



# **STUDENT CODE OF CONDUCT 2017-2018**

**NYOS Charter School**  
**STUDENT CODE OF CONDUCT**  
**2017 - 2018**

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## **APPLICATION OF THE CODE**

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

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

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

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

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

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

# EXPECTATIONS FOR STUDENT CONDUCT

The mission of NYOS Charter School is: **At NYOS Charter School, we educate the whole student. We foster a collegial Pre-K – 12 program that challenges each learner with rigorous academics, innovative strategies and expectations for civic engagement.** To achieve that mission, the School must be an environment safe, secure and free from disruption. Students are expected to demonstrate behavior appropriate to the School's learning environment, to treat other students, School personnel, and visitors to the School with respect. As such, each student is expected to:

- Behave in a responsible and respectful manner;
- Demonstrate courtesy and respect for others, especially other students and School personnel;
- Attend classes and required School activities and events regularly and on time;
- Prepare for each class and complete assignments on time;
- Respect the rights and privileges of other students and school personnel in person and online;
- Respect and care for School property and facilities;
- Turn off cell phones or other electronic media during instructional time, and otherwise follow policies related to use of technology, except for staff approved use in class per the NYOS Acceptable Use Policy and Student-Owned Devices agreement;
- Cooperate with School personnel in maintaining safety, order and discipline;
- Dress appropriately in accordance with the School's dress code;
- Review and comply with the Student Handbook and other School and campus rules;
- Obey classroom rules and classroom expectations for behavior;
- Refrain from verbal or written acts of bullying whether in person or online;
- Avoid violations of this Code.

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

Parent cooperation is essential to achieving the School's mission and ensuring that students learn in a safe, secure and positive environment. Parental involvement and cooperation is vital in the discipline process. Parents should understand and be familiar with the Code, ensure that his or her child understands and seeks to comply with this Code, and assist the school in counseling students regarding appropriate behavior.

# PROHIBITED CONDUCT

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

## Unacceptable Student Behavior

1. Cursing, using offensive language, name calling, ethnic, racial or gender slurs, other derogatory statements, or yelling;
2. Disrespectful behavior towards others;
3. Failure to follow directives;
4. Disruption of instruction or other school activities or operations;
5. Unexcused or excessive tardiness;
6. False statements or false accusations;
7. Bullying (*including cyberbullying*), teasing, or targeting other students;
8. Inappropriate use of electronic devices or electronic media;
9. Selling merchandise or goods not authorized by the school;

## Violation of School Rules and Policies

10. Failure to comply with the Student Handbook, or other School or campus rules;
11. Leaving the classroom, school building, mandatory school activities or events, or adult supervision without permission;
12. Skipping a class period or other mandatory activity, in whole or in part, without permission;
13. Violation of School or campus policies or rules related to the use of electronic media, including personal or School-owned electronic devices (*e.g.*, cell phones, tablets, game systems, computers, cameras), or the School's network or Internet connection as authorized in the NYOS Acceptable Use Policy;
14. Truancy or other failure to attend school without excuse;
15. Defacing, destroying or otherwise modifying School property without authorization;
16. Taking photographs or making video or audio recordings of students, employees, or other persons without the consent of the other person;
17. Soliciting or attempting to solicit another student to violate the Code, School policies and rules, or the law;
18. Taking steps toward violation of the Code even if the act is not completed, as determined by appropriate School administrator;
19. Failing to follow school directives and classroom rules and expectations;
20. Disobeying rules and expectations regarding school transportation;
21. Inappropriate or unauthorized use of School property, including posting or distributing literature or materials without School authorization;
22. Drawings or depictions of gang related attire or weapons;
23. Displaying or wearing gang related attire or symbols;
24. Possession of:
  - fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device

- a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person
- a “look-alike” weapon
- an air gun or BB gun
- ammunition
- a stun gun
- a pocketknife
- mace or pepper spray
- pornographic material
- tobacco or tobacco related products
- matches or a lighter
- a laser pointer for other than an approved use or
- any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists (For weapons and firearms see Expulsion);

### **Violent, Illegal, and Other Serious Offenses**

25. Possession of prohibited items;
26. Conduct which meets the elements of a criminal offense, as determined by the School;
27. Physical, verbal or sexual harassment of others;
28. Inappropriate physical or sexual behavior, including jokes, comments, gestures or unwelcome physical conduct or contact;
29. False statements or false accusations;
30. Engaging in verbal, non-verbal or written communication that causes concern for safety;
31. Hazing or initiations;
32. Participation in a gang, soliciting or attempting to solicit participation in a gang;
33. Possessing, distributing, using or being under the influence of tobacco products, electronic cigarettes, personal vaporizers, drugs, alcohol, or controlled substances, including prescription drugs if the student has not been prescribed the drugs or is taking the drugs in excess of the dosage specified by the prescription;
34. Possessing drug paraphernalia;
35. Stealing, lying, cheating, or copying the work of another without authorization (plagiarism);
36. Deliberately, and without School authorization, accessing, damaging, or altering School data and records, including but not limited to confidential records, electronic data, networks or systems;
37. Violence of any kind, including dating violence;
38. Fighting;
39. Gambling;
40. Setting or attempting to set a fire;
41. Inappropriate or indecent exposure of body parts;
42. Retaliation of any form against other students or School personnel;
43. Conduct which requires the student’s registration as a sex offender;

44. Possession or distribution of pictures, text messages, electronic messages or other material of a sexual or obscene nature;
45. Endangering the health or safety of others;
46. Other conduct as identified within this Code.

## **DETERMINING APPROPRIATE DISCIPLINE**

Depending on the nature and severity of the offense, discipline may be issued by the student's classroom teacher, campus administrator, or administrator's designee, in accordance with this Code. In order to make a determination of misconduct or issue disciplinary consequences under this Code, the authorized School employee must have a reasonable belief that the student engaged in the suspected conduct. The employee's conclusion may be based on any relevant evidence including, but not limited to, observation, other personal knowledge, verbal or written witness statements, other forms of documentation, or information received from law enforcement.

In reaching a decision regarding a student discipline matter, the School may consider the specific facts and circumstances of the situation, including but not limited to:

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

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

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

## **INVESTIGATION OF DISCIPLINE ISSUES**

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

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

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

## **DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS**

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

The School may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability under Section 504 who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the School would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to disciplinary action for the use or possession of illegal drugs or alcohol. However, a student who is eligible for special education under the IDEA should have a manifestation determination review conducted to address any use or possession of illegal drugs or alcohol if such conduct could result in a change of placement.

Any disciplinary action that would constitute a "change in the placement" of a student receiving special education services may be taken only after the student's Admission, Review, and Dismissal (ARD) committee conducts a manifestation determination review in order to determine whether the



student's conduct was a manifestation of his or her disability or is the result of the school failing to properly implement the student's Individualized Education Plan.

A change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than ten consecutive school days; or
2. Subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than ten school days in a school year;
  - b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and
  - c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

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

A student who has not been determined eligible for special education services and who has engaged in behavior that violates the Code is entitled to the protections under the IDEA regarding discipline of a student with special needs described above if the school has knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. If the school does not have knowledge that a student is a student with a disability prior to taking disciplinary action, the student may be subject to the disciplinary actions applied to students without disabilities. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary action, the evaluation shall be conducted in an expedited manner.

## **TYPES OF DISCIPLINE**

Available disciplinary consequences include:

- Verbal correction;
- Counseling;
- Conference with teacher or administrator;
- Parent conference;
- Education/training;
- Behavior plan;
- Community service;
- School-related assigned tasks or duties;
- Loss or restriction of privileges;
- Consequences related to student participation in extracurricular activities, including removal, suspension, or restriction of participation;
- Removal from class to campus office;

- Confiscation of items;
- Detention;
- In-School Suspension;
- Out-of-School Suspension;
- Expulsion.

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

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

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

## **DETENTION / IN-SCHOOL SUSPENSION**

A student may be assigned to one or more sessions of detention or placed in in-school suspension for engaging in prohibited conduct under this Code. The student's parent or guardian will be notified by phone and in writing of the student's conduct and assignment to detention or in-school suspension. Detention will be held outside of the instructional day, either before or after school, during lunch period, or during recess. In-school suspension will require the student to report to the appropriate staff member for all or part of one or more school days.

## **OUT-OF-SCHOOL SUSPENSION**

A student may be suspended for one or more school days for engaging in prohibited conduct under this Code. The student's parent or guardian will be notified by phone and in writing of the student's conduct and the length of the period of suspension. Parents or guardians must immediately pick up the student from school. A student may not be suspended for more than three consecutive school days. During a period of suspension, the suspended student may not enter onto school property or participate in or attend school-sponsored or school-related events or activities. The student's teachers may provide assignments that the student will be expected to complete during the period of

suspension. Student assignments or other class work completed during a period of suspension will be accepted for grading if completed within three school days of the end of the suspension.

## REASONS FOR EXPULSION

### Discretionary Expulsion

A student may be expelled from the School if he or she is found to have committed any of the acts listed below.

1. Engaging in serious offenses or persistent misbehavior;
2. Disciplinary infractions that violate NYOS's Code while under Behavior Plan;
3. Criminal Mischief;
4. Disruptive Activities (including but not limited to Disorderly Conduct or Physical Aggression);
5. Disruption of Classes;
6. Theft;
7. Possessing or using weapons and/or using objects as weapons;
8. Fighting;
9. Sexual Harassment;
10. Possession, use or transmittal of a prohibited or counterfeit substance or drug paraphernalia;
11. Possession of any fireworks or ammunition;
12. Criminal Trespass;
13. Threats, extortion or harassment;
14. Destruction of School Property.

### Mandatory Expulsion

A student must be expelled from the School if he or she is found to have committed any of the acts listed below.

1. **Weapons.** The student used, exhibited, or possessed any of the following while on school property or while attending a school-sponsored or school-related activity on or off school property:
  - a. A firearm;
  - b. An illegal knife;
  - c. A club; or
  - d. A prohibited weapon.

2. **Violent Conduct.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code, regardless of location:

- a. Aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, or continuous sexual abuse of a child or children;
- b. Assault against another student, an employee, or a volunteer of the School;
- c. Deadly conduct;
- d. A Title V felony under the Penal Code.

3. **Disruptions.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code, regardless of location:

- a. False alarm or report (fire, bomb, offense) or terroristic threat involving a public school;
- b. An offense related to an abusable volatile chemical;
- c. Breach of computer security if the conduct involves accessing a computer network, or computer system owned by or operated on behalf of a public school and the student knowingly alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system;
- d. Criminal mischief if the conduct is punishable as a felony;
- e. Public lewdness or indecent exposure.

#### 4. **Drugs and Alcohol**

a. On school property, at school-sponsored or school-related event, or within 300 feet of school property:

- i. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of marihuana, dangerous drug, or alcoholic beverage.

b. Regardless of location:

- i. Sells, gives, delivers to another person or possesses or uses or is under the influence of marihuana or a dangerous drug, as defined by the Health and Safety Code, if the conduct is punishable as a felony.

- ii. Sells, gives, delivers to another person an alcoholic beverage, as defined by the Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol or possesses, uses, or is under the influence of an alcoholic beverage, and the conduct is punishable as a felony.
- 5. **Other.** The student, while on campus or at a school-sponsored or school-related event, on or off campus:
  - a. Engages in conduct that constitutes a felony;
  - b. Commits an assault;
  - c. Commits frequent violations of this Code that cause significant disruption to the School environment or substantial interference with the instructional process;
  - d. Retaliates against a school employee, volunteer, student, or parent, regardless of whether it occurs on or off school property;
  - e. Engages in conduct that the Executive Director or designee reasonably believes to be delinquent conduct.

## **EXPULSION PROCESS**

If the campus administrator or administrator's designee determines that the student's conduct warrants possible expulsion, the administrator shall provide written notice to the parent, guardian, or adult student of the proposed expulsion of the student. The written notice shall also include the reason(s) for the proposed expulsion and the date, time, location and procedure for the expulsion hearing. The student is entitled to a hearing before a different administrator than the one making the recommendation for expulsion, during which the student and/or the student's representative (*e.g.*, parent, guardian, attorney, other) will have the opportunity to review and contest the evidence and documentation against the student, and to present evidence and information on behalf of the student. The administrator hearing the matter may place reasonable restrictions on the conduct of the hearing, including the length of the presentations. At the end of the hearing, the administrator hearing the matter may issue a decision immediately or may wait until a later date to communicate a decision. The administrator hearing the matter shall send written communication of the decision to the parent, guardian or adult student.

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

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

## **TERMS OF EXPULSION**

Expulsion allows the School to deny future admission to the student based on consideration of the student's past disciplinary history.

A student expelled from the School is not eligible for readmission to the school at any time.

## **DISCIPLINE APPEAL PROCESS**

A parent may appeal the decisions of NYOS teachers or administration through the following procedure. Complaints or concerns which are not resolved at the classroom/Teacher level may be brought to the attention of the respective Principal within 15 weekdays of the day the parent was advised of a disciplinary issue. The Principal shall respond in writing within 10 weekdays.

Complaints or concerns which are not resolved at the Principal level may be brought to the attention of the Executive Director within 15 weekdays of the day the parent was informed of the disciplinary decision of the Principal. The complaint or concern addressed to the Executive Director must be in writing, must be specific, and where possible, suggest a resolution. The Executive Director shall respond to all written complaints or concerns within 10 weekdays of the receipt of the written complaint.

Parents who are dissatisfied with the response of the Executive Director may make their complaint known in writing to the School Board within 15 weekdays of being informed of the decision of the Executive Director. The complaint shall be directed to the Chairperson of the School Board, shall include a copy of the written complaint to the Executive Director, and the Executive Director's response. A copy of the complaint to the Board shall also be delivered to the Executive Director. The Chairperson of the School Board shall, at the next regular meeting of the Board, provide a copy of the complaint record to all Board members and post the item for possible action on the Board agenda. The Executive Director shall notify the appealing party of the location, date and time of the hearing in front of the School Board. Any action of the School Board regarding the complaint shall be taken in compliance with the Open Meetings Act.

The School Board shall respond to all written complaints or concerns within 10 weekdays after the Board have met regarding the complaint. The decision of the School Board is final and not appealable. An expulsion action will not be delayed during the appeal process.

# TRUANCY

State compulsory attendance law requires that every child at least 6 and younger than 19 years of age attend school. The School enforces the compulsory attendance laws by ensuring the regular attendance of currently enrolled students through the application of truancy prevention measures and, if necessary, referral of students to truancy court.

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

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

A student will be considered "truant" if the student fails to attend school, without excuse, on 10 or more days or parts of days within a six-month period in the same school year. A student, who is at least 12 years of age and younger than 19 years of age, may be referred to truancy court by the School within 10 days of the student's 10<sup>th</sup> unexcused absence. In rare occasions, parents may also be subject to prosecution for criminal negligence if the parent fails to secure the student's attendance.

Before the School makes a referral to truancy court, the School's Principal or designee will create and oversee the implementation of truancy prevention measures for the student. The School will not refer a student to truancy court if the student's truancy is the result of pregnancy, foster care, homelessness, or because the student is the principal income earner for their family and instead may offer additional counseling for the student.

If a student is 19 or older and has more than 3 unexcused absences in one semester, the School will issue a warning letter to the student that states enrollment can be revoked after 5 unexcused absences. As an alternative to revoking enrollment, the School may require the student to comply with a behavior improvement plan to address the student's lack of attendance. If the student fails to comply with the behavior improvement plan, the School may revoke the student's enrollment.

## DEFINITIONS

The following definitions are provided to further detail and define the terms of this Code. The School Board shall have final authority to interpret or amend any terms or provisions within this Code.

**Abusable volatile chemicals:** Those substances as defined in Texas Health and Safety Code § 485.001. Inhaling, ingesting, applying, or using an abusable volatile chemical with intent to inhale, ingest, apply, or use the chemical in a manner contrary to the directions for use in an attempt to affect the person's central nervous system; to create or induce a condition of intoxication, hallucination, or elation; or to change, distort, or disturb the person's eyesight, thinking process, balance, or coordination; or being under the influence of an abusable volatile chemical.

**Alcoholic Beverage:** Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

**Assault:** Intentionally, knowingly, or recklessly causing bodily injury to another.

**Bullying:** Written or verbal expression, expression through electronic means, or physical conduct that (1) has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

**Club:** An instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

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

**Criminal Mischief:** Intentionally or knowingly damaging or destroying the property of another; or intentionally or knowingly tampering with the property of another that causes pecuniary loss or substantial inconvenience to the owner or a third person; or intentionally or knowingly making markings, including inscriptions, slogans, drawings, or paintings on the property of another.

**Criminal Trespass:** Entering or remaining on or in property without consent and after being given oral or written notice that entry is forbidden, or given oral or written notice or depart, but refuses to do so.

**Cyberbullying:** The use of any electronic communication device to engage in bullying or intimidation.

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



**Delinquent conduct:** Conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

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

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

**Firearm (federal):** (1) any weapon, including a starter gun that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm weapon; or (4) any destructive device, such as an explosive, incendiary, or poison gas bomb, or grenade.

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

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

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

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

**Illegal knife:** A knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.

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

**Persistent misbehavior:** Three or more violations of the Code in general or repeated occurrences of the same violation.

**Possession:** Regardless of the student's knowledge or intent to possess the item, to have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) in any vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the student, such as a locker or desk.

**Prohibited item:** Includes but is not limited to (1) alcoholic beverages, marijuana, controlled substances, or dangerous drugs; (2) paraphernalia; (3) prohibited weapons; (4) any other item prohibited by this Code.

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

**Retaliation:** Harming or threatening to harm another: (1) on account of their service as a School employee or volunteer, (2) to prevent or delay another's service to the School, or (3) because the person intends to report a crime or violation of this Code.

**Self-defense:** When the person who is not the aggressor in an encounter uses 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.

**Sexual harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student's performance or creates an intimidating, hostile, or offensive educational environment.

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

**Short-barrel firearm:** A rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun if, as altered, it has an overall length of less than 26 inches.

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

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

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

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

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

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

# APPENDIX A

Forms of Bullying are as follows, but are not limited to:

## PHYSICAL AGGRESSION

- Pushing;
- Shoving;
- Spitting;
- Kicking;
- Hitting;
- Giving dirty looks;
- Threatening with a weapon;
- Defacing property;
- Destroying property;
- Stealing.

## VERBAL/WRITTEN AGGRESSION

- Mocking;
- Name-calling;
- Teasing;
- Intimidating telephone calls/electronic or written communication;
- Racist, sexist, or homophobic taunting;
- Daring another to do something dangerous;
- Verbal or written threats against property;
- Verbal or written threats of violence or inflicting bodily harm;
- Coercion;
- Extortion;
- Release of confidential information.

## SOCIAL ALIENATION

- Gossiping;
- Embarrassing;
- Setting up a student to look foolish;
- Spreading rumors;
- Excluding from group;
- Inciting hatred;
- Racist, sexist, or homophobic alienation;
- Setting up someone to take the blame;
- Public humiliation;
- Malicious rumor spreading.

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***Acknowledgment of Receipt &  
Understanding of the Code***

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**NYOS CHARTER SCHOOL  
STUDENT CODE OF CONDUCT  
2017-2018**

**ACKNOWLEDGMENT FORM**

**Student Name:** \_\_\_\_\_

**School/Campus:** \_\_\_\_\_ **Grade Level:** \_\_\_\_\_

I, as the parent or guardian of \_\_\_\_\_, have received a copy of or have been given access to the **NYOS Charter School** Student Code of Conduct (the "Code") for the **2017 - 2018** school year. I have read, understand, and agree that my child shall abide by the Code. I understand that my child will be held accountable for his or her behavior, and he or she is required to comply with the expected standards of conduct set out in this Code and will be subject to disciplinary consequences if he or she fails to do so. I understand that the Code governs my child's behavior while on school property and at school-sponsored or school-related activities whether on or off campus; and that my child may also be subject to discipline for certain conduct which occurs outside of school regardless of time or location, including any school-related misconduct. I understand that the School may contact law enforcement for further investigation or criminal prosecution for certain violations of law.

I also understand that parental involvement and cooperation is vital in the discipline process. By signing below, I acknowledge my understanding and commitment to ensure that my child understands and complies with the Code.

\_\_\_\_\_  
Parent/Guardian Printed Name

\_\_\_\_\_  
Student Printed Name

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date