

# **Pineywoods Community Academy**

## **Code of Conduct**

**2025-2026**



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# Student Code of Conduct

## Pineywoods Community Academy

### Student and Parent Acknowledgment

The Pineywoods Community Academy School District shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and district personnel. The student's responsibilities for achieving a positive learning environment at school and school-related activities shall include the following:

- Attend all classes each day and be on time
- Prepare for each class with appropriate materials and completed assignments
- Dress according to the dress code adopted by the PCA Board of Trustees
- Know that the possession, use, and/or sale of illegal or unauthorized drugs, alcohol, vape devices, and weapons are unlawful and prohibited
- Show respect toward others
- Conduct yourself in a responsible manner
- Know and obey all school rules in the *Student Code of Conduct*
- Cooperate with staff members in investigations of disciplinary matters
- Understand that all cell phones must be turned off during instruction time unless used for instructional purposes
- Report threats for the safety of students and staff members as well as misconduct on the part of any other students or staff members to the building principal, a teacher, or another adult
- Be familiar with and comply with the Acceptable Use Policy for Computers and Technology
- Understand that principals, coaches, and sponsors of extracurricular activities may develop and enforce standards of conduct that are higher than the district-developed *Student Code of Conduct*.

The *Student Code of Conduct* has been written to help your son or daughter gain the greatest possible benefit from his or her school experience. However, the school needs your help and cooperation to attain this goal. Every student must understand the *Code* and be expected by his or her parent(s) or guardian(s) to follow the rules and regulations outlined in the *Code*. Please read and discuss the *Code* with your child. When you have done so, you and your child must sign this form and return it to the school. Parents' and students' signatures acknowledge they have accessed, read, discussed, and agreed to abide by the *Student Code of Conduct* and certify that they have read and discussed the *Code*. Parents and students are expected to accept their responsibilities as described in the *Student Code of Conduct*.

_____ Student Signature	_____ Date
_____ Parent or Guardian Signature	_____ Date
_____ Parent or Guardian Signature	_____ Date
Grade _____ Homeroom _____ Campus _____	

Note: Place the original form in the student's cumulative folder.

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## **WELCOME TO PINEYWOODS COMMUNITY ACADEMY (PCA)**

This handbook contains information parents and students must know to ensure a successful school year. The Student Code of Conduct is required by state law and is intended to promote a positive learning environment and safe schools. Board policies and the Student Handbook may provide more information regarding district policies and procedures.

PCA board policies and state and federal law are legal guidelines that bind the district, its employees, and students. Such policies and laws take precedence over the information in this Student Code of Conduct, and any conflicts between such shall be interpreted and resolved in compliance with and in favor of board policy and/or applicable laws.

### **Overview and Purpose**

The Pineywoods Community Academy Student Code of Conduct has been revised to comply with state law, the Safe Schools Act, and the Texas Education Code. The revised code is a collaborative effort between district and campus staff, parents/guardians, and other concerned community members as adopted by the PCA Board of Trustees. The Student Code of Conduct articulates specific expectations regarding appropriate conduct for all PCA students, parents/guardians, teachers, and school administrators. In accordance with state law, the Code shall be available for review at the office of the campus principal. Additionally, the Code shall be available at the office of the campus behavior coordinator and posted on the district's website.

The four essential functions of the Student Code of Conduct are to:

- describe behavior that builds a positive environment for learning;
- delineate specific examples of student misconduct;
- define penalties that will be imposed for specific misconduct; and
- provide for district consistency in the matter of student discipline.

The law requires that the District define and communicate to students and parents/guardians student behavioral expectations and the various kinds of misconduct that may, or in some cases, must result in disciplinary consequences. The District's Student Code of Conduct categorizes these infractions as Level I, II, and III Offenses.

Level I – Violations of classroom rules:

- Offenses that generally occur in the classroom and can be corrected by the teacher or administrator.

Level II – Suspension

- Offenses that seriously disrupt the educational process in the classroom, in the school, or at a school-related activity.

Level III –Expulsion:

- Criminal offenses as defined in Level III.

The code also indicates the disciplinary responses attached to these infractions.

In general, disciplinary actions will be designed not merely to correct misconduct but to encourage and motivate students to become responsible citizens of the school community. District personnel will be responsible for implementing all accessible prevention and intervention measures before taking punitive action. These measures would include a range of District programs and the services of specialized personnel, as well as appropriate community resources available to students and families. In all cases, prior to a student being removed to expulsion, teachers, administrators, and campus behavior coordinators will draw from a range of current discipline management techniques and correlate to the following:

- seriousness of the offense
- student's age
- grade level
- ability and functioning level
- frequency of misbehavior/disciplinary history
- student's attitude
- effect of the misconduct on the school environment
- statutory requirements
- self-defense, as defined in the Student Code of Conduct
- intent or lack of intent at the time the student engaged in the misconduct

Policies and procedures (rules) regarding student behavior refer to students' actions while on school property, including before, during, and after regular school hours. The regulations also apply to all school-sponsored/related activities or events, such as field trips, sports, dances, assemblies, or evening school-related events on or off school property. Students and parents/guardians should be aware that committing certain felonious offenses, whether at or away from school, may result in the student being expelled from Pineywoods Community Academy.

## **Overview of Responsibilities**

### **Parent Responsibilities**

The parent's responsibilities for achieving a positive learning environment at school and school-related activities include the following:

- Being actively engaged in my student's education by attending school functions, parent conferences, and supporting the school with my time and talents.
- Ensuring that my student attends school every day, arrives on time, and has a safe ride home at the end of the day.
- Ensuring that my student is ready to learn by having the required materials and a good night's rest.
- Providing a dedicated space and time for at-home learning and studying.
- Ensuring that my student takes advantage of extended learning opportunities including field trips, and remediation activities as well as avoiding non-emergency checkouts that impact learning time.
- Communicating frequently with my student's teacher(s) to monitor learning and progress as well as checking parent portal multiple times each week.

### **Student Responsibilities**

The student's responsibilities for ensuring a positive learning environment for their student(s) include the following:

- Attending school every day being fully prepared to learn.
- Arriving to class on time with required materials.
- Demonstrating respect for others, school property, and a commitment to following the student code of conduct.
- Actively participating in class discussions and completing all of my assignments to the best of my ability and on time.
- Being a positive contributor to our school and community.

### **District Responsibilities**

Teachers will contribute to a successful student outcome by:

- Instilling the ethic of toleration, civility, orderliness, responsibility, and hard work in students.

- Ensuring that every student has access to the core skills and knowledge required of each grade.
- Ensuring that every student gains the knowledge and skills needed to prosper at the next grade level.
- Continually confer with my colleagues about the effective ways of stimulating learning and integrate this knowledge and skill into my teaching practice.
- Engaging in positive, two-way communication with parents and to involve them in their student's education.
- Providing a safe and encouraging learning environment.
- Providing timely feedback on student performance and updating the parent portal weekly.

Administrators shall work with students, parents, staff, and the community to develop an effective school behavior management plan that promotes and maintains the support of good student behavior. Campus Behavior Coordinators shall support students and staff in maintaining a positive learning environment.

A Campus Behavior Coordinator, a campus administrator, is responsible for maintaining student discipline and implementing disciplinary actions. The campus administrator shall be responsible for maintaining student discipline and implementing any duties assigned by law and as established by campus or district policy; they must have a review process in place for reviewing campus-level discipline data monthly to see what changes need to be made in reducing disciplinary infractions as they may occur.

The administration shall provide services and support to campuses to maintain a positive learning environment.

### **Security Personnel**

The board employs police officers to ensure the security and protection of students, staff, and property. In accordance with the law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL).

## **Process and Standards**

### **Campus Administrator Discipline Process**

It is essential for parents/guardians and the community to understand that the Texas Education Code requires school districts to complete what is termed “administrative processes.” These processes are separate and different from what a juvenile or adult court will do when a student breaks the law. To take action, the District has to show only a preponderance of evidence that a student violated the Student Code of Conduct. The District does not have to show proof beyond a reasonable doubt.

When a student is charged by law enforcement with a penal code violation, the District will act on that charge. The District continues the administrative discipline process even if the following occurs:

- The district attorney decides not to prosecute.
- The case is non-suited, reduced in severity, or cleared by exception.
- The police do not file a report.
- The grand jury no-bills in an adult proceeding.

### **The District’s Right to Discipline**

Students are subject to disciplinary action when they do not show respect for others, whether causing problems that disrupt learning or putting safety at risk. In other words, there will be consequences when students break the Student Code of Conduct.

Pineywoods Community Academy may discipline a student:

- during the regular school day and while a student is on District transportation;
- while the student is attending any school-related activity, no matter when or where it occurs.
- for certain Level III Offenses that occur within 300 feet of school property as measured from any point on the real property boundary line;
  - for any Level III Offense committed while a student is:
    - on school property;
    - at a school-related event on or off school property;
    - on the school property of another Texas school district;
    - attending another district’s school-sponsored or school-related activity, or
    - off school property;
- when a school employee or volunteer is a victim of retaliation, no matter when or where it takes place;
- when a felony is committed or
- when criminal mischief is committed on or off school property or at a school-related event (felony level).

### **Standards of Student Conduct**

The District is committed to the rights of students as recognized and protected under state and federal laws. In addition, the District has enumerated certain expectations (responsibilities) regarding student behavior that, when adopted by students, positively influence the school and community. A proper balance between rights and responsibilities is essential if the District is to provide the kinds of educational experiences that promote self-responsibility and enhance educational opportunities for all students.

