

# ARLINGTON CLASSICS ACADEMY



## Student Code of Conduct 2018 - 2019

**Non-Discrimination Policy:**

ARLINGTON CLASSICS ACADEMY does not discriminate in its admission decisions and no person shall be excluded from participation in, denied the benefits of, or subjected to discrimination, harassment or retaliation in any ARLINGTON CLASSICS ACADEMY program on the basis of age; race, color, or national origin; sex, gender, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law in the educational program or activity which it operates. ARLINGTON CLASSICS ACADEMY'S District Title IX Coordinator can be contacted at 817-987-1819 x 3000, District Section 504 Coordinator [817-987-1819 x 3005](tel:817-987-1819).

## Table of Contents

Philosophy	2
Application of Code	2
Expectations for Student Conduct	3
Determining Appropriate Discipline	4
Investigation of Discipline Issue	5
Discipline of Students with Special Needs	6
Levels of Student Misbehaviors and Disciplinary Actions	7
Offenses Warranting Immediate Expulsion	11
Expulsion Process	11
Terms of Expulsion	12
Discipline Appeal Process	12
FAQ by Students and Parents	13
Definitions	16
Acknowledgement Form	20

## **PHILOSOPHY**

Arlington Classics Academy (ACA or School) expects the highest standards of moral and ethical behavior. The original Greek word for discipline is “discipli”, which means “to teach, to train the mind and character.” It will always be a goal of Arlington Classics Academy to “teach” socially acceptable behavior; however there may be times during which behavior interferes with the teacher’s ability to teach class or another student’s opportunity to learn. The goal of dignified behavior begins with valuing the rights of students, teachers, parents, and administrators. These rights are protected under state and federal law.

ACA will do all it can to create balance between these rights and the inherent responsibility for all to foster a positive school climate. The Student Code of Conduct (Code) has been designed to help all ACA stakeholders understand that positive student behavior is our expectation. Behavior which is detrimental to the positive learning environment will result in consequences. The consequences will be administered with a “progressive discipline plan” philosophy. This progressive discipline plan and Student Code of Conduct is designed to inform students, parents, legal guardians, and school personnel of rules of conduct applicable to meet the desired behaviors expected of all Arlington Classics Academy students.

## **APPLICATION OF THE CODE**

The school board of the Arlington Classics Academy 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 in each campus office and located on the school’s website.

## **EXPECTATIONS FOR STUDENT CONDUCT**

The mission of Arlington Classics Academy is to equip a diverse student body with a comprehensive education, including a special focus on Western civilization. Students will develop a commanding knowledge of the origins of our liberty and the ability to sustain it through moral leadership. We aim to accomplish this goal through a high level of academic instruction and high behavioral expectations. To achieve that mission, Arlington Classics Academy 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:

- Attend school daily, except when ill or otherwise lawfully excused, on time, and in the accepted Arlington Classics Academy uniform without variance.
- Sign a statement indicating you have received, read, and agree to follow the Student Code of Conduct.
- Follow all rules and regulations established by faculty and staff of the Arlington Classics Academy.
- Cooperate fully with all lawful and reasonable directives issued by school personnel.
- Be prepared for each class with assigned work and appropriate materials.
- Always pursue academic mastery to the best of your ability.
- Show respect for others and their property and seek help from an Arlington Classics Academy staff or faculty member when confronted with problems.
- Refrain from making profane, insulting, threatening, or inflammatory remarks.
- 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.

## **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, Arlington Classics Academy 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

Arlington Classics Academy 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 may be taken only after the student’s Admission, Review, and Dismissal (ARD) committee conducts a manifestation determination review in order to determine whether the student’s conduct was a manifestation of his or her disability.

A change in placement occurs if a student is:

1. Removed from the student’s current educational placement for more than ten consecutive school days; or
2. Subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than ten school days in a school year;
  - b. The student’s behavior is substantially similar to the student’s behavior in the previous incidents that resulted in the series of removals; and
  - c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The School will determine, on a case-by-case basis, whether a pattern of removals constitutes a change in placement.

A student who has not been determined eligible for special education services and who has engaged in behavior that violates the Code is entitled to the protections under the IDEA regarding discipline of a student with special needs described above if the school has knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. If the school does not have knowledge that a student is a student with a disability prior to taking disciplinary action, the student may be subject to the disciplinary actions applied to students without disabilities. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary action, the evaluation shall be conducted in an expedited manner.

