

# NORTHWEST PREPARATORY ACADEMY CHARTER SCHOOL



## DISCIPLINE MANAGEMENT PLAN 2012-2013

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# DISCIPLINE MANAGEMENT PLAN

Each member of the Northwest Preparatory Academy Charter School community has a role to play in creating a safe, orderly and nurturing environment that is conducive to learning. The various roles that accompany each are outlined on the following pages.

Classification of School Personnel Who Have the Authority to:

1. Assess and implement the campus discipline management plan – Campus administrator and Dean of Students
2. Suspend a student for disciplinary infractions – Campus administrator and Dean of Students
3. Expel a student for disciplinary infractions – Campus administrator or superintendent’s designee.

## RESPONSIBILITIES OF THE ADMINISTRATORS, TEACHERS, PARENTS AND STUDENTS IN THE DISCIPLINE MANAGEMENT PLAN

### **Administrators have the responsibility to:**

- Ensure and effective instructional program for all students under their jurisdiction
- Develop guidelines for student discipline
- Attempt to solve school-related problems or conflicts of students, staff and parents
- Develop and maintain a plan to provide for the safety and welfare of both students and faculty
- Develop and maintain communication and rapport with students and staff to ensure a cooperative working relationship
- Develop a plan which results in the notification of parents regarding student progress in achievement and/or behavior
- Assume responsibility and instructional leadership for discipline and for evaluation of the discipline management plan
- Exhibit an attitude of respect toward students, parents and citizens
- Promote effective training and discipline based on fair and impartial treatment of all students
- Provide appropriate support for teachers in dealing with student discipline problems sent to the office
- Encourage parent communication with the school, including participation in required parent conferences
- Serve as an appropriate role model for the students in accordance with the standards of the profession
- Adhere to the procedures set forth in school policies and this plan

\*For the purposes of this document, the term “parent” is used to designate a natural and adoptive parent, guardian, or a person legally acting in a parental relationship to a child, or a surrogate parent who has been appointed by the school to act on behalf of a child in accordance to Public Law 94-142.

### **Teachers have the responsibility to:**

- Prepare and implement lesson plans and learning activities which provide an effective educational program for each student
- Maintain an orderly classroom atmosphere conducive to learning
- Deal with discipline problems reasonably and without provocation
- Notify parents of their child’s progress and any significant changes in their achievement and/or behavior
- Be knowledgeable about the campus discipline plan content and implement the plan within classroom, halls, cafeteria and grounds
- Be in regular attendance and on time, and be prepared to perform duties with appropriate working materials

- Develop classroom management skills through Advanced Academic Training (AAT), in-service compensatory activities, and local in-service activities
- Teach students to strive toward self-discipline
- Serve as appropriate role models for their self-discipline
- Serve as appropriate role models for their students, in accordance with the standards of the teaching profession
- Comply with school policies, rules, regulations and directives

**The parents or guardians have the responsibility to:**

- Establish and maintain in the home a positive attitude toward education
- Show an active interest in the child’s school work, conduct and progress through regular communication with the school
- Bring to the attention of school authorities any problem/condition which affects their child
- Keep their child out of school when the child is obviously ill
- Provide their child with the necessary resources needed to complete classroom assignments
- Ensure that their child is appropriately dressed at school and at school sponsored events and activities
- Discuss report cards and work assignments with their child
- Confer with the teacher if their child receives an “F” in any academic subject or an unsatisfactory conduct grade
- Provide an appropriate place and time for study in the home
- Encourage proper study habits at home
- Ensure their child’s compliance with school attendance requirements and provide reasons for their child’s absence by written notes
- Provide up-to-date home, work and emergency telephone numbers and other pertinent information to the school
- Pay for any property damage caused by the student
- Participate in parent-school organizations
- Attend parent training workshops on a voluntary basis or when requested
- Become familiar with and discuss the Student Code of Conduct, the school rules and the classroom rules with their child
- Submit annually a signed statement indicating they understand the responsibilities outlined in this section

**The student has the responsibility to:**

- Pursue and attempt to master the academic requirements as established by the school and state
- Attend school daily and be on time to all classes, except when excused according to school guidelines
- Be prepared for class by handing in appropriate materials and assignments
- Be properly attired in accordance with the school’s standards
- Exhibit an attitude of respect toward individuals and property, and conduct oneself in a responsible manner
- Refrain from making profane, insulting, threatening or inflammatory remarks, engaging in disruptive conduct or cheating
- Seek help from school personnel when having school or personal problems
- Follow all rules established by the state, the school and the teacher
- Exhibit responsible behavior in school and at all school sponsored activities
- Follow approved channels in an orderly and responsible manner when seeking changes in school policies and regulations

## **Procedures For Required Parent-Teacher Conferences**

One or more conferences during the school year will be required between a teacher and the parents of a student if the student is not maintaining passing grades or achieving the expected level of performance or presents some other problems to the teacher or in any other case the teacher considers necessary.

A teacher or other school employee shall attempt to conduct these conferences face-to-face, but where impractical, may conduct them by telephone. If these methods fail, the conference may be by letter. The school shall document its attempts to schedule and conduct required parental conferences.

Teachers or other school employees may request a conference with the student's parent(s) whenever the teacher or employee perceives the need for parental cooperation in enforcing the Student Code of Conduct.

## **Involvement Of Parents In Training Workshops For Home Reinforcement Of Student Skills And Specific Curriculum Objectives**

All parents, especially parents of students exhibiting persistently unacceptable behavior, will be requested to attend parent training seminars. The seminars may be offered not less than once in the fall and once in the spring. Seminar content is to be planned by a committee of teachers and administrators.

Parent training covering study skills and specific curriculum objectives will be provided once a semester.

## HB383

This bill amends the section of rights and duties of a parent to provide that the only persons who may use corporal punishment for the discipline of a child are a parent, guardian, step-parent who has duty of control and reasonable discipline of the child, or guardian who has duty of control and reasonable discipline of the child.

### **Behavioral Response to Intervention (RtI)**

The implementation of Behavioral Response to Intervention (RtI) has been added to the continuum of student support services for students during academic year at Northwest Preparatory Academy.

Behavioral RtI serves as a support system to get the appropriate interventions to the right students as early as possible. This is especially true for students who are identified earlier than others as being at-risk for behavioral problems. It can also be used as the cornerstone for eligibility determination for Emotional Disturbance in that non-responsiveness to three tiers of interventions implemented with fidelity may provide evidence of the need for specialized instruction, i.e., special education, to meet these students social behavior needs.

### **CHAMPS and PAWS**

Northwest Preparatory utilizes the CHAMPS: Positive and Proactive Approach by Safe and Civil Schools as its Campus-wide Discipline Management System. The program, developed by Dr. Randy Sprick, purports the use of positive, clearly defined expectations as the basis for garnering appropriate student behavior in various common and specific areas of the school environment. With effective and consistent implementation of the CHAMPS Program suggests that 85-90% of the student population should have behavioral success.

#### Guidelines for Student Success:

##### CHAMPS

C: Conversation  
H: Help  
A: Activity  
M: Movement  
P: Participation  
S: Success

##### PAWS

P: Participate Actively  
A: Act Responsibly  
W: Work willingly and wisely  
S: Strive for Success

Using the CHAMPS acronyms, students learn expectations for behavior in every school related situation. By teaching expectations, the student has an increased opportunity for success in the school setting.

### **Student Support Team (SST)**

Even after establishing a positive classroom environment with clear behavioral expectations, one or more students may still behave inappropriately. In such cases, the teacher may desire to explore additional behavioral or academic interventions that may help the student(s) to be more responsible. The role of school's Student Support Team (SST) is to assist in this effort.

The SST will include the teacher dealing with the problem, lead teachers, and the Campus administrators and other personnel (as needed) to review concerns. The SST will meet within three days. Meetings will follow a prescribed format and will be limited to 25 minutes in length.

## **Students**

Students at the school will take pride in their effort to follow the school's motto, "Preparing Children Today for Tomorrow". Throughout the day, students will practice the school's Keys to Success, cultivating the virtues embodied therein. In the classroom, students will follow the teacher's rules for group instruction, which will be articulated for each activity.

## **Parents/Guardians**

As customers of the Northwest Preparatory Academy Charter School, the role of the parent/guardian is to participate fully in the education of their children. The support and cooperation of parents/guardians are vital to helping each student reach their full potential. First and foremost, parents/guardians will be expected to support the academic learning of their children by maintaining high expectations for both the students and the school. The major role of parents/guardians with regard to discipline and character education at the school is to demonstrate consistent interest in the children's progress as school and support for the children's best efforts. Parental support provides an enormous incentive for children to strive for excellence. Parent/guardian will be kept informed of students' efforts through conferences, bi-monthly progress reports, report cards, phone calls, and notes.

Parents/guardians may be asked to help teach their child specific skills, such as remembering homework, learning to be more independent, or managing anger in a mature way. If parents/guardians are asked to assist staff, specific information will be provided on ways to help the student.

If there is a severe or recurring problem, parents/guardians will be asked to help staff teach the student an alternative set of behaviors. In such cases, it is important to recognize that teaching a student to behave appropriately as a contributing member of the school community will enable him or her to succeed in elementary, middle school and high school. By working together, parents/guardians and staff can help the student acquire the skills that will increase opportunities for success throughout life. Failure to comply with the specifics of the school's plan for teaching appropriate behavior may result in the student's suspension or expulsion.

Parents/guardians who have concerns about their child's adjustment to the school or any aspect of the school's program and policies will be asked to discuss their concerns first with their child's teacher. Every teacher at the school will be prepared to work with parents/guardians and will respond to parental concerns appropriately and expeditiously. The school's Administration will also be available if there are issues that exceed the scope of a parent-teacher conference.

# **COMPREHENSIVE BEHAVIOR MANAGEMENT SYSTEM**

## **Campus Discipline**

The campus discipline person at Northwest Preparatory Academy Charter School (NWPA) will be the Campus administrator or designee. These duties consist of, but are not limited to:

- The implementation of a Comprehensive Behavior Management System
- Providing in-service and workshops for faculty and staff
- Providing a minimum of two workshops annually for parents/guardians on the Comprehensive Behavior Management System
- Student Removals
- Student Suspensions
- Student Expulsions

## **Jurisdiction**

The School has jurisdiction over its students during the regular school day and while going to and from school on School transportation. Within the School's jurisdiction any activity during the school day on school grounds, attendance at any school-related activity, regardless of time or location, and any school-related misconduct, regardless of time or location. The School's jurisdiction also includes any student whose conduct at any time and in any place interferes with or obstructs the mission of operations of the School or the safety or welfare of students or staff members.

# CODE OF STUDENT CONDUCT

The *Code of Student Conduct* provides a description of a broad range of behavior considered to be student misconduct. The behavior described should be viewed as representative of the misconduct that most frequently causes a disruption to the orderly educational process. The acts of misconduct listed in Levels I, II, III, and IV are not inclusive. The student who commits an act of misconduct that may be classified into any of the four levels will be subject to disciplinary action by the classroom teacher, campus administrator.

## When and Where These Rules Apply

The policies and administrative procedures concerning student conduct apply to actions of students on school property and school buses and, in some cases, for conduct occurring off of school property or within 300 feet of school property. Additionally, the rules apply to actions of students at all school-sponsored or school-related activities or events, such as field trips, sporting events, stadium assemblies, fairs, or evening school-related activities. Students should be aware that the commission of any felony offense, whether at school or away from school, may result in expulsion. Finally, students should be aware that administrators who are made aware of criminal activity whether on or off of campus will make a report to appropriate law enforcement agencies and that, in addition to these administrative rules, students may be subject to criminal charges for violations of the law.

When administering discipline, School personnel shall adhere to the following general guidelines:

1. Discipline shall be administered when necessary to protect students, school employees, or property and to maintain essential order and discipline.

## General Guidelines for Assessing Discipline Management

2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case and may include such factors as:
  - a. seriousness of the offense
  - b. student's age
  - c. frequency of misconduct
  - d. student's attitude
  - e. potential effect of the misconduct on the school environment
  - f. state law requirements for certain disciplinary consequences
3. Serious offenses are those that substantially disrupt or materially interfere with the orderly process in the classroom, NWPA transportation, the school, or any school-related activity and may include persistent misbehavior or Level II or higher misconduct. Persistent shall be defined as more than one instance of Level II or higher misconduct. An administrator may find, on the basis of the facts and circumstances of the case, that a Level III offense constitutes a serious offense. Finally, a finding that a student has engaged in any offense listed as an offense under Level IV constitutes a finding that the student has engaged in serious misbehavior.

## Levels of Offenses

Acts of misconduct are categorized into the following four levels of offenses:

### Level I—Violation of Classroom Rules:



- Offenses, which generally occur in the classroom and can be corrected by the teacher.

### **Level II—Administrative Intervention:**

- Offenses that are more serious in nature or a continuance of Level I misconduct.

### **Level III—Suspension:**

- Offenses that seriously disrupt the educational process in the classroom, in the school, and/or at school-related activities, or a continuance of repeated Level I, II, or III misconduct. A finding that a student has engaged in a Level III offense may constitute a serious offense.
- Students who are suspended are not allowed on campus at anytime during the period of suspension.

### **Level IV—Expulsion for Serious Offenses:**

- Offenses that include those for which a student may or shall be expelled under state law. They include continued serious or persistent misbehavior that violates the School's *Code of Student Conduct*. A finding that a student engaged in an offense listed under Level IV constitutes a finding that the student has engaged in serious misbehavior.
- Students who are expelled are not allowed on campus at anytime.

Staff members will use their professional judgment to determine the most effective way to correct student misconduct. Disciplinary actions apply equally to all students, except as provided under Board Policy related to disabled students.

## **General Procedures for Resolving School Problems**

School problems can best be resolved at the campus level, where problems start.

In order to resolve problems, parents, guardians, and/or students can meet with a teacher at appropriate times to discuss existing problems. If the parents, guardians, or students are dissatisfied with the teacher's decision or explanation, they can meet with the campus administrator to review the area of concern. If further assistance is needed, then parents, guardians, or students can meet with the Campus administrator. If further assistance is needed, then parents, guardians, or students can meet with the Superintendent. If the issue was not resolved, then parents, guardians, or students may request a meeting at the next board meeting. (See Northwest Preparatory Charter School's Conflict Resolution Model)

Parents, guardians, and students who want to appeal placement in a disciplinary alternative education program that extends beyond the next grading period, or who want to appeal an expulsion, should refer to the section of the *Code* relating to procedures for appropriate guidance.

## **LEVELS OF STUDENT MISCONDUCT AND DISCIPLINARY OPTIONS**

### **Level I: Violation of Classroom or Transportation Rules**

Each teacher or staff member establishes the rules for the classroom and for school-related activities. The classroom teacher can manage such behavior. The teacher may use any of the disciplinary options listed below in maintaining classroom discipline.

