



Student Code of Conduct 2023 - 2024

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STUDENT CODE OF CONDUCT

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APPLICATION OF THE CODE

The governing board of the A. W. Brown Leadership Academy has adopted this Student Code of Conduct (the “Code”) in accordance with Section 12.131 of the Texas Education Code, in order to clearly communicate standards for expected student conduct, the disciplinary consequences that may be applied to students who violate those standards, and the applicable procedures for the implementation of disciplinary consequences. All students must comply with the Code. Definitions of words and phrases used throughout this Code are provided at the end of the Code.

Parents and students are encouraged to contact campus administration with any questions or concerns regarding the requirements and provisions of the Code. Parents and students are expected to review and be familiar with the provisions of the Code. Lack of knowledge or awareness about any School rules, including this Code, will not excuse violations of the Code. Parents and students will be required to sign a statement acknowledging receipt and understanding of the Code. A copy of this Code is available at the office of each campus, as well as on the Academy’s website.

The School has the authority to create and enforce rules related to student conduct and behavior while on school property, traveling to or in attendance at a school-sponsored or school-related event or activity, whether on or off campus. The School has the authority to issue disciplinary consequences for certain other student conduct that relates to, affects, or shares a nexus with the School, its students, or its employees regardless of when or where the conduct occurs. The School may also issue discipline based on a student’s use of electronic media, whether on or off campus.

Other School rules, codes or policies may apply to a student’s misconduct and may result in multiple disciplinary consequences issued for the same conduct.

In considering a student’s request for admission, the School may consider the student’s history of a criminal offense(s), juvenile court adjudication(s), or disciplinary problems under subchapter A, Chapter 37 of the Education Code, as evidenced by records received from schools previously attended by the student, law enforcement, or any other relevant documentation, and may exclude the student from admission on this basis.

If a student who would otherwise be ineligible for admission to the School provides false information on an admissions application or other enrollment document and as a result of the false information is admitted to the School, the student shall be immediately withdrawn from enrollment from the School upon discovery of the falsification. **Falsification of information for the purpose of gaining enrollment in a public school is a criminal offense under § 37.10 of the Texas Penal Code.** The School may elect to report the falsification to law enforcement or take any other action permitted by law.

EXPECTATIONS OF STUDENT CONDUCT

The mission of A. W. Brown Leadership Academy is to produce smart, effective, efficient, and disciplined students by creating an environment in which teachers feel safe and free to teach and students feel safe and motivated to learn. To achieve that mission, the School must be an environment safe, secure, and free from disruption. Students, parents, and guardians are expected to demonstrate behavior appropriate to the School's learning environment, to treat other students, School personnel, and visitors to the School with respect.

As such, each student is expected to:

- Behave in a responsible and respectful manner;
- Prepare for each class with appropriate materials and completed assignments;
- Attend classes and required School activities and events regularly and on time;
- Obey classroom rules and classroom expectations for behavior;
- Dress appropriately in accordance with the School's Dress Code;
- Know that the possession, use, and or distribution of illegal or unauthorized drugs, alcohol, tobacco, and weapons are unlawful and prohibited;
- Demonstrate courtesy and respect for others, especially other students and School personnel;
- Respect the rights and privileges of other students and school personnel in person and online;
- Respect and care for School property and facilities;
- Turn off cell phones or other electronic media during instructional time unless given permission for instructional use; failure to do so will result in confiscation and a fee to retrieve the device;
- Be familiar with and comply with the Acceptable Use Policy for computers and technology;
- Cooperate with School personnel in investigations of disciplinary matters; and maintaining safety, order and discipline;
- Refrain from verbal or written acts of bullying whether in person or online; inclusive of social media, email, text, chat, and all other forms of electronic media;
- Report threats for the safety of students and staff members as well as misconduct on the part of any other students or staff members to a teacher, campus administration, or security personnel.
- Review and comply with the Scholar and Parent Handbook and other campus rules;
- Avoid violations of this Code;
- Understand that campus principals, coaches, and sponsors of extracurricular activities may develop and enforce standards of conduct that are higher than, not in conflict, the District's Student Code of Conduct.

Students are expected to comply with the school's technology and electronic media use policies and procedures. Students are also expected to demonstrate the same behavior online or while using electronic media as is expected in the classroom, on school property, or school-sponsored or school-related events or activities. Sending, posting, or possessing electronic messages that are disrespectful, disruptive, abusive, obscene, illegal, threatening, harassing or damaging to another person disrupts the learning environment and will not be tolerated.

Parent and/or guardian cooperation is essential to achieving the School's mission and ensuring that students learn in a safe, secure and positive environment. Parental involvement and cooperation are vital in the discipline process. Parents/guardians should apply the following:

- Understand and be familiar with the Code,
- Ensure that his or her child understands and seeks to comply with this Code, and
- Assist the school in counseling students regarding appropriate behavior.

PROHIBITED CONDUCT

The following conduct constitutes a violation of the Code. Any student found to have engaged in such conduct shall be subject to one or more disciplinary actions as identified within the *Code*.

General Student Misconduct:

1. Cursing, using offensive language, name calling, ethnic, racial or gender slurs, other derogatory statements, or yelling;
2. Aggressive misconduct;
3. Disrespectful behavior towards adults;
4. Failure to follow directives;
5. Disruption of instruction or other school activities or operations;
6. Unexcused or excessive tardiness;
7. False statements or false accusations;
8. Teasing, or targeting other students;
9. Inappropriate cell phone or electronic media use;
10. Consistent classroom disruptions;
11. Failure to comply with classroom rules

Major Disruptive School Behaviors: Level II Offenses

1. Failure to comply with the Scholar and Parent Handbook or other school and district policies;
2. Public lewdness;
3. Fighting;
4. Bullying (including cyberbullying);
5. Leaving the classroom, school building, mandatory school activities or events, or adult supervision without permission;
6. Skipping a class period or other mandatory activity, in whole or in part, without permission;
7. Violation of School or campus policies or rules related to the use of electronic media, including personal or School-owned electronic devices (*e.g.*, cell phones, tablets, game systems, computers, cameras), or the School's network or Internet connection;
8. Truancy or other failure to attend school without excuse;
9. Defacing, destroying, or otherwise modifying School property without authorization;
10. Taking photographs or making video or audio recordings of students, employees, or other persons without the consent of the other person; during school hours for all school functions on school property;

11. Slander of school staff;
12. Soliciting or attempting to solicit another student to violate the Code, School policies and rules, or the law;
13. Failing to follow school directives, classroom rules, and expectations;
14. Disobeying rules and expectations regarding school transportation;
15. Inappropriate or unauthorized use of School property, including posting or distributing literature or materials without School authorization;
16. Taking steps toward violation of the *Code* even if the act is not completed, as determined by the appropriate School administrator;

Violent, Illegal, and Other Serious Behaviors:

1. Possession of prohibited items;
2. Theft of school and/or teacher property;
3. Harming adults or children with objects;
4. Conduct which meets the elements of a criminal offense, as determined by the School;
5. Physical, verbal, or sexual harassment of others;
6. Inappropriate physical or sexual behavior, including jokes, comments, gestures, or unwelcome physical conduct or contact;
7. False statements or false accusations;
8. Hazing or initiations;
9. Participation in a gang, soliciting or attempting to solicit participation in a gang;
10. Possessing, distributing, using, or being under the influence of tobacco products, electronic cigarettes, vapors, drugs, alcohol, or controlled substances, including prescription drugs if the student has not been prescribed the drugs or is taking the drugs over the dosage specified by the prescription;
11. Possessing drug paraphernalia;
12. Stealing, lying, cheating, or copying the work of another without authorization (plagiarism);
13. Deliberately, and without School authorization, accessing, damaging, or altering School data and records, including but not limited to confidential records, electronic data, networks, or systems;
14. Violence of any kind, including dating violence;
15. Physical assault of a student or school employee;
16. Gambling;
17. Setting or attempting to set a fire;
18. Inappropriate or indecent exposure of body parts;

19. Retaliation of any form against other students or School personnel;
20. Conduct which requires the student's registration as a sex offender;
21. Possession or distribution of pictures, text messages, electronic messages or other material of a sexual or obscene nature;
22. Endangering the health or safety of others;
23. Other conduct as identified within this Code.

INVESTIGATION OF DISCIPLINE MATTERS

In order to determine whether a violation of the *Code* have occurred, campus administrators or other authorized individuals may conduct investigation. Investigations of student misconduct may involve, but are not limited to, interviews of other students, employees and adults, review of school surveillance footage, review of relevant documents, review of information on School-owned devices, verification of tips received from other individuals, gathering of physical evidence, contact of or cooperation with law enforcement agencies and officials. Law enforcement may be contacted and informed of student conduct which may constitute a criminal offense.

Investigation Process:

1. The campus administration should thoroughly investigate all behavioral incidents within a timely manner.
2. The investigation should include all parties involved to ensure details and information are collected in order to make the appropriate behavioral decision.
3. This decision should be determined in the best interest of the students involved plus the school environment.
4. The campus administration shall schedule the conference/hearing within **three days of the determination (Texas Education Code Sec 37.009)**
5. The campus administration shall promptly contact the parent/guardian by telephone or in person; make a good faith effort and exhaust all reasonable means to contact the parent or guardian to provide notification of the disciplinary action to the student, on the day the action is taken. If unable to be reached by telephone or in person by 5:00 PM of the next business day after the disciplinary action has been taken, a written notice will be mailed to the last known address of the parent/guardian.

Students should have no expectation of privacy with respect to School-owned property. Lockers, desks, and other items provided for student use remain School property, and students do not have a reasonable expectation of privacy on School property or in personal items placed inside School property. School administrators or other authorized personnel may monitor and search student desks and lockers for any reason. School officials may search any School property, including School property that is within a student's possession or otherwise being used by a student, at any time, with or without notice to the student and without consent. School officials may confiscate any items found during a search, including prohibited items, dangerous items, or other items that violate School policy.

A student's personal property may be searched by authorized school officials if the official has a reasonable belief that the search will result in the discovery of evidence of a violation of the Code or of the law. Any personal property which is brought onto school property or to a school-sponsored or school-related activity or event, on or off school property, may be subject to search (*e.g.*, student cell phone, backpack, personal computer, purse, car, etc.).