## **LEVELS OF STUDENT MISBEHAVIORS AND DISCIPLINARY ACTION**

### **Class I Misbehaviors**

In general, discipline for Class I misbehaviors will be designed to correct misconduct and to encourage all students to adhere to their responsibilities as citizens of the school and community. Disciplinary consequences will draw on the professional judgment of the teachers and administrators and on a range of management techniques. Class I rule violations require only teacher documentation and do not require notification of school administrators. Parents should be notified by teachers as these behaviors become more consistent and persistent.

Discipline infraction may include, but are not limited to:

- Actions or misbehaviors interrupting a student's right to learn
- Failure to abide by published campus or classroom rules and procedures
- Failure to have supplies and/or assignments
- Improper dress as defined by the ACA student dress code
- Misconduct: May include but not limited to:
  - Chewing gum, eating candy or food, not being on task, bothering other students, inappropriate or loud talking, cutting in line, throwing paper, note writing, sleeping, excessive noise, running, minor defacing of school/other's property
- Tardiness or attendance violations

### **Class I Consequences**

- Denial of class privileges
- Detention
- Seating changes within the classroom
- Time-outs
- In-class discipline: May include, but not limited to: lower citizenship grades, and/or teacher assigned detention
- Misbehavior warning (oral or written)
- Temporary confiscation of item(s) that disrupt the educational process
- Parent contact, by written message, in person, or by phone
- Any other disciplinary action deemed appropriate by the teacher or administrator
- Section 504, if applicable, review Behavior Intervention Plan
- Special Education Student – refer to Individual Education Plan and/or Behavior Intervention Plan

## **Class II Misbehaviors: Discipline Infractions**

Discipline infractions may include, but are not limited to:

- Excessive, repetitive misbehaviors from Class I Misbehaviors
- Defacing school/other's property
- Forging signatures
- Exhibiting unacceptable physical contact not resulting in injury (e.g., pushing)
- Failing to abide by school rules at extracurricular or co-curricular activities
- Harassing or insulting others
- Horseplay
- Inappropriate public display of affection
- Leaving class/campus without school permission which includes before school and during school hours
- Participating in dishonest, deceitful activities
- Persistent improper dress as defined by the ACA student dress code.
- Possession, distribution, or posting of magazines, books, electronic data or printed material not appropriate for school
- Possession of articles inappropriate for school including, but not limited to: cell phones, pagers, lasers, electronic games, radios, matches, lighters, etc. or items considered as distractions to the classroom environment (toys, etc.)
- Refusing to follow directions and instructions given by school personnel
- Throwing objects, causing and/or participating in disturbances in the classroom, hallways, restrooms, or campus

## **Class II Disciplinary Consequences**

- A zero may be given for dishonest or deceitful actions on class assignments
- Confiscation of inappropriate articles
- Denial of privileges – i.e. field trips, recess, parties
- Detention
- Disciplinary reassignment by a building administrator
- In-school suspension
- Removal from the classroom to an administrator's office
- Restitution/restoration
- Any other disciplinary action deemed appropriate by the administrator
- Section 504, if applicable, review Behavior Intervention Plan
- Special Education Student – refer to Individual Education Plan and/or Behavior Intervention Plan

### **Class III Misbehaviors: Disruptive Activities**

Disruptive activities may include, but are not limited to:

- Excessive, repetitive misbehaviors from Class II Misbehaviors
- Defiance of authority of school personnel
- Demeaning racial, religious, or ethnic-related statements or acts
- Drawings depicting tobacco, drugs, alcohol, gangs, guns, or violent activities on self, notebook, or other student materials
- Fighting
- Gambling
- Hazing
- Inflicting bodily harm on others
- Installing unauthorized software on ACA computer equipment
- Obscene gestures or actions
- Possession of any object, which could be used for the purpose of a weapon or improvised weapon
- Possession of knives not meeting the penal code definition of “illegal knife” (Penal Code 46.01.)
- Possession, usage or distribution of electronic or published material that is pornographic or obscene or which threatens others or incites others to violence.
- Possession, use/abuse, or distribution of over the counter drugs, supplements or medications
- Profane language
- Serious acts of disobedience or disorderly conduct
- Sexual harassment that does not include physical contact
- Sexual/suggestive comments or notes
- Tampering with computer hardware or software leading to the disruption of the learning environment
- Theft (actual or attempted) up to \$50.00
- Verbal or nonverbal threats to students

