

Student Code of Conduct

The Purpose of the Student Code of Conduct

To function properly, education must provide an equal learning opportunity for all students by recognizing, valuing, and addressing the individual needs of each student. For students to benefit from the school's academic program, the school must be safe and orderly. This Student Code of Conduct ("the Code") has been developed to foster an orderly and distraction-free environment.

This Code has been adopted by Learn2LeadTx LLC and provides information to parents and students regarding expectations for behavior, consequences for misconduct, and procedures for administering discipline. Both students and parents must become familiar with this Student Code of Conduct.

In accordance with state law, the Code will be posted on campus or will be available for review at the Executive Director's office. Parents will be notified of any violation that may result in a student being suspended or expelled from CLEAR.

All students must be familiar with the standards set forth in the Code, as well as campus and classroom rules. The Code does not define all types and aspects of student behavior, and CLEAR classrooms or given to the student and may or may not constitute violations of the Student Code of Conduct. When students participate in student activities, they will also be expected to follow the campus or classroom rules in addition to those found in the Code. These rules may be posted in guidelines and constitutions that further specify the organization's expectations, student behavior and consequences.

Social Events

School rules apply to school social events to which students bring guests. Guests are expected to observe the same rules as students attending the event, and the person inviting the guest will share responsibility for the conduct of the guest.

A student attending a social event will be asked to sign out when leaving before the end of the event; anyone leaving before the official end of the event will not be readmitted. The school cannot assume responsibility for students who leave a school activity without permission.

Jurisdiction

CLEAR has disciplinary authority over a student.

- During the regular school day and while the student is going to and from school.
- While the student attends any school-related activity, regardless of time or location;
- For any school-related misconduct, regardless of time or location;
- For any mandatory expulsion offense committed while on school property or while attending a school-sponsored or school-related activity of another school in Texas;

- When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
- When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081; and
- When criminal mischief is committed on or off school property or at a school-related event.

Note: In addition to disciplinary consequences, misdemeanor and felony offenses committed on campus will be reported to an appropriate law enforcement agency.

Standards for Student Conduct

The school must be a safe and secure place for all the students attending. Accordingly, each student is expected to:

- Avoid violations of the Student Code of Conduct.
- Refrain from fighting.
- Obey all campus and classroom rules.
- Behave in a responsible manner, always exercising self-discipline.
- Cooperate with and assist school staff in maintaining safety, order, and discipline.
- Demonstrate courtesy at all times.
- Eat lunch and play in assigned areas.
- Follow rules of games and exhibit good sportsmanship.
- Meet school standards for grooming and dress.
- Respect the property of others, including school property and facilities.
- Respect the rights and privileges of other students and of teachers and other school staff.

Discipline Management Techniques

Our goal is to provide a positive classroom environment that promotes learning and fosters a safe and caring school experience for students and staff. To accomplish this goal, students are made aware of the school's expectations for proper behavior, especially during the first week of the school year.

In general, discipline will be designed to correct misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Disciplinary action will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and the effect of the misconduct on the school environment.

The following discipline management techniques may be used, alone or in combination, for misbehavior violating the Student Code of Conduct, campus rules, or classroom rules:

- Behavioral contracts
- Character-building activities
- Cooling-off time or "time out"
- Written reflection paper or apology letter
- Public apology
- Counseling to determine underlying reason(s) for the behavior

- Expulsion
- Grade reductions as permitted by policy
- Lunch Reflection / After-School Reflection
- Parent communication
- Suspension
- Parent-teacher conferences
- Mandatory parent shadowing
- Referral to an outside agency and/or legal authority for criminal prosecution
- Referral to the Campus Leadership Team or Director
- Reminder of and positive reinforcement for appropriate behavior
- Restitution for damage caused to or theft of property or materials
- School-assessed and school-administered probation
- Classroom seating changes
- Sending the student to the Director or other assigned area
- Techniques or penalties identified by student organizations and extracurricular activities
- Confiscation of items that disrupt the educational process
- Verbal correction
- Withdrawal of privileges, such as participation in extracurricular activities and/or membership in school-sponsored clubs or organizations
- Withdrawal or restriction of bus privileges
- Placement in the Restorative Justice program
- Other strategies and consequences as appropriate and necessary

Restorative Practice Program

We prefer not to suspend students at CLEAR. Suspensions tell students that they are not a part of our community and do not build skill sets to change the behavior. This is the easy way out. At CLEAR, we have invested in the Restorative Practice Program (RP) because it is our responsibility to ensure our students have the resiliency to come back and succeed after a mistake as well as think independently, solve problems, and communicate before making that mistake again. Our RP program is intended to help students build the social and emotional skills they need to truly restore damage they have done to their community without falling behind academically. In RP students receive the following:

- Daily Student and family restorative circles
- Daily academic support
- Social service/counseling support/peer mentoring
- Guidance in creating a proposal that describes what sparked the RP assignment, who has been affected, why it happened, and how they will make it right.

To return to normal classes, the student must go before a RP Committee (RPC) and get their approval. The committee may consist of administration, teachers, students, and the parents of the student in RP to determine when the RP student has restored the damage done to the community and are ready to return to class.

Offenses and Consequences

Level I Offenses:

The following behaviors are prohibited at all school and school-related activities. They are categorized by three levels of severity.

1. Accessing off-limits areas
2. Cheating or copying the work of another
3. Computer systems violations, including violations of the Acceptable Use Policy
4. Defacing or damaging school property, including, but not limited to, books, furniture, and other equipment, with graffiti or by other means, and causing minor damage.
5. Disobeying conduct rules regarding school transportation
6. Engaging in offensive conduct of a sexual nature, whether verbal or physical, directed toward another person
7. Engaging in threatening behavior toward another person on or off school property
8. Excessive tardiness (up to three in any one semester)
9. Failure to attend class or tutorial sessions
10. Failure to complete assigned homework
11. Failure to report harassment or bullying of Students
12. Inappropriate physical contact not defined as a Level II or III offense (i.e. horseplay, hugging)
13. Using a cellular telephone or other prohibited electronic device at school during the school day
14. Participation in extracurricular activities during Academic Probation status
15. Possessing matches, lighters, etc.
16. Possessing pornographic material
17. Posting materials or holding Student gatherings without administrative approval
18. Profanity or obscene gestures (in general, not directed at another person)
19. Use of a skateboard, scooter, and/or roller blades while on school property
20. Violating dress and grooming standards as communicated in the Handbook

Level II Offenses:

1. Two or more Level I offenses within a semester
2. Abusing prescription drugs, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug
3. Cheating or copying the work of another (2nd offense)
4. Falsifying records, passes, or other school-related documents
5. Directing profanity, vulgar language, or obscene gestures toward another person
6. Engaging in any conduct that constitutes sexual harassment (See "Freedom from Discrimination, Harassment, and Retaliation section.)
7. Engaging in conduct that constitutes dating violence (See "Dating Violence section)
8. Failure to comply with directives of school staff (insubordination/defiance)
9. Violations of the school's medication policies. (See "Administration of Medication section)
10. Fighting
11. Gambling
12. Hazing
13. Verbal harassment or bullying of students

14. Verbal or written abuse – i.e., name-calling, racial or ethnic slurs, or derogatory statements
15. Improperly discharging a fire extinguisher
16. Inappropriate or indecent exposure of a student's private body parts
17. Interference with school activities or discipline
18. Intimidating or harassing others
19. Leaving a classroom, school property, or school-sponsored events without permission
20. Possessing drug paraphernalia
21. Possessing or using fireworks, smoke or stink bombs, pyrotechnics, or other explosive devices
22. Possessing, viewing, or distributing pictures, text messages, e-mails, or other material of a sexual nature in any media format
23. Retaliation in any form against students or staff members
24. Truancy
25. Unruly, disruptive, or abusive behavior that interferes with the teacher's ability to communicate effectively with students
26. Using the Internet or other electronic communications to threaten students or employees or cause disruption to the school program
27. Willful destruction of property belonging to the school, another student, or a school employee/volunteer

Level III Offenses

1. Four or more Level I offenses committed in any one school year
2. Two or more Level II offenses committed in any one school year
3. Any offense listed in Sections 37.006(a) or 37.007 (a), (b), and (d) of the Texas Education Code, no matter when or where the offense takes place.
4. Arson, or setting or attempting to set a fire on school property (not arson)
5. Assault, sexual assault, aggravated assault, aggravated sexual assault, kidnapping, aggravated kidnapping, robbery, or aggravated robbery
6. Being a member of, pledging to become a member of, joining, or soliciting another person to join, or pledge to become a member of a public-school fraternity, sorority, or gang
7. Bullying and/or cyber-bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence
8. Burglary of a motor vehicle on campus
9. Capital murder, murder, manslaughter, criminal attempt to commit murder or capital murder, equipment, with graffiti or by other means, and causing major damage or criminally negligent homicide
10. Commission of a felony offense listed under Title 5, Texas Penal Code, or any conduct punishable as a felony
11. Any conduct endangering the health and safety of others
12. Defacing or damaging school property, including textbooks, lockers, furniture, and other
13. Deliberate destruction or tampering with school computer data or networks
14. False alarm, false fire alarm, or false report
15. Felony criminal mischief against school property, another Student, or school staff

16. Indecency with a child, indecent exposure, inappropriate sexual conduct, or public lewdness, required registration as a sex offender, or sexual abuse of a young child or children
17. Possessing, selling, distributing, or being under the influence of any drug or look-alike substances, drug paraphernalia, non-approved prescription, or over-the-counter medication
18. Possessing, selling, distributing, or being under the influence of alcohol
19. Possessing, selling, or distributing any tobacco or tobacco products
20. Targeting another individual for bodily harm
21. Theft (stealing property belonging to the school or another person)
22. Using a razor, box cutter, chain, or any other object in a way that threatens or inflicts bodily injury to another person
23. Use, exhibition, or possession of a firearm, illegal knife, club, or prohibited weapon
24. Verbal or physical threats or actions against school employees

Self-Defense

To claim self-defense, the student must (1) be without fault in provoking the encounter and not act as the aggressor, and (2) use the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense.

Interactions prior to the encounter will also be considered.

Consequences

After School Reflection

At CLEAR, our goal is to have focused, on-task classrooms where disruptions are minimal. We execute behavior management in this way because we always want students learning. We believe that when teachers have high standards, and they do not allow removal from class to be an option, all students will be able to remain in class; disruptive behaviors will be minimized rather than highlighted, and oftentimes will even go unnoticed. Teachers accomplish this aim by working patiently and consistently with student, parents, and administrators.

Below is the typical escalation of a student's consequences:

We refuse to let negative student choices disrupt the learning environment. We praise and reward students who show academic focus, maturity, and engagement. We trust our teachers to take the right steps so that we can have their backs 100% of the time when needed.

1. **Deduction:** The student may receive an in-class consequence (points off assignment, move seats, etc.) or loose privileges throughout the day or week.
2. **Lunch Reflection (LR):** The student will eat silently in an assigned area during lunch while completing a Reflection.
3. **After School Reflection (ASR):** The student will serve ASR for one hour after dismissal, the same day that the consequence is earned.

All students are given several opportunities to reflect upon their behavior before they are assigned ASR. **If the student receives ASR, it is the responsibility of the parent/guardian to provide transportation.** Please note that teachers require students to contact parents/guardians regarding the ASR assignment (Age Appropriate, 3rd grade and up; Teacher will call for younger

students). The ASR assignment is not negotiable, or optional, and must be served the day it was assigned (no exceptions). Students in lunch or after-school reflection must, in addition to all school rules and the Students Code of Conduct, follow these general rules:

1. Students will follow all rules concerning behavior and all directions given by the supervising staff member. Failure to comply may result in additional consequences.
2. Any student assigned to a reflection must stay the entire time. Students who intentionally leave early, arrive late, or threaten or attempt to leave early or arrive late may receive additional consequences.
3. Students should bring materials to complete their reflection. Students arriving without materials or assignments may be given additional time to serve.
4. Students will not be permitted to leave the room.
5. Talking and other forms of communication are not permitted, except to the supervising staff member with permission. Students are expected to remain silent and work alone.
6. Getting out of one's seat is not permitted, except with permission from the supervising staff member.
7. The best place to learn is in the classroom; lunch and after-school reflection are not an opportunity for academic help or tutoring.
8. Students and/or families with concerns about consequences should arrange a meeting with the Campus Leadership Team.

Conferences, Hearings, and Appeals

All Students are entitled to conferences, hearings, and/or appeals of disciplinary matters as provided by state and federal law and school policy.

Notification to Parents/Guardians

If the Director or administrator determines the students conduct warrants RP placement during the school day, the Director or administrator will make reasonable effort to notify the students parent(s) or guardian(s) that the student has been suspended before the student is sent home. Director or administrator will notify Student's parent(s) or guardian(s) of the placement, the reasons, and the time and place for an opportunity to confer with the Director or administrator.

Process for Expulsions

Notice

school days from the date of the disciplinary action.

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

1. May be present;
2. Shall have an opportunity to present evidence;
5. May be represented by an attorney.

Hearing Before the Director or administrator

The Director or administrator may audio record the hearing. When the Director or designee determines that a student's conduct warrants expulsion, but prior to taking any expulsion action, the Director or designee will provide the students parent(s) with notice of:

1. The reasons for the proposed disciplinary action; and

2. The date and location for a hearing before the Director or administrator, within five
3. Shall be apprised and informed of the school's evidence;
4. May be accompanied by his or her parent(s); and

The school shall make a good faith effort to inform the Student and the Student's parent(s) of the time and place for the hearing, and the school shall hold the hearing regardless of whether the Student, the Student's parent(s), or another adult representing the student attends. Immediately following the hearing, the Director or administrator will notify the Student and the Student's parent(s) in writing of his or her decision. The decision shall specify:

1. The length of the expulsion, if any;
2. When the expulsion is not permanent, the procedures for re-admittance at the end of the expulsion period; and
3. The right to appeal the Director or administrator decision to the Executive Director or the designee.

The notice shall also state that failure to timely request such a hearing constitutes a waiver of further rights in the matter.

Appeal to the Executive Director

The student or his or her parent(s) may appeal the expulsion decision to the Executive Director by notifying the Director in writing within seven calendar days of the date of receipt of the Director or administrator decision. The Executive Director will review the audio or transcribed record from the hearing before the Director or administrator at a specially called meeting. The Executive Director will notify the student and his or her parent(s) of its decision, in writing, within five calendar days of the hearing. The decision of the Executive Director is final and may not be appealed. Discipline consequences will not be deferred pending the outcome of an appeal of an expulsion to the Executive Director.

No Credit Earned

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

Emergency Placement and Expulsion

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

**Placement of Students with Disabilities
RJ/Expulsion Requirement
Gun-Free Schools Act**

For the purposes of this law, “firearm” means:

All disciplinary actions regarding Students with disabilities shall be conducted in accordance with the most current federal and state laws. A Student with a disability shall not be excluded from his or her current placement pending appeal to the Executive Director for more than ten days without ARD Committee action to determine appropriate services in the interim. Pending appeal to a special education hearing officer, a Students with a disability shall remain in the present education setting, unless the school and parents agree otherwise.

In accordance with the Gun-Free Schools Act, the school shall expel from the student’s regular program for a period of one year, any Student who is determined to have brought a firearm, as defined by federal law, to school. The Director or designee may modify the term of expulsion for a student or assess another comparable penalty that results in the student’s expulsion from the regular school program on a case-by-case basis.

1. Any weapon – including a starter gun – which will, or is designed to, or which may readily be converted to expel a projectile by the action of an explosive from the frame or receiver of any such weapon;
2. Any firearm muffler or firearm silencer;
3. Any destructive device. “Destructive device” means any explosive, incendiary or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or device like any of the preceding described devices. It also means any type of weapon – other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes – by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than 1/2 inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described, and from which a destructive device may be readily assembled.

CLEAR Leadership Academy’s code of conduct is modeled from Austin Achieve Public School student code of conduct. <https://austinachieve.org> December, 2019.