The District's Right to Interview Students

The District have the legal authority and responsibility to investigate violations of the Student Code of Conduct and to interview students without prior notice to parents/legal guardians or their consent in order to do so. This authority derives from the **common law doctrine of 'in loco parentis' which means school officials are standing in the place of parents when at school or attending school activities.** School officials, including security personnel serving as school officials exercise this authority to maintain the safety and security of the school environment and to prevent the disruption of instructional programs.

The District's Right to Search

The District has the right to search the following on the basis of individualized suspicion that the student possesses a weapon:

1. A student's outer clothing, pockets, or property by establishing reasonable suspicion or with the voluntary consent of the student.
2. A vehicle driven to school by a student and parked on school property when there is reasonable suspicion to believe the vehicle contains things prohibited by the District
3. A student's desk, locker, or any other district property when there is reasonable suspicion to believe it contains items prohibited by the District.

Search of Cell Phone

The District may search a student's cell phone or wireless communication device ONLY if the student or parent/guardian consents to the search.

Electronic Surveillance

The District's electronic surveillance equipment may be used to monitor student behavior and school-owned property for purposes of safety, including the maintenance of order and discipline in common areas of the school in accordance with Texas Education Code 26.009. Student behavior recorded by electronic surveillance equipment may be subject to an investigation and disciplinary actions consistent with the Student Code of Conduct.

DETERMINING APPROPRIATE DISCIPLINE

The campus administration is primarily responsible for maintaining effective discipline in the school environment and may respond by employing appropriate discipline management techniques in accordance with this Code. Depending on the nature and severity of the offense, campus administration or an authorized school employee may utilize additional behavior supports for non-punitive actions such as referral to School Counselor or Student Support Team. In order to make the determination of misconduct or issue disciplinary consequences under this Code, the authorized School employee must have a reasonable belief that the student engaged in the suspected conduct. The employee's conclusion may be based on any relevant evidence including, but not limited to, observation, other personal knowledge, verbal or written witness statements, other forms of documentation, or information received from law enforcement.

In determining an appropriate **disciplinary action**, the School may consider the specific facts and circumstances of the situation, including but not limited to:

- The student's intent, or lack of, at the time the student engaged in the misconduct;
- The student's age and grade level;
- The student's ability and functioning level;
- The student's past disciplinary history;
- The frequency of the conduct;
- Whether the student's conduct may have been the manifestation of a disability;
- The extent of the student's cooperation during the investigation of the matter;
- The nature and severity of the alleged conduct;
- Whether the student has previously engaged in similar conduct;
- Whether self-defense was involved and necessary for student safety;
- The student's remorsefulness for the conduct;
- The severity of the effect or harm of the conduct on other persons or school environment.

The School may issue discipline based on a determination that a student has engaged in conduct which meets the elements of a criminal offense. The School has the authority to make such a determination without regard for whether the student is arrested, charged, or otherwise processed by the criminal justice system for the criminal offense. The School may consider information received from law enforcement or other entities within the criminal justice system in issuing discipline under this Code.

Disciplinary actions will not be based on a student's race, ethnicity, national origin, gender, sex, religion, disability, or any other unlawful consideration.

DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS

Students eligible for services under the Individuals with Disabilities in Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504) are subject to discipline under those laws and in accordance with the provisions of this Code.

Any disciplinary action regarding a student with a disability who receives special education services that would constitute a **change in placement** under federal law (see below) may be taken **only after** the student's Admission, Review, and Dismissal (ARD) committee conducts a manifestation determination review in order to determine whether the student's conduct was a manifestation of his or her disability which means student's conduct in question was caused by, or had a direct and substantial relationship to, the student's disability. The ARD Committee shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents. If the determination is that the student's behavior was not a manifestation of the student's disability, the school may apply relevant disciplinary procedures to the student in the same manner and same duration for students without disabilities.

A change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than ten consecutive school days; or
2. Subjected to a series of removals that constitute a pattern because the series of removals total more than ten school days in a school year;

NOTE: The School will determine, on a case-by-case basis, whether a pattern of removals constitutes a change in placement.

If the school does not have knowledge or record that a student is a student with a disability prior to taking disciplinary action, **the student may be subject to the disciplinary actions applied to students without disabilities.** If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary action, the evaluation shall be conducted in an expedited manner.

Refer to the A. W. Brown Leadership Academy policy/rule/handbook for more information regarding special education services.

Special Circumstances:

The school may temporarily remove to an alternate educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student conducts the following while on school premises, or at a school-related function on or off school property under the jurisdiction of TEA or the District:

1. Carries or possesses a prohibited weapon
2. Knowingly possesses or uses illegal drugs; sells or solicits the sale of a controlled substance
3. Inflicted serious bodily injury upon another person (severity is key)

NOTE: Services must also be provided during special circumstances removals.

TYPES OF DISCIPLINARY ACTIONS

The District's Levels of Offenses and available Disciplinary Actions include, but are not limited to, the following:

LEVEL I - OFFENSES	LEVEL I - DISCIPLINARY ACTIONS
<ul style="list-style-type: none"> ■ Failure to comply with classroom rules; ■ Consistent classroom disruption; ■ Disruption of instruction or other school activities or operations; ■ Dress and grooming code violations; ■ Safety rule violations; ■ Disrespectful behavior towards adults; ■ Inappropriate cell phone or electronic media use; ■ Refusing to give a cell phone to a school personnel; ■ Unexcused or excessive tardiness; ■ Teasing or targeting other students; ■ Aggressive misconduct; ■ Profane language; cursing ■ Derogatory statements, name-calling, and/or offensive language relating to ethnicity, racial, or gender slurs; ■ Bus misconduct; ■ Cheating or copying the work of another; ■ Computer system violations; ■ Falsifying school records; ■ Loitering; ■ Scuffling; ■ Slap boxing; 	<ul style="list-style-type: none"> ■ Verbal Correction ■ Classroom self-management techniques ■ Cooling-off time or "time-out" ■ Assigned seating during lunch ■ Voluntary peer mediation ■ Counseling ■ Restriction of privileges such as participation in school-sponsored activities, clubs, and/or organizations. ■ Restorative practices; ■ Educational lessons/trainings; ■ Behavior Improvement Plan; ■ School-related assigned tasks or duties; ■ Community service; ■ Loss or restriction of privileges (<i>e.g.</i>, including, but limited to eligibility to hold special school related positions/titles, exemption from exams, dress down, classroom incentive parties, school dances and program participation, etc.); ■ Loss or restriction of participation in sports and extracurricular activities, including removal and/or suspension; ■ Temporary confiscation of items that disrupt the educational process; ■ Parent/guardian classroom observation; ■ Parent/guardian conference with teacher or campus administration ■ Teacher removal or referral to campus office ■ In-School Suspension

LEVEL II - OFFENSES	LEVEL II - DISCIPLINARY ACTIONS
<ul style="list-style-type: none"> ■ Consistent Level I Violations ■ Failure to comply with the Scholar and Parent Handbook or other school and district policies; ■ Fighting; ■ Bullying (including cyberbullying); ■ Leaving the classroom, school building, mandatory school activities/events, or adult supervision without permission; ■ Skipping a class period or other mandatory activity, in whole or in part, without permission; ■ Violation of district policies or rules related to the use of electronic media, including personal or school-owned electronic devices (<i>e.g.</i>, cell phones, tablets, game systems, computers, cameras), or the district's network or Internet connection; ■ Truancy or other failure to attend school without excuse; ■ Defacing, destroying or otherwise modifying school property without authorization; ■ Taking photographs or making video or audio recordings of students, employees, or other persons without the consent of the other person; during school hours for all school functions on school property; ■ Slander of school staff; ■ Soliciting or attempting to solicit another student to violate the Code, School policies and rules, or the law; ■ Failing to follow school directives and classroom rules and expectations; ■ Disobeying rules and expectations regarding school transportation; ■ Inappropriate or unauthorized use of school property, including posting literature or materials without district authorization; ■ Throwing objects that may cause bodily injury; ■ Taking steps toward violation of the <i>Code</i> even if the act is not completed, as determined by the appropriate School administrator; 	<ul style="list-style-type: none"> ■ Any Level I disciplinary actions deemed appropriate to the Level II offense; ■ In-School Suspension ■ Out-of-School Suspension

LEVEL III - OFFENSES	LEVEL III - DISCIPLINARY ACTIONS
<ul style="list-style-type: none"> ■ Consistent Level I and II Violations ■ Violent, illegal, and other serious behaviors (refer to page 7); ■ Discretionary Expellable Offenses (page 18); ■ Mandatory Expellable Offenses (page 19). 	<ul style="list-style-type: none"> ■ Out-of-School Suspension ■ Expulsion

One or more of the above disciplinary actions may be issued to a student found to have violated the Code. **If the Code does not specify the appropriate disciplinary consequence for a particular type of student conduct, the School may issue whatever disciplinary consequence is deemed reasonable and appropriate, with the exception of expulsion.** A teacher may have additional rules and consequences for student conduct in the classroom which may result in discipline under this Code or may be enforced in addition to any discipline issued under this Code.

If a student withdraws from the School before completing assigned Out-of- School Suspension or Expulsion, the School shall send documentation of the discipline to the next school that enrolls the student. If a student withdraws from the School before the expulsion process is completed, the School may choose to complete the expulsion process and send documentation of the expulsion decision to the next school that enrolls the student. If the student returns to enroll in the School at a later date and has not been required to complete the disciplinary consequences previously required, the School may require the student to complete the discipline upon return.

The Code shall be applied and enforced consistently and equitably among students, with the understanding that every disciplinary situation will differ, and decisions will be made based on the individual facts and circumstances of a given situation.

IN-SCHOOL SUSPENSION

A student may be assigned to one or more sessions of In-School Suspension (ISS) for engaging in prohibited conduct under this Code. The student's parent or guardian will be notified by phone and in writing of the student's conduct and the length of the ISS assignment. ISS will be held during the instructional day. Therefore, this will require the student to report to the ISS room for all or part of the school day(s). While in ISS, the student will be provided the appropriate class assignments and will be expected to complete those assignments by the end of the day as if the student were in the regular classroom.

OUT-OF-SCHOOL SUSPENSION

A student may be suspended for one or more school days for engaging in prohibited conduct under this Code. In accordance with TEC 37.005, under no circumstance may an OSS assignment exceed three days. If a student receives an OSS for a partial day, that partial day is considered one of the three total allowable OSS days. The student's parent or guardian will be notified by phone and in writing of the student's conduct and the length of the period of suspension.

During a period of suspension, the suspended student may not enter onto school property or participate in or attend school-sponsored or school-related events or activities. The student's teachers will provide assignments that the student will be expected to complete during the period of suspension. Student assignments or other class work completed during a period of suspension will be accepted for grading if completed in a timely manner.

REASONS FOR EXPULSION

A student may be expelled from the School if he or she is found to have committed any of the Level III Offenses listed below while on school premises, or school-sponsored or school-related events or activities, or off school property under the jurisdiction of TEA or the District:

Discretionary Expellable Offenses:

- Bullying; Cyberbullying (regardless of location)
- Video or audio recording of students or employees for disruptive purposes
- Vandalism/criminal mischief (not a felony)
- Stealing; theft
- Public lewdness or indecent exposure
- Threats (on students and district personnel)
- The use, exhibition, or possession of the following:
 - Knife that's not illegal (pocket knife, razorblade, box cutter, etc.)
 - A look-alike toy gun
 - BB/pellet gun or stun gun
 - Brass knuckles
 - A club
 - Mace or pepper spray
 - Any item utilized as a weapon that can cause physical/bodily harm
- The possession, intent to deliver or give, use, or under the influence of the following:
 - Over-the-counter drugs
 - Tobacco products, electronic cigarette; vapor pens, etc.
 - Marijuana (less than 2 ounces)
 - Alcohol
- Frequent violations of this Code that causes significant disruption to the school environment and substantial interference with the instructional process
- Other Serious Offenses:

Mandatory Expellable Offenses:

- Bullying; cyberbullying (regardless of location) that encourages a student to commit or attempt suicide or incites violence against a student
- Harassment or retaliation
- Violent conduct that contains the elements of the following offenses within the Texas Penal Code (regardless of location):
 - Aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, or continuous sexual abuse of a child or children;
 - Assault against another student, an employee, or a volunteer of the School;
 - Deadly conduct;
 - A Title V Felony under the Penal Code.
- The use, exhibition, or possession of the following prohibited weapons:
 - Firearm (including starter gun)
 - Illegal knife (a blade more than 5 ½ inches in length)
- The possession, intent to deliver or give, use, or under the influence of a controlled substance that are punishable as a felony:
 - Marijuana (2 ounces or more)
 - Heroin
 - Cocaine
 - Cheese
 - Methamphetamine
 - LSD (lysergic acid diethylamide)
- Major School Disruptions:
 - False alarm or report of terrorist threat involving a public school
 - Breach of computer security
 - An offense related to an abusable volatile chemical
 - Public lewdness or indecent exposure
 - Felony criminal mischief

EXPULSION PROCESS

If the school administrator or administrator's designee determines that the student's conduct warrants expulsion, the administrator shall provide written notice to the parent, guardian, or adult student of the proposed expulsion of the student. The written notice shall also include the reason(s) for the proposed expulsion and the date, time, location and procedure for the expulsion hearing. The student is entitled to a hearing with the campus administrator during which the student and/or the student's representative (*e.g.*, parent, guardian, attorney, other) will have the opportunity to review and present evidence and information. (TEC 37.007). The campus administrator may place reasonable restrictions on the conduct of the hearing, including the length of the presentations.

At the end of the hearing, the campus administrator may issue a decision immediately or may wait until a later date to communicate a decision. The administrator shall call/phone and will send written communication of the decision to the parent, guardian or adult student. If the administrator determines that expulsion is appropriate, the written decision ("Expulsion Order") shall include the length of the term of expulsion.

The parent, guardian or adult student may choose to **voluntarily** waive the right to an expulsion hearing by signing a hearing waiver form provided with the notice of proposed expulsion. If the hearing is waived, the administrator will review the relevant evidence and issue a written decision to the parent as described above.

The School will notify the independent school district in which the student resides of the student's expulsion within three business days of the Expulsion Order.

TERMS OF EXPULSION

The period of expulsion may be determined by many factors, including the severity of the conduct and the existence of a continuing risk of harm to other students and employees if the student were allowed to return. An expulsion may be temporary or permanent. A temporary expulsion may range in length from 4 school days to one calendar year. A permanent expulsion allows the School to deny future admission to the student based on consideration of the student's past disciplinary history. In each instance, the **Expulsion Order** must explain the circumstances which justify the length of the expulsion.

A student expelled from the School is eligible to apply for readmission to the school upon expiration of the expulsion period. However, the student will need to reapply to the school in accordance with the school's admission policies and timelines. A formerly expelled student who applies for readmission to the school during the school year will be added at the end of the waiting list for the grade sought based on the date the application was received.

During a period of expulsion, the student is **prohibited** from entering onto any school property and attending any school-sponsored or school-related events. Failure to comply with this prohibition will result in the filing of criminal trespass charges against the student. Except as otherwise required by law, students will not receive educational services or receive course credits during a period of expulsion.

DISCIPLINE APPEAL PROCESS

With the exception of expulsions, student discipline decisions at the campus level are **final and not appealable**. A parent, legal guardian, or adult student may **appeal an expulsion decision** by filing a written appeal with the Superintendent within **5 business days** of the date of the Expulsion Order. The Superintendent or Superintendent's designee will review the record of the expulsion proceedings at the campus level, along with any other relevant information, and will issue a written decision to the appealing party within 10 business days of receiving the request for review.

If the appealing party is not satisfied with the decision of the Superintendent or Superintendent's designee, he or she may appeal that decision to the A. W. Brown Leadership Academy Board of Directors by filing a request for review with the Superintendent's office within **5 business days** of the date of the decision. The Superintendent shall notify the A. W. Brown Leadership Academy Board of Directors President and arrange for the A. W. Brown Leadership Academy Board of Directors to hear the complaints of the appealing party at the next available board meeting. The Superintendent shall notify the appealing party of the location, date and time of the hearing in front of the A. W. Brown Leadership Academy Board of Directors. The decision of the governing body is **final and not appealable**. **An expulsion action will not be delayed during the appeal process.**

TRUANCY

State law requires students age 6 – 19 years of age to attend school each day that instruction is provided. Compulsory attendance also applies to students who are younger than 6 who have previously been enrolled in first grade and to students below age of 6 who are voluntarily enrolled in pre-kindergarten or kindergarten. The School enforces the compulsory attendance laws by ensuring the regular attendance of currently enrolled students through the application of truancy prevention measures.

In 2015, Texas legislation removed the criminal offense of failure to attend school from the Texas Education Code. Instead, districts are expected to address student truancy by implementing prevention measures, identifying circumstances contributing to a student’s unexcused absences, and taking specific action.

A student’s absence is excused if the absence is specifically authorized by School policy or rule, or is otherwise approved by the campus administrator. Any absence that is not excused shall be considered an “unexcused” absence. A student will be considered “truant” if the student fails to attend school, without excuse, on 10 or more days or parts of days within a six-month period in the same school year.

The School will provide written notice to parents if their student has incurred three unexcused absences (including partial day absences) in a four week period, and will begin the implementation of truancy prevention measures, which shall include one of the following:

- The creation of a behavior improvement plan that includes a specific description of required or prohibited behavior, the period of the plan’s effectiveness (not to exceed 45 days), and penalties for additional absences;
- School-based community service; or
- Referral to counseling, mentoring, community-based services, or other services to address the student’s truancy.

BULLYING

Bullying/Cyberbullying is strictly prohibited and A. W. Brown Leadership Academy may implement a variety of different techniques both educational and disciplinary in nature in order to eliminate bullying students.

Students may face disciplinary consequences for bullying conduct that:

1. Occurs on or is delivered to school property or the site of a school-related activity that takes place on or off school property;
2. Occurs on a public 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;
3. Or is considered cyberbullying that occurs off school property or outside of a school-related activity but interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-related activity.

Any student who is found to engage in any type of bullying behavior after the investigation **may be expelled** from A. W. Brown Leadership Academy. Any student who, after an investigation, is found to be a victim of bullying and used reasonable self-defense in response to the bullying **will not** be subject to disciplinary action on the basis of the student's reasonable use of self-defense.

Students are encouraged to report an alleged incident of bullying **immediately** to any teacher, counselor, principal, or other campus employee. Reports may be made orally or in writing, and reports may be made anonymously. Students or parents may contact A. W. Brown Leadership Academy to obtain a form that may be used to submit the report, but use of a form is not required to make a report. Refer to A. W. Brown Leadership Academy bullying policy in the student handbook or campus administration for additional information. No student or other person shall retaliate against any other student or other person who reports bullying. The school will promptly launch an investigation into the reported incident pursuant to A. W. Brown Leadership Academy bullying prevention policy.

The campus principal or a designated staff member may report acts of bullying that constitute assault or harassment to the local law enforcement office.

DEFINITIONS

The following definitions are provided to further detail and define the terms of this Code. The A. W. Brown Leadership Academy Board of Directors shall have final authority to interpret or amend any terms or provisions within this Code.

Abusable Volatile Chemicals- Those substances as defined in Texas Health and Safety Code § 485.001.

Alcoholic- Any beverage containing more than one-half of one percent of alcohol by volume, that is capable of use for beverage purposes either alone or when diluted. Beer, ale, malt liquor, and liquor are all alcoholic beverages as defined in Texas Alcoholic Beverage Code § 1.04.

Aggravated Assault- Causes serious bodily injury to another; uses or exhibits a deadly weapon during the commission of the assault. (Penal Code 22.02)

Arson- The willful burning or attempt to maliciously burn a structure.

Assault- Intentionally, knowingly, or recklessly causing bodily injury to another person; intentionally or knowingly threatening another with imminent bodily injury.

Behavior- The way a person act or conduct themselves

Behavior Contract- A written agreement between a student and a school personnel where the student agrees to meet specific behavioral expectations. The parent/guardian can also be a party in the agreement.

Breach of Computer Security- Conduct that contains the elements of breach of security if the student accesses a District network or system and the student knowingly alters, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

Bullying- 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 through electronic means, or physical conduct that satisfies the applicability requirements below and that:

- a. 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;
- b. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- c. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- d. Infringes on the rights of the victim at school.

Bullying includes cyberbullying.

***Cyberbullying-** Bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera,

electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool. Cyberbullying includes conduct that occurs off school property or outside of a school-sponsored or school-related activity if it interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-related activity.

Bus Misconduct- Includes, but is not limited to the following:

- a. failure to remain seated when the bus is moving or when directed;
- b. failure to wear a seat belt when directed (if the bus is equipped with seat belts);
- c. extending any part of a student's body, clothing, or any other article outside a bus window;
- d. failure to remain in an assigned seat directed by school personnel.

Class Disruption- (Texas Education Code Sec. 37.124) Disrupting the conduct of classes or other school activities including:

- a. emitting noise of an intensity that prevents or hinders classroom instruction;
- b. enticing or attempting to entice a student away from class or other school activities that the student is required to attend;
- c. preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend;
- d. entering a classroom without the consent of either the teacher or the principal; and through either acts of misconduct or the use of loud or profane language, disrupting class activities.

Copying- The action of reproducing the schoolwork of another person with the intent to represent it as one's own.

Criminal Mischief- Elements of criminal mischief constituting a felony

Club- 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.

Controlled Substance- Substances as defined in Chapter 481 of the Texas Health & Safety Code or 21 U.S.C. § 801 et seq.

Deadly Conduct- Recklessly engaging in conduct that places another in imminent danger of serious bodily injury or knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

Defacing School Property- destroying or damaging school property, including buses, whether during or after school hours, or vacation time.

Discretionary- something that is to be determined or regulated by a designated decision-maker.

Disrespect of School Personnel- The act of putting someone down, trying to make them feel low, treating someone in a horrible manner, a hurtful act that is both rude and ignorant towards another person's feelings. Examples of disrespectful behavior are talking back, refusing to identify oneself properly, rude behavior, name-calling, and challenging authority.

Exhibition- A person intentionally exhibits, uses, or threatens to exhibit

Expulsion- The most severe consequence of a student's misbehavior at school, on school property, or at school-sponsored or school-related events or activities.

Electronic Cigarette- An electronic cigarette/cartridge or other device that stimulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device.

Electronic Media- Refers to all forms, kinds, and types of electronic devices, communication systems, networks, software, websites, and any other technology resources including, but not limited to, social media, text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing or file-sharing Web sites, cellular telephones, portable electronic devices, computers.

False Alarm or Report- Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be false or baseless and that would ordinarily: (1) cause action by an official or volunteer agency organized to deal with emergencies; (2) place a person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation of a building, room, or place of assembly.

Fighting- Two or more students who choose to mutually engage in physical combat using blows or force to strive to overcome the other student.

Firearm (federal)- 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 silencer, or any destructive device, such as an explosive, incendiary, or poison gas bomb, or grenade.

Firearm (state)- Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

Gambling- Betting money or any other item of value on the outcome of any event, game, or contest.

Gang- An organization, combination, or association of persons composed wholly or in part of students that: (1) seeks to perpetuate itself by taking in additional members on the basis of the decision of the membership rather than on the free choice of the individual, or (2) that engages in illegal and/or violent activities. In identifying gangs and associated gang attire, signs, or symbols, the School will consult with law enforcement authorities.

Harassment- Threatening to cause harm or bodily injury to another, engaging in sexually intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's physical or emotional health or safety, alone or in combination with other conduct prohibited by School policy, rules or the Code.

Hazing- Any act, occurring on or off campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization or group. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

Illegal Knife- Unlawful carrying of an illegal knife under Penal Code 46.02 – TEC 37.007; A knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.

Indecent Exposure- A person commits an offense if he/she exposes his/her anus or any part of his/her genitals with intent to arouse or gratify the sexual desire of any person; and he/she is reckless about whether another is present who will be offended or alarmed by his/her act.

Inhalant Abuse of a volatile chemical- A student who inhales, ingests, applies, uses, or possesses glue, aerosol paint, or volatile chemical with intent to inhale, ingest, apply, or use it in a manner contrary to directions for use.

Intimate Visual Material- visual material that depicts a person's intimate parts exposed; or engaged in sexual conduct.

Knuckles- 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.

Loitering- Lingering about the school premises in an aimless fashion.

Major Disruptive School Behavior- Behavior involving a student, alone or in concert with others that intentionally, and physically interrupts the school environment; obstructing movement of the overall campus that may result in displacement of students and or school operations; or student behavior that would require a Texas Peace Officer or district security personnel to use force to discontinue the disruptive behavior.

Mandatory- Something is obligatory or required because of an authority.

Misbehavior- Behavior that is contrary to the expectations stated in the Student Code of Conduct and/or behavior that prevents the teacher from carrying out the teaching process.

Offense- An act of misbehavior as defined in the Student Code of Conduct or implied.

Paraphernalia- Any article or device used or intended for use to inject, ingest, inhale, or otherwise introduce marijuana, a controlled substance, or a dangerous drug into the human body, including but not limited to roach clips, rolling papers, needles, baggies with residue, razor blades, bong and pipes.

Peer Mediation- Peer-to-peer resolution of conflict using good communication skills.

Possession- Shall constitute the intentional, knowing or reckless carrying of “a substance or item” on or about the person, whether or not such “substance or item” is actually found on the student, provided that there are reliable witnesses or other corroborating evidence that the student was previously in possession. Possession shall include a “substance or item” found on the premises, or within 300 feet of school property if located in any vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or in the student’s personal property, such as the student’s clothing, purse, or backpack; or any other school property used by the student, such as a locker or desk.

Profanity- Using language that is outside the standards of acceptable language of the majority of persons in the community; cursing and vulgar words and phrases are examples of profanity.

Prohibited Item- Includes but is not limited to:

- a. alcoholic beverages, marijuana, controlled substances, or dangerous drugs;
- b. paraphernalia;
- c. prohibited weapons;
- d. any other item prohibited by this Code.

Prohibited Weapons- Includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, switchblade knife, taser, or zip gun.

Reassignment of Classes- The removal of a student for persistent misbehavior from his/her assigned classroom to another class on the same campus. To the extent possible, the student should continue to receive instruction in the courses he/she was enrolled.

Retaliation- Knowingly, willingly, or recklessly causing harm or threatening to harm another on account of their service as a school district employee or volunteer, to prevent or delay another’s service to the School, or because the person intends to report a crime or violation of this Code.

School Property- Any property owned by the school district or over which the school district or its personnel exert lawful authority and that may include property visited by students in connection with school-sponsored activity such as field trips or extracurricular activity.

Scuffling- Engaged in a short tussle in close quarters.

Self-defense- The use of force against another to the degree that a person reasonably believes the force is immediately necessary to protect himself or herself. Such reasonable belief shall be based on the applicable mitigating factors established in the Student Code of Conduct.

Serious Bodily Injury- Defined in Section 1365(h)(3) of Title 18, U.S. Code to mean a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of the bodily member, organ, mental faculty.

Sexual Harassment- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering

with a student's performance by creating an intimidating, hostile, or offensive educational environment.

Slap Boxing- A physical activity somewhat simulating boxing, where open-handed slaps are used instead of fists.

Soliciting- Requesting, commanding, or attempting to induce another student to engage in specific conduct that would constitute a violation of the Code, and with the intent that a violation of the Student Code of Conduct be committed.

Short-barrel Firearm- 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 if, as altered, it has an overall length of less than 26 inches.

Switchblade Knife- Any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or other device located on the handle or opens or releases a blade from the handle or sheath by the force of gravity or centrifugal force.

Terroristic Threat- Threats to commit an offense involving violence to any person or property with intent to: (1) cause a reaction by an official or volunteer agency organized to deal with emergencies; (2) place any person in fear of imminent serious bodily injury; (3) prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place; (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; (5) place the public or a substantial group of the public in fear of serious bodily injury; or (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the School).

Theft- Unauthorized possession and/or sale of the property of another without the consent of the owner.

Title 5 Felony Offenses- Offenses against the person that, depending on the circumstances, may include the following offenses under the Penal Code: murder; capital murder; transport; assault; aggravated assault; sexual assault; aggravated sexual assault; improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; improper photography or visual recording; coercing, soliciting, or inducing gang membership; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; continuous sexual abuse of a young child or children; and tampering with a consumer product.

Under the Influence - When in an employee's professional judgment, the student does not have the normal use of mental or physical faculties likely attributable to the student's use of marijuana, a controlled substance, dangerous drug, or alcoholic beverage. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use or other abnormal or erratic behavior. The student need not be legally intoxicated.

Use- With respect to substances, voluntarily injecting, ingesting, inhaling, or otherwise introducing a prohibited substance into the body. With respect to objects or devices, putting into action or service or carrying out an action or purpose with the object or device.

Vandalism- Willful action that results in destruction, damage, or defacement of property belonging to or rented by the District. This includes graffiti.

Weapons- Instruments used to cause bodily harm.

Zip Gun- A device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.



STUDENT CODE OF CONDUCT
ACKNOWLEDGEMENT FORM
2023 – 2024

The *Student Code of Conduct* has been written to help your son or daughter gain the greatest possible benefit from his or her school experience here at A.W Brown Leadership Academy. However, the district is in need of your assistance and cooperation to attain this goal. It is important that every student read and understand the *Code* with your child. When you have done so, you and your child must sign this form and return it to the school. Signatures of parents and the student acknowledge receipt of a copy of the *Student Code of Conduct* and certify that they have read and discussed the *Code*. It is expected that parents and students accept their responsibilities as described in the AWBLA *Student Code of Conduct*.

Student Name (Print)

Date

School Campus

Homeroom Section

Parent/Guardian Name (Print)

Relation to Student

Parent Signature

Date