### **Class III Disciplinary Consequences**

- Detention
- Denial of privileges – i.e. field trips, recess, parties
- Emergency Removal from school
- In-School Suspension
- Referral to law enforcement agencies
- Restitution/Restoration
- Any other disciplinary action deemed appropriate by the administrator.
- Out of School Suspension – no more than 3 consecutive days or 6 days per semester (Grades 3 - 9)
- Special Education Student – refer to Individual or Behavioral Education Plan
- Section 504, if applicable, review Behavior Intervention Plan

#### **Class IV Misbehaviors: Serious, Persistent Problems or Illegal Acts**

Serious, persistent problems or illegal acts may include, but are not limited to:

- Excessive, repetitive problems from Class III Misbehaviors
- Bullying (*including cyberbullying*)
- Activities relating to unapproved organizations (gangs, fraternities, sororities or secret societies)
- Altering records (electronic or hard copy)
- Assault or fighting
- Extortion or blackmail
- Graffiti
- Identification with gangs and gang related activities
- Improper use of aerosols
- Major student group disruption
- Possession, delivery, or use of look-alike weapons presented as authentic weapons, such as stun guns, BB guns or other look-alike weapons (the possession of starter pistols is an expellable offense)
- Possession or delivery of drug paraphernalia
- Possession, delivery, or use of fireworks or other explosive devices (the possession of some explosive devices are expellable offenses)
- Possession, smoking, delivery, or use of tobacco products in any form at school, school- related or school-sponsored activities on or off campus
- Possession, delivery, use, sale, or being under the influence of alcohol at school, school- related or school-sponsored activities on or off campus
- Possession, delivery, use, sale, or being under the influence of a controlled substance or look-alike controlled substance at school, school-related or school-sponsored activities on or off campus
- Possession, delivery, or use of weapons or stink bombs
- Rioting, group disobedience, or disturbance
- Sexual conduct
- Sexual harassment that includes physical contact
- Solicitation of immoral or illegal acts
- Tampering or setting off a fire alarm (may result in a citation from appropriate law enforcement agencies)
- Theft (actual or attempted) over \$50.00, robbery, or burglary
- Threats to “kill” or cause bodily injury to any school personnel
- Vandalism (criminal mischief as defined by Penal Code 28.03). Students may be subject to criminal penalties. If damages exceed \$1,500.00, it is an expellable offense
- Violating copyright laws regarding computer software

#### **Class IV Disciplinary Consequences**

- Confiscation of inappropriate article
- Denial of privileges – i.e. field trips, recess, parties
- Expulsion/Withdrawal from Arlington Classics Academy
- In-School Suspension
- Referral to appropriate law enforcement agency
- Restitution/Restoration
- Out of School Suspension - no more than 3 consecutive days or 6 days per semester
- Any other disciplinary action deemed appropriate by the administrator

- Special Education Student – refer to Individual or Behavioral Education Plan
- Section 504, if applicable, review Behavior Intervention Plan

## **OFFENSES WARRANTING IMMEDIATE EXPULSION**

Offenses that warrant immediate expulsion include, but are not limited to:

- Engaging in conduct punishable as a felony
- Engaging in conduct that contains the elements of the offense of assault under 22.01 (a)(10), Penal Code, or terroristic threat under 22.07, Penal Code
- Conduct that contains the element of retaliation against any school employee

Decisions by the Board of Directors which uphold expelling a student requires an immediate withdrawal from Arlington Classics Academy. ACA shall send notice of removal of a student to the school district where the student would normally attend.

## **EXPULSION PROCESS**

If the Executive Director of Schools (EDS) or designee determines that the student's conduct warrants expulsion, written notice shall be provided 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 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. Reasonable restrictions may be placed on the conduct of the hearing, including the length of the presentations. At the end of the hearing, a decision may be issued immediately or may wait until a later date to communicate a decision. Written communication of the decision shall be sent to the parent, guardian or adult student. If the EDS or designee 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.

**[PERMANENT EXCLUSION FROM ADMISSION REQUIRED:** A student expelled from the School for any length of time is not eligible for readmission to the school at any time.]

**[PERMANENT EXCLUSION FROM ADMISSION PERMITTED:** A student expelled from the School for any length of time may not be eligible for readmission to the school. In considering the readmission of a student upon expiration of the period of expulsion, the school will consider, among other factors, the length of the expulsion, the nature of the violation that lead to the expulsion and the circumstances justifying the expulsion.]

