

*CODE  
OF  
STUDENT  
CONDUCT*

# **TABLE OF CONTENTS**

Purpose .....	Page 19
Responsibilities .....	Page 19
Student Publications .....	Page 21
Student Grievances and Procedures to Report and Investigate Complaints of Sexual Harassment .....	Page 22
General Guidelines for Assessing Discipline Penalties .....	Page 24
Levels of Student Misconduct and Disciplinary Options .....	Page 25
Appeal of Student Discipline .....	Page 30
Procedures for Teacher Removal of Students .....	Page 31
Discipline of Special Education Students Under the Individuals with Disabilities Education Act .....	Page 32
Discipline of Students Served Under Section 504 of the Rehabilitation Act .....	Page 32

## **PURPOSE**

Education at WHCS represents a significant commitment of financial and human resources. The benefits a student derives from this investment depend very much on the student's attitude toward learning and the student's adherence to high standards of behavior. All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. The school must balance those rights against the need to maintain an effective safe educational climate.

The Code of Student Conduct defines the conduct that may or shall result in a range of specific disciplinary consequences, which may include in-school suspension, out-of-school suspension, or expulsion. This Code of Student Conduct is an outgrowth of collaboration among the campus staff, parents, and Board members, and provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct.

## **RESPONSIBILITIES**

The effective enforcement of the *Code of Student Conduct* and the School-based discipline management system is essential in keeping a school and/or school-related activities free of disruption and is dependent on the exercise of the responsibilities by the following:

### **STUDENTS**

WHCS shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and WHCS staff. Students shall exercise their rights and responsibilities in compliance with rules established for the orderly conduct to further the WHCS educational mission. The WHCS rules of conduct and discipline are established to achieve and maintain order in the school. Students who violate the rights of others or who violate WHCS rules shall be subject to disciplinary measures. In addition, all students are expected to maintain the highest level of discipline and decorum at all school functions. Failure to comply with administrative directives promoting order and respect will result in the student being removed from participation in school activities, including award ceremonies and programs.

Student responsibilities for achieving a positive learning environment at school or school-related activities shall include:

1. Attending all classes, daily and on time, except when ill or lawfully excused;
2. Being prepared for each class with appropriate materials and assignments;
3. Attending school tutorials when required or as the need arises;
4. Dressing in accordance with the WHCS standards;
5. Exhibiting respect toward individuals and property;
6. Conducting himself or herself in a responsible manner;
7. Paying required fees and fines;
8. Refraining from violations of the *Code of Student Conduct*;
9. Obeying all school rules;
10. Seeking changes in school policies and regulations in an orderly and responsible manner, through appropriate channels;
11. Cooperating with staff in investigation of disciplinary cases and volunteering information relating to a serious offense; and
12. Submitting signed statements that the student has received, understands and consents to the responsibilities outlined in both the Student Handbook and *Code of Student Conduct*.

## **Student Handbook and Code of Conduct**

The Student Handbook and a *Code of Student Conduct* will be distributed to all students and parents, teachers, and administrators, at the beginning of the school year. They shall also be provided to new professional employees, newly enrolled students, any parent and any other person on request. Changes in the *Code of Student Conduct* approved by the School Board during the school year may be published and distributed in the form of an addendum and then incorporated into the *Code of Student Conduct* for the following school year or may be distributed as an amended and restated document during the school year in which it is amended.

All students and parents annually shall sign statements that they have received, understand, and consent to the responsibilities outlined in both the Student Handbook and *Code of Student Conduct*. The *Code of Student Conduct* will be made available for review upon request at the office of the School Administrator.

### **PARENTS**

Throughout this *Code of Student Conduct*, the term "parent" includes a natural parent, adoptive parent, legal guardian, or person having lawful control of the student.

Each parent or guardian is entitled to enjoy the basic rights of citizenship recognized and protected by federal, state, and local law and WHCS policy. WHCS shall foster a climate of mutual respect for the rights and privileges of others. Each parent is expected to respect and protect the rights and privileges of students, teachers, WHCS staff, and other parents. Parents are expected to use appropriate behavior on school campuses and at school-related activities. Parents who violate the rights of others may be subject to action including, but not limited to, civil or criminal prosecution as outlined by law and/or WHCS policy.

Parents have the responsibility to:

