



## **DRAW ACADEMY STUDENT CODE OF CONDUCT**

DRAW Academy approach to discipline is a proactive-action based, respectful of the students' abilities. Students participate in the evaluation of their actions, according to their emotional development, chronological age, and maturity level. All students after making mistakes, are given the opportunity to amend and correct their actions. In this way, the student learns from their own mistakes and devise a solution to correct their wrong doing.

Participating on this discussion and process is far more effective than simply receiving a punishment with no self-reflection provided by an authority figure, or a consequence which do not address the root cause of the undesired behavior and would not prevent future occurrences.

We are very proud to state that after sixteen years DRAW has never suspended a student out of school, has never expelled a student, and has never denied a student the ability to re-matriculate due to discipline problems or inappropriate behavior; furthermore, DRAW has zero incidents of violent behavior.

---

Updated August 10<sup>th</sup> 2017

**D i v e r s i t y   R o o t s   a n d   W i n g s**

Pre-K to 8<sup>th</sup> grade TEA Charter School # 101856

Main building 3920 Stoney Brook Dr. .... Upper elementary 3903 Stoney Brook Dr. .... Early Learning 7914 Westglen Dr.  
Houston, TX. 77063

Ph- (713) 706-DRAW (3729) - Fax (713) 706-3711 - email [draw@drawacademy.org](mailto:draw@drawacademy.org) - web <http://drawacademy.org>

# DRAW ACADEMY STUDENT CODE OF CONDUCT

<u>TABLE OF CONTENTS:</u>	<u>PAGE</u>
SUMMARY OF RELATED BOARD AND THE DRAW ACADEMY INCORPORATED DISCIPLINE POLICIES.	4
<u>STUDENT CODE OF CONDUCT HANDBOOK - PROACTIVE DISCIPLINE</u>	4
Discipline philosophy overview	4
<u>DRESS CODE POLICY</u>	4
Dress codes and uniforms can help reduce the potential for conflict	5
General	5
Consequences	6
Business / Personnel Dress Code Basics	6
Basic Dress Code Rules	6
<u>THE DRAW ACADEMY INCORPORATED BEHAVIOR EXPECTATIONS FOR ALL MEMBERS OF THE SCHOOL</u>	6
<u>SCHOOL CLUSTER TEAM RULES AND BEHAVIOR NORMS</u>	7
<u>ACADEMIC DISHONESTY</u>	7
<u>ATTENDANCE POLICY</u>	7
<u>THE DRAW STUDENT CONDUCT (LEVELS OF STUDENT MISCONDUCT AND DISCIPLINARY OPTIONS)</u>	8
Level I: Violation of Classroom or Transportation Rules	8
Level II: Administrator Intervention	8
Disciplinary Options/Responses	9
Procedures:	9
Level III: Suspension	10
Disciplinary Options/Responses:	11
Procedures:	11
<u>ZERO TOLERANCE/PURSUIT OF CRIMINAL CHARGES</u>	12
Court Involvement	13
Student Misconduct	13
When and Where These Rules Apply	13
General Discipline Guidelines for Assessing Penalties	13