Five standards of student conduct are offered as guides to the development of Campus Classroom Rules for each campus and a districtwide model. These standards assert that responsible students should be encouraged and taught to:

- Exercise self-control
  - use courteous language
  - resolve conflict in a mature manner
  - be appropriately dressed and groomed
- Demonstrate a positive attitude
  - take a leadership role
  - be polite
  - be cooperative
- Respect the rights and feelings of others
  - behave in a manner that does not disrupt others
  - treat others with courtesy and respect (i.e., put oneself in the place of the other person, whether that person is another student, teacher, parent/guardian, community person, administrator, cafeteria or custodial personnel, or any other person on campus)
- Take responsibility for school property
  - respect the building, grounds, and property
  - keep the campus free from trash and graffiti
- Support the learning process
  - attend all classes regularly and on time
  - be prepared for class (i.e., bring assignments, books, and supplies)
  - listen carefully to instructions
  - participate in class activities

The district-wide plan to promote positive student conduct in conjunction with the campus/classroom rules is designed to maintain order in the school, foster a climate of mutual respect for the rights of others, and teach students that they are responsible for conducting themselves in a manner appropriate to their age and level of maturity.

## **General Guidelines and Notifications**

### **Disciplinary Action**

Disciplinary action is not just to correct bad behavior. It is also to help students become responsible members of the school community and the larger community in which they live.

### **Offensive Language**

The PCA Board of Trustees believes using offensive language in school is unacceptable and tends to create a hostile work and educational environment. Such language includes, but is not limited to, the use of slurs or offensive language related to race, ethnicity, gender and gender orientation, disability, and religious beliefs. To maintain a safe and appropriate educational environment for students and employees, all district employees must report such violations of the Student Code of Conduct to the appropriate campus administrator. The consequences for such behavior are listed under Level I Offenses.



### **Self-Defense**

Per Chapter 37 of the Texas Education Code, school districts must consider self-defense as a factor in the decision to order such removal before suspension or expulsion. Under the Student Code of Conduct, self-defense is “the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.”

### **False Accusations**

Students who falsely accuse a teacher, administrator, or district employee will receive disciplinary consequences, including a report to the police department and/or expulsion.

### **Reporting a Crime**

A school administrator will report crimes as required by law, including child abuse. A school administrator who suspects a crime has been committed on campus will call local law enforcement.

### **Educator-Student Relationships**

The Texas Penal Code Subchapter F, Section 9.62 provides that: “The use of force, but not deadly force, against a person is justified: (1) if the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and (2) when and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group.”

Further, TEC 22.0512 provides that; “A professional employee of a school district may not be subject to disciplinary proceedings for the employee’s use of physical force against a student to the extent justified under Section 9.62 of the Penal Code.”

### **Physical Restraint**

Any District employee may, within the scope of the employee’s duties, use and apply physical restraint to a student if the employee reasonably believes restraint is necessary to:

1. Protect a person, including the person using physical restraint, from physical injury (FO (LOCAL))
2. Obtain possession of a weapon or other dangerous object (FO (LOCAL))
3. Protect property from severe damage (FO (LOCAL))
4. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property to restore order or to impose disciplinary measures (FO (LOCAL))
5. Restrain an irrational student (FO (LOCAL))

### **Campus Classroom Rules**

To establish a positive school climate in which every student can achieve their potential, each school must develop campus classroom rules that address the kinds of minor misbehaviors that impede the educational process in the classroom or school. This plan is developed through a committee composed of administrators, campus behavior coordinators, parents/guardians, teachers, students, support personnel, and community representatives. From the committee’s collaborative effort, a consensus regarding minor offenses, student responsibilities, and discipline management techniques for school offenses only is reached. Campus Classroom Rules and the Student Code of Conduct are designed to determine behavior expectations and should be disseminated or communicated to the school community.

It should be noted that once an offense has gone beyond the designation of “school” and is listed as a Level I, II, or III Offense, the regulations (responses) outlined in the District’s Student Code of Conduct apply. Campus/Classroom rules are no longer relevant or applicable in this instance. The Student Code of Conduct applies districtwide and cannot be added to, deleted from, changed, or modified without the approval of the Board of Trustees. The Student Code of Conduct must be displayed in every school in a location accessible to all students, parents/guardians, or community members.

### **Extracurricular Activities**

With the approval of the District Administration and the school principal, sponsors and coaches of extracurricular activities may develop and enforce standards of conduct higher than the District-developed Student Code of Conduct and establish and maintain membership and eligibility for participation in activities on adherence to those standards. These organizational standards of behavior are independent of the Student Code of Conduct, and violations may result in independent disciplinary action by the school.

Students shall be informed of any extracurricular behavior standards for the organization in conjunction with tryout, practice, or acceptance/induction into membership.

Students and their parents/guardians shall sign and return a statement to the sponsor or coach acknowledging the extracurricular behavior standards and consent to abide by them as a condition of membership or participation in the activity.

A student who violates organizational standards of behavior or the Student Code of Conduct may be removed from membership or participation in extracurricular activities or excluded from school honors.

The higher standards may consider conduct that occurs at any time, on or off school property. No provision of the extracurricular behavioral standard shall have the effect of discriminating based on sex, race, disability, religion, or ethnicity. FNC and FO (LOCAL)

### **Students with Disabilities**

Students with disabilities are disciplined according to applicable state and federal law and the Student Code of Conduct. State and federal law will prevail to the extent any conflict exists.

Each student with disability eligibility under the Individual with Disabilities Education Act (IDEA) or as warranted by Section 504 shall have an Individualized Education Program (IEP/IAP) to address the student’s specialized education needs. Suppose the student’s IEP contains disciplinary sanctions and is not being challenged in an administrative or court appeal according to the IDEA. In that case, those sanctions in the IEP should be followed.

A behavior intervention plan (BIP) or a behavior modification plan (BMP) (Section 504) shall be developed for those eligible students who exhibit persistent misconduct and/or whose behavior interferes with learning.

The BIP of a student with disabilities shall be reviewed prior to disciplinary action to determine that the student’s plan does not prohibit a selected discipline technique. In deciding whether to order in or out-of-school suspension or expulsion, the district will consider a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct.

Suppose it is determined that a behavior management technique is not appropriate for a student with a disability. The

Admission, Review, and Dismissal (ARD)/Section 504 Committee shall determine the appropriate alternate consequences by referencing the student's BIP.

Per the Education Code, a student receiving special education services may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct.

For students with disabilities, an ARD/Section 504 Committee must be convened to consider the first removal of the student from class for more than ten cumulative days in a school year and for any removal for more than ten consecutive days. After that, an ARD/Section 504 Committee must be convened should a series of removals demonstrate a pattern of removal.

### **Manifestation Determination**

Within ten school days of any decision to change the placement of a student because of a violation of a code of student conduct, the District, parents/guardians, and relevant members of the ARD committee (as determined by the parent/guardian and the District) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and all pertinent information provided by the parents to determine whether the conduct in questions was:

1. caused by, or had a direct and substantial relationship to, the student's disability; or
2. the direct result of the District's failure to implement the IEP.

If the District, the parent/guardian, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability. 20 U.S.C. 1415(k)(1)(E); 34 CFR 300.530(e) School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student: (1) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of TEA or the District; or (2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or the District; or (3) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the District. 20 U.S.C. 1415(k)(1)(G); 34 CFR 300.530(g). The ARD committee shall determine the interim alternative education setting. 20 U.S.C. 1415(k)(2).

The student must: (1) continue to receive educational services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP; and (2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting. 34 CFR 300.530(d)(1).

A parent who disagrees with a placement decision or the manifestation determination may request a due process hearing. A district that believes that maintaining a student's current placement is substantially likely to result in injury to the student or others may request a due process hearing. 20 U.S.C. 1415(k)(3)(A); 34 CFR 300.532(a); 19 TAC 89.1151.

When a parent or the District has requested an appeal, the student shall remain in the interim alternative education setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and District agree otherwise. 20 U.S.C. 1415(k)(4); 34 CFR 300.533.

### **Protection for Students Not Yet Eligible for Special Education Services**

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a student code of conduct may assert any of the protections provided for in the IDEA if the District knew that the student had a disability before the behavior that precipitated that disciplinary action occurred. 20 U.S.C. 1415(k)(5)(A);34 CFR 300.534 (a)

### **District Knowledge**

The district shall be deemed to know that a student has a disability if before the behavior that precipitated the disciplinary action occurred:

- (1) the parent of the student expressed concern in writing to supervisory or administrative personnel of PCA or to a teacher of the student that the student needs special education and related services;
- (2) the parent of the student requested an initial evaluation to determine if the child qualifies as a child with a disability under IDEA
- (3) the teacher of the student or other personnel of PCA directly expressed specific concerns about a pattern of behavior demonstrated by the student directly to the Executive Director of Academic Intervention or to other supervisory personnel of the district.

**EXCEPTION:** PCA shall not be deemed to know that the student is a disabled student if the parent/guardian of the student has not allowed an evaluation of the student or has refused special education services or the student has been evaluated and it was determined that the student was not eligible for special education services. In cases where the student has previously been determined eligible and receiving special education services, the parent/guardian or adult student has withdrawn consent to provide Special Education services. PCA will be deemed not to know that the student is a disabled student.

### **Discipline of Student Served Under Section 504 of the Rehabilitation Act**

Students served under IDEA (Individuals with Disabilities Education Act) include students who have one of 13 specific categories of disabilities and who, because of their disabilities, need special education and related services to receive a free, appropriate public education. Section 504 of the Rehabilitation Act of 1973 covers a broader range of individuals.

Under Section 504, a student with disabilities is defined as a student who (a) has, (b) has a record of having, or (c) is regarded as having a physical or mental impairment that substantially limits a significant life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, or performing manual tasks.

Discipline for Section 504 students mirrors the procedural framework for students receiving special education services. However, it is a separate procedure established under separate laws. As with Special Education students, if a behavior plan specifies disciplinary options or responses to student misconduct, then those options or responses should be implemented under the plan.

For more serious misconduct, which may require expulsion or other exclusion that constitutes a significant change in placement, the Section 504 Committee must conduct a manifestation determination to determine whether the student's conduct was caused by his or her disabling condition. The Section 504 Committee is composed of people knowledgeable about the student. Such a determination should be based on current data.

Suppose it is determined by the Section 504 Committee that the misconduct is not caused by the student's disabling condition. In that case, the student may be excluded from school in the same manner as similarly situated nondisabled students are excluded. Still, educational services may not be entirely terminated during the expulsion period. The Section 504 Committee will determine the extent of academic services to be provided during the expulsion period.

Educational services should be provided to the extent necessary to prevent regression in the student's disabling condition.

If the Section 504 Committee determines that the misconduct is caused by the student's disabling condition, the student may not be expelled. The Section 504 Committee must then determine whether the student's current educational placement is appropriate.

Under federal law, students with disabilities who possess illegal drugs or alcohol may be held to the same standard of behavior to which nondisabled students are held. Rules concerning the use or possession of illicit drugs and alcohol will be enforced evenly for all students, whether they have disabilities or not.

### **Bus Transportation**

School transportation aims to safely transport students to and from school for classes at Angelina College and extracurricular activities. School transportation is a privilege and not a state requirement. The slightest distraction to the driver may have significant consequences for student safety. Appropriate student behavior is essential to the safe operation of the school bus. Therefore, school bus safety regulations must be followed. Campus Administrators are responsible for the students while on the bus and reserve the right to resolve discipline problems between campus and Angelina College. It is the duty of the campus Administrator, not the driver, to exclude a child from riding a school bus.

The Campus Administrator shall take steps to maintain acceptable student conduct while riding school buses, including the discretion to deny the privilege of school bus transportation. This privilege may be temporarily denied or permanently revoked if misconduct jeopardizes the safe operation of the school bus or the safety of students riding the bus.

Students should be aware that the bus is an extension of the school. Therefore, all Student Code of Conduct Offenses Level I through III are subject to the same disciplinary actions and consequences while riding PCA-provided transportation. In addition to complying with the Student Code of Conduct Offenses Level I through III rules, students are expected to follow bus rules.

Bus misconduct includes, but is not limited to, the following:

- failure to remain seated when directed or when the bus is moving;
- failure to wear a seat belt when directed or when the bus is moving (if the bus is equipped with seat belts);
- extending any part of a student's body, clothing, or any other article outside a bus window;
- throwing, pitching, or shooting objects inside or out of the bus; and
- failure to remain in an assigned seat directed by the driver.

NOTE: A change in transportation services for a student with a disability for whom transportation is a related service requires ARD committee action. For a Section 504 student, a change in transportation services requires Section 504 committee action.

### **Parental Questions or Complaints**

When parents/guardians have questions or complaints (also called grievances) regarding consequences, they should talk to the teacher, the campus administrator, or the Director as appropriate and per FNG (LOCAL). Parents/guardians may get a copy of the policy from the principal's office, or the handbook can be accessed online at [www.pcacharter.net](http://www.pcacharter.net). However, the consequence will not be delayed while waiting for the outcome of a grievance.

## **Safety and Security**

### **School Safety: Everyone Makes a Difference**

Reading the Student Code of Conduct is taking the first step toward making all schools a safe and enjoyable place to learn and grow. Sections in the book will explain the various levels of offenses and consequences when students violate the *Student Code of Conduct*.

### **The District's Right to Search**

The District has the right to search:

1. A student's outer clothing, pockets, or property by establishing reasonable suspicion or with the voluntary consent of the student
2. A vehicle driven to school by a student and parked on school property when there is reasonable suspicion to believe the vehicle contains things prohibited by the District A student may be searched by other noninvasive means.

### **Law Enforcement Duties**

Law enforcement duties of Pineywoods Community Academy Police Department officers include protecting:

1. The safety and welfare of any person within their jurisdiction; and
2. The property of Pineywoods Community Academy.

The district shall not assign or require as duties of Pineywoods Community Academy Police Department officers any routine student discipline or school administrative tasks.

### **Search of Cell Phone**

A peace officer may not search a person's cellular telephone or other wireless communications device following a lawful arrest of the person without obtaining a warrant.

A peace officer may search a person's cellular telephone or other wireless communications device without a warrant if the owner or possessor of the telephone or device consents to the search, the phone or device is reported stolen by the owner or possessor, or the officer reasonably believes that the telephone or device is in possession of a fugitive from justice for whom an arrest warrant has been issued for committing a felony offense, or there exists an immediate life-threatening situation.

### **Electronic Surveillance**

Electronic surveillance may be used to monitor student behavior and school-owned property for safety purposes, including maintaining order and discipline in common areas of the school or on school buses per Texas Education Code Section 26.009. Student behavior recorded by electronic surveillance equipment may be subject to disciplinary consequences consistent with the *Student Code of Conduct*.

### **Drug Testing (Secondary Schools)**

The drug testing policy will apply to students who participate in UIL activities, cheer, and drumline in grades 7-12 to ensure the health and safety of students, to offer assistance to students with substance abuse problems where possible,

and to deter drug use by students. The drug testing policy will be implemented under administrative regulations and guidelines approved by the PCA Board of Directors and by legal counsel to the district. All students scheduled to participate in UIL activities, cheer, and drumline in grades 7-12 and their parents will be asked to sign a form consenting to testing. Drug testing will be conducted on a random basis. FNF(LOCAL)

### **Trained Dogs**

The district will use trained dogs to screen for concealed, prohibited items, including drugs and alcohol. Screenings conducted by trained dogs will not be announced in advance. The dogs will not be used with students, but students may be asked to leave personal belongings in a screened area, such as classrooms, athletic lockers, or vehicles. If a dog alerts to an item or a location, the item or area must be searched by district officials.

### **Registered Sex Offenders**

Upon receiving notification that a student is currently required to register as a sex offender, the principal must remove the student from the regular classroom and determine appropriate placement unless the court orders placement.

If the student is not under court supervision, the student may be expelled or placed in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines that the student's presence:

- 1) threatens the safety of other students or teachers
- 2) will be detrimental to the educational process
- 3) is not in the best interest of students.

### **Removal by Teacher**

The principal shall respond by employing appropriate discipline management techniques consistent with the PCA Student Code of Conduct.

- (a) A teacher may send a student to the campus administrator's office to maintain effective discipline in the classroom. The campus administrator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct.
- (b) A teacher may remove from class a student who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the other students in the class or with the ability of the student's classmates to learn.
- (c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school or out-of-school suspension, or the student may be expelled.

### **After School Detention**

After-school detention (ASD) involves assigning a student to a specific room on campus for a period after the regularly scheduled school day. The school shall notify the parent/guardian when a student is assigned to ASD. Classroom teachers and administrators may assign students to ASD. Students must serve the ASD within TWO DAYS of the assignment. Multiple ASD assignments cannot be served concurrently.

### **In-School Suspension**

In-school suspension (ISS) involves assigning a student to a specific room on campus for a time to be determined by campus administration. The school shall notify the parent/guardian when a student is assigned to ISS. A student assigned to ISS will receive assignments from each classroom teacher and will be expected to complete all work assigned. Students assigned to ISS will not be eligible to participate in extracurricular activities until the ISS assignment

has been completed.

NOTE: Expulsion Hearing. The maximum number of days for emergency placement is ten days.

### **Notifications**

The campus administrator shall promptly contact the parent or guardian by telephone or in person and make a reasonable faith effort to provide written notice of the disciplinary action to the student on the day the action is taken for delivery to the student's parent or guardian. The campus administrator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. If a parent or guardian entitled to notice has not been reached by telephone or in-person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

### **Out-of-School Suspension**

State law allows a regular education student to be suspended for as many as three (3) school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year. Under no circumstance may an Out-of-School Suspension (OSS) exceed (3) days. If a student receives OSS for a partial school day (even if for one class period), that partial day is considered one of three total allowable OSS days. For students who are served in a particular education class with an Individualized Education Program (IEP), once the student has been suspended for ten full or partial days during the school year, an Admission, Review, and Dismissal (ARD) meeting must be conducted before further suspension to determine if the proposed suspension is an allowable disciplinary action.

Before suspending a student, other reasonable alternatives will be given consideration; however, other disciplinary actions don't need to precede the use of suspension. Students suspended are not permitted to participate in extracurricular activities or attend school-related activities until they have completed their suspension.

NOTE: The maximum number of 10 cumulative days allowed does not include Emergency Placement in OSS pending an Expulsion Hearing.

## **Appeal Process/Procedure for an Expulsion**

### **Administrative Conferences**

A student facing expulsion shall be given a conference with appropriate due process. The student is entitled to:

- 1) representation by the student's parent or another adult who can guide the student;
- 2) an opportunity to be heard and to present evidence in the student's defense; and
- 3) an opportunity to question the district's representative.

After providing notice to the student and the parent/guardian of the hearing, the district may hold the hearing regardless of whether the student or the student's parent/guardian attends.

### **Student Withdrawal Prior to Discipline**

Withdrawing a student from school does not affect the District's authority to schedule and conduct a conference or hearing on the conduct and enter an order for removal to expulsion, regardless of whether the student or



parent/guardian is present to participate. The order for removal will be included with records sent to the transferring school district.

A conference will be held to determine whether a student will be expelled. If the student is expelled, their parent/guardian will receive a copy of the referral, the appeal process, and an appeal form after the conference. A parent/guardian can request an appeal within three school days following a conference. The parent/guardian or another adult representative may represent the student. The student will continue to serve the assignment and may not return to the regular classroom pending the appeal. Appeals should be made through the following progression:

- All disciplinary assignments for Level II and III offenses shall be appealed in the following order:

1. Campus Behavior Coordinator
2. Campus Principal
3. Board of Directors – The decision of the Board is final

### **Students with Disabilities**

- The Special Education Appeal Process is used if the parent/guardian disagrees with the disciplinary action decided at the formal conference. The disciplinary action shall be appealed in the following order:
  1. Campus Behavior Coordinator
  2. Campus Principal
  3. Board of Directors – The decision of the board is final
- If the parent/guardian disagrees with the Manifestation Determination, Review, and Dismissal (MD ARD) Committee decision, the parent/guardian has a right to a Texas Education Agency expedited administrative conference.

### ***MD-ARD Appeal Process***

1. Recess MD-ARD for ten school days for reconsideration of recommendation or
2. Request by the Texas Education Agency expedited administrative hearing.
3. The Stay-put rule does not apply to disciplinary placements.

- Parent/guardian rights regarding the removal of students with disabilities:

1. The parent/guardian must be notified of the disciplinary decision of the day that the action occurs.
2. Upon convening the MD ARD Committee meeting, the parent/guardian must receive a copy of an Explanation of Rights and Procedural Safeguards of a Parent with a Child with Disabilities in School.
3. Appropriate educational services must continue in all classes.

Consequences will not be deferred pending the outcome of an appeal.

***Suspensions may only be appealed to the campus administration.***

## **Cellular Phones/Electronic Devices**

House Bill 1481, adopted by the 89th Legislature, requires school districts and charter schools to adopt policies that

prohibit the use of cell phones during the instructional day. Pineywoods Community Academy permits students to possess personal telecommunication devices such as cellular phones, apple watches, etc. However, such devices shall not be visible and remain off during the school day.

Campus administrators shall be able to determine the appropriate use of cellular phones for students participating in extracurricular activities while on school property or while attending school-sponsored or school-related activities on or off school property. Cellular phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas at school or a school-related or school-sponsored event.

The District is not liable for lost or stolen cell phones. All confiscated phones must be turned in to the principal's office immediately, if possible, or as soon as practicable the day the phone is confiscated. All staff members must place confiscated cell phones in a secure location. Once the cell phone has been confiscated, the following procedure will be used to return the device:

1. The first time a cell phone is confiscated, a parent/guardian may pick it up with no fee assessed.
2. The second time a cell phone is confiscated, an administrative fee of \$15 will be charged before the device can be returned.
3. If a cell phone is confiscated a third time or more, a disciplinary consequence will be issued, and an administrative fee of \$15 will be charged before the device can be returned. Parents/guardians will be required to pick up the phone from the office. Repeated offenses will result in more serious consequences.
4. Any student refusing to give the device to school personnel will be subject to disciplinary consequences.
5. Any device not claimed before the end of the day on the last day of school will either be destroyed or donated to a local charity.

THIS POLICY WILL BE STRICTLY ENFORCED BY ALL SCHOOL PERSONNEL. All confiscated phones must be turned into the principal's office immediately, if possible, or as soon as possible the day the phone is confiscated.

In some cases, students may find it beneficial or encouraged to use personal telecommunications or other electronic devices for instructional purposes while on campus. Students must obtain prior approval before using these devices for instructional purposes. When students are not using them for approved instructional purposes, all devices must be turned off during the instructional day. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

In limited circumstances and per the law, a student's telecommunications device may be searched by authorized personnel.

#### **Possession and Use of Other Personal Electronic Devices**

Except as described below, students are not permitted to possess or use personal electronic devices such as video or audio recorders, cameras, games, e-readers, or other electronic devices at school unless the classroom teacher obtains prior permission. Headphones and earbuds are prohibited at school unless prior permission has been obtained. Teachers will collect the items without consent and return them to the campus administrator's office. The campus administrator will determine whether to return items to students at the end of the day or to contact parents to pick up the items.

In limited circumstances and per the law, a student's electronic device may be searched by authorized personnel.

### **Acceptable Use of District Technology Resources**

To prepare students for an increasingly technological society, the district has invested in using district-owned technology resources for instructional purposes. Students may be issued specific resources individually. These technological resources, including the district's network systems and equipment, are restricted to approved purposes only.

### **Unacceptable and Inappropriate Use of Technology Resources**

Students are prohibited from sending, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually-oriented, threatening, harassing, damaging to another's reputation, or illegal to include, but not limited to, violation of FERPA including digital recording and posting of student activity that occurs on campus. This prohibition applies to conduct off school property, regardless of whether the equipment used to send such messages is district or personally owned if it substantially disrupts the educational environment. Any person taking, disseminating, transferring, or sharing obscene, sexually-oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the Student Code of Conduct and may, in certain circumstances, be reported to law enforcement.

## **Bullying**

Student Welfare: Freedom from Bullying

### **Purpose**

A safe and civil environment is needed for students to learn, attain high academic standards, and promote healthy human relationships. This policy aims to assist the District in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior. An act of bullying by either an individual student or a group of students is expressly prohibited on District property or at school-related functions. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying.

### **BULLYING PROHIBITED**

The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process violates District policy.

The District prohibits the bullying of any student:

1. During any educational program or activity conducted by the District;
2. During any school-related or school-sponsored program or activity on a school bus,
3. Through the use of any electronic device or data while on school grounds, on school transportation, or through computer software accessed through a computer, computer system, or computer network of the District. The physical location or time of access of a computer-related incident cannot be raised as a defense or in any disciplinary action initiated under this section or
4. Through threats, using any of the above methods, to be carried out on school grounds. This includes threats outside school hours intended to be carried out during any school-related or school-sponsored program or activity or on school transportation.

Though an incident of alleged bullying may occur off campus and may not entail threats of acts to occur during school hours, if a student's ability to receive an education or a school's ability to provide an education is significantly impaired, as determined by the District administration, disciplinary sanctions may be imposed.

Such behavior is considered harassment or bullying, whether on or off school property, at any school-sponsored function, or in a school vehicle.

The following definitions shall apply for purposes of this policy:

- Bullying means systematically and chronically inflicting physical pain or psychological distress on one or more students. Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, extortion, destruction of property, theft of valued possessions, ridicule, name-calling, rumor spreading, slurs, jokes, innuendos, demeaning comments, and ostracism of the person or another.
- It is further defined as any unwanted purposeful gesture or written, verbal, graphic, or physical act. Including electronically transmitted acts (i.e., Internet, cell phone, personal digital assistant (PDA), or wireless hand-held device) that are reasonably perceived as being motivated either by an actual or perceived characteristic, such as race, ethnicity, color, religion, ancestry; national origin; gender; sex; sexual orientation; gender identity and expression; marital status; socio-economic background; social/family background; linguistic preference; political beliefs; or a mental, physical, or sensory disability, difference, impairment; or by any other distinguishing characteristics or because of one's association with a particular person or group of persons.

Bullying also includes, but is not limited to, any threatening, insulting, or dehumanizing gesture by a student that has the potential to create an intimidating, hostile, or offensive educational environment or cause long-term damage, cause discomfort or humiliation, or unreasonably interfere with the individual's school performance or participation, or is carried out repeatedly and is often characterized by an imbalance of power.

Bullying may involve, but is not limited to:

- Verbal: Hurtful name-calling, teasing, gossiping, making threats, making rude noises, or spreading hurtful rumors.
- Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, using graffiti or graphic images, or exhibiting inappropriate and threatening gestures or actions.
- Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, biting, spitting, or destroying property.
- Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, ostracizing, using peer pressure, rating or ranking personal characteristics.

Bullying occurs when a student or a group of students engages in written/verbal expression or physical conduct that:

- 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
  - Is so sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
  - Has the effect of substantially negatively impacting a student's emotional or mental well-being?
- **Cyberbullying** is defined as willful harassment and intimidation of a person through the use of digital technologies, including, but not limited to, e-mail, blogs, texting on cell phones, social websites, chat rooms, "sexting," instant messaging, or video voyeurism, by accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the

scope of the District network system.

- **Cyberstalking** means engaging in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through electronic communication directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.
- **Prohibited Harassment** includes, but is not limited to, oral, written, psychological, physical (both climate and contact), and other demonstrative actions that are harassing regarding race, creed, ethnic origin, religious preference, gender, disability, or sexual orientation.
- **Accused** is defined as any District student in the school or outside the school, at school-sponsored events, on school buses, or at other facilities or training programs sponsored by the District who is reported to have committed an act of bullying, whether formally or informally, verbally, or in writing.
- **Complainant** is defined as any individual who has a complaint or concern.
- **A victim** is defined as any District student who is reported to have been the target of bullying during any educational program or activity.

#### **REPORTING PROCEDURES**

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct. Any student who believes that they have experienced bullying or that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, campus behavior coordinator, or other District employee. A report may be made orally or in writing.

Reports of bullying may also be completed on the webpage at [www.pcacharter.net](http://www.pcacharter.net).

#### **DISTRICT ACTION**

Suppose the results of an investigation indicate that bullying occurred. In that case, the campus behavior coordinator shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct under the District's *Student Code of Conduct*.

#### **Student Welfare: Freedom from Bullying**

Victims of bullying shall be offered counseling services provided by school counselors. Consequences and appropriate remedial actions for a student who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion. The consequences for a student who commits an act of harassment or bullying are unique to the individual incident. They shall vary in method and severity according to the behavior's nature, the student's developmental age, and the student's history of problem behaviors and performance. The consequences must also be consistent with the District's Student Code of Conduct. The District may take action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of bullying under this policy.