1. Make every effort to provide for the physical needs of the child;
2. Instruct the child to pay attention and obey the rules;
3. Be sure their child attends school regularly and promptly report and explain absences and tardies to the school;
4. Encourage and lead the child to develop proper study habits at home;
5. Participate in meaningful parent-teacher and/or parent-teacher-principal conferences to discuss their child's school progress and welfare;
6. Attend parent training workshops for home reinforcement of study skills and specific curriculum objectives;
7. Keep informed of school policies and academic requirements of school programs;
8. Participate in school-related organizations;
9. Be sure their child is dressed appropriately at school and school-related activities. Students must conform to the designated standardized dress approved by the school board;
10. Be sure their child does not bring to school toys, radios, telecommunication devices, or other inappropriate items that may interfere with the learning environment or violate WHCS policies or *Code of Student Conduct*;
11. Discuss report cards and school assignments with their child;
12. Bring to the attention of school authorities any learning problem or condition that may relate to their child's education;
13. Maintain up-to-date home address, as well as home, work, and emergency telephone numbers, and other pertinent information at the school;
14. Cooperate with school administrators and teachers;
15. Support school and classroom rules for student behavior and ensure that their children conduct themselves according to WHCS standards;
16. Be sure their child attends school tutorials when required or as the need arises;
17. Be sure that their child is brought to school and picked up from school at appropriate times to ensure the availability of adequate supervision for the child;
18. Secure a visitor's permit from the school office when on campus during regular instructional hours, and surrender that visitor's permit upon departure;
19. Submit signed statements that they have received, understand, and consent to the responsibilities outlined in both the Student Handbook and the *Code of Student Conduct*;
20. Control their child. Under Family Code 41.001, a student's parent is legally liable for property damage proximately caused by a) the negligent conduct of the student if such conduct is reasonably attributable to the negligent failure of the parent to exercise that duty, or b) the willful or malicious conduct of a student who is at least 12 but under 18 years of age;

21. Realize that a parent's permission for a student to violate the school's regulations, or his/her approval of the violation after it has been done, does not legitimize the action; and
22. Use appropriate language when communicating with staff members on the school campus or during school-related activities.

### **Parent-Teacher Conferences**

Parent-teacher conferences are encouraged. An appointment for a conference may be arranged with the teacher. To avoid conflicts, appointments should be made a day or two in advance. Teachers are directed not to interrupt their instructional time with conferences, no matter how brief.

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

### **SCHOOL BOARD**

The WHCS Board is responsible for approving a *Code of Student Conduct* that identifies a standard of conduct for students and enacts policies and procedures necessary for implementing and enforcing a structured and disciplined learning environment.

## **STUDENT PUBLICATIONS**

Student participation in the publication of a school yearbook and/or newspaper is encouraged by the school as learning and educational experiences. These publications have qualified faculty advisors and strive to meet high standards of journalism.

In addition to school-sponsored publications, students are entitled to express, in writing, their opinions and may distribute handwritten, duplicated, or printed materials on school premises or at school-sponsored activities at other locations in accordance with the following conditions and procedures:

- a. A publication is subject to these procedures if it is non-school sponsored or if it is not prepared for the partial fulfillment of a school course and if it appears reasonably possible from the circumstances that more than five copies of the publication may be distributed.
- b. Distribution of a publication shall not be prohibited because the publication contains the expression of any idea, popular or unpopular. However, if the publication is defamatory or obscene, is threatening, or advocates illegal action or disobedience to published rules of student conduct adopted by the Board, the publication cannot be distributed on school premises. Defamatory language is that language for which a civil suit can be maintained in the courts. A publication is obscene if the language, pictures, or portrayals are described as vulgar, lewd, or indecent according to the community standards of the area where the school is located.
- c. Distribution on school premises of material consisting wholly or primarily of commercial advertising is prohibited.
- d. Distribution of a publication is prohibited if its distribution materially and substantially interferes with normal school operations or if the School Administrator has reasonable cause to believe that the distribution would engender such a material and substantial interference.
- e. The publication cannot be sold on the school premises but may be sold off school premises subject to the provisions of subsection "g".
- f. The publication must contain the name of the individual contributors, editors, and publishers.
- g. Distribution of printed material off school premises will be subject to the rules contained herein when the manner of distribution is calculated to, and in fact does, result in possession by students on school premises. This includes the distribution of places adjacent to the school premises in the morning before normal classroom activity has begun. It does not include distribution in places adjacent to school premises in the afternoon after normal classroom activity has ceased for the day.

- h. The following procedures are to be followed in distributing a publication as defined in Subsection a:
- (1) A copy of the publication must be given to the School Administrator, who may take up to one working day for the purpose of reviewing the publication before the publication may be distributed at the school. The School Administrator should determine whether the publication qualifies for distribution under the standards enumerated in Subsections b, c, and d. In making this determination, he/she may consult with other school administrators, with the classroom teacher, and/or with anyone the School Administrator thinks will be of assistance in making the proper determination.
  - (2) If in the opinion of the School Administrator, the publication fails to qualify under the standards enumerated in Sections b, c, and d, the School Administrator should submit the publication to the attorneys employed by WHCS. If the attorneys determine that the publication fails to qualify under Sections b, c, or d, the publication may not be distributed on the school premises.
  - (3) If the distribution of the publication is approved, the manner, time, and/or place for distribution must be cooperatively established with the School Administrator so as not to pose a substantial or material disruption of the learning environment. However, all approved distributions must take place before and after regular school hours on school premises.
  - (4) If the publication is not approved by the School Administrator and the attorneys, the individual or sponsors of the publication may appeal the decision to the Board for the purpose of reviewing the publication and the decisions of the School Administrator and the attorneys. Except as otherwise may be agreed by the parties, the hearing before the Board must be held at the next regularly scheduled meeting following the filing of the written request for hearing. If the Board fails to meet within the required time or overrules the decision of the School Administrator, the publication may be distributed on the next working day following the regular Board meeting subject to the provisions of paragraph (h)(3). The decision of the Board is the final decision of WHCS. The Board may either affirm or may overrule the decisions of the School Administrator and/or the attorneys. If the Board overrules the decision of the School Administrator and/or the attorneys, the publication may be distributed on the next working day following the regular Board meeting day subject to the provisions of paragraph(h) (3).
  - (5) If the Board affirms the decisions of the School Administrator and/or the attorneys, the publication may not be distributed on school premises.

### **STUDENT GRIEVANCES AND PROCEDURES TO REPORT AND INVESTIGATE COMPLAINTS OF SEXUAL HARASSMENT**

Harassment of a student by an adult or other student will not be tolerated at WCHS and may subject the harasser to expulsion (if a student) or termination (if an employee). Harassment does not include simple acts such as teasing and name-calling but includes severe, pervasive, and objectively offensive conduct that deprives a student access to educational opportunities. Sexual harassment of a student by a WHCS employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated or explicit physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature. Romantic or inappropriate social relationships between students and WHCS employees is strictly prohibited. WHCS shall take every effort to create an atmosphere free of harassment but must rely on students and employees to report known impermissible conduct so that it may take corrective action.

Students should utilize the grievance procedure to raise any issue of concern, including issues of discrimination on the basis of race, color, ethnicity, national origin, religion, sex, or disability. In addressing any of these concerns, students should utilize the following procedures:

#### **Informal Procedure:**

It is recognized that in the course of providing the best education possible in an atmosphere conducive to learning, instances occur involving individuals and personalities, and the student may be affected by conflicting or adverse decisions that require third-party resolution. In the event the student believes that such instances require a remedy or that there is a basis for a grievance, he/she first will discuss the matter with his/her teacher. Should this procedure fail to result in a satisfactory resolution, he/she may next discuss the matter with the School Administrator or School Administrator's designee with the objective of solving the matter informally. Should the informal procedure fail to satisfy the student, then a grievance may be taken through the formal procedure. A letter of grievance may be submitted to the grievance committee appointed by the Board or may be addressed directly to the Board.

**Formal Procedure:**

The aggrieved shall send a formal written grievance within fifteen (15) calendar days of the violation to the School Administrator. Within five (5) school days of the date the grievance is filed, the School Administrator, or person appointed by the School Administrator, shall schedule a meeting with the aggrieved student and his parents or guardian or designated representative and the grievance committee in an attempt to resolve the grievance. The committee shall indicate its disposition of the grievance in writing within five (5) school days of such meeting and shall furnish copies thereof to the student's parent(s). If the Board has not appointed a grievance committee, the formal grievance shall be heard by the Board at the next regularly scheduled Board meeting or at a special meeting of the Board.

**Procedures to Report and Investigate a Student's Complaint of Sexual Harassment by Another Student:**

Student misconduct, which is alleged to be sexual harassment by one student toward another student, should be reported to a teacher, counselor, School Administrator, or other adult staff member. The adult who receives the report of student misconduct shall follow the *Code of Student Conduct* for reporting, investigating, and responding to student misconduct. Students found to have committed the misconduct shall be disciplined according to the levels of student misconduct in the *Code of Student Conduct*. Students and parents may appeal to the WHCS Board if they are not satisfied with the resolution reached at the administrative level.

**Procedures to Report and Investigate Alleged Sexual Harassment of a Student by an Adult:**

A student, parent, or an individual with knowledge of the alleged act of sexual harassment of a student by an adult or another student is required to report it to a teacher, counselor, nurse, or School Administrator in a timely manner. At any time, including at the time of making the initial complaint, the student, parent, or individual with knowledge or who has received knowledge of the alleged act of sexual harassment must make a timely complaint directly to the School Administrator. To the greatest extent permitted by law, WHCS shall respect the privacy of the complainant, of persons against whom the report is filed, and of witnesses.

Whenever a complaint of sexual harassment of a student by an adult or other student is received, the following steps will be taken:

1. Efforts will be taken to obtain all of the facts from the student and to verify these facts. Such efforts may include requesting a written statement from the student, the student's parents or guardian, and the witnesses or possible witnesses; obtaining names of witnesses of the alleged acts of sexual harassment; and interviews to determine and verify the facts.
2. If appropriate, Harris County Children's Protective Services must be contacted.
3. An appropriate investigation must be conducted. The investigation shall begin within five (5) school days of receiving the information from the student, parent, or individual with knowledge of the alleged act of sexual harassment.
4. A thorough investigation includes an interview with the individual who allegedly committed the sexual harassment to inform the individual of the specific allegations and to provide an opportunity for a response.
5. Upon completion of the investigation, the student and/or parents should be informed of the resolution of the complaint.
6. Upon completion of the investigation, the individual who allegedly committed the sexual harassment shall be informed of the resolution of the complaint. The individual may be accompanied by a representative of choice to discuss the resolution of the complaint.
7. Upon completion of the investigation, the proposed resolution shall be sent to the School Administrator.
8. Any disciplinary action against any WHCS employee shall be proposed and implemented in accordance with Board Policy and any disciplinary action against a student shall be proposed and implemented in accordance with Board policy and the *Code of Student Conduct*.

## **GENERAL GUIDELINES FOR ASSESSING DISCIPLINE PENALTIES**

WHCS believes that problems at school can be resolved most efficiently at the lowest level. In order to resolve problems, parents, guardians, and/or students may meet with a teacher at the appropriate times to discuss existing problems. If the parents, guardians, or students, are dissatisfied with the teacher's decision or explanation, they can meet with the School Administrator to review the area of concern.

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

### **WHEN AND WHERE THE RULES APPLY:**

The policies and administrative procedures concerning student conduct apply to actions of students on school property. This includes actions occurring before, during, and after school. Additionally, the rules apply to actions of students at all school-sponsored or school-related activities or events, such as field trips, sporting events, stadium assemblies, fairs, or evening school-related activities. Students should be aware that the commission of any felony offense, whether at school or away from school, shall result in **dismissal from WHCS**. Finally, administrators who are or become aware of criminal activity by a student, whether on or off WHCS property, will make a report to appropriate law enforcement agencies, which may result in a student being subject to criminal charges for violations of the law as well as penalties under this *Code of Student Conduct*.

### **GENERAL DISCIPLINE GUIDELINES FOR ASSESSING PENALTIES:**

When imposing discipline, WHCS personnel shall adhere to the following general guidelines:

1. Discipline shall be administered when necessary to protect students, school employees, or property and to maintain essential order and discipline.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case and may include such factors as:
  - a. seriousness of the offense
  - b. student's age and attitude
  - c. frequency of misconduct
  - d. potential effect of the misconduct on the school environment
  - e. state law requirements for certain disciplinary consequences

WHCS will honor expulsion orders from other charter schools, school districts, and private schools and shall not admit a student expelled from another school or district for the period of the other school's expulsion or may refuse to enroll the student for admission to WHCS.

The Board declares that the *Code of Student Conduct* will be strictly applied. WHCS personnel will use their professional judgment in determining which disciplinary action will be most effective in dealing with specific acts of student misconduct. Disciplinary actions apply equally to all students, except as provided under Board Policy, Administrative Procedures, and applicable law related to disabled students. Physical acts **against a student by personnel** (such as, but not limited to, choking, kicking, punching, pinching, hitting with an inappropriate object, and illegal restraints) are not authorized and will be considered as a violation of the corporal punishment policies.

### **ZERO TOLERANCE/PURSUIT OF CRIMINAL CHARGES:**

The WHCS Board believes the school environment should be safe for all students and free of disruptions that interfere with the educational process. In response to this belief, the Board has developed a policy of zero tolerance. This policy shall apply to all students.

In every case where students commit a criminal offense in violation of the *Code of Student Conduct*, Texas Education Code, the Texas Penal Code, or federal law, the school will refer the student to the appropriate authorities and pursue removal to a juvenile detention facility or county jail.

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

### **LEVELS OF OFFENSES:**

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

**Level I -Teacher-Directed:** Offenses that generally occur in the classroom and can be corrected by the teacher.

**Level II - Administrative Intervention:** Offenses that are more serious in nature that require referral to an administrator and/or a continuance of Level I misconduct.

**Level III - Suspension or Dismissal from WHCS:** Offenses that seriously disrupt the educational process in the classroom, the school and/or school-related activities; and/or a continuance of repeated Level I, II, or III misconduct.

**Level IV – Mandatory Dismissal from WHCS:** More serious criminal offenses as defined in Level IV. This includes any felony, whether school-related or not..

### **LEVEL I - TEACHER-DIRECTED:**

The classroom teacher should successfully manage many behaviors. There should be immediate and consistent interventions of any behavior that impedes orderly classroom procedures or interferes with the orderly operation of the classroom.

#### **Level I Acts of Misconduct Include Such Behaviors as:**

1. Violations of rules and/or procedures established by the teacher.
2. Cheating and/or copying the work of other students.
3. Refusal to participate in classroom activities.
4. Unexcused tardiness to class.
5. Failure to bring required classroom materials and/or assigned work to class.
6. General misbehavior including, but not limited to, eating in class, horseplay, making excessive noise.
7. Any other act that impedes the orderly classroom procedure or interrupts the orderly operation of the class.
8. Failure to deliver and/or return written communications between home and school.

