



**Frank L. Madla Accelerated Collegiate Academy  
Frank L. Madla Early College High School**

**STUDENT CODE OF CONDUCT  
2019 - 2020**

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## **APPLICATION OF THE CODE**

The Board of Directors of New Frontiers Public Schools 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 online at [www.newfrontierspublicschools.org](http://www.newfrontierspublicschools.org).

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 New Frontiers Public Schools is dedicated to educating and growing our students and their character. By compassionately reaching out to people in our own community, we give students a sense of pride and purpose, inspiring them to become tomorrow's leaders.

To achieve that mission, the School must be an environmentally 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. The campus will follow the *Leader in Me* model adopted from the *7 Habits of Highly Effective People*, by Stephen Covey. Students will be given these principles as a model concurrent with the *Leader in Me*.

1. Be Proactive
2. Begin With the End in Mind
3. Put First Things First
4. Think Win-Win
5. Seek First to Understand, Then to Be Understood
6. Synergize
7. Sharpen the Saw

Students are expected to comply with the school's technology, and electronic media use policies and procedures. Students are also expected to demonstrate the same behavior online or while using electronic media as is expected in the classroom, on school property, or 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 are 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.

### General Student Behavior

1. Cursing, using offensive language, name calling, ethnic, racial or gender slurs, other derogatory statements, or yelling;
2. Disrespectful behavior towards adults;
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 cell phone or electronic media use;

### Violation of School Rules and Policies

9. Failure to comply with the Student Handbook, or other School or campus rules;
10. Leaving the classroom, school building, mandatory school activities or events, or adult supervision without permission;
11. Skipping a class period or other mandatory activity, in whole or in part, without permission;
12. 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;
13. Failure to attend school without excuse;
14. Defacing, destroying or otherwise modifying School property without authorization;
15. Taking photographs or making a video or audio recordings of students, employees, or other persons without the consent of the other person;
16. Soliciting or attempting to solicit another student to violate the Code, School policies, and rules, or the law;
17. Taking steps toward violation of the Code even if the act is not completed, as determined by the appropriate School administrator;
18. Failing to follow school directives and classroom rules and expectations;
19. Disobeying rules and expectations regarding school transportation;
20. Inappropriate or unauthorized use of School property, including posting or distributing literature or materials without School authorization;

### Violent, Illegal, and Other Serious Offenses

21. Possession of prohibited items;
22. Conduct which meets the elements of a criminal offense, as determined by the School;
23. Physical, verbal or sexual harassment of others;
24. Inappropriate physical or sexual behavior, including jokes, comments, gestures or unwelcome physical conduct or contact;
25. False statements or false accusations;
26. Hazing or initiations;

27. Participation in a gang, soliciting or attempt to solicit participation in a gang;
28. Possessing, distributing, using or being under the influence of tobacco products, electronic cigarettes, 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;
29. Possessing drug paraphernalia;
30. Stealing, lying, cheating, or copying the work of another without authorization (plagiarism);
31. 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;
32. Violence of any kind, including dating violence;
33. Fighting;
34. Gambling;
35. Setting or attempting to set a fire;
36. Inappropriate or indecent exposure of body parts;
37. Retaliation of any form against other students or School personnel;
38. Conduct which requires the student's registration as a sex offender;
39. Possession or distribution of pictures, text messages, electronic messages or other material of a sexual or obscene nature;
40. Endangering the health or safety of others;
41. Other conducts 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 that a student has engaged in conduct which meets the elements of a criminal offense. The School has the authority to make such a determination without regard for whether the student is arrested, charged, or otherwise processed by the criminal justice system for the criminal offense. The School may consider information received from law enforcement or other entities within the criminal justice system in issuing discipline under this Code.

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 school 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 the 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

**Consider this:** Not all student misconduct is created equal, and a "zero tolerance" system of discipline may not be the right fit for your school. By listing those additional factors that the school may take into consideration when issuing discipline, you can provide flexibility for your decision makers to ensure that discipline decisions are fair and appropriate. The factors that are included in the list below are commonly considered in justifying more or less severe punishment, but are provided as suggestions only.

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.).

## **FREEDOM FROM BULLYING AND CYBERBULLYING**

New Frontiers Public Schools prohibits bullying as defined by this section, as well as retaliation against anyone involved in the complaint process. Bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

- Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable harm to the student's person or of damage to the student's property;
- Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student; or
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or the School; or
- Infringes on the rights of the victim at school.

Cyberbullying means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

The school's bullying policy applies to:

- Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
- Bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
- 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-sponsored or school-related activity.

### ***Reporting Procedures***

Any student who believes that he or she has experienced any form of bullying or believes that another student has experienced bullying should immediately report the alleged acts to the Principal or designee, a teacher, counselor, or other school employee. A report may be made orally or in writing and may be submitted anonymously. Any school employee who receives notice that a student has or may have experienced bullying shall immediately notify the Principal or designee. The Principal or designee will

notify the victim, the student who engaged in bullying, and any student witnesses of available counseling options.

The Principal or designee shall provide notice of incident of alleged bullying to:

- A parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
- A parent or guardian of the alleged bully within a reasonable amount of time after the incident.

### ***Investigation of Report***

The Principal or designee shall determine whether the allegations in the report if proven, would constitute prohibited harassment and, if so, proceed under that policy instead. The Principal or designee shall conduct an appropriate investigation based on the allegations in the report, and shall take prompt interim action calculated to prevent bullying during the course of an investigation, if appropriate.

The Principal or designee shall prepare a written report of the investigation, including a determination of whether bullying occurred. If the results of an investigation indicated that bullying occurred, the school shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the Student Code of Conduct. New Frontiers Public Schools may take action based on the results of an investigation, even if the school concludes that the conduct did not rise to the level of bullying under this policy.

Discipline for bullying of a student with disabilities shall comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 *et seq.*). New Frontiers Public Schools may not impose discipline on a student who, after an investigation, is found to be a victim of bullying, based on that student's use of reasonable self-defense in response to the bullying.

The Principal, or the Principal's designee, may make a report to the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if, after an investigation is completed, the Principal or designee has reasonable grounds to believe that a student engaged in conduct that constitutes an offense under Section 22.01 (Assault) or 42.07(a)(7) (Harassment), Texas Penal Code.

### ***Confidentiality***

To the greatest extent possible, New Frontiers Public Schools shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary to conduct a thorough investigation.

### ***Appeal***

A student or parent who is dissatisfied with the outcome of the investigation may appeal through the New Frontiers Public Schools grievance procedure.

## **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. 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.

Refer to the New Frontiers Public Schools Board Policy for more information regarding special education services.

## TYPES OF DISCIPLINE

Available disciplinary consequences include:

- Parent conference;
- Verbal correction;
- Counseling;
- Conference with teacher or administrator;
- Education/training;
- Improvement plan;
- Community service;
- School-related assigned tasks or duties;
- Loss or restriction of privileges (*e.g.*, eligibility to hold special positions, exemption from exams, etc.);
- Consequences related to student participation in extracurricular activities, including removal, suspension, or restriction of participation;
- Removal from class to campus office;
- Issuance of demerits;
- Confiscation of items;
- Detention;
- In-School Suspension;
- Other alternative placement;
- Out-of-School Suspension;
- Mandatory Withdrawal;
- 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 in-school suspension classroom for all or part of one or more school days. While in in-school suspension, the student will be provided the appropriate class assignments and will be expected to complete those assignments as if the student were in the regular classroom.

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

A student may be suspended for one or more school days for engaging in prohibited conduct under this Code. 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.

## **DISCRETIONARY/PERMANENT WITHDRAWAL**

A student may be withdrawn for engaging in the severe prohibited conduct.

## **DISCRETIONARY/PERMANENT WITHDRAWAL PROCESS**

The Board delegates to the Superintendent or the Superintendent's designee the authority to permanently withdraw students. The Superintendent or the Superintendent's designee schedules a hearing within a reasonable time with the student's parents and the student. The student's parent or guardian is given written notice to attend the hearing. The district makes a good-faith effort to inform the parent or legal guardian about the time and place of the hearing. After the district makes this good-faith effort, the district holds the hearing regardless of whether the student, the student's parents or guardian, or other adult representing the student attends the hearing. Until a hearing can be held, the principal may temporarily place the student in:

- Another appropriate classroom
- In-School Suspension (3-day limit)
- Out-of-School Suspension (3-day limit)

A student facing permanent withdrawal is given appropriate due process as required by federal law. The student is entitled to:

- The right to an adult representative who is not a District employee or legal counsel who can provide guidance to the student
- An opportunity to testify and to present evidence and witness in the student's defense
- An opportunity to question the District's witnesses

The Superintendent or the Superintendent's designee on a case-by-case basis determines the duration of a student's withdrawal. The duration of a withdrawal shall not exceed one (1) calendar year. State and federal law requires a student to be withdrawn from the regular classroom for a period of at least one (1) calendar year for bringing a firearm to school or possessing a firearm at school, as defined by federal law and state law 37.007 (a)(1)(a). However, the Superintendent or Superintendent's designee may modify the length of the withdrawal on a case-by-case basis. Withdrawn/suspended students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of withdrawal.

According to State law, students under the age of 10 that engages in Stage III offenses will be withdrawn and assigned to a Disciplinary Alternative Education Program.

## **EXPULSION PROCESS**

If the school Superintendent or Superintendent's designee determines that the student's conduct warrants expulsion, the Superintendent or Superintendent's designee 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 due process hearing with the District's Hearing Officer during which the student and/or the student's representative (*e.g.*, parent, guardian, attorney, other) will have the opportunity to review and present evidence and information. The District's Hearing Officer may place reasonable restrictions on the conduct of the hearing, including the length of the presentations. At the end of the hearing, the District's Hearing Officer may issue a decision immediately or may wait until a later date to communicate a decision. The District's Hearing Officer shall send written communication of the decision to the parent, guardian or adult student. If the District's Hearing Officer determines that expulsion be appropriate, the written decision ("Expulsion Order") shall include the length of the term of expulsion.

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

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



## REASONS FOR EXPULSION/MANDATORY WITHDRAWAL

A student may 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 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.** 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 amount of marijuana, 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 marijuana 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.

## DISCIPLINE APPEAL PROCESS

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

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

## DEFINITIONS

The following definitions are provided to further detail and define the terms of this Code. The Board of Trustees 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.

**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.

**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.

**Lunch Detention:** Lunch detention may be assigned as an appropriate consequence by an Administrator. Students that are assigned this consequence would eat lunch in the cafeteria under supervision. Students would also relinquish their recess time.

Teachers may also assign their own form of lunch detention if a child commits an infraction. The child would eat lunch with the teacher in the classroom. The student would also relinquish his/her recess time.

**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, bongs, and pipes.

**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 removing 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.

## Stage I-III Disciplinary Offenses and Consequences

### Stage I Offenses

- Insubordination-refusing to comply with directives given by school personnel
- 
- Gambling
- Causing physical contact such as biting or pinching
- Disobeying school rules related to riding the school bus
- Falsification of records, passes or other school-related documents
- Leaving school grounds or school-sponsored events without permission
- Hazing
- Engaging in offensive non-physical behavior such as the use of a cellular phone for sexting purposes
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or is pornographic, or could threaten school safety, using e-mail, cell phones, or websites at school

### Stage I Consequences

Students who engage in any of the Stage I offenses shall be subject to appropriate campus progressive disciplinary action including, but not limited to, the following:

- Oral Correction
- Cooling off or "Time-out"
- Detention
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher conferences
- Temporary confiscation of items that disrupt the educational process
- Withdrawal of privileges, such as extracurricular activities participation

- After School Detention
- School-assessed and school administered probation
- Out of School Suspension
- In School Suspension
- Lunch detention

### **Stage II Offenses**

A student may be withdrawn from New Frontiers Public Schools and assigned to a disciplinary alternative placement program outside our district (New Frontiers Public Schools is not responsible for child once withdrawn) if the student commits any of the following Stage II Offenses on school property, or while attending a school sponsored or school related activity on or off school property:

- Bullying-including physical, verbal, indirect, social alienation, intimidation, and cyberbullying
- Engaging in inappropriate, unwelcome verbal, physical or sexual conduct that is disruptive or offensive to, school employees or volunteers, or the school environment
- Criminal mischief or damaging or vandalizing property owned by others (if not a felony)
- Engaging in verbal abuse such as name-calling, ethnic slurs, or derogatory statements that disrupt the school environment or incite violence
- Exhibiting disrespect or directing profanity, vulgar language, or obscene gestures toward district employees or other students
- Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device
- Intentionally knowing or making false accusations against teachers, other school employees, volunteers, or other students
- Stealing from students, staff, campus visitors, or school (if not a felony)
- Placing a substance in another person's food, drink, and/or other possessions without that person's knowledge
- Pulling a fire alarm, as a prank when there is no smoke, fire, or danger that requires evacuation
- Abusing the student's own prescription or over the counter drug, giving a prescription or nonprescription drug to another student, or possessing or being under the influence of another person's prescription or nonprescription drug, if not a controlled substance, on school property or at a school-related event
- Violating the District's policies and procedures on taking prescription drugs and over the counter drugs at school
- Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee
- Possession or use of a weapon not classified in the Texas Penal Code such as a pocket knife, razors, chains, fireworks, steel-toed boots, mace, pepper spray, stun gun, or any object determined by the District and/or school to be a threat to any individual or a nuisance to our education goals
- Possession or use of a cell phone during a state-mandated exam such as STAAR test
- Possessing, exhibiting, or using a toy gun, cap gun, air-powered rifle, or any other instrument which may be perceived by another person as a firearm (if not a felony)
- Possessing, using, or distributing ammunition
- Possessing or using articles not generally considered as weapons, including school supplies, when the principal or designee determines that a danger exist
- Being involved in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang

- Committing extortion, coercion, or blackmail, or forcing a person to act through the use of threat or force, if not a felony
- Engaging in a serious fight of mutual combat, habitual aggressive physical contact, repeated commission of physical abuse or threats of physical abuse
- Displaying flagrant or extreme insubordination to District employees to include, but not be limited to profanity and obscene gestures
- Participating in aggressive, disruptive action or group demonstrations that substantially disrupt or materially interfere with school activities
- Engaging in inappropriate physical or sexual contact or conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors, if not a felony
- Creating a hit list, that is, a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause harm
- Failing to attend school on three or more days or parts of days within a four-week period within the same school year with unexcused absences, the individual commits an offense under Section 25.085 of the Compulsory Attendance Law (See Attendance in the Handbook)
- Failing to attend school on 10 or more days or parts of days within a six-month period with unexcused absences, the individual commits an offense under Section 25.085 of the Compulsory Attendance Law. (See Section 2 Attendance in Handbook)
- Inappropriate or indecent exposure of a student's private body parts
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence
- Possessing, purchasing, selling, or using Illegal Drugs
- Possessing, purchasing, using, or accepting a cigarette or tobacco product
- Possessing/Distributing lighters and/or matches
- Possessing or selling seeds or pieces of marijuana in less than a usable amount
- Possessing, using, giving, or selling paraphernalia, as defined in Texas Controlled Substances Act, related to any prohibited substance
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband
- Possessing or selling potentially harmful yet legal substances such as the herb and hallucinogen Salvia, synthetic marijuana K2, the synthetic chemical JWH-018 and others similar products
- Engaging in a persistent misbehavior-violation of two (2) or more Stage I and/or Stage II Offenses

### **Stage II Consequences**

Students who engage in any of these Stage II Offenses may be subject to appropriate disciplinary action including, but not necessarily limited to, the following:

- In-school suspension
- Saturday School
- After-school detention
- Out of School Suspension up to 3 days
- Discretionary removal from class
- Recommendation for a disciplinary hearing
- Recommendation for placement in Disciplinary Alternative Education Program
- Citation by Peace Officer (if violation of law)



- Arrest and incarceration (if violation of law)

### **Stage III Offenses**

The following actions constitute offenses that shall or may result in withdrawal. These offenses are considered to be more severe than the other offenses listed in this Code. Most of these offenses are illegal actions, and administrators will contact law enforcement officials regarding this conduct. The principal shall suspend a student for these offenses, and may place a student in in-school suspension, pending a complete investigation and recommendation for a disciplinary hearing. Hearing officer should withdraw student to a DAEP.

### **Mandatory Withdrawal**

- Engages in conduct containing the elements of aggravated assault under the Texas Penal Code against a school district employee or volunteer
- Engages in conduct containing the elements of aggravated assault against someone other than a school district employee or volunteer
- Engages in conduct containing the elements of sexual assault against a school district employee or volunteer
- Engages in conduct containing the elements of sexual assault against someone other than a school district employee or volunteer
- Uses, exhibits, or possesses a firearm under the Texas Penal Code
- Uses, exhibits, or possesses an illegal knife, such as a knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown (including martial arts throwing star); dagger, including, but not limited to a dirk, stiletto, and poniard; Bowie knife; sword; or spear
- Uses, exhibits, or possesses a club
- Uses, exhibits, or possesses a prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun. A switchblade is also included in this category
- Engages in conduct containing the elements of arson under the Texas Penal Code.
- Engages in conduct containing the elements of murder, capital murder, or criminal attempt to commit murder under the Texas Penal Code
- Engages in conduct containing the elements of indecency with a child under the Texas Penal Code
- Engages in conduct containing the elements of aggravated kidnapping under the Texas Penal Code
- Engages in conduct related to a controlled substance/drug offense violation
- Engages in conduct related to an alcohol violation if the conduct is punishable as a felony
- Retaliates against a school employee or volunteer, combined with one of the above listed offenses, on or off school property or while attending a school-related or school sponsored activity on or off of school property.
- Engages in conduct involving a public school that contains the elements of the offense of terroristic threat without regard to whether that conduct occurs on or off school property or while attending a school-sponsored or school-related event.



### **Discretionary Withdrawal**

- Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of; marijuana or a controlled substance; a dangerous drug
- Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of an alcoholic beverage
- Engages in conduct that contains the elements of an offense relating to the abuse of glue or aerosol paint
- Engages in conduct that constitutes criminal mischief (vandalism, tagging), if such conduct is punishable as a felony (i.e., if the cost of the damage in question is \$1,500 or more)
- Engages in conduct that contains elements of assault (intentionally, knowingly, or recklessly causing bodily injury to another) against a District employee or volunteer
- Engages in conduct that contains elements of assault (intentionally, knowingly, or recklessly causing bodily injury to another) against a District employee or volunteer in retaliation against a school employee or volunteer, combined with one of the above listed offenses, on or off school property or while attending a school-related or school-sponsored activity on or off of school property
- Engages in conduct involving a public school that contains the elements of the offense of false alarm or report or terrorist threat i.e. bomb threat without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related event

### **Stage III Consequences**

Students who engage in any of these Stage III Offenses shall be subject to appropriate disciplinary action including, but not necessarily limited to, the following:

- In-school suspension
- Saturday School
- After-school detention
- Out of school Suspension up to 3 days
- Discretionary Removal from class
- Recommendation to a Disciplinary Hearing
- Recommendation for placement in Disciplinary Alternative Education Program
- Citation by Peace Officer (if violation of law)
- Arrest and incarceration (if violation of law)
- Discretionary Permanent Withdrawal
- Expulsion

### **Public Notification of Nondiscrimination in Career and Technical Education Programs**

New Frontiers Public School District to include its campuses (Frank L. Madla Early College High School and Frank L. Madla Accelerated Collegiate Academy – Middle School) offers career and technical education programs aligned to a collegiate pathway provided by Alamo Community College District (Palo Alto College) and Early College High School. Admission to these programs is based on meeting STAAR standards in appropriate grade levels.

It is the policy of New Frontiers Public Schools not to discriminate on the basis of race, color, national origin, sex or handicap in its vocational programs, services or activities as required by Title VI of Civil Rights Act of 1964, as amended; Title IX of Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.

New Frontiers Public Schools will take steps to assure the lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

For information about your rights or grievance procedures, contact Norma Arshad the Title IX Coordinator and Section 504 Coordinator, at 4018 South Presa San Antonio, TX – 210.533.3655.

### **Notificación Pública de No-discriminación en Programas de Educación Profesional y Técnica**

El Distrito de Escuelas Públicas de New Frontiers incluyendo sus escuelas (Frank L. Madla Early College High School y Frank L. Madla Accelerated Collegiate Academy - Escuela Secundaria) ofrece programas de educación profesional y técnica alineados a un camino colegial proporcionado por Alamo Community College District (Palo Alto College) y Early College High School. La admisión a estos programas estará basado el cumplimiento de los estándares STAAR en los niveles de grado apropiados.

Es las póliza de New Frontiers Public School no discriminara por motivos de raza, color, origen nacional, sexo o discapacidad en sus programas, servicios o actividades profesionales, como lo exige el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; Título IX de las Enmiendas de Educación de 1972; Acta de Discriminación por Edad del 1975, según enmendada; y la Sección 504 de la Ley de Rehabilitación de 1973, según enmendada.

El Distrito de Escuelas Públicas de New Frontiers tomarán medidas para asegurar que la falta de conocimiento del idioma Inglés no será una barrera para la admisión y participación en todos los programas educativos y vocacionales.

Para obtener información sobre sus derechos o procedimientos de quejas, comuníquese con Norma Arshad, Coordinadora del Título IX y Coordinadora de la Sección 504, en 4018 South Presa San Antonio, TX - 210.533.3655.