## **Level I Acts of Misconduct May Include Such Behavior as:**

- Violations of rules or procedures established by the teacher
- Cheating or copying the work of other students
- Refusal to participate in classroom activities
- Unexcused tardiness to class
- Failure to bring required classroom materials or assigned work to class
- General misbehavior, such as eating in class, horseplay, making excessive noise, or violating campus dress codes
- Any other act that disrupts the classroom or interrupts the operation of the class
- Failure to deliver or return written communications between home and school
- Disruptive or noncompliant behavior on a school bus
- Failure to protect individual computer-account passwords from disclosure

## **Disciplinary Options/Responses:**

- Oral correction
- Teacher-student conference
- Parent/guardian contact: note or telephone call to parent/guardian
- Student-counselor conference
- Detention (maintained by teacher)
- Other appropriate in-class disciplinary actions
- Restriction of school bus privileges by the bus operator, and/or administrator
- Removal of classroom computer privileges

## **Procedures:**

1. Any staff member who observes a student violating class rules may correct the student.
2. The teacher or staff member on the appropriate form should maintain a record of the offenses and disciplinary actions.
3. The teacher should discuss the misbehavior with the parent/guardian, an administrator, or support personnel.
4. Level I behavior violations and Discipline Options/Responses are not limited to those provided. Serious or repeated violations may result in a more severe response or referral to Level II.

## **Level II: Administrative Intervention**

Some infractions will result in a referral to an administrator. The disciplinary response depends on the offense, previous actions, and the seriousness of the misbehavior. Level II acts of misconduct include those student acts that interfere with the orderly educational process in the classroom or in the school. A teacher who observes a student engaged in Level II or higher misconduct will fill out a discipline/referral form for the campus administrator or other appropriate administrator. The campus administrator will forward a report to the parents/guardians within 24 hours. Level II Acts of Misconduct include such behavior as:

- Repeated violation of classroom or transportation rules under Level I
- Leaving the classroom or school grounds without the permission of school personnel
- Possession of matches or other flammable materials
- Inappropriate display of affection
- Any verbal abuse of others, including name-calling or derogatory statements
- Posting or distributing unauthorized materials on school grounds

- Failure to abide by rules and regulations at extracurricular activities or at co-curricular activities such as field trips
- Loitering in unauthorized areas
- Changing school records or documents or signing parent's/guardian's name on school documents
- Possession of paging devices, including beepers, cellular telephones, electronic pagers, any other types of communication systems or electronic devices

In addition to disciplinary action, possession of paging devices will result in confiscation. The campus administrator or other administrator will notify the parent/guardian and pager company of the serial number and of intent to dispose of the device after 30 days.

- A \$25 administrative fee payable to NWPAA will be charged if the device is claimed within the 30 days. Items not claimed will be maintained in the school's office for disposal at the administration's discretion.
- Cafeteria disturbance
- Violation of a school's mandatory school-uniform policy
- Disruptive behavior on a school bus
- Any other acts that interfere with the orderly educational process in the classroom or the school
- Accessing materials and sites on the Internet that are deemed to be inappropriate by NWPAA
- Sending or forwarding inappropriate e-mail, including e-mail containing offensive language, untruthful statements, junk e-mail, chain letters, or jokes
- Logging on to a computer, sending e-mail, or accessing the Internet using a name or password other than the student's own
- Posting unauthorized Web pages, graphic images, or offensive language or comments on a school server, Web page, or guest book

### **Disciplinary Options/Responses:**

- Parental contact by phone and written notification to parent or guardian within 24 hours
- Required with student and parent/guardian conference
- Detention
- Exclusion from extracurricular activities, such as field trips, and commencement exercises/award ceremonies
- Removal of school transportation privileges
- "Behavior," "behavioral," and/or "conduct" contracts
- Teacher removal of the student from the classroom
- Suspension of transportation privileges
- Any other appropriate disciplinary actions determined by the administration

### **Procedures:**

- Referral to administrator by way of written report not to exceed one page in length
- Administrator confers with student and/or teacher to establish appropriate action
- Written notification is sent to parent/guardian within 24 hours of report. Notification is sent to the teacher indicating action taken.
- The administrator retains discipline Referral Form.
- Level II behavior violations and Discipline Options/ Responses are not limited to those provided.
- Repeated violations shall result in a more severe response and/or referral to Level III.

Certain physical acts against a student by school personnel (such as choking, kicking, punching, pinching, hitting with an inappropriate object, etc.) are not authorized and will be considered as a violation of the corporal-punishment policies.

### **Level III: Suspension**

Level III acts include conduct for which an administrator may suspend the student or place the student into in-school suspension. The campus administrator or other appropriate administrator makes the disciplinary determination on the basis of the severity of the misconduct. The period of the suspension is limited to three days per occurrence.

### **Suspension**

Suspension is limited to three days per occurrence and is authorized for conduct listed below. A decision to suspend a student is final and may not be appealed. A student may be suspended or placed into in-school suspension, for engaging in the following conduct at school or at a school-related event:

- Chronic or repeated disciplinary infractions of Level I and/or Level II offenses
- Fighting
- Gambling
- Misdemeanor stealing/theft of property, including computers and related equipment, in an amount under \$750
- More than one instance of cutting class or other forms of truancy
- Possession of a knife with a blade of less than three inches
- Possession of a knife with a blade of more than three inches but less than five inches and that is reasonably determined not to have been possessed as a weapon
- Persistent disruptive behavior on a school bus
- Smoking, using, or possessing tobacco or tobacco products
- Interfering with school authorities
- Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities. This includes such acts as boycotts, sit-ins, trespassing, and walkouts.
- Failure to comply with reasonable requests of school personnel and/or defiance of the authority of school personnel
- Failure to adhere to terms of behavior contracts
- Indecent/unsolicited sexual proposal/sexual harassment
- Selling or soliciting for sale any merchandise on school campus without the authorization of the campus administrator
- Display of disrespect toward school personnel or campus visitors
- Participation in activities by groups such as gangs and cults
- Wearing dress or attire signifying gang affiliations
- Profanity, vulgar language, or obscene gestures
- Possession or use of fireworks, "poppers," smoke or stink bombs, or any other pyrotechnic device that may be used to disrupt the educational process
- Possession of laser pens or laser pointers
- Possession of live ammunition or bullets
- Any ethnic or racial slurs that seriously disrupt the educational process
- Engaging in threats or other acts of intimidation that interfere with another student's desire or willingness to participate in the educational process
- Misdemeanor criminal mischief (i.e., vandalism) resulting in the destruction or defacing of any property, including computers and related equipment, in an amount greater than \$20 but less than \$1,500. This

includes rendering computers or related equipment inoperable or damaging them by erasing data with magnets; intentionally introducing viruses, worms, or trojans; or tampering with programs or other data without authority.

- "Hacking" or other use of computers to gain unauthorized access to School or other data bases, including student, faculty, or School data files, without permission. In addition to any criminal penalties, students may have their computer privileges suspended.
- Use of school computers, facsimile equipment, or other electronic devices to transmit, receive, view, or display obscene, vulgar, sexually explicit, or racist media or to display information that advocates unlawful activities or provides guidance on the construction or production of weapons, illegal devices, or controlled substances
- Use of the school computer network with the intent to incite violence or aggressive and/or disruptive action on the part of the student body, use of slanderous language, or use of language that promotes racial disorder or sexual harassment and is disruptive to the school environment
- Use of the school computer network for soliciting or purchasing commercial materials and/or services of any kind
- Use of the school computer network to engage in participation in hate groups
- Misdemeanor extortion, which is defined as obtaining money or information from another by coercion or intimidation of a value less than \$1,500
- Possession or use of any prescription or nonprescription drug, medicine, vitamins, or other chemical in violation of the Guidelines for Dispensing Medications at School
- Refusal to cooperate in, or interference with, a random metal-detector safety search
- Any other acts of serious misconduct that disrupt the school environment in the classroom and/or school
- Hazing, which means any intentional, knowing, or reckless act directed against a student by one person alone or acting with others that endangers the mental or physical health or the safety of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization or general classification of students whose members are or include other students
- Assisting (directly or indirectly) with the promotion of any behavior prohibited by this *Code of Student Conduct*

### **Disciplinary Options/Responses:**

- Required conference with student and parent/guardian
- Restitution or restoration, as applicable, for vandalism to property
- Exclusion from extracurricular activities such as field trips and commencement exercises/award ceremonies
- Placement of the student into in-school suspension
- Suspension for up to three school days per occurrence
- Removal of transportation services for up to one year
- Restriction or removal of computer-use privileges for up to one year
- Referral to a School disciplinary alternative education program
- Any other appropriate disciplinary actions determined by the administration

### **Procedures:**

1. Referral to campus administrator by way of discipline referral form, with report sent to the parent/guardian within 24 hours
2. Campus administrator confers with student and parent/guardian about the misconduct. The student is given an opportunity to explain the incident. The campus administrator determines misconduct.
3. Campus administrator decides whether or not to suspend student. Written notice of the offenses and the action taken are given to the parent/guardian and teacher.

4. Repeated violations shall result in a more severe response and/or referral to Level IV.

## **Level IV: Expulsion for Serious Offenses**

Level IV acts of misconduct include serious misbehavior and/or illegal acts that threaten to impair the educational efficiency of the school and/or that most seriously disrupt the orderly educational process in the classroom and/or the school. Under state law, students may be expelled for any violation listed under this section. Expulsion may occur if the Level IV act of misbehavior occurs on school property or at a school-sponsored or school-related activity on or off of school property. Expulsion means removal of a student from school for more than three consecutive school days but not longer than one calendar year.

## **Level IV Acts of Misconduct Include the Following Acts That May Result in Optional or Required Expulsion:**

### **OPTIONAL EXPULSION**

A student may be expelled from the Northwest Preparatory Academy Charter School under Level IV for engaging in the following misconduct while on school property or while attending a school-sponsored or school-related activity on or off of school property:

- (1) Selling, giving, delivering to another person, possessing, using, or being under the influence of marijuana, a controlled drug, or other controlled substances (Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et. seq.)
- (2) Selling, giving, delivering to another person, possessing, using, or being under the influence of a dangerous drug (Chapter 483, Health and Safety Code)
- (3) Selling, giving, delivering to another person, possessing, using, or being under the influence of an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code
- (4) Engaging in conduct that contains the elements of an offense relating to sniffing glue or spray paint, including possession, use, delivery to a minor, or possession of paraphernalia used with abusable glue or spray paint (Sections 485.031 through 485.035, Health and Safety Code)
- (5) Possessing an illegal knife, which is defined under this *Code* as a knife with a blade in excess of three inches but less than five and a half inches and which includes razor blades, utility knives, X-ACTO knives, or other objects that are designed to cut and that are reasonably determined under the circumstances to have been possessed by the student for use as a weapon
- (6) Engaging in assault, which is defined as intentionally, knowingly, or recklessly causing bodily injury to a staff member or volunteer (Section 22.01(a)(1), Penal Code)
- (8) Engaging in conduct involving a public school that contains the elements of the offense of false alarm or report (Section 42.06, Penal Code) or terroristic threat (Section 22.07, Penal Code)

Regardless of whether the offense takes place at a school-related activity, on school property, or away from school, the student may be expelled if:

- (1) The student engages in assault (Section 22.01(a)(1), Penal Code) against a school-School employee or a volunteer as a result of the person's employment or association with the School

(2) The student engages in conduct that contains the elements of criminal mischief (i.e., vandalism) and the destruction of property of an amount greater than \$1,500 or is punishable as a felony. (Section 28.03, Penal Code)

## **REQUIRED EXPULSION**

A student shall be expelled from school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

- Uses, exhibits, or possesses\*\* a firearm, which is defined as 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 (Section 46.01(3), Penal Code)
- Uses, exhibits, or possesses\*\* an illegal knife, which is defined under state law (Section 46.01(6), Penal Code) as a knife with a blade over five and a half inches and which includes things such as hand instruments designed to cut or stab by being thrown (martial-arts stars), a dagger, a bowie knife, a sword, or a spear
- Uses, exhibits, or possesses\*\* a club, which is an instrument that is specially designed to inflict serious bodily injury or death when a person is struck with the instrument and includes a blackjack, nightstick, mace, or tomahawk (Section 46.01 (1), Penal Code)
- Uses, exhibits, or possesses\*\* a weapon listed as a prohibited weapon under Section 46.05, Penal Code. Prohibited weapons are an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, brass knuckles, armor-piercing ammunition, a chemical-dispensing device, or a zip gun.
- Engages in conduct that contains the elements of the offense of:
  - (A) aggravated assault, which includes causing serious bodily injury to another during the commission of an assault or using or exhibiting a deadly weapon during the commission of an assault (Section 22.02, Penal Code) and which may include damage to a person's eye caused by pointing a laser pen or laser device at another
  - (B) sexual assault (Section 22.011, Penal Code)
  - (C) aggravated sexual assault, which includes causing or threatening to cause serious bodily injury to another during the commission of a sexual assault or using or exhibiting a deadly weapon during the commission of a sexual assault (Section 22.021, Penal Code)
  - (D) arson (Section 28.02, Penal Code)
  - (E) murder (Section 19.02, Penal Code)
  - (F) capital murder (Section 19.03, Penal Code) or criminal attempt to commit murder or capital murder (Section 15.01, Penal Code)
  - (G) indecency with a child (Section 21.11, Penal Code)
  - (H) aggravated kidnapping (Section 20.04, Penal Code)

(I) if punishable as a felony, possessing\*\*, using, selling, giving, delivering, or being under the influence of marijuana, a controlled substance, or a dangerous drug or committing a serious act or offense while being under the influence of an alcoholic beverage, but only if the conduct is punishable as a felony

- Brings to school a firearm, as defined by 18 U.S.C. Section 921, that includes any weapon, including a starter pistol, which will or 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. Students violating this section shall be expelled for at least one year except that:

(1) The superintendent may modify the length of the expulsion in the case of an individual student.

(2) The School must expel the student for one year.

(3) Federal law requires the expulsion of any student who brings a firearm to school for a minimum term of one year. State law does not allow students under the age of 10 to be expelled, but it requires that NWPA educate in a DAEP students between the ages of 6 and 10 who commit expellable offenses. State law does not allow students under the age of 6 to be placed in a DAEP. Students under the age of 10 who bring firearms to school shall be expelled for a term of one year, and the term of the expulsion shall be modified in order to allow for their education in an NWPA DAEP for a period of one year. Students under the age of 6 shall be expelled, and the term of the expulsion shall be modified by the superintendent/designee in order to comply with state and federal laws.

- Additionally, a student shall be expelled for engaging in any conduct containing the elements of an offense for which expulsion is required while retaliating against a School employee as a result of the employee's employment with the School, whether it occurs on or off of school property or at a school-related function.

\*\*Possession means actual care, custody, control, or management. A student shall be considered to be in possession of any substance or object prohibited or regulated by this *Code of Student Conduct* if the substance or object is: (1) on the student's person or in the student's personal property, such as the student's clothing, purse, book bag, or briefcase; (2) in any private vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) in any school property used by the student, such as a locker or desk.

### **Disciplinary Options/Responses Under Optional Expulsion:**

- Notification and investigation by NWPA Administration and/or the Houston Police Department. If a decision is made by the police department to transport the student, the administrator should normally contact the parents or guardians within one hour.
- Required administrator/parent or guardian/student conferences
- Exclusion from extracurricular activities including field trips and commencement exercises/award ceremonies
- Restitution or restoration as applicable
- Referral to School Drug-Free Schools and Communities counselors and/or appropriate agencies
- Referral to juvenile court for legal action
- Suspension for up to three consecutive days per occurrence
- Referral to a disciplinary alternative education program
- Expulsion (more than three consecutive school days per occurrence, but not longer than one year)



- Except in the case of firearms, students younger than 10 years may not be expelled for conduct described in this section and must be provided educational services in a DAEP.

## **Procedures:**

1. The administrator investigates and/or contacts the Houston Police Department to investigate the infraction and/or illegal act and confers with the student after consulting with law enforcement. If the student is arrested, the parents or guardians should be notified within one hour. Any expulsion must include an official police or law-enforcement investigation. However, it is not necessary to await the results of the investigation before proceeding to an expulsion hearing.
2. The investigating building administrator notifies student and parents or guardians in writing of the reasons for the proposed expulsion.
3. A school administrator who is an impartial hearing officer will conduct a full hearing before a decision to expel a student is made, unless the parent or guardian waives the hearing.
4. A parent/guardian may appeal the expulsion decision as provided in this *Code* in the section on expulsion procedures.
5. The School shall inform the student's teacher(s) of the conduct of a student who has engaged in any violation listed in this section. The teacher shall keep this information confidential. Any teacher who intentionally violates this confidentiality is subject to having his or her certification suspended or revoked.
6. Within two business days after the date a hearing is held in which a student is expelled, the campus administrator shall send a copy of the order expelling the student along with any information required by Section 52.04, Family *Code*, including a copy of the police report, to the parent/guardian and to School Administration, which shall forward the information to the authorized officer of the juvenile court.
7. NWPA has the option of either referring the student to the Harris County Juvenile Justice Alternative Education Program (HCJJAEP). A student shall continue to receive instruction and credit for course work through the HCJJAEP. If the juvenile court finds the student delinquent (guilty) of any conduct described by this section, the juvenile court may order the student to attend the HCJJAEP. Consistent with the Memorandum of Understanding between NWPA and the HCJJAEP, students who are expelled after the first six weeks of school must be expelled for the remainder of the fall semester and the entire spring semester. If the student is expelled after the fourth six weeks, the student must be expelled and must attend the HCJJAEP for the remainder of the spring semester and the entire fall semester of the following school year. Campus administrators shall have discretion to expel for a shorter period of time provided there is no requirement to expel for a longer period.
8. Expelled students who are charged but found not delinquent (not guilty) by a juvenile court shall be readmitted. Students who are adjudicated of (who plead to) a lesser offense, or whom the Harris County District Attorney decides not to prosecute, may be readmitted at the discretion of the school. Students who are not readmitted have the option to continue their educational services at the HCJJAEP.

\*\*\*All parties shall consult the Procedures section of this *Code* or Board Policy for complete procedures for expulsion and appeal of expulsion. Students under the age of 10 years who commit Level IV offenses must be referred to a DAEP and may not be expelled.

## **Zero Tolerance/Pursuit of Criminal Charges**

The NWPA Board, in accordance with its major system priorities, believes the school environment should be safe for all students and free of disruptions that interfere with the education process. In response to this belief, the board has developed a policy of zero tolerance. This policy shall apply to all students.

All students who unlawfully possess a firearm, illegal knife as defined by state law, explosive, or any other dangerous object or weapon on school property, on school buses, and/or in attendance at School-related activities shall be recommended for expulsion. The Board further declares that the *Code of Student Conduct* will be strictly applied.

In every case where students engage in conduct that contains the elements of an offense in violation of the Penal Code or the Education Code, the school will pursue arrest, charges, juvenile detention facility, or county jail.

## **Reports to Local Law Enforcement**

The campus administrator has an obligation under the law to notify the Houston Police Department if the campus administrator has reasonable grounds to believe that any of the following offenses has occurred in school, on school property, or at a school-sponsored or school-related activity on or off school property:

- murder; capital murder
- aggravated kidnapping
- aggravated assault
- injury to a child or an elderly individual
- sexual assault; aggravated sexual assault
- arson
- robbery; aggravated robbery; burglary
- manufacture or delivery of a controlled substance manufacture, delivery, or possession of a miscellaneous illegal substance or delivery of marijuana within 1,000 feet of a school or playground
- deadly conduct, as described by Section 22.05, Penal Code, which includes recklessly engaging in conduct that places another person in imminent danger of serious bodily injury or knowingly discharging a firearm in the direction of an individual, home, or occupied vehicle
- terroristic threat, which generally involves the threat of a violent act that places a person in fear of serious bodily injury or is designed to incite panic; cause disruption to the use of a public building or space; interrupt the use of public communications, transportation, the water, gas, or power supply or another public service; or cause an emergency response as more specifically described by Section 22.07, Penal Code
- use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Chapter 481, Health and Safety Code
- possession of a club, explosive weapon, firearm, firearm silencer, handgun, illegal knife, knife, brass knuckles, machine gun, short-barrel firearm, switchblade knife, armor-piercing ammunition, hoax bomb, chemical dispensing device, or zip gun, as listed in Sections 46.01(1)-(14) or Section 46.01(16) of the Penal Code
- organized criminal activity, which includes commission of murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, burglary of a motor vehicle, unauthorized use of a motor vehicle, a gambling offense, or other criminal activity if it is done with the intent to establish or maintain or participate in a collaboration of three or more persons or participate in the profits of such a combination in carrying on criminal activity as further defined under Section 71.02 of the Penal Code

The campus administrator or other administrator who notifies local law enforcement of these offenses shall notify each instructional or support-staff member who has regular contact with the student who has committed the offenses.

## **Court Involvement**

If a student is found to have committed an offense under Level IV of this *Code*, the county juvenile authorities must be notified. The county may decide whether the student is in need of supervision, whether the student has engaged in delinquent conduct, or whether the student should be referred to an appropriate state agency. Additionally, students and parents/guardians should be aware that pursuant to the Memorandum of

Understanding between NWPA and Harris County, students who commit felonies away from school may be ordered by the Juvenile Court to attend school at the Harris County Juvenile Justice Alternative Education Program.

## **Corporal Punishment**

The Board approved the revision of Board Policies—Corporal Punishment. As a matter of policy, corporal punishment is prohibited as a disciplinary method within the Northwest Preparatory Academy Charter School.

## **PROCEDURES FOR EXPULSION AND THE APPEAL OF EXPULSION**

Decisions to expel a student shall not be made until there has been a full hearing, unless the student and his or her parents or guardian in writing specifically waives such hearing. An accurate record of any hearing will be maintained. Records of expulsions shall be filed in the campus administrator's office of the school where the misconduct occurred, with evidence attached. Pending the expulsion hearing, the student may be suspended for up to three days and must then be placed in a disciplinary alternative education program or in in-school suspension pending the hearing. The hearing must be scheduled within three days. Additionally, the hearing should be held within seven school days from the date of the offense. The date for the hearing may be deferred beyond seven school days with the mutual agreement of the parties; however, the student may not be placed in an unsupervised setting beyond suspension for three days while awaiting the hearing. The school official conducting the hearing shall make a decision concerning the case within seven school days from the hearing date and inform the student and his or her parents or guardians of their right and of the process to appeal the decision to the next-higher administrative level. No student may enroll in any other school within the district until eligible for readmission to his or her school of record. A student may be expelled for up to a full academic year. If the campus administrator or his or her designee proposes an expulsion, the following procedures shall apply:

(a) The student and his or her parent or guardian must be notified in writing of the reason(s) for the proposed expulsion, and a prompt hearing at the school must be arranged unless waived by the student and his or her parents or guardians in writing. The reasons for the proposed expulsion that clearly detail the nature of the offense must be furnished so they may prepare a defense. The student and his or her parent or guardian must also be furnished a copy of the expulsion procedures. They shall be advised that they may present witnesses and documentary evidence to defend against the allegations. The administration may be represented by any person involved in discipline at the school level or by the school attorney, whoever is deemed appropriate.

(b) The student is entitled to a fair and impartial hearing. The campus administrator may conduct the hearing if he/she is impartial and disinterested and his or her acts, judgment, or decisions are not an issue in the hearing. If not, the campus administrator shall select an impartial designee to conduct the hearing.

(c) A student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school. The student's representative may be an attorney. If a parent or guardian is unable to attend, he/she may designate an adult to represent the student. The School may require evidence of the appointment by the parent or guardian of any such representative. The hearing will be recorded either by tape recording or court reporter. If the school makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the School may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing

the student attends. The school may proceed with expulsion, even though the student withdraws from the School.

(d) If the evidence presented at the hearing warrants an expulsion in the judgment of the school official conducting the hearing, the hearing official may issue the appropriate expulsion order. A copy of the order should be sent to the student and his or her parents or guardians. If the decision is to expel the student, the administration shall inform the student and the parents or guardians in writing of the decision within seven school days of the hearing date and apprise the student and the parents or guardians of the right to appeal the decision to the Campus administrator. The decision of the school official conducting the hearing must be supported by the evidence and based exclusively on evidence presented at the hearing.

(e) Any student or his or her parent or guardian who wishes to appeal an expulsion decision shall notify the appropriate Campus administrator within three school days of receipt of the decision of the campus administrator or his or her designee. The Campus administrator will arrange a time for the appeal hearing. Such notification to the Campus administrator shall include or be followed immediately by a letter from the school official who conducted the hearing. The school official that conducted the hearing will provide a complete record of the hearing with a description of the student's conduct, including all offenses and dates. The tape recording or court reporting of the hearing shall accompany and become a part of the record. The campus administrator shall notify the student and the parent, guardian, or representative of the time and place of the hearing. The hearing shall be held within seven calendar days of the date the student and parent or guardian notifies the campus administrator of his or her intention to appeal, unless an extension is given.

(f) At the hearing on appeal, the campus administrator shall conduct a hearing attended by school officials, the student, and the parent or guardian. The appeal is based on the record developed before the campus administrator or his or her designee. Both the administration and the student will be allowed to make a short oral presentation based on the record. The time allowed for the oral presentation is left to the discretion of the hearing officer. The campus administrator may affirm the action of the campus administrator or his or her designee, overrule it, or issue any other appropriate order. A copy of the order shall be sent to the student and his or her parents or guardian. The campus administrator shall inform the student and parent or guardian in writing of the decision within seven school days of the hearing date and apprise the student and parent or guardian of the right of appeal to the Board.

(g) The student or parent or guardian may appeal the decision of the campus administrator to the Board by notifying the Board Services Office in writing of his or her intention to appeal. The notice must be filed within five school days of the receipt of the campus administrator's decision. Appeals to the Board are also appeals on the record; no new evidence may be introduced for any purpose. The appeal before the board will be limited to a 10-minute oral presentation by both the appropriate administrative representative and by the student or parent or guardian. The hearing will be in closed session, unless the student or parent or guardian requests an open hearing. Decisions of the Board may be appealed to state district court in Harris County.

At whatever appellate level in which an expulsion order becomes final, a copy of the final written order expelling the student shall be delivered to the student and the student's parent or guardian.

When necessary to ensure effective communication, any notice required to be sent to the parent or guardian of a student shall be written in the language spoken by the parent or guardian. If the language spoken by the parent

or guardian is other than English or Spanish, such notice shall be written in such other language necessary for communication.

The Northwest Preparatory Academy Charter School will honor expulsion orders from other school districts and shall not admit a student expelled from another district until the student completes the period of expulsion.

## **PROCEDURES FOR TEACHER REMOVAL OF STUDENTS**

The Texas Education Code provides teachers with three ways to maintain discipline by removing unruly or disruptive students from the classroom. Each alternative for removal of students carries different disciplinary and administrative consequences. This section sets forth the three different alternatives.

### **Reasons for Teacher Removal of Students**

#### Alternative I

- A teacher may send a student to the campus administrator's office to maintain effective discipline in the classroom as stated under Levels I and II.

#### Disciplinary Options Under Alternative I

- If the student is removed to maintain effective discipline as stated under Alternative I, the campus administrator is free to employ any disciplinary management technique or option authorized by the *Code* as determined by the level of the offense and the seriousness of the misconduct. The student removed under this provision may be returned to the teacher's class.

#### Alternative II

- A teacher may remove a student from class who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. Documentation should ordinarily be through a written factual account of the behavior that is occurring in the classroom.
- A teacher may remove a student from class whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

#### Disciplinary Options Under Alternative II

- If the teacher under Alternative II removes the student and the teacher has appropriately documented the reasons for the removal, the student may not be returned to the teacher's class without the teacher's consent. Subject to the review procedures outlined in this section, the disciplinary options available to the campus administrator include:

-placement in another appropriate classroom

-placement in in-school suspension

-placement in a disciplinary alternative education program

### **Review for Students Removed Under Alternative II**

(a) Not later than the third class day after the day on which a student is removed under this section, the campus administrator shall schedule a conference with the campus administrator or his or her designee, a parent or guardian of the student, the teacher removing the student from the class, and the student.

(b) While waiting for the conference, the student may not be returned to the regular classroom without the teacher's consent. Pending the conference, the campus administrator may place the student in in-school suspension in another class.

(c) At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal.

(d) Following the conference and whether or not each requested person is in attendance after valid attempts to obtain the person's attendance, the campus administrator may place the student in another class, in in-school suspension, or in a DAEP or may return the student to the class of the teacher who removed the student unless the teacher objects to the student's return. If the teacher objects, the campus administrator may refer the student to the Campus Placement Review Committee for a determination as to placement.

(e) The teacher may not be coerced to accept the student without a determination by the Campus Placement Review Committee.

(f) The Placement Review Committee will make a determination as to whether the student may be returned to the removing teacher's class. The student may not be returned to the teacher's class without the teacher's consent unless the committee determines that such placement is the best or only placement available. In the case of Special Education students, only a duly constituted Admission, Review, and Dismissal committee may make the decision on placement.

## **Placement Review Committee Under Alternative II**

Each school shall have a placement review committee composed of three members. The committee will determine placement of a student when a teacher has removed the student under Alternative II and refuses to allow the return of the student to the teacher's class. The committee will make a final determination of the student's placement when a student is removed under this section.

- The campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member.
- The campus administrator shall choose one member from the professional staff of the campus.
- The teacher refusing to readmit the student may not serve on the committee.

## **Alternative III**

- teacher is required to remove from class and send to the campus administrator for placement in a disciplinary alternative education program or for expulsion any student who engages in Level IV misconduct.

## **Disciplinary Options Under Alternative III**

- If the student is removed under Alternative III for engaging in Level IV misconduct, then the student may or shall be expelled as appropriate or as required by state law. Procedures for expulsion shall be followed.

# **STUDENT COMPLAINTS**

## **Board Policy**

The purpose of the complaint policy is to secure, at the lowest possible administrative level, prompt and equitable resolution of student or parent/guardian complaints. Except as provided below, all student or parent/guardian complaints shall be presented in accordance with the policy outlined in this section.

Complaints regarding certain topics are addressed by specific policies or other documents that modify this complaint process or require an alternative process.

1. Discrimination on the basis of sex
2. Sexual abuse or sexual harassment of a student
3. Loss of credit on the basis of attendance
4. Teacher removal of a student for disciplinary reasons
5. Expulsion of a student
6. Identification, evaluation, or educational placement of a student with a disability within the scope of Section 504
7. Identification, evaluation, or educational placement of a student with a disability within the scope of IDEA
8. Instructional materials
9. On-campus distribution of nonschool materials to students

Unless otherwise provided by a policy referred to above, students or parents/guardians shall be entitled to informal conferences with administrators to resolve their complaints. If such attempts are unsuccessful, the students or parents/guardians may take their complaint to the board, using the procedures outlined below. If a complaint involves a problem with a teacher, the student or parent/guardian in most circumstances shall be expected to discuss the matter with the teacher before requesting a conference with the campus administrator at Level One.

## **Procedure For Student Complaints**

An adult at any level of the complaint may represent the student. For purposes of this policy, "days" means calendar days. Announcement of a decision in the student's or parent's/guardian's presence shall constitute communication of the decision.

### **Level One:**

A student or parent/guardian who has a complaint shall request a conference with the campus administrator within 30 days of the time the student or parent/guardian knew or should have known of the event or series of events causing the complaint. The campus administrator shall schedule and hold a conference with the student or parent/guardian within seven days of the request. The campus administrator shall have seven days to respond following the conference with the parent/guardian or student.



**Level Two:**

If the outcome of the conference with the campus administrator is not to the student's or parent's/guardian's satisfaction, or the time for the response has expired, the student or parent/guardian may request a conference with the campus administrator or a designee. The request must be filed within seven days following receipt of a response or, if no response is received, within seven days of the response deadline. The campus administrator or designee shall hold the conference within 10 days after receiving the request.

Prior to or at the time of the conference, the student or parent/guardian shall submit a written complaint that includes the student's or parent's/guardian's signed statement of the complaint, any evidence in its support, the solution sought, and the date of the conference with the campus administrator. The conference shall be recorded by a court reporter paid by NWPA. The campus administrator or designee shall have seven days following the conference within which to respond.

**Level Three:**

If the outcome of the conference with the campus administrator or designee is not to the student's or parent's/guardian's satisfaction or if the time for a response has expired, the student or parent/guardian may submit to the campus administrator or designee a request to place the matter on the agenda of a future Board meeting. The request shall be in writing and must be filed within seven days of the response deadline. NWPA shall inform the student or parent/guardian of the date, time, and place of the meeting.

The presiding officer shall establish a reasonable time limit for complaint presentations. NWPA shall make an audiotape record of the Level Three proceedings before the board. The board shall hear the complaint and shall then make and communicate its decision orally or in writing at any time up to and including the next regular board meeting.

If the complaint involves concerns or charges regarding an employee, it shall be heard by the board in closed meeting unless the employee to whom the complaint pertains requests that it be heard in public or unless a public hearing is required by the Texas Open Meetings Act.

# **STUDENTS RIGHTS AND RESPONSIBILITIES: SEXUAL HARASSMENT/SEXUAL ABUSE**

## **Sexual Harassment by Students**

Students shall not engage in sexual harassment toward another student or a School employee. A substantiated charge of sexual harassment against a student shall result in disciplinary action.

Sexual harassment by a student includes unwanted and unwelcome verbal or physical conduct of a sexual nature, whether by word, gesture, or any other sexual conduct, including requests for sexual favors.

## **Sexual Harassment/Abuse by Employees**

School employees are prohibited from sexually harassing or sexually abusing students. Romantic relationships between students and employees are prohibited.

## **Reports to Lawful Authorities**

Any School employee who receives information about sexual harassment or sexual abuse of a student that may reasonably be characterized as known or suspected child abuse or neglect shall make the reports to appropriate authorities, as required by law.

NWPA shall notify the parents/guardians of all students involved in sexual harassment by a student or students when the allegations are not minor. The School shall notify parents/guardians of all incidents of sexual harassment or sexual abuse by an employee. Notice shall include providing the parent/guardian a copy of Board Policy.

## **Investigations**

All reports of sexual harassment that are not minor shall be referred to the Title IX coordinator. Oral complaints shall be reduced to writing to assist in the School's investigation. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

## **Protection from Retaliation**

The School shall not retaliate against a student who in good faith reports perceived sexual harassment or sexual abuse.

## **Procedure For Sexual Harassment Complaints**

For purposes of the following complaint process, "days" shall mean calendar days.

### **Level One:**

A student or parent/guardian who has a complaint alleging sexual harassment by another student or other students or sexual harassment or sexual abuse by an employee may request a conference with the campus administrator, a designee. The student may be accompanied by a

parent/guardian or other advisor at the initial conference and throughout the complaint process. The initial conference with the student ordinarily shall be held with a person who is the same sex as the student. The conference shall be scheduled and held as soon as possible, but in any event within seven days of receipt of the complaint. At the conference, the persons bringing the complaint shall be informed of the right to file a complaint with the Office of Civil Rights.

The campus administrator or designee shall coordinate an appropriate investigation, which ordinarily shall be completed within seven days of receipt of the complaint. The student or parent/guardian shall be informed if extenuating circumstances delay the investigation.

Nothing in the complaint process shall have the effect of requiring a student alleging sexual harassment or sexual abuse to report the matter to the person who is the subject of the complaint.

### **Level Two:**

If the resolution of the complaint at Level One is not to the student's or parent's/guardian's satisfaction, the student or parent/guardian has seven days to request a conference with the Superintendent or a designee, who shall schedule and hold a conference. Prior to or at the conference, the student or parent/guardian shall submit a written complaint that includes a statement of the complaint, any evidence in its support, the resolution sought, the student's and/or parent's/guardian's signature, and the date of the conference with the campus administrator, designee.

### **Level Three:**

If the resolution of the complaint at Level Two is not to the student's or parent's/guardian's satisfaction, the student may present the complaint to the Board at its next regular meeting. The complaint shall be included as an item on the agenda posted with notice of the meeting. Announcing a decision in the student's or parent's/guardian's presence constitutes communication of the decision.

### **Closed Meeting:**

The board shall hear complaints alleging sexual harassment by students or sexual harassment or sexual abuse by employees in closed meeting, unless otherwise required by the Open Meetings Act.

## **STUDENT PUBLICATIONS AND PRIOR REVIEW**

### **School-Sponsored Material**

All publications edited, printed, or distributed in the name of or within NWPA schools shall be under the control of the school administration and the Board. All publications approved and issued by individual schools shall be part of the instructional program, under the supervision of a faculty sponsor, and all shall be carefully edited to reflect the high ideals and expectations of the citizens of the School for their schools. The exercise of appropriate economy in materials and production is expected without jeopardy to the content. The campus administrator shall be responsible for all matters pertaining to the organization, issuance, and sale of such publications and any other publication procedure, subject to the Superintendent's approval.

### **Advertising**

Advertising in individual school publications may be accepted from bona fide business firms, subject to the approval of professional employees exercising editorial supervision over the publications. Advertising deemed inappropriate for student readers or that advertises products presenting a health hazard, such as alcohol or tobacco products, shall not be accepted.

## **Complaints**

Students who have a complaint regarding the procedures or a professional decision affecting the content or style of a school-sponsored publication shall present that complaint in accordance with Board Policy.

## **Nonschool Materials Distribution**

The classrooms during the school day are provided for the limited purpose of delivering instruction to students in the courses and subjects in which they are enrolled. Classrooms shall not be used for distribution of any materials over which the school does not exercise control. Hallways in school buildings are provided for the limited purpose of facilitating the movement of students between classes and allowing access to assigned lockers. Hallways shall not be used for the distribution of any materials over which the school does not exercise control.

Each school campus shall designate an area where materials over which the school does not exercise control that have been approved for distribution to students, as provided below, may be made available to students or distributed to students in accordance with the time, place, and manner of restrictions developed and approved by the campus administrator.

## **Prior Review**

No written material consisting wholly or primarily of commercial advertising may be distributed on school property.

All other written material over which the school does not exercise editorial control that is intended for distribution to students shall be submitted for prior review according to the following procedures:

1. Material shall be submitted to the campus administrator or a designee for review.
2. Using the standards listed above, the campus administrator or designee shall approve or disapprove submitted material within 24 hours of the time the material is received. Failure to act within the 24-hour period shall be interpreted as disapproval.
3. The student may appeal disapproval to the Superintendent, who shall decide the appeal within three days of its receipt. Failure of the Superintendent to act within the three-day period shall be interpreted as disapproval.
4. If the request to distribute material was initiated by a student, disapproval may be appealed to the board using the complaint procedures specified in this *Code* and in Board Policy, beginning at Level Three. If the request to distribute material was initiated by someone other than a student, disapproval may be appealed to the board under Board Policy, beginning at Level Three.

Students who fail to follow the procedures for submitting material for approval shall face disciplinary action. Appropriate law-enforcement officials shall be called when someone other than a student refuses to follow the procedures for submitting materials and fails to leave the premises when asked.

## TRANSPORTATION SERVICE SAFETY GUIDELINES

Students should be aware that all of the rules contained in this *Code* are applicable to their conduct and actions while riding NWPA-provided transportation. Aside from compliance with the rules contained in Levels I through IV, students are expected to observe the following rules:

- Students shall follow the directions of the school-bus driver the first time they are given.
- Students should be at the assigned bus stop five minutes before the scheduled departure time.
- Students shall wait in a safe place, clear of traffic and away from where the school bus stops.
- Students shall wait in an orderly line and avoid horseplay.
- Students shall cross the road or street in front of the bus only after the bus has come to a complete stop and upon the direction of the bus driver.
- A student must go directly to an available seat upon entering the bus, must remain seated, and must keep all aisles and exits clear.
- Students are expected to exhibit appropriate classroom conduct at all times when riding transportation.
- A student may carry only objects on the bus that can be held on his or her lap.
- Students shall refrain from throwing or passing objects on or from the bus.
- Food, drinks, animals, hazardous substances, and nuisance items are not permitted on the bus.
- Students are required to follow all safety instructions and to respect the rights of others.
- Students are not permitted to leave or board the bus at any location other than the assigned stops at home or school.
- Extending the head, arms, or other objects out of the windows of the bus as well as hitching a ride via the rear bumper or other parts of the bus are strictly prohibited.

## SUMMARY OF RELATED BOARD POLICIES

This *Code of Student Conduct* is drawn from Board Policies. Students are subject to the Board Policies now in effect and those that may be adopted or amended after the publication of this *Code*. Those who desire more information concerning the policies and administrative procedures upon which this *Code* is based should refer to them. Copies are available in all schools and the corporate office. The sections that relate to student conduct are as follows:

**Attendance.** Board Policy state that regular attendance and punctuality shall be required of every student. Board Policies state the School's attendance policy for students for course credit. In addition, Texas Education Code 25.087 pertains to excused absences.

**Complaints.** Board Policy states that students may present any complaint to the School, either personally or through a representative, through appropriate complaint procedures.

**Student Dress And Personal Grooming.** Board Policy describes the School's policy with regard to student dress and personal grooming; it calls for the establishment of standards in each school. Additionally, each school may establish a mandatory uniform policy in conformance with state law and School policy.

**Illegal Drugs And Alcohol.** Board Policy and state law prohibit any student from selling or possessing an illegal drug or alcohol on school grounds.

**Student Publications.** Board Policy describes the School's policies regarding student participation in the publication of school newspapers, yearbooks, literary magazines, and other school-sponsored publications; it also covers the publication and distribution of publications that are not school-sponsored.

**Smoking.** Board Policy states that students are prohibited from possessing, smoking, or using tobacco products on school property and at any school-related or school-sanctioned activity on or off of school property.

**School Property.** Board Policy notes that the student's responsibility for school property is the same as his or her responsibility for other public property; it holds the student accountable for malicious damage, the defacing of property, and vandalism.

**Student Government.** Board Policy gives students the right to formulate procedures for student government.

**Information And Privacy Records.** Board Policy spells out School policies with regard to the right to information and privacy of student records. In addition, the Texas Public Information Act, Article 6251.17a, and the Family Educational Rights and Privacy Act of 1974, Public Law 93-480, describe the student's rights in this regard. Additionally, certain Special Education records will be destroyed after seven years upon proper notification.

**Discipline.** Board Policy states that the campus administrator shall have full authority to maintain adequate discipline in the school and that teachers shall have the responsibility for the discipline of students. Further, it states that students shall be dealt with reasonably, fairly, and consistently, but serious or persistent misconduct shall not be tolerated. By board action, this *Code of Student Conduct* carries the force of policy in discipline matters.

**Suspension/Expulsion.** Board Policy details policies regarding suspensions and expulsions.

**Other Disciplinary Actions.** Board Policy details School policies with regard to other disciplinary actions.

**Hearings.** Board Policy establishes the guidelines for the format of hearings.

**Fraternalities, Sororities, Gangs, And Other Secret Organizations.** Board Policy and state laws disallow fraternities, sororities, and other secret organizations in School schools.

**Disruptive Actions And Interferences.** Board Policy calls for the removal from school, on disciplinary reassignment, any student who, while at school or at school-sponsored activities, incites, encourages, promotes, or participates in a riot, a sit-in, a walkout, a blockage of entrances, or a trespass violation or otherwise interferes with normal educational processes.

**Search And Seizure.** Board Policy details policies regarding search and seizure on campuses.

**Corporal Punishment.** Board Policy details School prohibition of corporal punishment

**Student Activities And Awards.** Board Policy notes that students shall be encouraged to participate in school-sponsored clubs, organizations, and activities that represent their particular interests.