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

- Verbal corrections
- Teacher-student conference
- Parent contact by note, e-mail or telephone call
- Student-counselor conference
- Detention after school for 1 hour with 24 hour notice to parent/guardian
- Referral to School Administrator
- Other appropriate in-class disciplinary actions

#### **Procedures:**

1. Intervention will be accomplished by the teacher who is supervising the student or who observes the misbehavior.
2. A record of the offenses and disciplinary actions will be maintained by the teacher on the appropriate form. The teacher is to file a written report of student violations of the *Code of Student Conduct* with the School Administrator, and document the contact of the parent/guardian. For first time Level I offenses only, teachers may use their discretion and may deem minor infractions as not a violation of the *Code of Student Conduct* for purposes of this reporting. This provision shall have no effect upon the disciplinary options available to the classroom teacher under Level I for addressing student misconduct.
3. The teacher should discuss the misbehavior with the student's parent(s) and School Administrator.
4. Level I behavior violations and Disciplinary Options/Responses are not limited to those provided. Serious and/or repeated violations shall result in a more severe response and/or referral to Level II.

## **LEVEL II - SCHOOL ADMINISTRATOR INTERVENTION:**

Some infractions will result in a referral to a School Administrator. The disciplinary actions will depend on the offense, previous actions, and the seriousness of the misbehavior. Level II acts of misconduct include those student acts that interfere with the orderly educational process in the classroom and/or the school. Teachers or other school personnel who observe a student engaged in level II or higher misconduct will make a written report to the School Administrator or other appropriate administration. The School Administrator will forward a copy of the report to the parents/guardians within 24 hours.

### **Level II Acts of Misconduct include such behaviors as:**

1. Repeated/continuation of Level I misbehavior – exceeds 2 Level I infractions in one semester
2. Leaving the classroom or school grounds without the permission of school personnel
3. Dress Code violations.
4. Inappropriate display of affection
5. Any verbal abuse of others including name-calling or derogatory statements
6. Posting or distributing unauthorized materials on school grounds
7. Failure to abide by rules and regulations at extracurricular activities and/or co-curricular activities such as field trips
8. Violation of policy on toys & electronics, including cell phones, MP3 players, gameboys, etc.
9. Altering school records, documents, or signing parent's name on school documents
10. Participation in activities by groups such as gangs and cults
11. Failure to serve a teacher's detention
12. Disruptive behavior or any other acts that interfere with the orderly educational process in the classroom and/or the school including, but not limited to, obstructing or restraining the passage of another student or adult, exhibiting force, engaging in conduct that prohibits others from peaceful, lawful assembly, emitting noises that prevent or hinder classroom instruction, or enticing or attempting to entice another student away from the classroom, inappropriate use of force
13. Bullying or intimidating other students by oral expression, physical conduct or written communication
14. Throwing things or objects that can cause bodily injury or damage property
15. Use of inappropriate language, verbal or written
16. Violating acceptable use policy for computers
17. Any form of dishonesty, including lying, cheating, stealing
18. Loitering in unauthorized areas
19. Failure to comply with directions of a staff member

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

- Parental contact by phone and written notification to parent or guardian within 24 hours
- Required School Administrator/student/parental conference
- Detention after school for 1 hour
- Exclusion from extracurricular activities including, but not limited to, field, trips, and award ceremonies
- "Behavioral" contracts
- Confiscation of inappropriate item
- Teacher removal of the student from the classroom, which may result in dismissal from WHCS
- Referral to Disciplinary Board
- Any other appropriate disciplinary actions determined by the School Administrator

### **Procedures:**

1. Referral to School Administrator by way of discipline notice
2. School Administrator confers with student and/or teacher to establish appropriate action
3. Written notification is sent to parent within 24 hours of report
4. Notification is sent to the teacher indicating action taken
5. Level II behavior violations and Discipline Options/Responses are not limited to those provided in the following list

### **LEVEL III- SUSPENSION OR DISMISSAL FROM WEST HOUSTON CHARTER SCHOOL:**

Level III Acts include conduct for which the student may be suspended or dismissed from WHCS. The School Administrator will make the determination whether to suspend or dismiss the student from WHCS. The duration of the suspension is limited to three days per occurrence.

#### **Level III Acts of Misconduct Include Such Behaviors as:**

1. Chronic or repeated disciplinary infractions of Level I and/or II offenses – exceeds 2 Level II infractions in 1 semester
2. Fighting
3. Gambling
4. Stealing/theft of property
5. Possession of a knife
6. Smoking or using or possessing tobacco and tobacco product on school property or any school-related/sanctioned activity
7. Interfering with school authorities
8. Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities. This includes such acts as boycotts, sit-ins, trespassing, or walkouts.
9. Failure to comply with reasonable requests of school personnel and/or defiance of the authority of school personnel
10. Failure to adhere to terms of behavior contracts
11. Indecent/unsolicited sexual proposal/sexual harassment
12. Selling or soliciting for sale any merchandise on school campus
13. Display of disrespect toward school personnel or campus visitors
14. Profanity, vulgar language, or obscene gestures
15. Any ethnic or racial slurs which seriously disrupt the educational process
16. Engaging in acts of intimidation which interfere with another student's desire or willingness to participate in the educational process
17. Misdemeanor criminal mischief (i.e., vandalism) resulting in the destruction of property
18. Use of school computers, facsimile equipment or other electronic devices to transmit, receive, view, or display obscene, vulgar, sexually explicit, or racist media; or to display information which advocates unlawful activities or provides guidance on the construction of weapons or other illegal devices
19. Misdemeanor extortion, which is defined as obtaining money or information from another by coercion or intimidation
20. Participation in illegal organizations such as fraternity, sorority, secret society or gangs
21. Possession or use of any prescription or non prescription drug, medicine, vitamins, or other chemical in violation of the Guidelines for Dispensing Medications at School
22. Defacing of school property with graffiti or other means which employs words or provocative language and may serve to promote violent and/or dangerous circumstances
23. Any other acts of serious misconduct that disrupt the school environment in the classroom and/or school
24. Hazing, which means any intentional, knowing, or reckless act directed against a student by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of being initiated into, affiliating with, or holding office in, or maintaining membership in any organization or general classification of students
25. Leaving campus without permission and/or truancy
26. Assisting (directly or indirectly) with the promotion of any behavior prohibited by this Code of Student Conduct

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

- Required School Administrator/student/parental conference
- Dismissal from WHCS
- Financial restitution or restoration, as applicable, for vandalism to property
- Exclusion from extracurricular activities including, but not limited to field trips, and award ceremonies
- Suspension for up to three school days per occurrence
- Teacher removal of the student from the classroom in accordance with the section in this Code entitled "Procedures for Teacher Removal of Students."
- Referral to Disciplinary Board

- Any other appropriate disciplinary actions determined by the administration.

**Procedures:**

1. Referral to School Administrator by way of discipline referral
2. The School Administrator confers with student and parent about the student's misconduct
3. Student has the opportunity to explain his/her version of the incident
4. The School Administrator determines the appropriate discipline based on the degree of severity of the conduct, the nature of the conduct, and the disciplinary history of the student
5. The School Administrator makes a determination whether to suspend or dismiss the student from WHCS and a written notice of the offenses and the action taken are given to the parent and teacher

**LEVEL IV – DISMISSAL/EXPULSION FROM WEST HOUSTON CHARTER SCHOOL:**

Level IV Acts include conduct for which the student may or shall be dismissed/expelled from WHCS. The School Administrator will make the determination whether to dismiss/expel the student from WHCS.

**Level IV Acts of Misconduct Include Such Behaviors as:**

1. Engaging in any offense punishable as a felony (Note: The campus School Administrator shall dismiss a student from WHCS when the student engages in any conduct punishable as a felony, whether the conduct occurs on or off of school property and regardless of whether the conduct occurs before, during, or after school hours.)
2. Engaging in assault, which is defined as intentionally, knowingly, or recklessly causing bodily injury to another (Section 22.01 (a)(1), Penal Code)
3. Engaging in the elements of the offense of false alarm (Section 42.06, Penal Code)
4. Engaging in terrorist threat, defined as but not limited to threatening to commit violence or harm to any person or property with intent to cause an emergency response or which places any person in fear of imminent serious bodily injury; or interrupting the occupation or use of a building, room, place of assembly, place to which the public has access by threats of violence or other means; or causing impairment or interruption of public communications, public transportation, public water gas or power supply or other public service (Section 22.07, Penal Code)
5. Selling, giving, delivering to another person, possessing, using or being under the influence of marijuana, a controlled drug, or other controlled substance (Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et. seq.)
6. Selling, giving, delivering to another person, possessing, using or being under the influence of a dangerous drug (Chapter 483, Health and Safety Code)
7. Selling, giving or delivering an alcoholic beverage to another person
8. Committing a serious act or offense while under the influence of alcohol
9. Possessing, using, or being under the influence of alcohol
10. Engaging in conduct that contains the elements of an offense relating to abusable glue or aerosol paint, including, but not limited to possession or use of abusable glue or aerosol paint, delivery of abusable glue or aerosol paint to a minor or possession of inhalant paraphernalia (Sections 485.031 through 485.035, Health and Safety Code)
11. Engaging in conduct that contains the elements of an offense relating to volatile chemicals, including but not limited to, possession or use, delivery of abusable volatile chemicals to a minor or possession of inhalant paraphernalia (Chapter 484, Health and Safety Code)
12. Engaging in conduct that contains elements of the offense of public lewdness or indecent exposure under which are defined to include offenses against chastity, common decency, morals and the like (Sections 21.07 and 21.08 Penal Code)
13. Felony stealing/theft of school property
14. Burglary of a WHCS facility
15. Regardless of whether on or off of campus or at a school function, if a student engages in conduct that contains elements of the offense of retaliation under Section 36.06, Penal Code against any school employee by engaging in conduct including but not limited to intentionally or knowingly threatening to harm another by an unlawful act in retaliation for that person's performance of their official duties
16. Uses, exhibits or possesses a firearm defined as any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use (Section 46.01 (3), Penal Code)
17. Uses, exhibits or possesses an illegal knife which includes any knife with a blade over 5 1/2" (Section 46.01 (6), Penal Code)

18. Uses, exhibits or possesses a club, to include an instrument that is specially designed to inflict serious bodily injury or death by striking a person with the instrument and includes but is not limited to a blackjack, nightstick, mace or tomahawk (Section 46.01 (1), Penal Code)
19. Uses, exhibits or possesses a weapon listed as a prohibited weapon. These weapons are defined as an illegal knife, firearm, sword, spear, tomahawk, club, explosive device, throwing instrument designed to cut or stab, firearm silencer, ammunition, dagger, knuckles, blackjack, nightstick, mace, switchblade, bowie knife, zip gun, chemical dispensing device, short-barreled firearm, machine gun (Section 46.05, Penal Code)
20. Engages in deadly conduct (Section 22.05, Penal Code)
21. Engages in conduct that contains the elements of the offense of:
  - (A) Aggravated assault which includes but is not limited to causing serious bodily injury to another during the commission of an assault, or using or exhibiting a deadly weapon during the commission of an assault (Section 22.02, Penal Code)
  - (B) Sexual assault (Section 22.011, Penal Code)
  - (C) Aggravated sexual assault which includes but is not limited to causing or threatening to cause serious bodily injury to another during the commission of a sexual assault, or using or exhibiting a deadly weapon during the commission of a sexual assault (Section 22.021, Penal Code)
  - (D) Arson (Section 28.02, Penal Code)
  - (E) Murder (Section 19.02, Penal Code)
  - (F) Capital murder (Section 19.03, Penal Code), or criminal attempt to commit murder or capital murder. (Section 15.01, Penal Code)
  - (G) Indecency with a child (Section 21.11, Penal Code)
  - (H) Aggravated kidnapping (Section 20.04, Penal Code)
  - (I) If punishable as a felony, possessing, using, selling, giving, delivering, or being under the influence of marijuana; or a controlled substance; or a dangerous drug; or committing a serious act or offense while being under the influence of an alcoholic beverage, but only if the conduct is punishable as a felony
  - (J) Aggravated robbery (Section 29.03, Penal Code)
  - (K) Manslaughter (Section 19.04, Penal Code)
  - (L) Criminally negligent homicide (Section 19.05, Penal Code)

**Possession**

Possession means actual care, custody, control or management. A student shall be considered to be in possession of any substance or object prohibited or regulated by this Code if the substance or object is: (1) on the student's person or in the student's personal property, including but not limited to the student's clothing, purse, book bag, or briefcase; (2), in any private vehicle used by the student for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle; or (3) in any school property used by the student, including but not limited to a locker or a desk.

**Procedures:**

1. Referral to School Administrator by way of discipline report and a written report not to exceed one page in length
2. Required School Administrator/parent/student conferences and written notification to parent/guardian
3. Referral to local juvenile board for legal action and referral to the Houston or Katy Police Department
4. Dismissal of student from WHCS

The School Administrator has an obligation under the law to notify the Houston or Katy Police Department if he/she has reasonable grounds to believe that any of the above offenses has occurred in school, on school property, or at a school sponsored or school-related activity on or off school property.

The School Administrator may not elect to expel a student for a reason that is not authorized within the WHCS *Code of Student Conduct* as conduct that may result in expulsion.

Under Texas Administrative Code, § 100.121, WHCS shall notify the school district in which the student resides within three (3) business days of any action expelling or withdrawing a student from the WHCS.

**Non-Disciplinary Removal:**

The School Administrator may remove a student from his or her regular classes or from school premises for non-disciplinary health, safety, or welfare reasons whenever the School Administrator determines that an emergency or necessity exists for doing so. Reasons that may be considered an emergency or necessity include, but are not limited

to, the student being under the influence of alcohol or drugs, being highly agitated, being in possession of contraband or suffering from any other condition which temporarily threatens his or her welfare, other individuals' welfare, or the efficient operation of the school. Any student who is removed from school premises pursuant to this subsection and who is in a condition that threatens his own welfare or the welfare of others must be released to the student's parent, a representative of the parent, or other proper authority, including, but not limited to, law enforcement officers and medical personnel. Such removal must be for as short a time as is reasonable under the circumstances, but is limited to five (5) consecutive school days.

The School Administrator shall make reasonable efforts to notify the parent prior to removing a student from school premises under this subsection. If the parent cannot be notified prior to removal, the parent must be notified as soon as possible after the removal and the reasons for it.

### **APPEAL OF STUDENT DISCIPLINE**

WHCA adheres to the following due process procedures and provides an appeal process for students disciplinary action. The Board designates the School Administrator to review and assign disciplinary consequences to a student for violations of and in conformity with the *Code of Student Conduct*.

A student, his/her parent, guardian, or representative desiring to appeal a decision of the School Administrator may appeal to the School Board. The student, his/her parent, guardian, or representative shall give written notice of the appeal to such officials within seven (7) school days after the decision of the School Administrator is communicated in writing to the parents, guardian, or representative. Failure to give timely notice of appeal shall constitute a waiver of the student's right to appeal.

Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision that the student wishes to appeal, and the grounds for such appeal. Promptly (within seven [7] school days) following receipt of timely written notice of appeal, the School Administrator, shall notify the student's parent, guardian, or representative, usually in writing, of the date time and place at which the appeal will be heard.

Pending the outcome of the student's appeal, the student shall serve any and all discipline assigned by the School Administrator. However, the student will not be charged with unexcused absences during the pendency of the appeal and will be allowed to remain current on all coursework; provided, however, in the case of expulsion, that if the appeal is denied, credit will not be given for any coursework performed during pendency of the appeal unless the decision on appeal provides that such credit shall be given.

Hearings before the Board shall be limited to the matters and issues set forth in the student's notice of appeal and generally shall be conducted on the basis of the testimony given and evidence introduced during the initial hearing with the School Administrator, unless the Board determines that it is the interest of the educational process to permit introduction of new or additional matters during the appeal. The student shall be entitled to representation in any appeal by an adult of the student or parent's choice. Hearings before the Board will be heard before a quorum of the Board members.

Decisions on appeal shall be announced as soon as possible after the conclusion of the appellate hearing and shall be communicated in writing to the student's parents, guardian, or representative. Decision in appeals from expulsion hearings shall be in writing. The decision of a majority of the Board members hearing an appeal shall constitute the decision of the Board in an appeal.

A decision of the Board on appeal shall become final unless the student is entitled to timely appeal under applicable federal or state law.

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

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

### **REASONS FOR TEACHER REMOVAL OF STUDENTS:**

**Alternative I:** A teacher may send a student to the School Administrator's office to maintain effective discipline in the classroom as stated under Level I and II.

#### **Disciplinary Options Under Alternative I:**

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

**Alternative II:** A teacher may remove a student from class who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. A teacher may remove a student from class whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

#### **Disciplinary Options Under Alternative II:**

If the teacher under Alternative II removes the student from the classroom and the teacher has appropriately documented the reasons for the removal, the student may not be returned to the teacher's class without the teacher's consent. Subject to the review procedures outlined on the following page, the disciplinary options available to the School Administrator include:

- Placement in another appropriate classroom
- Placement into in-school suspension, if available
- Dismissal from WHCS in accordance with the *Code of Student Conduct*

#### **Review for Students Removed under Alternative II:**

- (a) Not later than the third class day after the day on which a student is removed under this section, the School Administrator shall schedule a meeting with the parent(s) or guardian(s) of the student, the teacher removing the student from the class, and the student.
- (b) The student may not be returned to the regular classroom over the teacher's objection pending the meeting. Pending the meeting, the School Administrator may place the student into "in-school suspension" (if provided) for the period of the class, in another class, or suspend or dismiss the student from WHCS.
- (c) At the meeting, the School Administrator shall afford all parties an opportunity to be heard; however, the conduct and control of the hearing shall be within the absolute discretion of the School Administrator.
- (d) Following the meeting, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the School Administrator may return the student to the class of the teacher who removed the student unless the teacher objects to the student's return. If the teacher objects, the School Administrator shall order the placement of the student in another class, or dismiss the student from WHCS.
- (e) The teacher may not be coerced to accept the student.
- (f) The student may not be returned to the teacher's class without the teacher's consent unless a review committee determines that such placement is the best or only alternative available. In the case of special education students, the committee or the IEP team must consider whether the student's Individual Education Plan can be implemented outside of the removing teacher's class in determining whether return to the teacher's class is the best or only alternative available.

**Placement Review Committee under Alternative II:**

If WHCS elects to have a review committee, it will be composed of three members, comprised of two (2) teachers selected to serve by the WHCS faculty and the School Administrator or other administrator or professional staff. The teacher refusing to readmit the student may not serve on the committee. The committee will determine placement of a student when a teacher has removed the student under Alternative II and refuses to allow the return of the student to the teacher's class. The committee will make a final determination of the student's placement when a student is removed under Alternative II.

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

**Alternative III:** A teacher is required to remove from class and send to the School Administrator any student who engages in Level IV misconduct.

**Disciplinary Options under Alternative III:**

If the student is removed under Alternative III for engaging in Level IV misconduct, then the student may or shall be dismissed from WHCS.

**DISCIPLINE OF SPECIAL EDUCATION STUDENTS UNDER THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

All disciplinary actions regarding a student with a disability who received special education services shall be determined in accordance with state and federal law and related regulations. This Code applies to all students, including students with disabilities under the I.D.E.A. Students with disabilities are expected to exhibit appropriate conduct and may be subject to the requirements of this *Code of Student Conduct*.

**DISCIPLINE OF STUDENTS SERVED UNDER SECTION 504  
OF THE REHABILITATION ACT**

All disciplinary actions regarding a student with a disability who received services under Section 504 of the Rehabilitation Act shall be determined in accordance with state and federal law. This Code applies to all students, including student with disabilities covered by Section 504