#### **Confidentiality**

To the greatest extent possible, the District shall respect the complainant's privacy, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary to conduct a thorough investigation.

## Appeal

A parent, legal guardian, or adult student dissatisfied with the outcome of the investigation or plan of action may appeal through the grievance process beginning at the appropriate level.

## Intervention Strategies

Various prevention and intervention strategies may be substituted for or used in conjunction with any consequence in Level I and II. Any campus administrator considering expulsion for a Level II offense must implement at least one of the strategies before expelling the student. All interventions must be documented and on file as to the duration and outcomes measured by periodic progress monitoring, usually at least three plus data points over time. Some examples of the strategies that can be used to change behavior are listed below.

- **Anger Management:** Handled by School Leadership
- **Behavioral Management Plan:** An approach to correcting inappropriate or disruptive student behavior through a plan designed by school staff to offer positive behavioral interventions, strategies, and supports. This plan is appropriate for students with and without disabilities.
- **Conference:** The conference involves the parent/guardian, counselors, teachers, and other school staff, along with the campus administrator, discussing student misbehavior and potential solutions.
- **Conflict Resolution:** Empowers students to take responsibility for resolving conflicts
- **Functional Behavioral Assessment:** Generally considered a problem-solving process to address a student's problem behaviors. It relies on various techniques and strategies to identify the purposes of specific behaviors and help select interventions to address those behaviors directly.
- **Mentoring Programs:** Involves pairing a student with a mentor (teacher, student, or counselor) who helps the student achieve personal academic and social development.
- **Parent Outreach:** Requires teachers and administrators to work directly with the parents and guardians to keep them informed of their child's behavior and seek assistance correcting the disciplined behavior. The outreach can be a call or letter to inform the parent of the student's behavior, task completion, and achievement. It can include a request for parent observations in the student's class.
- **Individualized Education Program (IEP) Teams/ Admission Review Dismissal (ARD):** The ARD committee is composed of a student's parent(s) and school personnel who are involved with the student. The ARD committee determines a child's eligibility for special education services and develops the student's individualized education program (IEP). The ARD committee considers using positive behavioral interventions and supports and other strategies to address behavior when a student's behavior impedes learning.
- **Student Support Team:** This team comprises teachers, principals, campus behavior coordinators, counselors, nurses, mental health clinicians, and psychologists who help develop prevention and intervention techniques and alternative strategies that ultimately lead to school success.
- **Referral to Section 504:** For students suspected of having a disability under Section 504, refer the student to Section 504 for an Initial Section 504 Evaluation
- **Restorative Practices:** This is a prevention-oriented approach that fosters accountability and student correction of past behaviors to resolve school conflicts such as bullying, truancy, and disruptive behavior.
- **Section 504 Meeting:** For students with disabilities under Section 504, promptly convene the Section 504 Committee to determine whether and to what extent the student's educational needs have changed and additional or different services, if any, are needed and ensure any changes are made promptly.

## **Level I Offenses and Consequences**

Considerations: Before ordering the after-school detention, suspension, or expulsion, the campus administrator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to understand the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action.

The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in-person and make a good-faith effort to provide written notice of the disciplinary action to the student on the day the action is taken for delivery to the student's parent or guardian. If a parent or guardian entitled to notice has not been reached by telephone or in-person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus administrator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

In the event of such an offense, the parent/guardian will be notified by phone and may be requested to attend a conference with the campus administrator to discuss the offense and subsequent disciplinary action.

The campus administrator shall schedule the conference within three days.

### **Level I Offenses**

- Bus misconduct (not defined as a Level II or III Offense)
- Cheating or copying the work of another
- Classroom disruption
- Technology violations
- Directing profanity, vulgar language, or obscene gestures toward other students
- Dress and grooming code violations
- Failure to comply with directives given by school personnel is considered insubordination.
- Falsifying school records
- Gambling
- Offensive language
- Possessing a laser pointer
- Possessing any electronic devices (video, listening, gaming, or entertainment devices) during school hours
- Public Display of Affection
- Refusing to give a cell phone to school personnel
- Safety rule violation
- Horseplay/Scuffling
- Threats - student on student (may be Level II or III, depending on severity)
- Throwing objects that may cause bodily injury or property damage
- Using a cellular phone during class time or in the locker room and bathroom, see pages 15 and 16 for liable usage

### **Level I Disciplinary Consequences**

- Behavioral contracts or individually developed behavior management plans
- The cell phone is confiscated, and a fee of \$20 - \$30 may be charged for the return of the phone. PCA is not liable for lost or stolen cell phones. All confiscated phones must be turned in to the campus administrator's

office immediately, if possible, or as soon as practicable the day the phone is confiscated.

- Classroom self-management techniques
- Cooling-off period or “time-out”
- Counseling by teachers, counselors, or administrative personnel
- After School Detention or Lunch Detention
- Electronic devices will be confiscated if used during the instructional day. The District is not liable for lost or stolen electronic devices.
- In-school suspension, a maximum of three days is permissible but not required.
- Out-of-school suspension for up to three days following a conference is permissible but not required.
- Parent/guardian observations in student’s classes
- Parent/guardian conference with teacher and campus behavior coordinator
- Referral to an outside agency, legal authority, or Youth and Family Center
- Restitution/restoration, if applicable
- School-assessed and school-administered probation
- Seating changes within the classroom
- Teacher removal or referral (consistent with Student Code of Conduct)
- Temporary confiscation of items that disrupt the educational process
- Verbal correction
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices and membership in school-sponsored clubs or organizations
- Withdrawal or restriction of bus privileges
- Withdrawal or restriction of technology privilege

## **Level II Offenses and Consequences Discretionary**

Considerations: Before ordering the suspension or expulsion, the campus administrator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student’s disciplinary history, and whether the student has a disability that substantially impairs the student’s capacity to understand the wrongfulness of the student’s conduct, regardless of whether the decision of the administrator concerns a mandatory or discretionary action.

The offense may have been committed on school property or at a school-sponsored event on or off school property.

The campus administrator shall promptly contact the parent or guardian by telephone or in-person and make a reasonable faith effort to provide written notice of the disciplinary action to the student on the day the action is taken for delivery to the student’s parent or guardian. If a parent or guardian entitled to notice has not been reached by telephone or in-person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent’s or guardian’s last known address.

The campus administrator shall schedule the conference/hearing within three days.

***CONSEQUENCES WILL NOT BE DEFERRED PENDING THE OUTCOME OF AN APPEAL.***

### **Level II Offenses**

- Assault (Class C) (student on personnel or volunteer) (student may be removed on the first offense at the



discretion of the campus administrator)

- Assault (Class C) (student on student)
- Bullying
- Extortion/Blackmail
- False accusation of conduct that would constitute a misdemeanor
- Fighting
- Gang activity
- Harassment
- Hazing
- Hit list
- Knife possession, not an illegal knife (pocket knives, razorblades, box cutters, etc.)
- Possessing or distributing pornographic materials
- Leaving school grounds or school-sponsored events without permission
- Mace or pepper spray (not defined as a Level III)
- Online impersonation
- Possessing, smoking, or using tobacco or related products
- Possession of a pellet gun or stun gun
- Possession of look-alike weapons (may be Level III depending upon intent and circumstances)
- Possession or use of fireworks, smoke or stink bombs, live ammunition, or any other pyrotechnic device.
- Possessing/selling over-the-counter drugs/dispensing medicine violation (not defined as a Level I or III Offense)
- Profanity/obscene gestures toward personnel
- Repetitive Level I Offenses
- Resisting arrest
- Setting off the fire alarm (not defined as a Level III Offense)
- Stealing/Theft
- Suspicious drug activity
- Threats (student on personnel/facility)
- Vandalism/criminal mischief (not a felony)
- Video or audio recording of students or employees for disruptive purposes

### **Level II Disciplinary Consequences**

- Counseling in place of other disciplinary consequences (parent consent required)
- Lufkin Police Department notification
- After School Detention or Lunch Detention
- In-school suspension is a maximum of five or ten days for repeat offenders.
- After-school counseling sessions (parent consent required)
- Out-of-school suspension for up to three days (Texas Education Code 37.005). Before the suspension, a telephone or in-person conference with the parent/guardian must be held.
- Parent/Guardian observation of the student in class
- Parent/Guardian conference with a teacher or campus administrator
- Referral to Counselor
- Referral to an outside agency, legal authority, or Youth and Family Center (parent consent required)
- Restitution/restoration, if applicable
- Verbal Correction
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices and membership in school-sponsored clubs or organizations
- Withdrawal or restriction of bus privileges
- Withdrawal or restriction of technology privileges

- Students who commit the same offense more than once and have completed at least one intervention plan, with documented strategies to change the behavior in an appropriate format, are no longer eligible for enrollment. A student may be expelled any time the offense is a Class C Assault (student on personnel) at the discretion of the campus administrator.
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct or for students not yet identified as having a disability shall be processed.

A student enrolled in a special education program under Texas Education Code Chapter 29 Subchapter A may not be disciplined for bullying, harassment, or hit-list-making until an Admission, Review, and Dismissal Committee (ARD) has been held to review the conduct. Such review shall be consistent with an MD-ARD as required under the Individuals with Disabilities Education Improvement Act (IDEIA). Consistent with state law, no disciplinary action of any kind may be imposed before the MD-ARD Committee meeting, including removals from class, school, or change of placement at any time. The federal 10-day change of placement rule does not apply to this category of misconduct.

A student cannot be assigned a consequence for bullying if the student is acting in self-defense.

### **Level III Offenses and Consequences Mandatory**

Considerations: Before ordering the suspension or expulsion, the campus administrator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the administrator concerns a mandatory or discretionary action.

The offense can be committed on or within 300 feet of school property as measured from any point on the school's real property boundary line or while attending a school-sponsored event on or off school property (except for aggravated robbery).

The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in-person and make a good-faith effort to provide written notice of the disciplinary action to the student on the day the action is taken for delivery to the student's parent or guardian. If a parent or guardian entitled to notice has not been reached by telephone or in-person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

Parents/guardians will be notified by phone and requested to attend an administrative hearing with the campus administrator. The campus administrator shall schedule the conference/hearing within three days. (Texas Education Code Sec. 37.009)

***CONSEQUENCES WILL NOT BE DEFERRED PENDING THE OUTCOME OF AN APPEAL.***

#### **Level III Offenses**

- Abuse of a volatile chemical
- Aggravated Robbery Off-Campus and not a school-sponsored event or related activity (on campus is considered an expellable offense).
- Alcohol (non-felony) – Includes possession, delivery, under the influence, or use. (See the definition in the

glossary for “under the influence” and “use”).

- Assault (Class A) (student on student)
- Drugs (non-felony) (i.e., marijuana/THC, CBD, and prescription) – Includes possession, delivery, under the influence, or use. (See the definition in the glossary for “under the influence” and “use”).
- Felony conduct (if not expellable)
- Indecent exposure
- Public lewdness
- Retaliation against a school employee in any place
- Electronic Cigarette - (possessing, using, selling, giving, or causing to be sold or given to a child under 21 years of age)

### **Level III Disciplinary Consequences**

- Lufkin Police Department notification
- Emergency placement to in-school or out-of-school suspension pending an Expulsion Hearing
- Mandatory extracurricular activities restriction
- Restitution/restoration, if applicable

A disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct or for students not yet identified as having a disability shall be processed in cooperation with the Special Education Department.

\*The consequence changes from a mandatory expulsion to a discretionary expulsion if the offense occurs off campus, within 300 feet of school property.

### **Level III Offenses and Expellable Consequences**

TITLE 5 OF THE TEXAS PENAL CODE—OFFENSES AGAINST THE PERSON (include the following):

- Abandoning or endangering a child
- Aggravated assault
- Aggravated kidnapping
- Aggravated sexual assault
- Aiding a suicide
- Capital murder
- Continuous sexual abuse of a young child or children
- Criminally negligent homicide
- Deadly conduct
- Indecency with a child
- Improper relationship between educator and student
- Improper photography or visual recording
- Injury to a child, elderly individual, or disabled individual
- Kidnapping
- Manslaughter
- Murder
- Sexual assault
- Tampering with a consumer product
- Terroristic threat
- Trafficking of persons

- Unlawful restraint
- Unlawful transport

Note: Students under six cannot be expelled unless the student commits a federal firearm offense (Public Law 103-382 Sec. 14601).

Students who have been expelled may not return to any PCA facility or attend any extracurricular activities of PCA, on or off campus.

The campus administrator shall promptly contact the parent or guardian by telephone or in-person and make a good faith effort to provide written notice of the disciplinary action to the student on the day the action is taken for delivery to the student's parent or guardian.

If a parent or guardian entitled to notice has not been reached by telephone or in-person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus administrator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

A student shall be removed for any felony drug offense. If laboratory results performed by or obtained by the school district are negative, the student will be returned to the home campus.

## **In-School Suspension (ISS) Guidelines**

### **Overview**

The in-school suspension program at Pineywoods Community Academy allows students to correct their inappropriate behaviors, which is an alternative to out-of-school suspension. The program attempts to provide a climate to identify misbehaviors, consider consequences, develop solutions, and self-reflect. Purposefully, the in-school suspension program is an intensely structured environment for students not functioning well in the regular classroom. The program can be short-term or long-term, whichever fits the appropriate misbehavior. It provides a safe environment for students with academic/classroom work while self-examining individual responsibilities and choices.

### **Program Objectives**

- To reduce the number of out-of-school suspensions.
- To provide a learning and therapeutic environment for students assigned to in-school suspension.
- To identify inappropriate behavior and assist students with making appropriate choices.
- To improve each student's behavior, academic performance, personal and social adjustment, and attitude toward school.
- To offer specific suggestions to administrators, counselors, and teachers that may minimize adjustment problems of students assigned to in-school suspension.
- To provide follow-up contact to those students formerly assigned to in-school suspension

### **Program Guidelines**

- Placement in the in-school suspension program will be the decision of the principal or designee.
- The number of days a student is assigned to ISS shall be left to the discretion of the Campus Behavior Coordinator or the Principal/Asst. Principal.
- Parents shall be notified of their child's discipline infraction, assignment to ISS, and the number of days that

must be completed.

- Rules and expectations will be explained to each student assigned to ISS.
- In-school suspension does not replace out-of-school suspension.
- Any student assigned to ISS will not be able to participate in extracurricular activities until the day following the completion of their assignment.
- Students will be expected to remain in the ISS classroom all day except for a half-day or period-by-period assignment.
- Lunch will be served in the cafeteria. Students may bring lunch from home or eat lunch from the cafeteria. Lunch may not be brought to them.

### **In-School Suspension Rules and Expectations**

1. Students may not communicate with any other students at any time. This includes making eye contact, facial expressions, talking, writing notes, or using any form of sign language. This type of communication includes lunch and restroom breaks.
2. Students cannot sleep, close their eyes, or rest their heads on their desks.
3. Students must obtain permission to leave their seats by quietly raising their hands and getting recognized by the ISS teacher.
4. Additional punishment will be given to those who write on their desk or the walls.
5. Students are required to keep their desks and surroundings neat and clean.
6. Students are to keep all objects out of their mouths. This includes food, candy, gum, and mints.
7. Disrespect in any form will not be tolerated. This consists of any type of classroom disruption.
8. Students will be permitted to go to the restroom only during designated times. Extra restroom breaks will result in extra time added to their ISS assignment, or a lunch detention assignment may be assigned.
9. No exceptions for unexcused absences or tardies. This includes any ISS or lunch detention assignment. Students will be required to make that time up.
10. Students are required to work every minute they are in ISS. They will be given ISS assignments along with work from their teachers. This will include writing these rules and may also be supplemented with vocabulary words, writing discipline sentences, essays, work packets, and apology letters.
11. Students must have all their work checked by the ISS teacher. It must be neat and complete.
12. Students will not be allowed to leave the ISS room to seek assistance from a teacher or to participate in any classroom activity.
13. Students may not take any writing assignments or classwork home unless given permission by the ISS teacher.
14. Students will not be released unless ALL assignments have been completed and to the satisfaction of the student's teacher and the ISS teacher.
15. There will be no excess noises, such as yawning out loud, stretching, or popping knuckles.
16. Students are not to ask for the time or any questions other than something related to their assignments.
17. Anytime a student is unable to do an assignment, they are to write at least a half-page response explaining what they do not understand and why.
18. Students are to read only material assigned to them by a teacher.
19. Students may use the computer or an iPad ONLY when a teacher makes that assignment.
20. Cell phones or any electronic device are prohibited during ISS or lunch detention and must be turned off and handed in to be returned at the end of the day.
21. Students are not allowed to participate in any extra-curricular activities while they are in ISS.

### **In-School Suspension Schedule**

7:45 Students expected to be in ISS  
8:05 Explanation and reinforcement of ISS rules and ISS assignment  
8:30 Students begin working on assignments after they have completed the ISS assignment  
9:50 Restroom Break  
9:55 Students resume working on assignments  
11:45 Lunch and Restroom Break  
12:20 Students resume working on assignments  
2:20 Restroom Break  
2:25 Students resume working on assignments  
3:45 Elementary students will be dismissed to go to class  
4:15 MS/HS Students will be dismissed

### **Assignment Procedure**

- Only the Assistant Principal or the Principal will assign in-school suspension, whether one or more days or a class period.
- The teacher will be notified that the student has been assigned to ISS and what day or days they will serve.
- The teacher is to fill out the assignment sheet, giving separate daily assignments for each day the student is assigned.
- The teacher will then send the assignment sheet to the ISS teacher.
- When the assignment is completed, it will be returned to the teacher the next day.
- If the assignment is unsatisfactory, the teacher is to return the assignment to the student immediately.
- If this student has been assigned for one period, the Assistant Principal should be notified, and the student should be reassigned for the next day.

### **Out-of-School-Suspension**

Out-of-school suspension (OSS) is a mandatory time assigned to a student, during which the student is not allowed to attend school due to inappropriate behavior.

PCA shall ensure a student receives access to coursework for foundation curriculum courses. In contrast, the student is placed in in-school or out-of-school suspension, including one method of obtaining the coursework that does not

require internet use.

## UIL Participation

Pineywoods Community Academy expressly **opts out** of the provision under SB 401 that requires PCA to allow home-schooled students to participate in UIL activities at PCA. Accordingly, **only students who are fully enrolled at Pineywoods Community Academy** are eligible to participate in UIL-sanctioned competitions, practices, and related activities.



### PARENT LETTER OF COMMITMENT

I have received and read the PCA Student Handbook and the Code of Conduct concerning the rules and procedures of the school. I will support the school by discussing the handbook with my son/daughter to ensure he/she understands the expectations. I will also support the school's efforts to provide the best possible education for every child. I agree to work cooperatively with the school in discipline should there be a need to discipline my son/daughter. I expect the school to support my child and provide for their needs. This commitment assures an effort on the part of the parent and the school to work together positively for the student's success.

The Student Handbook is designed to coincide with Board Policy and the Student Code of Conduct adopted by the Board. Please be aware that this document is updated annually, while policy adoption and revision is an ongoing process. Policy changes that modify student handbook provisions will be communicated to students and parents. These changes will generally supersede the newly adopted policy's obsolete provisions. In case of conflict between the Board Policy and the Student Code of Conduct, any provisions of the Board Policy or the Student Code of Conduct most recently adopted by the Board are to be followed.

Students and parents must be familiar with the PCA Student Code of Conduct, which sets out the consequences for inappropriate behavior. The Student Code of Conduct is required by state law and is intended to promote school safety and an atmosphere for learning. Students with a documented history of a criminal offense juvenile court adjudication may be excluded from PCA.

Regarding student records, I understand that certain information about my child is considered directory information. Directory information includes a student's name, address, telephone number, date and place of birth, photograph, participation in officially recognized activities, dates of attendance, grade level, enrollment status, honors and rewards received in school, most recent previous school attended, and school email address. Directory information may be released by the school to anyone who requests it or may be posted on school-approved websites unless I object to the release of any or all of the information within ten (10) days of the time this handbook is issued to my child.

I understand that I am responsible for reading this Student Handbook and Student Code of Conduct and for knowing the rules and procedures of PCA. I will discuss the contents with my son/daughter to ensure that he/she also understands.

PRINT NAME OF STUDENT: \_\_\_\_\_

STUDENT SIGNATURE: \_\_\_\_\_

PARENT SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

### **Pineywoods Community Academy School District *Student Code of Conduct* Glossary**

The terms and definitions are general. The interpretation and application of the terms and definitions are within the sole discretion of the school district.

#### **A**

**Administrative Conference**—Before removal or expulsion, each student must be provided with a hearing that includes notice of alleged misconduct and proposed consequences and an opportunity to be heard. Students may be represented by their parent/guardian or another adult representative.

**After School Detention** -- After School Detention (ASD) involves assigning a student to a specific room on campus for a period after the regularly scheduled school day. The school shall notify the parent/guardian when a student is assigned to ASD. Classroom teachers and administrators may assign students ASD. Students must serve the ASD within TWO DAYS of the ASD assignment. Multiple ASD assignments cannot be served consecutively.

After School Detention Hours: 3:35 pm - 4:00 pm.

**Aggravated Assault** – (Penal Code 22.02) Causes serious bodily injury to another, including a person's spouse, or uses or exhibits a deadly weapon during the commission of the assault.

**Aggravated Robbery** – (Penal Code 29.03) A person commits an offense if he/she commits robbery as defined in Section 29.02 and he/she: causes serious bodily injury to another; uses or exhibits a deadly weapon; or causes physical injury to another person or threatens or places another person in fear of imminent bodily



injury or death, if the other person is 65 years of age or older or disabled.

**Alcohol** – Any beverage containing more than one-half of one percent of alcohol by volume capable of use for beverage purposes, either alone or when diluted. Examples are but are not limited to Beer, ale, malt liquor, and liquor, all alcoholic beverages.

**Arson** – The willful burning or attempt to maliciously burn a structure.

**Assault** – Intentionally, knowingly, or recklessly causing bodily injury to another person; intentionally or knowingly threatening another with imminent bodily injury; deliberately, knowingly, or recklessly causing physical contact with another when the person knows or should reasonably believe that the other would regard the contact as offensive or provocative.

**Attempt to Commit Murder** – (Penal Code 15.01) A person commits the offense of criminal attempt to commit murder or capital murder if, with the specific intent to commit the murder or capital murder, the person does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

## **B**

**Battery** – The act of battering: unlawfully beating or using force on a person.

**Behavior** – The way a person acts.

**Behavior Contract** – A written agreement between a student and one or more school personnel. The parent/guardian can also be a party in the agreement. The student agrees to meet specific expectations.

**Blackmail** – Obtaining money or other objects of value from an unwilling person or forcing a person to act through the use of force or threat of force.

**Boycott** – Collective action to refuse to deal with an event or activity.

**Breach of Computer Security** – Conduct that contains the elements of breach of security if the student accesses a district network or system and the student knowingly alters, damages, or deletes student district property or information or commits a breach of any other computer, computer network, or computer system.

**Bullying** – (see page 17) When a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district, and if a school district's Board of Trustees or the board's designee determines that the behavior:

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; or
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

This conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student's education or substantially disrupts the operation of a school.

**Bus Misconduct** – Includes, but is not limited to, the following:

Failure to remain seated when directed or when the bus is moving;

- Failure to wear a seat belt when directed or when the bus is moving (if the bus is equipped with seat belts);
- Extending any part of a student's body, clothing, or any other article outside a bus window;
- Throwing, pitching, or shooting objects inside or out of the bus
- Failure to remain in an assigned seat directed by the driver
- Any Conduct identified in the Student Code of Conduct Level I, II, or III.

## **C**

**Campus Behavior Coordinator** – A Campus Behavior Coordinator, a campus administrator, is responsible for maintaining student discipline and implementing any disciplinary actions. A campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct that can reasonably be expected to improve the student's behavior before returning the student to the classroom.

Suppose the student's behavior does not improve. In that case, the campus administrator shall employ alternative discipline management techniques, including any "progressive interventions" designated as the responsibility of the campus administrator in the Student Code of Conduct.

**Classroom Disruption** – Disrupting the conduct of classes or other school activities, including:

- (A) emitting noise of an intensity that prevents or hinders classroom instruction;
- (B) enticing or attempting to entice a student away from class or other school activities that the student is required to attend;

(C) preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend, and

(D) entering a classroom without the consent of either the principal or the teacher and, through either act of misconduct or the use of loud or profane language, disrupting class activities.

**Club** – **Unlawful Carrying of a Club under Penal Code 46.02** –An instrument that is specifically designed, made, or adapted to inflict serious bodily injury or death by striking a person with the instrument and includes but is not limited to a blackjack, nightstick, mace, or a tomahawk.

**Contract** – An agreement between two or more people to do something.

**Copying** –The action of reproducing the schoolwork of another person with the intent to represent it as one's own.

**Criminal Mischief**—**Criminal** mischief constituting a felony is defined as intentionally or knowingly damaging or destroying an owner's tangible property or tampering with such property in a manner that causes financial loss or substantial inconvenience to the owner or a third person without the owner's effective consent.

**Criminally Negligent Homicide** – A person commits an offense if they cause the death of an individual by criminal negligence.

## **D**

**Deadly Conduct** – A person commits an offense if he/she recklessly engages in conduct that places another in imminent danger of severe bodily harm. A person commits an offense if they knowingly discharge a firearm at or in the direction of one or more individuals, a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied. Recklessness and danger are presumed if the actor knowingly pointed a firearm at or in the direction of another car, whether or not the actor believed the firearm to be loaded.

**Defacing School Property** – Destroying or damaging any school property, whether during school hours, out-of-school hours, or vacation time.

**Detention** – A teacher or administrator may detain a student after school hours for disciplinary action. The period for which a student is assigned to detention shall be used for educational purposes. For all students, detention shall not begin until notice has been given to the parents. Parents may be required to provide transportation when the student has been assigned detention.

**Discretionary** means something to be determined or regulated by a local decision-maker.

**Disrespect of School Personnel**—The act of demoralizing or belittling, trying to make them feel low, horribly treating someone, or showing a person that they mean less than nothing to you is a hurtful act that is rude and ignorant toward another person’s feelings. Examples of disrespectful behavior are talking back, refusing to identify properly, rude behavior, name-calling, and challenging authority.

**Disruption on School Bus/Private Bus** – Disobedience or misbehavior on a school or private bus.

**Drugs (felony level)** – Including but not limited to methamphetamine, cocaine, LSD, ecstasy, acid, heroin, and marijuana (four ounces or more).

**Drugs (non-felony level)** – Including but not limited to marijuana (less than four ounces) and prescription drugs.

## **E**

**Exhibition of Firearm** – A person commits an offense if, in a manner intended to cause alarm or personal injury to another or to damage school property, the person intentionally exhibits, uses, or threatens to exhibit or use a firearm:

- (1) in or on any property, including a parking lot, parking garage, or other parking area, owned by a private or public school; or
- (2) on a school bus being used to transport children to or from activities of a private or public school

**Expulsion** – The most severe consequence of a student’s misbehavior at a school, on school property, or at a school-related event on or off school property.

**Extortion** – The act or an instance of obtaining money or other object of value by coercive means, such as threats or intimidation.

**Electronic Cigarette** – An electronic cigarette or other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual by inhaling from the device. The term does not apply to a prescription medical device unrelated to smoking.

## **F**

**False Fire Alarms** – Knowingly making, aiding in the making, or sounding of a fire alarm when the alarm is not needed or there is no fire. Emergency vehicles (police or fire) are dispatched, and/or buildings have to be evacuated.

**Falsification of School Records** – Falsifying any public school record, report, or assessment instrument required under Chapter 39, Education Code.

**Felony Alcohol** – An example would be intoxication and manslaughter.

**Felony Controlled Substance** – Examples include four ounces or more of marijuana, any amount of cocaine, and other controlled substances.

**Fighting** – Two or more students who choose to mutually engage in physical combat using blows or force to strive to overcome the other student(s).

**Firearms** – Any weapon, including a starter gun, which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler, a firearm silencer, or any destructive device, such as incendiary, any explosive, or poison gas. 18 U.S.C. § 921 (a)(3), (4). Antique firearms and fireworks are not included in this definition. Nor are knives included in the definition; they are regulated only by state law.

**Forgery/Forging** – Imitating an original piece of writing intending to deceive.

## **G**

**Gang Activity** – Three or more students having a common identifying sign/symbol or identifiable leadership who constantly or regularly associate in the commission of criminal activity.

**Gambling** – Betting money or any other value item on the outcome of any event, game, or contest.

**Graffiti** – (Penal Code 28.08) A person, without consent of the owner, intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner with:

1. aerosol paint;
2. an indelible marker; or
3. an etching or engraving device.

## **H**

**Harassment** – Threatening to cause harm or bodily injury to another student, engaging in sexually intimidating, embarrassing, and or humiliating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

**Hazing** – An intentional or reckless act, on or off campus, by one person alone or acting with others that endangers a student's mental or physical health or safety for pledging, initiating, affiliation with, holding office in, or maintaining membership in an organization.

**Hit List** – A list of people targeted to be harmed using a firearm or knife as defined in the Penal Code or any other object to be used with intent to cause bodily injury.

**I**

**Illegal Knife** – Unlawful Carrying of an Illegal Knife under Penal Code 46.02 Knife with a blade greater than five and a half inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, poniard, bowie knife, sword; or spear.

**Immoral Conduct** – Lewd, lascivious, or indecent acts, including indecent sexual propositions, indecent exposure, or obscene gestures.

**Indecent Exposure** – A person commits an offense if they expose their anus or any part of their genitals with intent to arouse or gratify the sexual desire of any person, and they are reckless about whether another is present who will be offended or alarmed by their act.

**Indecency With a Child** – A person commits an offense if, with a child younger than 17 years, not their spouse, whether the child is of the same or opposite sex, they engage in sexual contact with the child or exposes part of their genitals, and knows the child is present, with intent to arouse or gratify the sexual desire of any person.

**Inhalant Abuse (abuse of a volatile chemical)** – A student commits an offense of this category if the student inhales, ingests, applies, uses, or possesses glue, aerosol paint, or volatile chemical with intent to inhale, ingest, apply, or use it in a manner contrary to directions for use; cautions or warnings appear on a label of a container of the glue or paint designed to affect the person's central nervous system; create or induce a condition of intoxication, hallucination, or elation or change; or distort or disturb the person's eyesight, thinking process, balance, or coordination.

**In-School Suspension** – A student is removed from his/her regular education setting to an alternative setting on the campus (not Disciplinary Alternative Education Program).

**K**

**Kidnapping** – A person intentionally or knowingly abducts another person.

**Knuckles** – Any instrument consisting of finger rings or guards made of a hard substance designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**L**

**Loitering** – Lingering about the school premises in an aimless fashion.

## **M**

**Mandatory** – Something is obligatory or required because of an authority.

**Manslaughter** – A person commits an offense if they recklessly cause the death of an individual.

**Misbehavior** – Behavior contrary to expectations stated in the *Student Code of Conduct* and behavior that prevents the teacher from carrying out the teaching process.

**Murder** – A person commits an offense containing the elements of murder if they intentionally or knowingly cause the death of an individual; intends to cause serious bodily injury and commits an act dangerous to human life that causes the death of an individual; or commits or attempts to commit a felony, other than manslaughter, and in the course of and furtherance of the commission or attempt or in immediate flight from the commission or attempt, they commit or attempts to commit an act dangerous to human life that causes the death of an individual.

## **N**

**Non-Title 5 Felonies** – A felony off campus, occurring any time or place, not against another person.

## **O**

**Obscene Material** – Material that is offensive to the acceptable standards of the majority in a community.

**Offense** – An act of misbehavior as defined in the *Student Code of Conduct* or implied as described in that code.

**Offensive Language** – Using inappropriate language, generally described as derogatory, harmful, and demeaning, directed toward an individual or group at school or school-related events or activities. This includes but is not limited to language related to race, ethnicity, gender and gender orientation, disability, and religious beliefs.

**Out-of-School Suspension** – A student is removed from school for up to three days. A partial day of suspension counts as one of the three days.

**Online Impersonation** – Creating a Web page on a commercial social networking site or other Internet Website, or posting or sending messages on or through a commercial networking site or other Internet Web site other than or through electronic communication. The actions must be taken without the other person's consent and with the intent to harm, defraud, intimidate, or threaten the other person.

## **P**

**Paraphernalia** – Devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

**Parents** – This includes single parents, legal guardians, persons in lawful control, or persons in parental relationships with students.

**Peer Mediation** – Peer-to-peer resolution of conflict using good communication skills.

**Penalty** – A consequence for violating a provision of the *Student Code of Conduct*.

**Possession** – Shall constitute the intentional, knowing, or reckless carrying of “a substance or item” on or about the person, whether or not such “substance or item” is found on the student, provided that there are reliable witnesses or other corroborating evidence that the student was previously in possession. “Possession” shall include a “substance or item” found on the premises or within 300 feet of school property if located in the student’s vehicle, locker, book bag, purse, clothing, or other personal belongings under the exclusive control of the student.

**Profanity** – Using language outside the standards of acceptable language of most persons in the community. Cursing and vulgar words and phrases are examples of profanity.

**Prohibited Weapon** – An explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, knuckles (i.e., brass knuckles), armor-piercing ammunition, a chemical dispensing device (i.e., mace or pepper gas), or a zip gun.

**Protest** – To object in words or acts.

**Public Lewdness** – Knowingly engaging in any sexual act in a public place or in the presence of another person who will be offended or alarmed by such act(s).

## **R**

**Reassignment of Classes** – The removal of a student for persistent misbehavior from their assigned classroom to another class on the same campus. To the extent possible, the student should continue to receive instruction in the courses they were enrolled in when the removal became effective.

**Repetitive Level I Offenses** – Six Level I Offense referrals occurring within a period of 45 rolling school days that require a Student Support Team or Behavioral Intervention Plan (BIP).

**Resisting Arrest** – A person commits an offense if they intentionally prevents or obstructs a person he knows is a peace officer or a person acting in a peace officer’s presence and at his direction from effecting an arrest,



search, or transportation of the actor or another by using force against the peace officer or another.

**Restitution** – Making good or restoring objects that have been lost or damaged, returning them to the owner.

**Retaliation** – Knowingly, willingly, or recklessly causing harm to a school district employee or volunteer, including but not limited to bodily, property, or psychological injury resulting from the person’s employment or association with the school district if committed anywhere.

**Robbery** – (Penal Code 31.02). A person commits an offense if in the course of committing theft as defined in Chapter 31 and with the intent to obtain or maintain the control of the property when they: (1) intentionally, knowingly, or recklessly causes bodily injury to another or (2) intentionally, knowingly, or threatens or places another in fear of imminent bodily injury or death.

**Rolling Days—There is no** beginning or ending date. The administrator counts back 45 school days from the last offense to determine when the six referrals must have occurred.

## **S**

**School Property** – Any property owned by the school district or over which the school district or its personnel exert lawful authority and that may include property visited by students in connection with a school-sponsored activity such as a field trip or extracurricular activity.

**Scuffling/Horseplay** – Engaged in a short, confused brawl in close quarters.

**Secret Societies** – An organization composed of pupils of public schools below the rank of college that seeks to gain membership by allowing its members to choose those they deem acceptable rather than upon free choice of any student in the school.

**Self-defense** – The use of force against another to the degree that a person reasonably believes the force is immediately necessary to protect themselves.

**Serious Bodily Injury** - Defined in Section 1365(h)(3) of Title 18, U.S. Code, to mean a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. [615(k) (1) (G)]

**Severity** – Seriousness or gravity of a situation.

**Stealing** – Taking and carrying away the personal property of another without the consent of the owner. Removing or taking away school property without permission.

**Suspicious Drug Activity** – The facts of a situation make it suspicious when the Reasonable Person Rule (Would any other reasonable person think that what is going on would be suspicious?) is applied.

**Suspension** is a disciplinary action. For each subsequent disciplinary infraction, a student may be removed from the school campus for up to three days.

## **T**

**Teacher-Initiated Removal** – A teacher may remove from class a student who has been documented by the teacher as repeatedly interfering with the teacher’s ability to communicate effectively with the students in the class. The principal may place the student into another appropriate classroom, in-school suspension, or expulsion. The removal must be consistent with the *PCA Student Code of Conduct*.

A teacher may remove and prohibit the return of any student to the teacher’s classroom if the teacher was the victim of sexual assault, aggravated assault, aggravated sexual assault, or assault with bodily injury by the student. The student may be transferred to another classroom campus or be expelled.

**Terroristic Threat (Penal Code 22.07)** – Threatening to commit any offense involving violence to any person or property with intent to cause a reaction by an official or volunteer agency organized to deal with emergencies; place any person in fear of imminent, serious bodily injury; prevent or interrupt the occupation or use of any public place; or cause the impairment or interruption of public services. This offense is a Class A misdemeanor unless a false report is of an emergency involving a public primary or secondary school, public communications, public transportation, public water, gas, power supply, or other public service, in which case the offense is a state jail felony.

**Theft** – Unauthorized possession and/or sale of the property of another without the consent of the owner.

**Title 5 offenses** – Offenses that involve injury to a person and include murder, kidnapping, assault, aggravated assault, sexual assault, sexual assault, unlawful restraint, indecency with a child, injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

**Trespassing** – Entering the school property without permission or right.

## **U**

**“Under the Influence” and “Use” have similar meanings** – Not having the normal use of mental or physical faculties and may be evident by the presence of physical symptoms of drug/alcohol use or by admission or a student has voluntarily introduced into their body by any means a prohibited substance recently enough that it is detectable by the student’s physical appearance, actions, breath, odor or speech; or the student admits such use to school personnel. A student “under the influence” need not be legally intoxicated.

## **V**

**Vandalism** – (Referred to as criminal mischief if less than \$1,500.) Willful action that results in destruction,

damage, or defacement of property belonging to or rented by the District. This includes graffiti. A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or painting, on the tangible property of the owner with aerosol paint, an indelible marker, or an etching or engraving device. An offense under this section is a state jail felony if the marking is made on a school.

## **W**

**Weapons** – Instruments used to cause bodily harm.