

HARMONY ISD

STUDENT CODE OF CONDUCT

2014-2015

The Purpose of the Student Code of Conduct:

Education in this community 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.

The Student Code of Conduct that follows is the District's policies to create a safe environment to ensure academic success and specific response to a requirement of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may or must result in a range of specific disciplinary consequences. This Code is an outgrowth of collaboration among district and campus staff, parents, and other community members. This Code, adopted by the Board of Trustees, provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct.

STANDARDS FOR STUDENT CONDUCT

BEHAVIORS

Each student is expected to:

1. Demonstrate courtesy and respect for others
2. Behave in a responsible manner
3. Attend all classes, regularly and on time
4. Prepare for each class; take appropriate materials and assignments to class
5. Be well-groomed and dress appropriately
6. Obey all campus and classroom rules
7. Respect the rights and privileges of other students and of teachers and other staff
8. Respect the property of others, including district property and facilities
9. Cooperate with or assist the school staff in maintaining, safety, order, and discipline.
10. Avoid violations of the Student Code of Conduct.

The district may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be listed in the student handbook or posted in classrooms and may not constitute violations of the Student Code of Conduct.

CONSEQUENCES

A student whose behavior shows disrespect for others, including interference with their access to a public education and a safe environment, will be subject to disciplinary action. School rules and the authority of the District to administer discipline apply whenever the interest of the school is involved on or off school ground in conjunction with or independent of classes and school-sponsored activities.

The District has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on district transportation.
2. While the student is participating in any activity during the school day on school grounds;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee is involved, either on or off school property;
6. When the student commits a felony, as provided by Texas Education Code 37.006;
7. When criminal mischief is committed on or off school property or at a school-related event.

In general, discipline will be designed to correct the misconduct and encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary actions will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Disciplinary action will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements. Because of these varying factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

A student who violates campus or classroom rules that are not Student Code of Conduct violations may be disciplined by one or more of the discipline management techniques. For these violations, the teacher is not required to make a Student Code of Conduct violation report, and the principal is not required to notify parents. The following discipline management techniques may be used alone or in combination for Student Code of Conduct and non-Student Code of Conduct violations: Oral correction, cooling-off time or “time-out”, seating changes in the classroom, counseling by teachers, counselors, or administrative personnel, parent-teacher conferences, temporary confiscation of items that disrupt the educational process, grade reductions as permitted by policy, rewards or demerits, behavioral contracts, sending the student to the office or other assigned area, or to in-school suspension, detention, assigned school duties other than class tasks, withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, techniques or penalties identified in individual student organizations’ codes of conduct, withdrawing or restricting bus privileges, school assessed and school-administered probation, corporal punishment, referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district, other strategies and consequences as specified by the Student Code of Conduct.

GENERAL MISCONDUCT VIOLATIONS

LEVEL 1

Procedures:

1. Intervention shall occur by any Harmony I.S.D. employee who is supervising the student or who observes the misbehavior.
2. Repeated violations shall result in a more severe response. Three Level 1 violations will result in a Level 2 Offense, except where noted.

Consequences:

Disciplinary actions shall include, but not be limited to: warning/reprimand, conference with student by teacher or counselor, withdrawal of privilege, break detention, lunch detention, after-school detention, corporal punishment, confiscation of unauthorized materials, peer mediation, and/or parental contact.

Level 1 Offenses include, but are not limited to:

- Cheating or copying the work of another: Cheating/copying will result in a grade penalty and disciplinary action by the teacher. The second offense will result in a Level 2 consequence.
- Throwing, propelling, projecting objects, not including supervised class activities.
- Leaving school grounds or school-sponsored events without permission.
- Failing to comply with directives given by school personnel.
- Violating safety rules
- Violating dress and grooming standards. See dress code in student handbook.
- Failure to bring books/supplies to class and /or do assigned work.
- Not having or misuse of a pass.
- Horseplay and/or running in the halls, classrooms, and /or cafeteria
- Sleeping in class
- Unauthorized food, drinks, or gum chewing in class
- Tardiness to class: Consequences will be determined by individual campuses.
- Improperly parking a vehicle or not having a permit. The vehicle will be towed after the second warning.
- Public display of affection
- Violation of published classroom rules and/or procedures established by the teacher
- Unauthorized use of electronic devices such as cell phones, pagers, computer games, walkmen or C.D. players. Etc...