**[PERMANENT EXCLUSION NOT PERMITTED:** A student expelled from the School is eligible to apply for readmission to the school upon expiration of the expulsion period. However, the student will need to reapply to the school in accordance with the school's admission policies and timelines. A formerly expelled student who applies for readmission to the school during the school year will be added at the end of the waiting list for the grade sought based on the date the application was received.]

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 EDS within 5 business days of the date of the Expulsion Order. The EDS or 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 EDS or designee, he or she may appeal that decision to the Board of Directors by filing a request for review with the EDS's office within 5 business days of the date of the decision. The EDS shall notify the president of the Board of Directors and arrange for the school board to hear the complaints of the appealing party at the next available board meeting. The EDS shall notify the appealing party of the location, date and time of the hearing in front of the Board of Directors. The decision of the governing body is final and not appealable.

## **FREQUENTLY ASKED QUESTIONS BY STUDENTS AND PARENTS**

### **1. What is a Student Code of Conduct? Why do we need one?**

The benefit a student derives from enrollment in ACA depends very much on the student's attitude toward learning and adherence to a high standard of discipline and self-mastery. Arlington Classics Academy Student Code of Conduct defines misconduct along with a uniform system of rules and consequences designed to redirect inappropriate behavior. Arlington Classics Academy also requires that every student and parent receive a copy of the Student Code of Conduct.

The purpose of the Arlington Classics Academy Student Code of Conduct is to ensure every student receives a quality education in a safe, orderly and well-managed environment free of disruptions and inappropriate or harassing behavior.

ACA has adopted a Progressive Discipline Plan with four levels of consequences related to four levels of misbehaviors, beginning with the less severe infractions. Class I misbehaviors are coupled with the least serious Class I consequences. Class IV misbehaviors are those which are comprised of very serious, persistent misbehaviors, or illegal acts. Class IV misbehaviors carry with them Class IV consequences which are serious and appropriately tailored to the act of misbehavior. Each of the classes of misbehavior, Class I, II, III, and IV, are progressively more serious in nature and carry more serious consequences.

### **2. What is meant by Progressive Discipline?**

Progressive discipline requires there to be an understanding that different levels of misbehaviors have corresponding levels of appropriate disciplinary consequences. The more serious the misbehavior, the more severe the consequence for that behavior becomes. The ACA Progressive Discipline Plan also considers that some students may repeatedly misbehave at one level and not respond positively to the disciplinary consequences at that level. With this consideration, the Progressive Discipline Plan allows for more serious consequences after all reasonable attempts have been exhausted to curb the undesired behavior at the lower level. For example, repeated offenses of a Class I misbehavior may result in a student being disciplined at a Class II level of consequence due to the fact that Class I consequences did not change the behavior of the student.

Students who repeatedly do not respond to appropriate consequences for misbehavior progress to the next level of discipline.

Please Note: Disciplining students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) are subject to the provisions of those laws.

### **3. Can two students receive different consequences for the same act of misbehavior?**

Yes. Every student's behavior record and behavior progress is unique and individual. Therefore, two students may actually commit the same offense, and due to their individual disciplinary records, may receive very different consequences due to the nature of progressive discipline.

**4. Who has the authority to decide which consequence is given to the student after any act of misbehavior?**

Any classroom teacher or ACA administrator has the legal authority and responsibility to assign appropriate consequences for student misbehavior; however, only an ACA administrator may assign In-School Suspension, or Out of School Suspension. Conferencing with the parents before assigning a consequence is ideal but may not always be possible. Every effort will be made to contact the parent upon each office referral.

**5. May I know the disciplinary consequence given to another student?**

No. School authorities are not allowed, by law, to discuss with anyone other than the parent or legal guardian of a student, any issues which pertain to confidential information. Academic and disciplinary records fall under such confidential records. While this can be particularly frustrating to parents, confidentiality laws are in place to protect the rights of every child.

**6. What is meant by confidentiality of students' discipline records?**

Student records are governed by federal statute, the Family Educational Rights and Privacy Act (FERPA, also known as the Buckley Amendment) and a State Statute, the Texas Open Records Act. FERPA and Open Records Act limit access to a student's records by anyone other than the student and his/her parents and/or legal guardian. However, the U.S. Secretary of Education and the Texas Education Agency are granted an exception to review student records while conducting investigations of the Local Education Agency.

**7. What are my student's rights in the discipline process?**

A parent and/or student may disagree with decisions involving discipline. School administrators have a duty to maintain a proper educational environment and are authorized to make decisions regarding consequences for discipline infractions. Any disagreement with any building administrator regarding consequences should be brought to the Executive Director of Schools. There is no formal appeal process for disciplinary actions where detention, In-School Suspension, or Out of School Suspension are given.

**8. Can a student be expelled from ACA?**

In severe cases of repeated disciplinary infractions or major expellable offenses in which the educational process is disrupted, the Executive Director of Schools has authority and discretion to expel a student. Expulsion from Arlington Classics Academy decisions may be appealed to the Board of Directors. Formal appeals processes for decisions of expulsion are made to the Board of Directors. Such hearings will be scheduled at the earliest possible time where posting of such agenda is in accordance with the Open Meetings Act. All hearings will be held during closed sessions unless otherwise requested. Students subject to hearings will be kept in In-School Suspension pending the results of the due process hearing.

**9. What is due process of the law?**

A due process of the law is a fairness standard that occurs when there is the potential for the loss of a constitutional property right. Expulsion from ACA requires a due process hearing.

A student considered for expulsion from ACA is entitled to:

1. prior notice of charges and the proposed actions to afford reasonable opportunity for preparation
2. right to a full and fair hearing before the Board of Directors

3. right to adult representation or legal counsel
4. opportunity to testify and to present evidence and witnesses in his or her defense
5. opportunity to examine the evidence presented by school administration and to question administration's witnesses

**10. Is a student entitled to representation other than during an expulsion from ACA hearing?**

Yes. A student may have representation at any time they deem it necessary.

**11. How long is a student discipline record kept?**

Discipline records are kept only until the end of the current school year. The only records which are kept longer are those records involving expelled students. Expulsion records are kept for three years.

**12. What is criminal trespass?**

The Texas Penal Code (30.05) provides for local policy regarding criminal trespass.

Criminal trespass occurs when a person enters or remains on property or in a building of another without effective consent and has been given notice that the entry was forbidden and having received notice to depart and failed to do so. For the purpose of the statute, "enter" means the intrusion of the entire body and "notice" means (1) oral or written communication by the owner or someone with apparent authority to act for the owner, or (2) fencing or other enclosure obviously designed to exclude intruders, or (3) signs posted which are reasonably likely to be seen by an intruder. The authority of this trespass includes areas up to 300 feet of the school building and grounds.

**13. What should a student do if he/she is being sexually harassed?**

The student should immediately communicate any perceived inappropriate actions to school personnel, which would include a classroom teacher, a counselor, or an administrator, of any such behaviors.

**14. What are Penal Code Title V offenses?**

Penal Code Title V offenses are those offenses that deal with criminal homicide, kidnapping, aggravated kidnapping, false imprisonment, indecency with a child, sexual assault, aggravated sexual assault, or injury to a child. Those behaviors are subject to immediate expulsion from ACA.

## DEFINITIONS

**ASSAULT:** Offense as defined under Penal Code 22.01, a person intentionally, knowingly, or recklessly causes bodily injury to another, threatens another with imminent bodily injury or causes unwelcome or offensive physical contact with another.

**BULLYING:** Written or verbal expression or physical conduct that (1) has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

**BURGLARY:** The entering of a habitation or building with the intent to commit theft.

**CONFERENCE:** A procedure in which the student shall be advised of the conduct with which he or she is charged. The student shall be given the opportunity to explain his or her version of the incident in question.

**CONTRABAND:** Property whose possession is forbidden by law or policy.

**CONTROLLED SUBSTANCE:** Substances as defined in Chapter 481 of the Texas Health & Safety Code or 21 U.S.C. § 801 et seq.

**CRIMINAL MISCHIEF:** A person commits an offense if, without the consent of the school, knowingly or intentionally tampers with, damages or destroys school property.

**DRUG PARAPHERNALIA:** is fully defined in the Health and Safety Code 481.002 and includes but is not limited to meaning anything that is and/or could be used to prepare or process any controlled substances for introduction into the human body.

**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.

**EMERGENCY REMOVAL:** A building administrator or designee can recommend immediate placement of a student in In-School Suspension or Home-Based Instruction if the administrator reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively. The terms of such a removal preclude the student from participating in any school-sponsored or school-related activity during the duration of the removal.

**EXPULSION:** The total deprivation of academic credit and educational services provided by Arlington Classics Academy for disciplinary reasons. Expulsions may be appealed to the Board of Directors.

**EXTRACURRICULAR:** Any school activity that is not a part of the required curriculum or course of studies as required by the Arlington Classics Academy.

