



Student Code of Conduct

Dear Students and Families,

All students at Austin Discovery School deserve a safe, orderly environment conducive to optimal learning and development. Clear student expectations and consequences as well as firmly defined boundaries create a structure in which students are free to creatively explore their thoughts & ideas, take risks, and expand their thinking about both academic topics as well as social/emotional matters.

The ADS Student Code of Conduct clearly outlines the boundaries of acceptable behaviors as well as the consequences for such behaviors. Required by state law, the ADS Board of Directors officially adopted the Student Code of Conduct in order to promote a safe school environment and clearly outline disciplinary actions the school will take in response to Code of Conduct violations.

I urge you to read the publication thoroughly and discuss it with your family. If you have any questions regarding the expectations for behavior or consequences for misconduct, I encourage you to ask your child's teacher or the Social Emotional Program Director, Kelly McRee.

Both students and parents are required to sign the signature page at the end of this document annually. By signing you agree to abide by the code and the resulting consequences for failure to comply.

Please return the signature page to your child's teacher within one week from the first day of classes.

Thank you,

Leigh Moss
Head of School

STUDENT CODE OF CONDUCT GUIDE
FOR AUSTIN DISCOVERY SCHOOL

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Austin Discovery School Proactive Social Emotional Program

Austin Discovery School supports the whole child using research based social emotional practices. The ADS mission clearly states that we are developing socially and emotionally aware, confident, critical-thinkers and problem-solvers through interactive, hands-on lessons and relevant project-based learning. Social Emotional Learning is a core value at ADS.

At Austin Discovery School, we use Conscious Discipline, Positive Behavior Systems/Interventions and Restorative Practices to help our students navigate social emotional learning. These practices allow us to create a safe, caring, and learning environment for all. Positive Behavior Interventions and Supports (PBIS) is a framework or approach for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all students. PBIS IS NOT a packaged curriculum, scripted intervention, or manualized strategy. PBIS IS a prevention-oriented way for school personnel to (a) organize evidence-based practices, (b) improve their implementation of those practices, and (c) maximize academic and social behavior outcomes for students. PBIS supports the success of ALL students. Conscious Discipline helps to create a school family with routines, meaningful classroom jobs, safe place, and equator to work at conflicts, and specific strategies for calming and working out peer conflicts. TRIBES and Drama Based Instruction offer lesson plans and cooperative games to further build our school family. These activities help us to work collaboratively and cooperatively in small groups (tribes) or as a whole classroom. Restorative Practices provide the framework for meaningful circles in the classroom as well as providing a space for restitution and accountability. All of these programs/philosophies work together to create social emotional learning experiences for each classroom.

Conscious Discipline (created by Dr. Becky Bailey) helps to create the school family with routines, meaningful classroom jobs, a safe place, and specific strategies for reducing stress and working out peer conflicts. The program is based on teaching skills instead of punishing children, and in large part, requires that the acting adult be conscious of his or her actions and reasons for reactions and in turn model and teach the child the same. Through Conscious Discipline and Restorative Practices, we teach resolution and believe that a problem is an opportunity to teach. We also believe that a child may need help or guidance in navigating the situation they are in. We believe in teaching, and helping children actively practice skills as conflicts emerge. This does not, however, mean that our social emotional program does not provide consequences. When consequences are needed, our first step is to impose consequences that are meaningful and logically related to the situation (You knocked over the paint because you were running, you may clean it up). Many daily issues can be resolved in this way. These incidents may or may not be reported to parents if they are truly minor and age appropriate.

Positive Behavior Interventions and Supports (PBIS) is way we have developed a framework at Austin Discovery School to help govern student behavior in the whole areas on campus. PBIS also provides a framework for Response to Intervention (RTI) when it comes to looking at student behavior at a Tier 1, 2, and 3 support level. All rules and guidance come through our belief system that we want to create

students who are safe, respectful and responsible. You will see signs around campus that show our acronym ADS:

A=Act Responsibly

D= Do it with Respect

S=Safety is Everybody's Job

TRIBES and Drama Based Instruction offer lesson plans and cooperative games to further build our school family. These activities help us to work collaboratively and cooperatively in small groups (tribes) or as a whole classroom. Four agreements are honored:

1. Attentive Listening
2. Appreciations/No Put Downs
3. Mutual Respect
4. The Right to Participate/Right to Pass

Restorative Practices provide the framework for meaningful circles in the classroom as well as providing a space for restitution and accountability. All of these programs/philosophies work together in tandem to create the social/emotional program at Austin Discovery School. In more serious situations regarding serious disruption to the learning environment or physical harm, the student may be referred to the Social Emotional Program Director, who will work with the teacher and student to resolve the situation through the use of Restorative Practices.

What are Restorative Practices?

Restorative justice (restorative practices/discipline in school settings) is a philosophy as well as a set of practices that helps us know how to respond to problems as they arise. Restorative discipline also helps create school communities where problems are less likely to arise in the first place and less likely to be repeated when they do happen.

Restorative Practices is looking at student behavior with a different lens. Instead of looking at what rule was broken, restorative practices look at what harm was caused to the relationship and what needs to happen to repair the harm? In Restorative Practices, the primary focus is on the relationships between students, teachers, families, and whole community instead of just a rule violation. Restorative Practices focus on accountability, community, and skill development.

There are a series of questions asked to help guide the process:

- What happened?
- What were you thinking of at the time?
- What have you thought about sense?
- Who has been affected by what you have done and in what way?

- What do you think you need to do to make things right?

To help those who harmed by another's actions:

- What did you think when you realized what had happened?
- What impact has this incident had on you and others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right?

PEACE Centers supporting classrooms and students

Our Peace Centers are located in throughout our campus. There are two peace centers in the K/2 tree houses, one in the 3rd/4th grade tree house, and one in the middle school tree house. The peace centers are supported by behavior interventionists, social work interns, middle school social worker, and the Social Emotional Program Director as needed.

This is a space where students may come for a variety of reasons. Some of these reasons may be:

- A place for a student to take a 10 minute break to regroup and refocus before heading back to the classroom
- A calming break (not to exceed 10 mins) to draw, use fidgets or clay
- Restorative chats/Restorative circles to problem solve conflicts that fall out of the scope of the classroom (this is for conflicts that aren't easily solved or having trouble getting to the root of the problem)
- Time machine/Reflections as needed for conflicts
- Crisis De-escalation
- Lunch bunch social skills by invitation

The Peace Centers are a general education support but are open to all students. To access the peace center, each student will come with a member of the SEL team. Peace centers are a place for both students and teachers to feel supported. Peace centers are not a consequence or a threat. We want students to thrive in their classroom environments so coming to the peace center is seen as an extension to the classroom not as a way to exclude a student from their classroom community. We are partners working together to help the student feel a part of their classroom community.

Collaborative for Academic, Social, and Emotional Learning (CASEL) is the think tank behind the movement of Social Emotional Learning. They have come up with a wonderful definition and five competencies.

Social and emotional learning (SEL) is the process through which children and adults acquire and effectively apply the knowledge, attitudes and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.

SEL programming is based on the understanding that the best learning emerges in the context of supportive relationships that make learning challenging, engaging and meaningful.

Social and emotional skills are critical to being a good student, citizen and worker; and many risky behaviors (e.g., drug use, violence, bullying and dropping out) can be prevented or reduced when multiyear, integrated efforts are used to develop students' social and emotional skills. This is best done through effective classroom instruction; student engagement in positive activities in and out of the classroom; and broad parent and community involvement in program planning, implementation and evaluation.



Self-awareness: The ability to accurately recognize one’s emotions and thoughts and their influence on behavior. This includes accurately assessing one’s strengths and limitations and possessing a well-grounded sense of confidence and optimism. **Explicit skills taught:** Labeling one’s feelings, Relating feelings and thoughts to behavior, Accurate self-assessment of strengths and challenges, Self-efficacy, Optimism.

At Austin Discovery School, we provide this in the classroom by using Conscious Discipline and Restorative Practices to help students learn to identify their feelings and use affective statements such as using “I” statements to express their feelings and teaching the explicit skills to become self-aware.

Self-management: The ability to regulate one's emotions, thoughts, and behaviors effectively in different situations. This includes managing stress, controlling impulses, motivating oneself, and setting and working toward achieving personal and academic goals. **Explicit skills taught:** Regulating one's emotions, Managing stress, Self-control, Self-motivation, Stress management, Setting and achieving goals.

At ADS, we use Conscious Discipline techniques in the classroom to help students to effectively solve their own problems with their peers. We provide a safe place in the classroom for students to regulate their own emotions. With Restorative Practices, we guide students through a list of questions to help them to identify thoughts and problem solve coming up with a plan of action. We also teach explicit skills for students to learn to manage their own behavior/emotional state.

Social awareness: The ability to take the perspective of and empathize with others from diverse backgrounds and cultures, to understand social and ethical norms for behavior, and to recognize family, school, and community resources and supports. **Explicit skills taught:** Perspective taking, Empathy, Respecting diversity, Understanding social and ethical norms of behavior, Recognizing family, school, and community supports.

In our classrooms at ADS, we define and teach school wide norms such as Act Responsibly, Do it with Respect, and Safety is Everyone's Job developed through our Positive Behavior Interventions and Supports (PBIS). We create Respect Agreements as a classroom community and work to create a Classroom Family with Conscious Discipline and Restorative Practices. We have a Peace Center for students to learn social skills, regulate emotions and energy, and to solve conflicts with peers/adults.

Relationship skills: The ability to establish and maintain healthy and rewarding relationships with diverse individuals and groups. This includes communicating clearly, listening actively, cooperating, resisting inappropriate social pressure, negotiating conflict constructively, and seeking and offering help when needed. **Explicit skills taught:** Building relationships with diverse individuals and groups, Communicating clearly, Working cooperatively, Resolving Conflicts, and Seeking help.

In our classrooms at ADS, we build relationships and connections with students using Conscious Discipline techniques to create a School Family. We use TRIBES and Drama Based Instruction to help build our classroom community using cooperative games and lesson plans. We use Restorative Practices by using circles to create community and responsive circles to problem solve conflicts.

Responsible decision making: The ability to make constructive and respectful choices about personal behavior and social interactions based on consideration of ethical standards, safety concerns, social norms, the realistic evaluation of consequences of various actions, and the well-being of self and others. **Explicit skills taught:** Considering the well-being of self and others, Recognizing one's responsibility to behave ethically, Basing decisions on safety, social, and ethical considerations, Evaluating realistic consequences of various actions, and Make constructive, safe choices for self, relationships, and school.

In our classrooms at ADS, all of our explicit skills and curriculum comes together to help the student to become an invested member of the community so that the student is safe, responsible, and respectful to all.

INTRODUCTION TO THIS GUIDE

This Student Code of Conduct Guide for Texas Charter Schools was jointly developed by the Texas Charter Schools Association (TCSA) and the law firm of Walsh Gallegos Treviño Russo & Kyle, P.C. This Guide is intended for use by Texas open enrollment and university charter schools in the development of a student code of conduct. Pursuant to Section 12.131 of the Texas Education Code, each open enrollment charter school is required to adopt a code of conduct for the school as a whole or for each campus. The code of conduct must:

- Outline generally the types of prohibited behaviors;
- Outline the possible consequences for those prohibited behaviors;
- Specify the conduct that may result in expulsion from the school; and
- Outline the school's due process procedures with respect to expulsion.

This Guide will discuss the laws, regulations, and rules applicable to open enrollment and university charter schools in the area of student discipline and the development of a code of conduct, and will provide suggested language for implementation of and compliance with applicable legal provisions. This Guide will also discuss the potential for locally created rules and procedures unique to each individual charter school, and will highlight relevant legal and practical issues that may affect the development of a code of conduct.

APPLICATION OF THE CODE

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

Parents and students are encouraged to contact campus administration with any questions or concerns regarding the requirements and provisions of the Code. Parents and students are expected to review and be familiar with the provisions of the Code. Lack of knowledge or awareness about any School rules, including this Code, will not excuse violations of the Code. Parents and students will be required to sign a statement acknowledging receipt and understanding of the Code. A copy of this Code is available on our website at <http://www.austindiscoveryschool.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 Austin Discovery School is to create socially and emotionally aware, confident, critical-thinkers and problem-solvers through interactive, hands-on lessons and relevant project-based learning. To achieve that mission, the School must be an environment safe, secure and free from disruption. Students are expected to demonstrate behavior appropriate to the School's learning environment, to treat other students, School personnel, and visitors to the School with respect. As such, each student is expected to:

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

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

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

PROHIBITED CONDUCT

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

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;
8. Teasing, or targeting other students;
9. Inappropriate cell phone or electronic media use;

Violation of School Rules and Policies

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

Violent, Illegal, and Other Serious Offenses

22. Possession of prohibited items;
23. Conduct which meets the elements of a criminal offense, as determined by the School;
24. Physical, verbal or sexual harassment of others;

25. Inappropriate physical or sexual behavior, including jokes, comments, gestures or unwelcome physical conduct or contact;
26. False statements or false accusations;
27. Hazing or initiations;
28. Participation in a gang, soliciting or attempt to solicit participation in a gang;
29. 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;
30. Possessing drug paraphernalia;
31. Stealing, lying, cheating, or copying the work of another without authorization (plagiarism);
32. 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;
33. Violence of any kind, including dating violence;
34. Fighting;
35. Gambling;
36. Setting or attempting to set a fire;
37. Inappropriate or indecent exposure of body parts;
38. Retaliation of any form against other students or School personnel;
39. Conduct which requires the student's registration as a sex offender;
40. Possession or distribution of pictures, text messages, electronic messages or other material of a sexual or obscene nature;
41. Endangering the health or safety of others;
42. Other conduct as identified within this Code.

DETERMINING APPROPRIATE DISCIPLINE

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

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

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

The School may issue discipline based on a determination 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 School-owned property. Lockers, desks, and other items provided for student use remain School property, and students do not have a reasonable expectation of privacy in School property or in personal items placed inside School property. School administrators or other authorized personnel may monitor and search student desks and lockers for any reason. School officials may search any School property, including School property that is within a student's possession or otherwise being used by a student, at any time, with or without notice to the student and without consent. School officials may confiscate any items found during a search, including prohibited items, dangerous items or other items that violate School policy.

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

DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS

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

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

Any disciplinary action that would constitute a “change in the placement” of a student receiving special education services requires a student’s Admission, Review, and Dismissal (ARD) committee to conduct a manifestation determination review in order to determine whether the student’s conduct was a manifestation of his or her disability. A manifestation determination review (MDR) should be held as soon as possible, but not later than 10 school days after the decision is made to change the student’s placement.

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 Austin Discovery School Student Services Handbook 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;
- Restorative Conference with students and families
- Confiscation of items;
- Detention;
- In-School Suspension;
- Out-of-School Suspension;
- Expulsion.

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

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

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

DETENTION / IN-SCHOOL SUSPENSION

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

REASONS FOR EXPULSION

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

1. **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;-mandatory expulsion if student brings on school premises
 - b. A location-restricted 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. **Bullying.** The student, regardless of location:

- a. Engages in bullying that encourages a student to commit or attempt to commit suicide;
- b. Incites violence against a student through group bullying; or
- c. Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

6. **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.

EXPULSION PROCESS

If the school administrator or administrator's designee determines that the student's conduct warrants expulsion, the administrator shall provide written notice to the parent, guardian, or adult student of the proposed expulsion of the student. The written notice shall also include the reason(s) for the proposed expulsion and the date, time, location and procedure for the expulsion hearing. The student is entitled to a hearing with the campus administrator 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 campus administrator may place reasonable restrictions on the conduct of the hearing, including the length of the presentations. At the end of the hearing, the campus administrator may issue a decision immediately or may wait until a later date to communicate a decision. The administrator shall send written communication of the decision to the parent, guardian or adult student. If the administrator determines that expulsion is 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 administrator will review the relevant evidence and issue a written decision to the parent as described above.

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

TERMS OF EXPULSION

The period of expulsion may be determined by many factors, including the severity of the conduct and the existence of a continuing risk of harm to other students and employees if the student were allowed to return. An expulsion may be temporary or permanent. A temporary expulsion may range in length from 4 school days to one calendar year. A permanent expulsion allows the School to deny future admission to the student based on consideration of the student's past disciplinary history. In each instance, the Expulsion Order must explain the circumstances which justify the length of the expulsion.

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

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

DISCIPLINE APPEAL PROCESS

With the exception of expulsions, student discipline decisions at the campus level are final and not appealable. A parent, 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 ADSI 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 ADSI/board chair and arrange for ADSI 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 ADSI. The decision of the governing body is final and not appealable. An expulsion action will not be delayed during the appeal process.

TRUANCY

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

A student's absence is excused if the absence is specifically authorized by School policy or rule, or is otherwise approved by the campus administrator. Any absence that is not excused shall be considered an "unexcused" absence.

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

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

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

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

BULLYING

Bullying is strictly prohibited and Austin Discovery School may implement a variety of different techniques – both educational and disciplinary in nature – in order to eliminate bullying between students.

Students may face disciplinary consequences for bullying conduct that:

1. 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;
2. 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; or
3. is considered 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.

Students who engage in certain bullying behavior may be expelled from Austin Discovery School, as further discussed on pages 16-17. Any student who, after an investigation, is found to be a victim of bullying and used reasonable self-defense in response to the bullying will not be subject to disciplinary action on the basis of the student's reasonable use of self-defense.

Students are encouraged to report an alleged incident of bullying immediately to Social Emotional Program Director or to any teacher, social worker, administrator or other campus employee. Reports may be made orally or in writing, and reports may be made anonymously. Students or parents may contact the Social Emotional Program Director to obtain a form that may be used to submit the report, but use of a form is not required to make a report. Refer to an Administrator for additional information. No student or other person shall retaliate against any other student or other person who reports bullying. The school will promptly launch an investigation into the reported incident. The school will notify the parent(s) of the alleged victim on or before the third business day after the incident is reported and the parent(s) of the alleged bully within a reasonable amount of time after the incident.

Pursuant to our ADS Proactive Social Emotional Program and Parent/Student Handbook, students who are victims of bullying, witnesses of bullying, or who engage in bullying have the following counseling options available: to meet with our Middle School Social Worker or the Social Emotional Program Director.

The principal or a designated staff member may report acts of bullying that constitute assault or harassment to the local law enforcement office.

DEFINITIONS

The following definitions are provided to further detail and define the terms of this Code. ADSI 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: 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 (1) has the effect or will have 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; (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student; (3) materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or (iv) infringes on the rights of the victim at school. Bullying includes cyberbullying.

Cyberbullying: Bullying that is done through the use of any electronic communication device, including a cell phone or other phone, a computer, a camera, e-mail, an Internet website, or any other Internet-based communication tool. Cyberbullying includes conduct that occurs off school property or outside of a school-sponsored or school-related activity if it (1) interferes with a student's educational opportunities, or (2) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

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.

Intimate visual material: visual material that depicts a person: (1) with the person's intimate parts exposed; or (2) engaged in sexual conduct.

Location-restricted knife: A knife with a blade over 5 and one-half inches.

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

Possession: Regardless of the student's knowledge or intent to possess the item, to have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) in any vehicle used by the student for transportation to or from school or school-related

activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the student, such as a locker or desk.

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

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

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

Self-defense: When the person who is not the aggressor in an encounter uses the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense.

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

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

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

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

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

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

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

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

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

**AUSTIN DISCOVERY SCHOOL
STUDENT CODE OF CONDUCT**

*Acknowledgment of Receipt &
Understanding of the Code*

2017/2018

ACKNOWLEDGMENT FORM

Student Name: _____

School/Campus: _____ **Grade Level:** _____

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

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

Parent/Guardian Printed Name

Student Printed Name

Parent/Guardian Signature

Student Signature

Date

Date