General Misconduct

LEVEL 2

Procedures:

1. Refer violations to an administrator.
2. Disciplinary action will be based on the offense, previous actions, and/or seriousness of the offense. Repeated violations shall result in a more severe response. Three level two violations will result in a Level 3 Offense except where noted.

Consequences:

Disciplinary action shall include, but not be limited to: peer mediation, removal of privilege, after-school detention, SAC placement (in-school suspension), suspension, corporal punishment, and/or legal action.

Level 2 Offenses include, but are not limited to:

- Bus disturbance: Additional information is in the student handbook
- Continuation of Level 1 Offenses
- Disruption of the normal routine in class, hall, cafeteria, or school grounds
- Engaging in threatening behavior and/or encouraging, promoting, or inciting violence. The 2nd offense will move to Level 3.
- Excessive tardies
- Skipping tardy detention
- Skipping after-school detention
- Extortion/coercion: Defined as threatening others with harm, 2nd offense will move to Level 3.
- Fighting: Defined as intentionally causing physical contact with another person, or each other, in an aggressive manner. Fighting will result in on campus or off campus suspension and possible legal action. 2nd offense will move to Level 3.
- Disorderly conduct: Defined as pushing or shoving someone in such a way as to cause bodily harm or verbally attacking someone with profane language. Disorderly conduct will result in a 3 day suspension and possible legal action, 2nd offense will move to Level 3.
- Forgery and/or falsification of any school document
- Gambling or any form of wager
- Gang-related drawings, signs, verbal comments and/or gestures: 2nd offense will move to Level 3.
- Hazing
- Truancy: defined as being absent from or leaving school/class without permission, or having more absences than state law allows
- Misbehavior at a school sponsored activity, regardless of location.
- Profanity, vulgar comments, vulgar gestures and/or drawings
- Sexual harassment/assault: Defined as intentionally, knowingly, or recklessly making lewd sexual comments or gestures, or performing sexual aggression against another person. 2nd offense will move to Level 3.
- Theft, possession, and/or sale of private or school property in excess of \$50.00. 2nd offense will move to Level 3

- Insubordination
- Vandalism: Defined as damaging or defacing another person or school's property.
- Unauthorized use of a vehicle, speeding, or parking lot violation.
- Possessing, smoking, or using tobacco products on campus or at any supervised school activity. This includes electronic cigarettes and any other tobacco product that is illegal for a minor to possess. Tobacco products, lighters, etc. will be confiscated. Offense will result in 3 days SAC and/or legal action.
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband
- For general misconduct, Level 2, State law requires that the violation be reported to the principal or other appropriate administrator in writing, who must send notification to the parent or guardian within 24 hours of receiving the report.

FORMAL REMOVAL FROM A TEACHER'S CLASS

Formal removal will result if the student's behavior has been documented, in the principal's office, by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or the behavior is so unruly, disruptive, or abusive that the teacher cannot teach. Any removal of a student by a teacher requires that a Student Code of Conduct violation report be made by the teacher if the student's conduct is a violation of this Code. The principal or appropriate administrator must send a copy of the report to the student's parent or guardian within 24 hours of receiving the teacher's report.

A teacher or administrator may also remove a student from class for an offense for which a student may be suspended and/or placed in a disciplinary Alternative Education Program. If the violation results in formal removal, the principal will schedule a conference within three school days with the student's parent, the teacher, and the student. After the conference, the principal will notify the student of the consequences of the Students Code of Conduct violation.

When a student is removed from the regular classroom and a hearing is pending, the principal may place the student in: another appropriate classroom, in-school suspension, a disciplinary Alternative Education Program in which the student must be separated from other students for the entire school program day and will be provided instruction in the core subjects. Counseling will also be provided to the student.

When a student has been formally removed from class, the principal may not return the student to the teacher's class without the teacher's consent unless the placement review committee determines that the teachers' class is the best or only alternative available. Parental question or complaints regarding disciplinary measure taken should be addressed to the teacher or campus administration, as appropriate in accordance with policy.

REMOVAL FROM THE REGULAR EDUCATION SETTING PLACEMENT IN AN ALTERNATIVE EDUCATION PROGRAM

LEVEL 3

Procedures:

1. Refer violations to an administrator
2. Administrator will give the student a due process hearing that includes the parents and AEP administrator.

Consequences:

Disciplinary actions shall include but not be limited to suspension, AEP placement, and legal action.

Students **may be** suspended for any reason that also requires placement in an Alternative Education Program. The Board or an administrator **may** recommend placing students in a disciplinary Alternative Education Program who are found to be:

- Involved in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang.
- Involved in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.
- Involved in reckless and/or dangerous behavior
- Second incident of several level two offenses such as fighting, disorderly conduct, sexual harassment, etc.
- Serious and/or persistent misconduct
- Weapon possession other than a firearm.
- Selling, giving, delivering, possessing, manufacturing, or using any form of drug paraphernalia
- Theft, possession, and/or sale of school or private property in excess of \$50.00

A student **must be** placed in a disciplinary Alternative Education Program if the student commits any of the following offenses on school property, or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off of school property unless otherwise stated. The student **may be** suspended pending a hearing for:

- Being charged with a felony offense
- Selling, giving, delivering, possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug if such conduct is not punishable as a felony offense.
- Selling, giving, or delivering an alcoholic beverage, committing a serious act or offense while under the influence of alcohol, if such conduct is not punishable as a felony offense.
- Possessing, using, or being under the influence of an alcoholic beverage, if such conduct is not punishable as a felony offense.
- Making a terroristic threat
- Behaving in a manner that contains the elements of an offense relating to abusable glue or aerosol paint or relating to volatile chemicals.
- Behaving in a manner that contains the elements of an offense of public lewdness.
- Behaving in a manner that contains the elements of the offense of indecent exposure.
- Engages in conduct punishable as a felony regardless of where or when the conduct occurs.
- Engages in conduct that contains the elements of the offense or retaliation against any school

employee, regardless of where or when the conduct occurs.

- In an emergency, the principal or the principal's designee may order the immediate placement of a student into the Alternative Education Program. Emergency placement is called for when a student is so unruly, disruptive, or abusive that the student's presence seriously interferes with a teachers' ability to communicate effectively with the other students in a class, with the ability of the students' classmates to learn, or with the operation of a school or a school sponsored activity.
- The student receives deferred prosecution for conduct defined as a Title 5 Penal Code felony offense
- A jury finds that a student has engaged in delinquent conduct defined as a felony
- The administrator has a reasonable belief that the student has engaged in an act defined as a felony.

Removal to an alternative education program

The Board delegates to the Principal the authority to remove a student to a disciplinary Alternative Education Program. The duration of a student's placement in a disciplinary Alternative Education Program will be determined by the Principal. A teacher may remove a student from class for an offense for which a student may be suspended and/or placed in a disciplinary Alternative Education Program. Within three school days of receiving the Student Code of Conduct violation report, the principal will schedule a hearing with the student's parent, teacher, and the student. An administrator may remove a student and recommend placement in the disciplinary Alternative Education Program. The principal will schedule a hearing with the student's parent and the student. Until a hearing can be held as a result of a formal teacher removal or administrator removal, the principal may place a student in another appropriate classroom or in-school suspension. At the hearing, the principal will explain the allegations against the student and give the student an opportunity to explain his or her version of the incident. Minimum removal time to the Alternative Education Program will be six weeks. Parental questions or complaints regarding disciplinary measures taken should be addressed to the teacher or campus administrator, as appropriate and in accordance with policy. State law does not permit students who are in a disciplinary Alternative Education Program as a result of committing a violation, according to state law, requiring placement in an Alternative Education Program to participate in any school-sponsored or school-related extracurricular and noncurricular activities.

The District is not required to provide transportation to students in a disciplinary Alternative Education Program. If placement in a disciplinary Alternative Education Program extends beyond the end of the next grading period, the student and/or the student's parent or guardian will be given notice and the opportunity to participate in a proceeding before the Superintendent. If the parents of the student intend to appeal the AEP placement to the Superintendent, then the student will be placed into in-school suspension pending the outcome of the appeal. Any decision made on a student's appeal by the Board or the Board's designee cannot be appealed under state law.

A student placed in a disciplinary Alternative Education Program will be provided a review of the student's status by Principal at intervals not to exceed 120 days. At the review, the student or student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent, unless placed by a placement review committee.

For placement in a disciplinary Alternative Education Program to extend beyond the end of the school year. The Administrator must determine that:

- The student's presence in the regular classroom or campus presents a danger of physical harm to students or others.
- The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

AEP DRESS CODE

Students that are assigned to the Upshur County Community School (AEP) will be required to follow a more strict dress code than on the Harmony campus. The dress code is as follows:

1. Plain, white shirts to include short and long sleeves. This can be made of any material. In cool weather this can include a plain, white sweatshirt.
2. Blue jeans. (No shorts, No skirts or dresses unless required for religious purposes.)
3. Tennis shoes.
4. Belts. All shirts will be tucked in and belts will be worn each day.
5. No jewelry of any kind. This includes no earrings, no necklaces, no chains attached to wallets, no rings, no bracelets.
6. No caps.
7. No beepers.
8. No purses or backpacks.
9. No bandanas.

EXPULSION

LEVEL 4

Procedures:

1. Refer violations to an administrator.
2. Administrator will give the student appropriate due process which will include a hearing before the superintendent of schools and may be appealed to the board of trustees.

At the district's discretion, a student **may be** expelled for:

- Criminal mischief, if punishable as a felony whether committed on or off school property or at a school-related event.
- Serious or persistent misbehavior that violates the Code of Conduct while a student is in a disciplinary AEP.
- Assault of a teacher or other individual
- The use, gift, sale, delivery, possession, or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs, or abusable glue or volatile chemicals.
- Making or assisting in making threats, including threats against individuals and bomb threats.

A student **must be** expelled for any of the following offenses if committed on school property or while attending a school-sponsored or school-related activity on or off school property:

- Using, exhibiting or possessing a firearm, as defined in Penal Code Section 46.01(3).
- Using, exhibiting or possessing an illegal knife such as: a knife with a blade longer than 5 ½", throwing knife, dagger, dirk, stiletto, poniard, Bowie knife, switchblade, sword, or spear.
- Using, exhibiting or possessing a club as defined in Penal Code Section 46.01(6).
- Using, exhibiting or possessing a prohibited weapon such as: an explosive device, grenade, silencer, sawed off shotgun, brass knuckles, mace, pepper spray or other chemical dispensing device.
- Engaging in conduct containing the elements of aggravated assault, sexual assault, aggravated sexual assault, arson, attempted murder, murder, capital murder, indecency with a child or kidnapping.
- Engaging in conduct containing the elements of an offense involving use, possession or sale of drugs or alcohol, if punishable as a felony.
- Committing an act of retaliation against a school employee by using one of the above acts. The retaliation can occur on or off campus and not at a school function.

In an emergency, the principal or the principal's designee may order the immediate removal of a student for the following reasons:

- Emergency expulsion when people or property are in imminent harm
- Being under the influence of alcohol or drugs
- Suffering from any other condition that temporarily threatens the student's welfare, other individuals' welfare, or the efficient operation of the school.

Consequences:

The student will be provided a hearing with the Superintendent at which time the student will be afforded due process as required by federal law. The student and parents will be provided in writing of the time and place for the hearing within 3 working days. The parents have the right to appeal the findings of the hearing to the Board of Education. While waiting on the outcome of the appeal the student will be assigned to the SAC or the AEP unit, depending on the time before the board can hear the appeal. The duration of a student's expulsion will be determined by the Board or Designee on a case-by-case basis. The maximum period of expulsion shall not exceed 180 days. Expelled students are prohibited from being on school ground or attending school-sponsored or school-related activities during the period of expulsion. No district academic credit will be earned for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program. State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm on school ground.

When an emergency expulsion occurs, the student will be given oral notice of the reason for the action. Within a reasonable amount of time after the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion. If emergency expulsion involves a student with disabilities who receives special education services, the term of the student's emergency expulsion is subject to the requirements of federal law. A student who is removed for emergency removal will be released to the student's parent, parent's representative, medical providers, or law enforcement authorities. The removal will be limited to no more than five days.

The district **must** provide educational services to an expelled student in an Alternative Education Program if the student is younger than 10 years of age at the date of expulsion. The district **may** provide services to students older than 10 years of age at the date of expulsion.

“Notice concerning Disclosure of Educational and Criminal History Records

Under authority of Texas Education Code 37.084 and Texas Family Code 58.0051, the Harmony Independent School District and the Upshur County Juvenile Probation Department have entered into an agreement to disclose to each other educational and criminal history records of students who are at risk of involvement or have become involved with the juvenile justice system. Persons wishing to review the terms of the agreement may request a copy from the office of the Superintendent of Schools.”