**FELONY:** A major crime for which the law statute provides a greater punishment than for a misdemeanor.

**FIGHTING:** Mutual combat that results in physical contact, bodily injury, or where one student knowingly and intentionally assaults another. ACA administration reserves the right to contact local law authorities where there is a fight or assault. Once the local law agency has been notified, it will be at the discretion of the officer who responds as to whether a citation should be issued or whether an arrest should be made.

**GAMBLING:** A bet as defined by 47.01 of the Texas Penal Code and/or any other agreement between two or more persons that a sum of money or other valuable thing may be won or lost.

**GANG, SECRET SOCIETIES, SORORITIES or FRATERNITIES:** Three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of violation of the Student Code of Conduct.

**GRAFFITI:** Markings, drawings, or paintings on tangible property while on school grounds without the consent of the school or having such markings on oneself or one's property.

**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:** Fully defined in the Texas Education Code 37.151, and includes but is not limited to an act against a student that endangers the mental or physical health or safety of a student for the purpose of being initiated into or affiliating with an organization.

**HORSEPLAY:** To engage in mutual pushing and shoving, running, play fighting, etc.

**ILLEGAL KNIFE:** A knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.

**IN-SCHOOL SUSPENSION (ISS):** A special classroom or area designated as the ISS room where a staff member is on duty. In this setting, the student receives assignments/instruction in each course to the extent possible, with little or no opportunity for social interaction with peers. A student in ISS shall not be allowed to participate in extracurricular activities or field trips during the duration of the assigned ISS time.

**OBSCENE:** Something which is considered indecent or lewd or objectionable to the accepted standards of decency.

**OFFENSIVE:** Something which is considered to be disagreeable, distasteful, obnoxious or objectionable by a reasonable person.

**OUT OF SCHOOL SUSPENSION (OSS):** An off-campus setting in which a student is given assignments to complete. The student shall receive an excused absence while assigned to OSS. Out of School Suspension days shall not exceed three (3) consecutive school days and a maximum of 6 days per semester. Assignments will be provided for the student as soon as possible after placement in OSS. Full earned credit will be given for all completed assignments. Assignments will be due on the first day back from suspension.

**PORNOGRAPHY:** Explicit depiction or description of sexual acts.

**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.

**PROFANE LANGUAGE:** Profane language is any language directed to another person with the intent to incite a breach of peace. Profane language may result in a citation issued by local law enforcement.

**PROGRESSIVE DISCIPLINE PLAN:** The system of discipline infractions and consequences which are listed in Class I, II, III, IV which escalates consequences with repeated violations of the Student Code of Conduct or with the severity of a violation of the Student Code of Conduct.

**RACIAL SLURS:** A racial slur is any statement that degrades or demeans any person's racial, ethnic, cultural, or national origin.

**RETALIATION:** The act or threat of doing harm or taking action towards another person because the person exercised legal authority of the student, disciplined the student, or reported the student.

**SECTION 504:** Having physical or mental impairment which substantially limits one or more major life activities.

**SERIOUS OR PERSISTENT MISBEHAVIOR:** A misbehavior that disrupts the educational process due to its magnitude or repetition.

**SEXUAL CONDUCT:** When a student intentionally or knowingly engages in sexual contact with another person. An offense of sexual conduct may result in notification of Child Protective Services and/or local law enforcement agencies.

**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.

**THREATS:** an expression of intention or warning that one will inflict harm, evil, injury or damage to another

**UNDER THE INFLUENCE:** A student commits an offense punishable by expulsion if the student consumes any amount of alcohol, controlled substance, tobacco, a drug or any other illegal substance in to the body, or does not have normal use of mental or physical faculties even though the student may not meet legal definitions of intoxication.

**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.

**VANDALISM:** Are willful or malicious acts that are intended to damage or destroy property and/or reckless acts that result in the damage or destruction of property.

**WEAPON:** Any instrument or device used for fighting either in an attack or defensive mode.

# ARLINGTON CLASSICS ACADEMY

## STUDENT HANDBOOK & CODE OF CONDUCT

### SIGNATURE PAGE

2018-2019

#### ACKNOWLEDGEMENT 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 Arlington Classics Academy Student Handbook & Student Code of Conduct (the "Code") for the 2018-2019 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 handbook and Code and will be subject to disciplinary consequences if he or she fails to do so. I understand that the handbook and 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 Name (Print)		Student Name (Print)
Parent/Guardian Signature		Student Signature
Date:		Date: