

**Sam Houston State University Charter School**  
**STUDENT CODE OF CONDUCT**  
**2023 - 2024**

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# INTRODUCTION TO THIS GUIDE

Dear Parent/Guardian:

This Student Code of Conduct (SCC) provides information regarding SHSU Charter School expectations for student behavior and consequences for misconduct. Please read and review the information in the Student Code of Conduct with your student so that you both have a clear understanding of its content. Once you and your student have reviewed the Student Code of Conduct, you and your student should sign the Parent/Student Acknowledgement Form included in the Student Enrollment Packet. Please contact your student's Teacher or Principal if you have any questions about the Code.

# APPLICATION OF THE CODE

The Board of the Sam Houston State University Charter School (the "School")

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, School personnel

## **APPROPRIATE USE OF SCHOOL TECHNOLOGY**

Students have no expectation of privacy with respect to School-owned property, including school-

## Violation of School Rules and Policies

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- Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student 's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-



- The student's remorsefulness for the conduct;
- The severity of the effect or harm of the conduct on other persons or property;

## 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.

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. Prior knowledge of a disability may occur when (1) the parent has expressed concern in writing that the student is in need of special education or related services, (2) the parent has requested an evaluation of the student in writing, or (3) the School

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:

- Parent conference;
- Verbal correction;
- Counseling;
- Conference with teacher or administrator;
- Education/training;
- Behavior Contract
- Improvement plan;
- School-related assigned tasks or duties;
- Loss or restriction of privileges
- Loss of desired school activities (free recess play, iPad usage, etc.)
- Consequences related to student participation in extracurricular activities, including removal, suspension, or restriction of participation;
- Removal from class to campus office or to another teachers classroom;
- Confiscation of items;
- Lunch 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 the disciplinary consequence 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. When expulsion is an appropriate punishment for a violation and 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.

## 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. 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 will provide assignments that the student will be expected to complete during the period of suspension. Student assignments or other class work completed during a period of suspension will be accepted for grading if completed in a timely fashion.

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4. **Drugs and Alcohol.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code:
  - 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

## TERMS OF EXPULSION

The period of expulsion may be determined by many factors, including the severity of the conduct and the existence of a continuing risk of harm to other students and employees.

**PERMANENT EXCLUSION FROM ADMISSION PERMITTED:** A student expelled from the School is not eligible for readmission to the School at any time.

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

## DISCIPLINE APPEAL PROCESS

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

If the appealing party is not satisfied with the decision of the Superintendent or Superintendent's designee, he or she may appeal that decision to the **Sam Houston State University Charter School Board**



## DEFINITIONS

The following definitions are provided to further detail and define the terms of this Code. The **Sam Houston State University Charter 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.

**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 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.

**Cyberbullying:** Cyberbullying is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites.



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**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, but not be limited to 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

Under the influence: