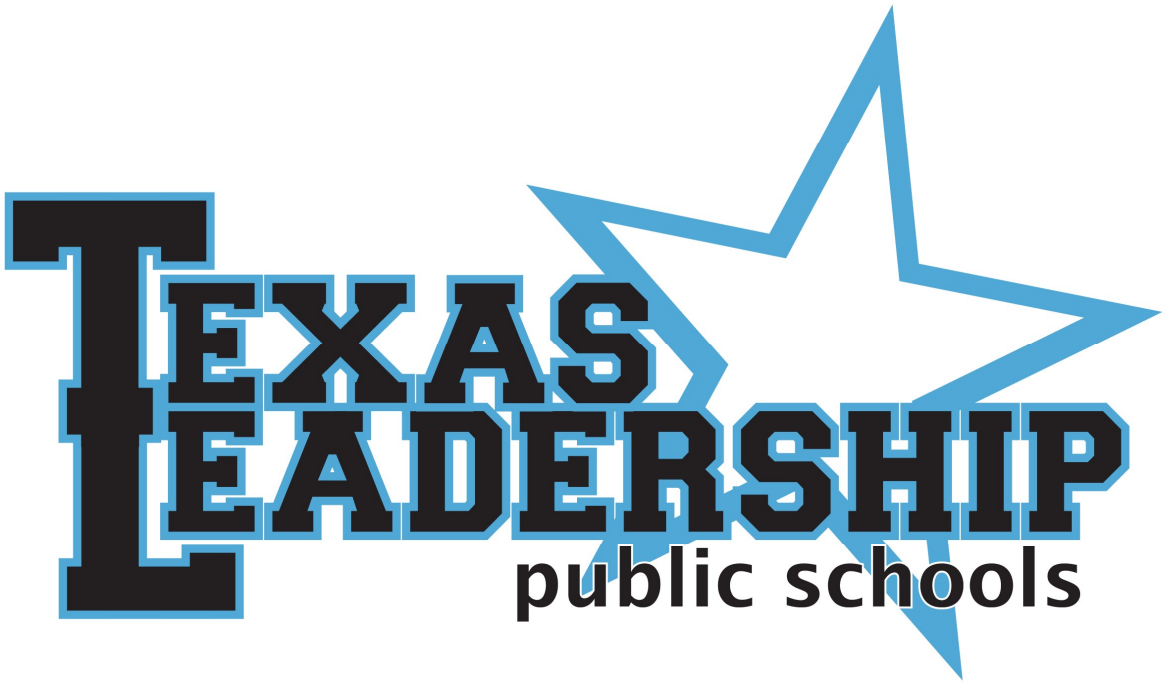

STUDENT CODE OF CONDUCT

BOARD APPROVED JULY 25, 2024

STUDENT CODE OF CONDUCT

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Purpose of the Student Code of Conduct

To function properly, education must provide an equal learning opportunity for all students by recognizing, valuing, and addressing the individual needs of every student. In addition to the regular curriculum, principles and practices of good citizenship must also be taught and modeled by school staff. To foster an orderly and distraction-free environment, Texas Leadership has established this Student Code of Conduct ("the Code") in accordance with state law and the Texas Leadership open-enrollment charter. The Code has been adopted by the Board of Directors, and provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code will be posted at each Texas Leadership campus and/or will be available for review at the campus office and/or https://texasleadership.net. Parents will be notified of any violation that may result in a student being suspended or expelled from Texas Leadership. Students must be familiar with the standards set forth in the Student Code of Conduct, as well as campus and classroom rules.

The Code does not define all types and aspects of student behavior, as Texas Leadership may impose campus, classroom, or extracurricular 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. When students participate in student activities, they will also be expected to follow the guidelines and constitutions that further specify Texas Leadership organization's expectations, student behavior and consequences.

Authority and Jurisdiction

Texas Leadership has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on Texas Leadership transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is attending any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. For any expulsion offense committed while on Texas Leadership property or while attending a school-sponsored or school-related activity of Texas Leadership or another school in Texas;
6. For any expulsion offense committed away from Texas Leadership property and not at a school-sponsored or school-related event, if the misconduct creates a substantial disruption to the educational environment;
7. While the student is in transit to or from school or to or from school-related activities or events;
8. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
9. When the student commits a felony, including those provided by Texas Education Code §§ 37.006 or 37.0081, regardless of time or location; and
10. When criminal mischief is committed on or off Texas Leadership property or at a school-related event.

Reporting Crimes

In addition to disciplinary consequences, misdemeanor and felony offenses committed on campus or while attending school-sponsored or school-related activities will be reported to an appropriate law enforcement agency.

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 Texas Leadership's standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other Texas Leadership staff and volunteers.
- Respect the property of others, including Texas Leadership 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.

Discipline Management Techniques

Disciplinary Management Techniques are designed to improve conduct and to encourage students 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 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, unless otherwise specified by law, may bring into consideration varying techniques and responses.

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:

- Assignment of school duties such as cleaning or picking up litter.
- Behavioral contracts.
- Cooling-off time or "time-out."
- Counseling by teachers, counselors, or administrative personnel.
- Rewards for positive behavior.
- Detention.
- Expulsion from Texas Leadership, as specified in the expulsion section of the Code.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- In-school suspension, as specified in the suspension section of the Code.
- Out-of-school suspension, as specified in the suspension section of the Code.
- Parent-teacher conferences.

- Techniques or penalties identified in individual student organizations' extracurricular standards of behavior.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by Texas Leadership.
- School-assessed and school-administered probation (discipline contracts).
- Seating changes within the classroom.
- Sending the student to the office or other assigned area.
- Temporary confiscation of items that disrupt the educational process.
- Verbal correction, oral or written.
- Withdrawal of privileges, such as participation in extracurricular activities, field trips, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Withdrawal or restriction of bus privileges.
- Other strategies and consequences as determined by school officials.

Corporal Punishment

Texas Leadership will NOT administer corporal punishment upon a student for misconduct.

Student Code of Conduct Offenses

The categories of conduct below are prohibited at school and all school-related activities.

Level I Offenses:

1. Being in an unauthorized area.
2. Causing an individual to act through the use of threat or coercion.
3. Computer system violations.
4. Damaging or vandalizing property owned by others.
5. Defacing or damaging school property, including textbooks, lockers, furniture, and other equipment, with graffiti or by other means.
6. Disobeying conduct rules regarding school transportation.
7. Disrespect of school staff and persons in authority.
8. Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.
9. Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
10. Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a school employee.
11. Engaging in threatening behavior toward another student or school employee on or off school property.
12. Failure to complete assigned homework.
13. Failure to comply with directives of school staff (insubordination).
14. Failure to comply with school dress code policies and grooming standards.
15. Failure to leave campus within 30 minutes of school dismissal (unless involved in an activity under supervision).
16. Failure to report known hazing, harassment, or bullying of students.
17. Improperly discharging a fire extinguisher.

18. Inappropriate behavior (not abusive, threatening, violent
19. Inappropriate or indecent exposure of a student's private body parts.
20. Inappropriate public display of affection: (Public displays of affection deemed inappropriate by public standards such as lewd or inappropriate—kissing, touching, fondling, holding hands, etc.).
21. Insensitivity to others.
22. Making false accusations or hoaxes regarding school safety.
23. Persistent tardiness (tardy, without excuse, on three or more days within a period of 45 rolling school days).
24. Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person.
25. Possessing any electronic devices without permission.
26. Possessing matches, lighters, etc.
27. Possessing aerosol canisters or any other object used to set off fire alarms.
28. Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety; using e-mail or Websites at school to encourage illegal behavior; or threatening school safety.
29. Refusing to accept Discipline Management Techniques assigned by a teacher or the Principal or designee.
30. Repeatedly violating campus or classroom standards of behavior.
31. Skipping class, detention, or mandatory tutorial sessions.
32. Throwing objects that can cause bodily injury or property damage.
33. Using a skateboard, scooter, and/or roller blades while on campus.
34. Using any telecommunications or other electronic devices, without permission, during school hours.

Disciplinary Consequences (may not necessarily be followed in order and progressive disciplinary measures are not required; a combination of consequences may be given for one incident)

- Verbal correction
- Confiscation of cell phones or other electronic devices.
- Temporary confiscation of items that disrupt the educational process.
- Lunch Detention
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations.
- After school detention.
- Application of one or more Discipline Management Techniques listed above.
- Grade reductions for academic dishonesty.
- Removal from the classroom and/or placement in another classroom.
- Restitution/restoration, if applicable.
- Friday Evening School/ Saturday school.
- In-school suspension.
- Out-of-school suspension.

Level II Offenses

1. Abusing over-the-counter drugs.

2. Academic dishonesty (cheating or copying the work of another).
3. Being a member of, pledging to become a member of, joining, or soliciting another person to join, or pledge to become a member of a public school fraternity, sorority, secret society, or gang, as defined in Texas Education Code§ 37.121.
4. Bypassing of Internet blocks on school computers or networks to enter unapproved sites.
5. Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
6. Damaging or vandalizing property owned by others, including but not limited to Texas Leadership property or facilities, property belong to school employees or other students.
7. Defacing or damaging Texas Leadership property, including textbooks, lockers, furniture, and other equipment, or property of any other person with graffiti or by any other means.
8. Engaging in offensive conduct of a sexual nature (verbal or physical).
9. Failure to comply with conditions of after-school detention and/or in-school suspension placement.
10. Failure to comply with Texas Leadership's medication policies.
11. False accusation of conduct that would constitute a misdemeanor or felony.
12. Falsifying records, passes, or other school-related documents.
13. Fighting/mutual combat.
14. Gambling.
15. Gang-related activity of any kind or nature (behavior that is deemed serious gang-related activity may be elevated or addressed as a Level Three offense).
16. Inappropriate behavior (e.g., violent; threat of being violent; racially, ethnically, or culturally motivated actions).
17. Interference with school activities or discipline.
18. Involvement in a felony offense not listed in Title 5, Texas Penal Code, and Texas Leadership is notified by the police.
19. Leaving classroom, school property, or school-sponsored events without permission.
20. Making an obscene gesture.
21. Persistent Level I offenses (two or more Level One offenses within a semester).
22. Possessing drug paraphernalia.
23. Possessing, viewing, or distributing pictures, text messages, emails, or other material of a sexual nature in any media format.
24. Refusing to allow lawful student search.
25. Sexual harassment/sexual abuse not defined as a Level III offense.
26. Theft.
27. Threats (nonviolent/verbal or written).
28. Throwing objects is not considered an illegal weapon that can cause bodily injury or property damage.
29. Unruly, disruptive, or abusive behavior that interferes with the teacher's ability to communicate effectively with the students in the class.
30. Use of profanity or vulgar/offensive language (orally or in writing).
31. Using the Internet or other electronic communications to threaten students or employees, or cause disruption to the school program.
32. Verbal or written abuse (e.g., name calling, racial or ethnic slurs, or derogatory statements that may disrupt the school environment, etc.).
33. Willful destruction of school or personal property and/or vandalism.
34. Engaging in bullying and/or cyberbullying.
35. Engaging in online impersonation.

36. Failure to complete more than one scheduled in-school suspension without a confirmed excuse.
37. Persistent Level I offenses
38. Stealing from students, staff, or Texas Leadership.

Disciplinary Consequences (may not necessarily be followed in order and progressive disciplinary measures are not required)

1. Any applicable Level I Disciplinary Consequence or Discipline Management Technique listed above, including multiple consequences at Texas Leadership's discretion.
2. Suspension for up to five days (ISS and/or OSS)

Level III Offenses

1. Abusing a 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 while on Texas Leadership property or at a school-related event.
2. Aggravated assault.
3. Aggravated kidnapping.
4. Aggravated robbery.
5. Aggravated sexual assault
6. Any offense listed in Sections 37.006(a) or 37.007 (a), (b), and (d) of the Texas Education Code, no matter when or where the offense takes place.
7. Arson.
8. Burglary of a motor vehicle on campus.
9. Capital murder.
10. Commission of a felony offense listed under Title 5, Texas Penal Code.
11. Committing or assisting in a robbery or theft, even if it does not constitute a felony according to the Texas Penal Code.
12. Committing the following offenses on school property or within 1,000 feet of school property as measured from any point on Texas Leadership 's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
    a. Behaving in a manner that contains the elements of an offense relating to abusable volatile chemicals.
    b. Behaving in a manner that contains the elements of the offense of public lewdness or indecent exposure.
    c. Committing an assault under Texas Penal Code 22.01(a)(1).
    d. Engaging in conduct punishable as a felony.
    e. Selling, giving, or delivering to another person an alcoholic beverage; committing a serious act or offense while under the influence of alcohol; or possessing, using, or being under the influence of alcohol, if the conduct is not punishable as a felony offense.
    f. Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense.
13. Conduct endangering the health and safety of others.
14. Creation or participating in the creation of a "hit list" under Texas Education Code § 37.001(b)(3).
15. Criminal attempt to commit murder or capital murder.
16. Criminal mischief.
17. Criminally negligent homicide.

18. Deliberate destruction or tampering with Texas Leadership computer data or networks.
19. Severe or extreme bullying situation.
20. Engaging in bullying that encourages a student to commit or attempt to commit suicide.
21. Engaging in conduct punishable as a felony.
22. Engaging in conduct punishable as a felony listed under Title 5 of the Texas penal Code when the conduct occurs off Texas Leadership property and not at a school-sponsored or school-related event and:
    a. The student receives deferred prosecution;
    b. A court or jury finds that the student has engaged in delinquent conduct; or c. The Principal or designee has reasonable belief that the student engaged in the conduct.
23. Engaging in conduct punishable as a Level III expulsion offense when the conduct occurs off Texas Leadership property and not at a school-sponsored or school-related event, and the conduct creates a substantial disruption to the educational environment.
24. Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.
25. Engaging in conduct relating to harassment of a Texas Leadership employee, including but not limited to:
    a. Initiating communication and in the course of the communication making a comment, request, suggestion, or proposal that is obscene;
    b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the employee, a member of the employee's family or household, or the employee's property;
    c. Conveying, in a manner reasonably likely to alarm the employee receiving the report, a false report, which is known by the scholar to be false, that another person has suffered death or serious bodily injury; or
    d. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
26. Engaging in conduct that constitutes dating violence, including intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
27. Engaging in conduct that constitutes discrimination or harassment, including conduct motivated by race, color, religion, national origin, gender, disability, or age and directed toward another student or Texas Leadership employee.
28. Engaging in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a Texas Leadership student, employee, or volunteer.
29. Engaging in conduct that contains the elements of retaliation against any Texas Leadership employee or volunteer, whether on or off of school property.
30. Engaging in the electronic transmission of sexually explicit visual material that:
    a. Depicts any person engaging in sexual conduct; or
    b. Depicts a person's intimate parts exposed; or
    c. Depicts the covered genitals of a male person that are in a discernibly turgid state; and
    d. Is not sent at the request of or with the express consent of the recipient.
31. Engaging in inappropriate or indecent exposure of private body parts.
32. Felony criminal mischief against school property, another student, or school staff.
33. Gang activity.
34. Hazing.
35. Inappropriate sexual conduct.
36. Inciting violence against a student through group bullying.

37. Indecency with a child.
38. Inhalant abuse.
39. Issuing a false fire alarm.
40. Manslaughter.
41. Murder.
42. Persistent Level II offenses (two or more Level II offenses committed in any one school year)
43. Possessing any prohibited items, including but not limited to:
    a. A "look-alike" weapon (includes but is not limited to BB guns, CO2 guns, air pistols or rifles, pellet guns, or any other device designed to appear to be a firearm or other weapon)
    b. A laser pointer for other than an approved use;
    c. A pocket knife or any other small knife with a blade less than 1.5" in length;
    d. A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
    e. A stun gun;
    f. Ammunition;
    g. An air gun or BB gun;
    h. Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic or explosive device;
    i. Mace or pepper spray;
    j. Matches or a lighter;
    k. Tobacco products, cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device or accessory to a vapor product; or
    l. Any articles not generally considered to be weapons, including school supplies, when the Principal or designee determines that a danger exists.
44. Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.
45. Possessing or selling seeds or pieces of marijuana in less than a usable amount.
46. Possessing or using alcohol.
47. Possessing, selling, distributing, or being under the influence of inhalants.
48. Possessing, selling, distributing, or being under the influence of a simulated controlled substance.
49. Possessing, smoking, or using tobacco products and/or e-cigarettes at school or a school-related or school-sanctioned activity on or off school property.
50. Possessing, using, giving, or selling paraphernalia related to any prohibited substance, including illegal, prescription, and over-the-counter drugs.
51. Possession, use, transfer or exhibition of any firearm, handgun, improvised explosive device, location-restricted knife, club, or any other prohibited weapon or harmful object (as determined by Texas Leadership).
52. Public lewdness.
53. 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.
54. Required registration as a sex offender.
55. Selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana, a controlled substance, a cannabidiol (CBD) substance, a dangerous drug, or an alcoholic beverage.
56. Sending or distributing sexually suggestive, nude, or partially nude photographs and/or sexually explicit message via text message, social media applications, or other methods of electronic delivery while at school, or while away from school if the conduct creates a substantial disruption to the school environment.

57. Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including conduct occurring off school property if the conduct causes a substantial disruption to the educational environment.
58. Setting or attempting to set fire on school property.
59. Sexual abuse of a young child or children.
60. Sexual assault.
61. Use, exhibition, or possession of a hand instrument designed to cut or stab another by being thrown, including but not limited to a dagger; dirk; stiletto; poniard; bowie knife; sword; spear; switchblade; assisted-open knife (regardless of length); or as otherwise defined by Board of Director's policy.
62. Use, exhibition, or possession of a knife with a blade more than 1.5" in length, including but not limited to switchblade knives or any other knife not defined as a location-restricted knife.
63. Vandalism or conduct constituting criminal mischief with respect to school facilities or property.
64. Violating the terms and conditions of a student behavior contract.
65. Violating Texas Leadership 's computer use policies, rules, or agreements, such as the Student Acceptable Use policy, and including conduct involving but not limited to:
    a. Attempting to access or circumvent passwords or other security-related information of Texas Leadership or its students or employees, and uploading or creating computer viruses, including such conduct off school property if the conduct causes a substantial disruption to the educational environment.
    b. Attempting to alter, destroy, or disable Texas Leadership computer equipment, Texas Leadership data, the data of others, or other networks connected to the Texas Leadership system, including conduct occurring off school property if the conduct causes a substantial disruption of the educational environment.
    c. Using the Internet or other electronic communications to threaten Texas Leadership students, employees, or volunteers, including conduct occurring off school property if the conduct causes a substantial disruption to the educational environment.
    d. Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including conduct occurring off school property if the conduct causes a substantial disruption to the educational environment.
    e. Using e-mail or Web sites at school to encourage illegal behavior or threaten school safety.
66. Any discretionary or mandatory expulsion violation under Texas Education Code, Chapter 37.
67. Assault.
68. Conduct endangering the health and safety of others.
69. Targeting another individual for bodily harm.

Disciplinary Consequences (may not necessarily be followed in order and progressive disciplinary measures are not required; principal and/or disciplinary review committee may exercise discretion based on discipline history, intent, self-defense, and disability.)

1. Principal-assigned campus consequence (up to 5 days ISS and/or OSS)
2. Out of school suspension for five–ten days.
3. Expulsion.

Student Code of Conduct Consequences

Detention

Detention may be held on each day during school for up to eight hours. Students who serve detention must make arrangements to be picked up from school. Parents may request, in person, a delay of the detention; no phone calls or notes will be accepted.

After School Detention

The following rules apply to students assigned to after school detention:

1. Students will bring materials to work on. Classroom materials may also be sent by a teacher.
2. Students will not be permitted to go to their lockers during detention; all materials must be brought to the detention room when reporting.
3. Sleeping is not permitted.
4. Students will follow all rules concerning classroom behavior. Failure to comply will mean suspension from school.
5. Any student assigned to detention must stay the entire time. Students refusing to complete their time will be suspended from school.

Suspension

Texas Leadership utilizes two kinds of suspension: in school suspension and out of school suspension.

In School Suspension

The following rules and regulations apply to all students assigned to in school suspension ("ISS"):

1. Students must report to the detention room at 7:40 a.m. ISS will be run from 7:45 a.m. until dismissal time.
2. Students may not bring food or drink into the detention room.
3. No disruptive behavior will be allowed.
4. Unexcused absences from suspension will be referred to the Principal or designee.
5. Sleeping is prohibited.
6. Students must abide by the Texas Leadership policies and behavioral standards during their suspension period.
7. A student who misses a scheduled ISS session without a confirmed excuse will be assigned one day out of school suspension. If a student misses more than one scheduled ISS session without a confirmed excuse, he or she may be subject to expulsion.

Failure to follow these guidelines will be reported to the Principal or designee for further action, which may include up to three days of out of school suspension or any other Level I consequence.

Out of School Suspension

In deciding whether to order out-of-school suspension, the administrator may take into consideration factors including self-defense, prior discipline history, the student's status as a student in foster care or who is homeless, intent or lack of intent and other appropriate or mitigating factors determined by the administrator.

In addition to the Code of Conduct violations listed above that may result in suspension, the Principal or designee has authority to suspend a student for a period of up to five school days for any of the following additional reasons:

1. The need to further investigate an incident,
2. A recommendation to expel the student, or
3. An emergency constituting endangerment to health or safety.

Process for Suspensions Lasting Up to Five Days

Prior to suspending a student for up to five days, the Principal or designee must attempt to hold an informal conference with the student to: give notice of suspension and the reasons for the suspension to the student. Additionally, prior to suspending a student for up to five days, the Principal or designee must attempt to hold an informal conference with the student to:

1. Notify the student of the accusations against him/her,
2. Allow the student to relate his or her version of the incident, and
3. Determine whether the student's conduct warrants suspension.

If the Principal or designee determines the student's conduct warrants suspension during the school day for up to five days, the Principal or designee will make reasonable effort to notify the student's parent(s) that the student has been suspended before the student is sent home. The Principal or designee will notify a suspended student's parent(s) of the period of suspension, the grounds for the suspension, and the time and place for an opportunity to confer with the Principal or designee.

A student shall receive credit for work missed during the period of suspension if the student makes up work missed during the period of suspension within the same number of school days the student was absent on suspension.

Special Rules for Suspensions Involving Homeless Students

Texas Leadership may not place a student who is homeless in out-of-school suspension unless the student engages in the following conduct while on school property or while attending a school-sponsored or school-related activity on or off of school property:

1. Unlawful possession of a firearm or other weapon;
2. Assault, sexual assault, aggravated assault, or aggravated sexual assault; or
3. Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

Emergency Placement

If the Principal or designee reasonably believes a student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with students in a class, with the ability of a student's classmates to learn, or with the operation of Texas Leadership or a school-sponsored activity, the Principal or designee may order immediate removal of the student. The Principal or designee may impose immediate suspension if he or she reasonably believes such action is necessary to protect persons or property from imminent harm. At the time of such an emergency removal, the student will be given verbal notice of the reason for the action and appropriate hearings will be scheduled within a reasonable time after the emergency removal.

Removal from School Transportation

A student being transported by Texas Leadership transportation to or from school or a school-sponsored or school-related activity may be removed from a school vehicle for conduct violating the school's established standards for conduct in a school vehicle.

More than Five Day Suspension or Recommendation for Expulsion

Before taking an incident to a Discipline Review Committee, the principal must notify the parent and student of the accusations against him/her, and must allow the student and/or parent to relate his/her version of the incident. The principal may ask questions of the student and/or parent to gain clarification. This information will be shared with the Discipline Review Committee.

If the principal believes there is sufficient evidence to support a consequence greater than a 5-day suspension, the principal will then establish a Discipline Review Committee (see handbook for details) that can recommend a consequence of more than five-day suspension or recommend an expulsion. The Discipline Review Committee and Administration will follow the same due process procedures, including notice and appeal rights, as listed below under "Conferences, Hearings and Appeals."

Upon receiving a recommendation from the Campus Disciplinary Review Committee for a suspension of more than five days or a recommendation to expel, the Campus Director or designee will review the campus documentation and will determine the following:

- Return the student to the classroom with a Behavior Contract signed by the student and parent;
- Convene a due process hearing to consider a consequence up to a 10-day suspension (total of 10 days from the first day the student is suspended for the incident); then, return the student to the classroom with a Behavior Contract signed by the student and parent;
- Convene a due process expulsion hearing.

Expulsion may be imposed for violations specifically designated in the Code of Conduct or as enumerated in the Texas Education Code, Chapter 37.007. If a hearing is held, the Campus Director shall invite the principal or other appropriate administrator, the student's parent(s)/guardian(s), the teacher removing the student from class, if any, and the student. In the case where an action merits an automatic expulsion based on the Texas Education Code, Chapter 37.007, the Campus Director shall schedule an expulsion hearing for no later than the third class day after the day on which the student is removed from class unless the Campus Director and the student's parent(s)/guardian(s) mutually agree to a delay. At the hearing the student—who may be represented by his/her parents(s)/guardian(s) or another adult who is not an employee of Texas Leadership— is entitled to written or oral notice of the reasons and basis for the expulsion, and an opportunity to respond to the reasons for removal shall be allowed.

A decision shall be rendered, in writing, specifying whether the expulsion was upheld and, if so, the length of the expulsion, the procedures for re-enrollment (if any), and the right to appeal to the Chief of Staff. Should the expulsion be appealed, the decision of the Chief of Staff is final.

Hearing Before the Campus Director

Texas Leadership shall make a good faith effort to inform the student and the student's parent(s) of the time and place for the hearing, and Texas Leadership shall hold the hearing regardless of whether the student, the student's parent(s) or another adult representing the student attends. The Campus Director or designee may audio record the hearing.

Within 48 hours or two school days, whichever is later, following the hearing, the Campus Director or designee will notify the student and the student's parent(s) in writing of his or her decision as to whether the student's conduct warrants extended suspension and/or expulsion and, if so, the decision shall specify:

1. The length of the extended suspension or expulsion, if any;
2. When or if the expulsion is not permanent, the procedures for re-admittance at the end of the expulsion period if at all; and
3. The right to appeal the Campus Director decision to the Chief of Staff or the Chief of Staff's designee.

The notice shall also state that failure to timely request such a hearing constitutes a waiver of further rights in the matter, and that disciplinary consequences will not be deferred pending the outcome of an appeal of an extended suspension or expulsion decision.

Appeal to the Chief of Staff

The student or his or her parent(s) may appeal the extended suspension or expulsion decision to the Chief of Staff by notifying the Campus Director in writing within five calendar days of the date of receipt of the Campus Director or designee's decision. The student and/or his or her parent(s) will be informed of the date, time, and location of the meeting in which the disciplinary consequence will be reviewed. The Chief of Staff will review the disciplinary administrative record and any audio recording or transcription/minutes of any hearings or conferences before the Campus Director or designee. The appeal shall be limited to the issues and documents considered during the disciplinary consequence, except that if the administration intends to rely on evidence not included in the expulsion record, the administration shall provide the student or parent(s) notice of the nature of the evidence at least three days before the Chief of Staff meeting.

The Chief of Staff may, but is not required to, allow an opportunity for the student or parent(s) and the administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Chief of Staff. The Chief of Staff will consider the appeal and may request that the administration provide an explanation for the disciplinary decision.

The Chief of Staff will communicate his/her decision, if any, orally or in writing. If no decision is made by the end of 10 days, the Campus Director or designee's decision with respect to the disciplinary action appeal shall be upheld. The Chief of Staff may not delegate his/her authority to issue a decision, and any decision by the Chief of Staff is final and may not be appealed.

As stated above, disciplinary consequences will not be deferred pending the outcome of an appeal of an extended suspension or expulsion to the Chief of Staff.

Discretionary Expulsion for Attendance

Offense
Excessive or persistent absenteeism, being absent, without acceptable excuse, more than 3 times in a 4-week period, or 10 times in a 6-month period.

Penalty
Truancy action, and/or discretionary expulsion.

For additional information regarding expulsion, see the above section "More than Five Day Suspension or Recommendation for Expulsion."

Re-Enrollment

Any student who has withdrawn or been expelled from Texas Leadership due to disciplinary issues and reapplies for admission must meet the following guidelines:

1. The student may not apply for one semester from the date of last attendance unless stipulated differently in an expulsion letter;
2. The student must provide at least three references with telephone numbers and letters of recommendation from the school attended after exiting from Texas Leadership. One reference must be from an administrator, one from a teacher, and one from a counselor;
3. The student's grades and conduct must exhibit a reformed attitude; and
4. The student and parent must petition the campus administration, in writing, and request to be re-enrolled at Texas Leadership.

The campus administrator or campus PEIMS Registrar shall notify the charter system PEIMS Director once all of the above criteria have been met and a decision has been made to allow the student to re-enroll in Texas Leadership.

Student Discipline Contract

Campus administration may create a specific student discipline contract with students and parents with the sole purpose to call attention to and redirect specific behaviors. A breach in this agreement by the student is cause for a Disciplinary Review Committee meeting.

Disciplinary Review Committee

Students whose behavior results in continued office referrals, or whose behavior is deemed a threat to the learning environment, will be subject to review by the Disciplinary Review Committee.

It is the goal of this committee to ensure that an environment is maintained that is conducive to safety and education and it may be asked to review any student's behavior believed to be a threat to this environment. The committee may recommend any disciplinary consequence up to and including expulsion when it deems that a student has continual disregard for prohibited behaviors. However, the committee may only recommend; the ultimate decision for disciplinary consequences rests with the campus principal or, in the case of expulsion, with the Campus Director.

Each elementary school and secondary school shall form a Disciplinary Review Committee that will be composed of the campus Principal or designee, and four faculty members. These representatives may change intermittently based on their availability to attend a meeting and whether or not the representatives actually teach or coach the student in question.

Conferences, Hearings, and Appeals

All students are entitled to conferences, hearings, and/or appeals of disciplinary matters as provided by applicable state and federal law, and Texas Leadership policy.

When the Campus Director or designee determine that a student's conduct warrants suspension for more than five days (extended suspension) or expulsion, but prior to taking any such action, the Campus Director or designee will provide the student's parent(s) with written notice of:

1. The reasons for the proposed disciplinary action; and

2. The date and location for a hearing before the Campus Director or designee, within five school days from the date of the disciplinary action.

The notice shall further state that, at the hearing, the student:

1. May be present;
2. Shall have an opportunity to present evidence;
3. Shall be apprised and informed of Texas Leadership's evidence;
4. May be accompanied by his or her parent(s); and
5. May be represented by an attorney.

No Credit Earned

Except when required by law, students will not earn academic credit during a period of expulsion.

Placement of Students with Disabilities

All disciplinary actions regarding students with disabilities (504 or special education under the IDEA) shall be conducted in accordance with applicable federal and state laws.

A student with a disability shall not be removed from his or her current placement for disciplinary reasons and/or pending appeal to the Board of Directors for more than ten days without action by the student's admission, review, and dismissal committee to determine appropriate services in the interim and otherwise in accordance with applicable law. If a special education due process appeal to a TEA special education hearing officer is made, the student with a disability shall remain in the then current education setting in place at the time such appeal is noticed to Texas Leadership, unless Texas Leadership and the student's parent(s) agree otherwise.

Gun-Free Schools Act

In accordance with the federal Gun-Free Schools Act, Texas Leadership 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 school. The Principal or designee 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 and in accordance with legal requirements.

For the purposes of this section, "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 from the frame or receiver of any such weapon;
2. Any firearm muffler or firearm silencer;
3. 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 1/4 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 1/2 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.

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.

Abuse is improper or excessive use.

Abusable Volatile Chemical Offense, as defined by Health and Safety Code § 485.001 and 485.031. No student shall inhale, ingest, apply, use, or possess an abusable volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

1. Contrary to the directions for use, cautions, or warnings appearing on a label of a container of the chemical; and
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination, or elation, or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.

No student shall knowingly deliver to a person younger than 18 an abusable volatile chemical. Health and Safety Code § 485.032

No student shall knowingly use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the human body an abusable volatile chemical. No student shall knowingly deliver, sell, or possess with intent to deliver or sell inhalant paraphernalia knowing that that person who receives it intends to use it to inhale, ingest, apply, use, or otherwise introduce into the human body an abusable volatile chemical. Health and Safety Code § 485.033

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

Arson is defined by Texas Penal Code § 28.02 and occurs when a person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage:

- Any vegetation, fence, or structure on open-space land; or
- 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 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 the safety of the property of another.

Arson also occurs when a person:

- Recklessly starts a fire or causes an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or

- Intentionally starts a fire or causes an explosion and in so doing recklessly damages or destroys a building belonging to another, or recklessly causes another person to suffer bodily injury or death.

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

Bullying is defined 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 the school; or (4) infringes on the rights of the victim at school. Bullying also includes "cyberbullying," which means bullying that is done through the use of any electronic communication device including a cellular telephone 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. Bullying conduct includes conduct (1) that occurs on or is delivered to Texas Leadership property or to the site of a school-sponsored or school-related activity on or off school property; (2) 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 Texas Leadership property or outside of a school-sponsored or school-related activity if the cyberbullying (i) interferes with a student's educational opportunities or (ii) substantially disrupts the orderly operation of a classroom, Texas Leadership, or a school-sponsored or school-related activity.

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 public school; and the student knowingly alters, damages, or deletes school property or information; or commits a breach of any other computer, computer network, or computer system.

Chemical dispensing device is 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.

Club is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death, including but not limited to a blackjack, nightstick, mace, and tomahawk.

Controlled substances or dangerous drugs include but are not limited to marijuana; any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, barbiturate; anabolic steroid; or prescription medicine provided to any person other than the person for whom the prescription was written. The term also includes all controlled substances listed in Chapters 481 and 483 of the Texas Health and Safety Code.

Criminal street gang means 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.

Dating violence is the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship, as defined by Texas Family Code § 71.0021.

Deadly conduct occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, and includes, but is not limited to, 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, other than a traffic offense, and is punishable by imprisonment or confinement in jail;
- Violates a lawful order of a court under circumstances that would constitute contempt of that court in a justice or municipal court, or a county court for conduct punishable only by a fine;
- Constitutes an intoxication and alcoholic beverage offense under Chapter 49 of the Texas Penal Code; or
- Violates Texas Alcoholic Beverage Code § 106.041 relating to driving under the influence of alcohol by a minor (third or subsequent offense).

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

E-Cigarette or electronic 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 also includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe; a dab pen; a vapor product; or any other similar device under another product name or description. Also included is any component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device. The term does not include a prescription medical device unrelated to the cessation of smoking.

Explosive weapon is any explosive or incendiary bomb, grenade, rocket, or mine 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, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

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:

- Cause action by an official or volunteer agency organized to deal with emergencies;
- Place a person in fear of imminent serious bodily injury; or
- 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:

- 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;
- The frame or receiver of any such weapon;

- Any firearm muffler or firearm weapon; or
- Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade. Such term does not include an antique firearm.

Firearm silencer means any device designed, made, or adapted to muffle the report of a firearm.

Graffiti means making marks 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:

- Conduct that meets the definition established in Board of Director's policy and/or the Handbook; or
- Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating or obscene, 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.

Hazing is an intentional, knowing, or reckless act, occurring on or off campus, by one person alone or acting with others, that is directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization, if the act involves situations outlined in Texas Education Code § 37.151.

Hit list is 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 means exposing one's anus or genitals with intent to arouse or gratify the sexual desire of any person while being reckless about whether another is present who will be offended or alarmed by the act.

Intimate Visual Material means visual material that depicts a person (a) with the person's intimate parts exposed; or (b) engaged in sexual conduct.

Knuckles means 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.

Location-Restricted Knife means a knife with a blade over five and one-half inches.

Look-alike weapon means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

Machine gun 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.

Online Impersonation occurs when a person, without obtaining the consent of another person and with the intent to harm, defraud, intimidate, or threaten any persons, uses the name or persona of another person to:

- Create a web page on a commercial social networking site or other Internet website; or
- Post or send one or more messages on or through a commercial social networking site or other Internet website, other than on or through an electronic mail program or message board program.

Online impersonation also occurs when a person sends an electronic mail, instant message, text message, or similar communication that reference a name, domain address, phone number, or other item of identifying information belonging to any person:

- Without obtaining the other person's consent;
- With the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication; and
- With the intent to harm or defraud any person.

Paraphernalia are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body. It also includes equipment, products, or materials used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing a controlled substance.

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; or any other school property used by the student, including, but not limited to, a locker or desk.

Prohibited Weapon means an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; knuckles; armor-piercing ammunition; a chemical dispensing device; a zip gun; an improvised device; a tire deflation device; or a firearm silencer.

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.

Pubic lewdness 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.

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.

Short-barrel firearm is 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.

Switchblade Knife 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 by the application of centrifugal force. The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

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

- Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
- Place any person in fear of imminent serious bodily injury;
- 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;
- Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
- Place the public or a substantial group of the public in fear of serious bodily injury; or
- Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state, or a public charter school (including Texas Leadership).

Tire deflation device means 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 offenses are those that involve injury to a person and include murder; manslaughter; criminally negligent homicide; trafficking in persons; unlawful transport; kidnapping; assault (on a public servant); aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment of a public servant; improper photography; smuggling persons; and tampering with a consumer product.

Trespassing means entering or remaining on the property of another (including Texas Leadership) without effective consent of the owner, and the person (1) had notice that the entry was forbidden; or (2) received notice to depart but failed to do so. Trespassing may also include presence on Texas Leadership campus if expelled or suspended.

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.

Vapor product means electronic cigarettes (e-cigarettes) or any other device that uses a mechanical heating element, battery, or electronic circuit to deliver vapor that may include nicotine to the individual inhaling from the device, or any substance used to fill or refill the device.

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 the energy generated by an explosion or burning substance.