<u>LEVELS OF OFFENSES</u>	14
General Procedures for Resolving School Problems	14
Procedures for Referral of a Student to an external Alternative Education Program	15
<u>Procedures for Continuation of AEP Placement after Receipt of Notice Under Article 1527(g)</u>	15
<u>GRIEVANCES</u>	15
General Provisions	15
Authority	15
Meetings	15
Records of Meetings	15
Time Limits.	16
Withdrawal	16
Reprisals	16
Legal Remedy Rights	16
<u>FORMAL RESOLUTION PROCESS</u>	16
Procedures to Report and Investigate a Student’s Complaint of Sexual Harassment by Another Student	16
Procedures to Report and Investigate Alleged Sexual Harassment of a Student by an Adult	17
<u>STUDENT PUBLICATIONS</u>	17
<u>TRANSPORTATION SERVICE SAFETY GUIDELINES</u>	18
<u>SUMMARY OF RELATED BOARD AND THE DRAW ACADEMY INCORPORATED DISCIPLINE POLICIES</u>	19
<u>DISCIPLINE OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES</u>	19
General	20
Suspension or Removal to an Alternative Education Program (AEP) for less than 10 Days	20
<u>NOTICE OF EXPULSION ORDER</u>	22
Limitation on Days of Removal of Students With Disabilities	23
Protections for Students Not Yet Eligible for Special Education Services	23
Discipline of Students Served Under Section 504 of the Rehabilitation Act	24
<u>BEHAVIORS RELATED TO DISCRETIONARY EXPULSION (Applicable to all Students)</u>	24
<u>RESPONSE TO BEHAVIORS RELATED TO DISCRETIONARY EXPULSION</u>	25
<u>ADDITIONAL RIGHTS OF STUDENTS WITH DISABILITIES</u>	26

### Summary of Related Board and The DRAW Academy Incorporated Discipline Policies:

This Student Code of Conduct and the Proactive Discipline Approach: A Positive, Proactive Approach is drawn from Board Policies and has been altered to align with the mission, goals, and philosophies of The DRAW Academy Incorporated. Copies are available in the front office, through the registration process, and from all campuses' classroom teachers.

### STUDENT CODE OF CONDUCT HANDBOOK - PROACTIVE DISCIPLINE

#### A) Discipline philosophy overview

Discipline policies focus on prevention of undesirable, disruptive, dangerous behavior, and promotion of an environment of acceptance that supports health, safety, civil rights, gender equity, cultural sensitivity, language, ethnicity and family composition. Discipline enforcement is the responsibility of all teachers, counselors, directors, principal, and other adults as assigned by the Charter Board in a partnership with parents. Discipline will be dispensed in a dignified manner, free from mental and physical abuse. All acts of physical violence will result in immediate suspension of student's classroom activities pending an investigation. Severe discipline infractions will be recorded in the student's permanent school file. An evaluation of each student's discipline will be part of the student's permanent school file.

A school wide reward and consequence system will be designed and maintained by each teacher to reward good behavior in the areas of attendance, peer interactions, student – adult interactions, and formal interactions. In addition, the individual teachers may design a complimentary award and consequence system in their classroom.

All discipline infractions will be handled according to the number of accumulated infractions. All discipline infractions must be tracked on the student's Behavior Infractions Sheet. This tracking sheet must be presented with the student at all disciplinary conference(s). All discipline conferences must involve timely parent contact and parent input of discipline actions taken as a corrective measure. DRAW believes that the school acts as a partner with the parent(s) in discipline and requires that all parents are in agreement and sign all rules and regulation contracts.

It is the role of the Director of Student and Community Services, as the Principal's designee, to administer age appropriate prevention, intervention, and support programs for children at-risk of dropping out of school, as part of the Proactive Discipline approach. At-risk is defined as students at educational risk, including pregnant and parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited English, and gang members. Support services will be provided to make sure that neglected and/or delinquent children are given the same school content and performance standards that all children in the school are expected to meet. The DRAW Academy Incorporated will provide a dropout prevention program for at-risk youth returning from institutions to ensure their continued education or employment. Furthermore, services relating to day care, drug and alcohol counseling, career and technology education, special education, career counseling, and assistance in securing student loans or grants will be established and provided as required. The Director of Student and Community Services will work with parents, business, and the surrounding community to create programs/activities for "safe zones of passage" for students that are free from violence, tobacco, and drug use/abuse. The DRAW Academy Incorporated Charter Board and faculty will incorporate a clear message of "no use" into the regular curriculum.

### DRESS CODE POLICY

The school has a responsibility to provide a safe, secure, and productive learning environment. Dress and appearance play a role in doing so. We do believe that properly implemented policies and strategies around dress and appearance are within the realm of reasonable actions which can be taken by our school to promote a positive climate.

Dress codes and uniforms can help reduce the potential for conflict by:

1. Reducing conflict stemming from socio-economic status, i.e., conflicts stemming from comments and personal attacks about who has better clothing and so on.
2. Reducing ways in which gang members can identify themselves which, in essence, is a form of intimidation and creates fear.
3. Reduces the risk of students being robbed to and from school, or for that matter in school, of expensive clothing, jewelry, etc.
4. Helps school administrators identify non-students, trespassers, and other visitors in the hallways who stand out in the crowd.

Students are expected to dress in a manner that is neat and appropriate for school or work and may not wear clothing that disrupts the educational process. Detailed below is the students' dress code and uniform detail. Also are explained the procedures and consequences when students chose to disrespect the code. Please help your child to learn and respect these rules.

Up:

- 1- School blue t-shirt with school logo.
- 2- Students who participate in school sponsored events, such as running, may wear the commemorative or representative t-shirts only on the Monday after the event.
- 3- All tops (shirts and blouses) must cover the top of the shoulder and completely cover the stomach, chest and bare back. No bare midriffs.
- 4- No see-through shirts, blouses, no halter tops, tank tops/tube tops, undershirts, muscle shirts or other tops that expose the midriff.

Bottom:

- 1- Blue jean or khaki pants. No sagging, not rolled up.
- 2- No sagging clothes (baggy pants).
- 3- Pants should be size appropriate and worn at the waist.
- 4- Students must wear waist belts and no underwear must be shown .
- 5- No torn jeans.
- 6- Shorts and skirts must be size appropriate (at knee level); tight fitting shorts, short shorts, leggings, and cutoffs are prohibited.
- 7- Girls can wear blue jean or khaki skirts

General:

- 1- No hats/head covers, scarves, head rags (i.e. stocking caps, satin-type or hairdo covers, "do-rags").
- 2- Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles, etc.) shall be free of writing or pictures. Other items or insignia that are crude, gang-related, vulgar, profane or sexually suggestive, or that bear

drug, alcohol or tobacco company advertising, promotions and likenesses, or that advocate racial, ethnic or religious prejudice are strictly prohibited.

- 3- Clothing that bears logos, insignia, letters or colors signifying a gang, a crew, violent actions or weapons will not be tolerated.
- 4- Only the student's name, written in plain block letters, is permitted on backpacks or other personal items. Names must not be displayed on clothing.
- 5- Shoes must always be worn; no inappropriate footwear or roller blades.
- 6- No under clothing worn as outerwear.
- 7- Red or blue shoes, shoes with red or blue accents or shoes with red or blue laces are not allowed.
- 8- No sunglasses may be worn inside school buildings or classrooms.
- 9- Any jewelry, body art, piercing or extreme hairstyle/color deemed by the school to be dangerous or a distraction to the learning environment is not acceptable (jewelry with spikes, chokers, wristbands or extra large rings.) It must also be considered that large jewelry items are a potential hazard to students when performing physical activities.

#### CONSEQUENCES:

First time: Written warning and telephone communication to parents.

Second time: One day in-school detention and telephone communication to parents.

Third time and consecutives: Three day in-school detention and meeting at school with parents. Non parent participation at the meeting will maintain the student in detention hall until parents appear for the meeting.

#### Business / Personnel Dress Code Basics

Deciphering today's business dress code can be a real headache. Long gone are the days when business attire meant a black or navy knee length skirt with a white silk blouse, matching suit jacket and high heels. While many women are celebrating the passing of high heels as standard business attire, the resulting confusion over the rest of the outfit is hardly a cause for celebration. Many businesses have adopted a business casual dress code over a traditional suit and tie policy. So what exactly should you wear to the office these days?

#### Basic Dress Code Rules

1. No matter what the specifics of the dress code is, one rule remains universal to all professional dress code policies.  
Neatness is the lord of all dress code rules.
2. All employees should appear neat and clean when reporting to work. Avoid frayed hems, scuffed shoes, or ill-fitting clothing. Your wardrobe does not have to be expensive or even in the latest fashion but it should be well cared for and well fitting.
3. Your choice in clothing should portray a professional and relaxed image. If you work directly with customers, it is vitally important that your clothing reflect well upon your employer.
4. Business attire for the corporate world should cover your body. Cover cleavage, upper thighs, the back, midriff and shoulders with a non-sheer material. As a rule, sexy clothing is not appropriate for the workplace.
5. Makeup, perfume and hairstyles should be subdued. Avoid excessive makeup, strong perfume and trend-setting hairstyles that attract too much attention and tend to be distracting.

#### THE DRAW ACADEMY INCORPORATED BEHAVIOR EXPECTATIONS FOR ALL MEMBERS OF THE SCHOOL:

- 1.) The Code of Student Conduct of The DRAW Academy Incorporated.
- 2.) Open tolerance and celebration of multi-cultural diversity.
- 3.) Open tolerance and celebration of multi-language diversity.

- 4.) Be kind to yourself and others.
- 5.) Never use vulgar language or gestures.
- 6.) Show respect for personal and public property.
- 7.) Behave safely and responsibly with regard for safety of yourself and others.
- 8.) Strive daily towards high academic and personal expectations.
- 9.) Follow all safety rules and master schedule.

## SCHOOL CLUSTER TEAM RULES AND BEHAVIOR NORMS

### Established by teachers of each grade level team:

- 1.) Teachers of each cluster family determine their joint student rules and behavioral norms through consensus.
- 2.) All rules and behaviors must be in line with the rules and behavior expectations set for the school by the Charter Board.
- 3.) The Charter Board requires the family teachers to consult with students and parents before, during, and after this process. The Charter Board requires the signatures of all students and/or parents in agreement to uphold these rules and behavioral norms, in the student's permanent record.
- 4.) The rules and behavioral norms set by the cluster family must fulfill the requirement of active, positive reinforcement of good behavior, and be free from punitive consequences. For example, all teachers could establish a list of teacher helping jobs and insure that each student has the opportunity to rotate into a minimum of four jobs per school year.

### ACADEMIC DISHONESTY:

Students found to have engaged in academic dishonesty shall be subject to disciplinary penalties and grade penalties on assignments or tests. Academic dishonesty includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or other supervising adult, taking into consideration written materials, observation, or information from the student(s). Academic dishonesty will be reported to the Director of Student Service and at his option may convene a session of peer mediation or direct the matter to the Principal for sanctions. All peer mediation decisions are reviewed and approved or vetoed by the Principal.

### ATTENDANCE POLICY:

School attendance is essential for student success. Texas law requires students to attend 90 percent of the days in a semester. Excessive truancy, of three (3) or more unexcused absences, will be handled as a discipline problem or forwarded to the Justice of the Peace in accordance with Texas statutes. Students who attend less than 90 percent of the days in a semester will lose credit regardless of the grade earned unless extenuating circumstances exist.

To receive credit in a class, a student must attend at least 90% of the days the class meets and have no more than two (2) unexcused absences. When a student has accumulated the third unexcused absence in a class, credit is denied for that course; however, students with passing grades in the course may appeal to the Grade Placement Committee.

The acceptable excuses for absences are as follows:

- 1.) Illness of student.
- 2.) Illness of death in the family.
- 3.) Participation in educational activities with approval of Charter Board.
- 4.) Hospital confinement.
- 5.) Medical/dental appointments.
- 6.) Emergencies or extenuating circumstances recognized by as valid by the Grade Placement Committee.

All students are required to bring a note from the parent/guardian the first day they return to school from an absence. The note should be given to the school secretary in the front office. Teachers or the front office will call an absent student's parent the day of an absence to verify absence. Upon notice of prolonged or excessive absence, the teacher and front office will contact the parent or guardian and arrange a conference with the Principal. At that conference, the Principal will review the attendance policy and present the parent or guardian with a letter of concern with a mutually created attendance improvement plan. The teacher will make arrangements to assist the student in obtaining make-up schoolwork. Parents are encouraged to contact the homeroom teacher or the front office prior to all absences.

The Grade Placement Committee will meet as needed to hear appeals. The committee may require students and parents to appear in person to explain excessive absences. If the parent(s) is not satisfied with the results of the hearing they may appeal to the Principal. All decisions made by the Principal are final.

## THE DRAW STUDENT CONDUCT (LEVELS OF STUDENT MISCONDUCT AND DISCIPLINARY OPTIONS)

### Level I: Violation of Classroom or Transportation Rules

- Level I Acts of Misconduct May Include Such Behavior as:
- Violations of rules or procedures established by the teacher
- Any act which disrupts the classroom or interrupts the normal operation of the class
- Failure to deliver or return written communications between home and school
- Disruptive or noncompliant behavior on a school bus
- Failure to protect individual computer account passwords from disclosure

### Disciplinary Options/Responses:

- Teacher-student conference
- Parent contact: note and telephone call to parent
- Appropriate in-class disciplinary actions
- Restriction of school bus privileges by the bus operator

### Procedures:

1. Any staff member who observes a student violating rules may escort the student to the office of the Director of Students and or the main office, where they will fill out a report sheet before returning to their normal duties.
2. A record of the offenses and disciplinary actions should be maintained by the teacher on the appropriate form, as part of the student's portfolio.
3. The teacher must discuss the misbehavior with the parent and the student with in 24 hours and document the conference on the discipline sheet.
4. The Director of Students will notify teacher and parent of any sanctions resulting from student's transgression of the school rules.

Level I behavior violations and Discipline Options/Responses are not limited to those provided. Serious or repeated violations may result in a more severe response or referral to Level II.

### Level II: Administrator Intervention

Some infractions will result in a referral to The Director of Student and Community Services. The disciplinary response depends on the offense, previous actions, and the seriousness of the misbehavior. Level II Acts of Misconduct include those student acts, which interfere with the orderly educational process in the classroom or in the school. A teacher who observes a student engaged in Level II or higher misconduct will fill out a discipline/referral form to submit with the child.



Level II Acts of Misconduct Include Such Behavior as:

- Repeated violation of classroom rules or transportation under Level I
- Leaving the classroom or school grounds without the permission of school personnel
- Possession of matches or other flammable materials
- Inappropriate display of affection
- Any verbal abuse of others, including name-calling or derogatory statements
- Posting or distributing unauthorized materials on school grounds
- Failure to abide by rules and regulations at extracurricular activities or at co curricular activities such as field trips
- Loitering in unauthorized areas
- Changing school records or documents or signing parent's name on school documents
- Participation in activities by groups such as gangs and cults
- Wearing dress or attire signifying gang affiliations
- Possession of beepers, cellular telephones, electronic pagers, or any other types of communication systems that are not registered and approved by The DRAW Academy Incorporated Director of Students.
- Cafeteria disturbance
- Disruptive behavior on a school bus
- Any other acts which interfere with the orderly educational process in the classroom or the school
- Accessing materials and sites on the Internet that are deemed to be inappropriate by The DRAW Academy Incorporated
- Sending or forwarding inappropriate e-mail, including e-mail containing offensive language or content, and untruthful statements.
- Logging on to a computer, sending e-mail, or accessing the Internet using a name or password other than the student's own.
- Posting unauthorized Web pages, graphic images, or offensive language or comments on a The DRAW Academy Incorporated server, Web page, or guest book.

Disciplinary Options/Responses:

- Parental contact by phone and written notification to parent or guardian within 24 hours
- Required administrator/student/parental conference
- Removal of school transportation privileges
- "Behavior," "Behavioral," and/or "Conduct" contracts
- Teacher removal of the student from the classroom
- Suspension of transportation privileges
- Any other appropriate disciplinary actions determined by the administration

Procedures:

1. Referral to administrator
2. Administrator confers with student, teacher and parent to establish appropriate action
3. Written notification is sent to parent within 24 hours of report. Notification is sent to the teacher indicating action taken.
4. The teacher must discuss the misbehavior with the parent and the student with in 24 hours and document the conference on the discipline sheet.
5. The Director of Students will notify teacher and parent of any sanctions resulting from student's transgression of the school rules.

Level II behavior violations and Discipline Options/Responses are not limited to those provided. Repeated violations shall result in a more severe response and/or referral to Level III.

The DRAW Academy Incorporated does not condone corporal punishment, will not tolerate corporal punishment, and will not tolerate it being administered in or on campus grounds. Certain physical acts against a student by school personnel (such as, but not limited to, choking, kicking, punching, pinching, hitting with an inappropriate object, etc.) are not authorized and will be considered as a violation of the corporal-punishment policies.

### Level III: Suspension

Level III acts include conduct for which an administrator may suspend the student, or place the student into in-school suspension. In-school suspension at DRAW is held and run on the campus by the Director of Student, Parent and Community Services. The period of the suspension is limited to three days per occurrence and is authorized for conduct listed below. The option of Saturday detention and or silent lunch may be given as a sanction by the Director of Student, Parent and Community Services. A decision to suspend a student may be appealed to the Charter Board. The decision of the Charter Board may be appealed to the Principal whose decision is final and may not be appealed.

A student may be suspended or removed from the regular classroom and placed in a campus alternative education program for engaging in the following conduct:

- Chronic or repeated disciplinary infractions of Level I and/or Level II offenses
- Fighting
- Gambling
- Misdemeanor stealing/theft of property, including computers and related equipment, in an amount under \$750
- Cutting class or other forms of truancy
- Possession of a knife with a blade of less more than three inches is reasonably determined not to have been possessed as a weapon
- Continuous disruptive behavior on school bus
- Smoking, using, or possessing tobacco and tobacco products
- Interfering with school authorities
- Aggressive, disruptive individual action or aggressive, disruptive group demonstration that substantially disrupts or materially interferes with school activities.
- Failure to comply with reasonable requests of school personnel and/or defiance of the authority of school personnel
- Failure to adhere to terms of behavior contracts
- Indecent/unsolicited sexual proposal/sexual harassment
- Selling or soliciting for sale any merchandise on school campus without the authorization of the building directors
- Profanity, vulgar language, or obscene gestures
- Possession or use of fireworks, "poppers," smoke or stink bombs, or any other pyrotechnic device that may be used to disrupt the educational process
- Possession of laser pens or laser pointers
- Possession of live ammunition or bullets
- Any ethnic, religious or racial slurs.
- Engaging in threats or other acts of intimidation that interfere with another student's desire or willingness to participate in the educational process
- Misdemeanor criminal mischief (i.e., vandalism) resulting in the destruction or defacing of any property, including computers and related equipment, in an amount greater than \$20 but less than \$1,500. This includes rendering computers or related equipment inoperable or damaging them by erasing data with magnets, intentionally introducing viruses, worms, or tampering with programs or other data without authority.

- "Hacking" or other use of computers to gain unauthorized access to data bases, including student, faculty, or data files without permission. In addition to any criminal penalties, students may have their computer privileges suspended.
- Use of school computers, facsimile equipment, or other electronic devices to transmit, receive, view, or display obscene, vulgar, sexually explicit, or racist media; or to display information that advocates unlawful activities or provides guidance on the construction or production of weapons, illegal devices, or controlled substances
- Use of the school computer network with the intent to incite violence or aggressive and/or disruptive action on the part of the student body, use of slanderous language, or use of language that promotes racial disorder or sexual harassment and is disruptive to the school environment
- Use of the school computer network for soliciting or purchasing commercial materials and/or services of any kind
- Use of the school computer network to engage in participation in hate groups
- Misdemeanor extortion, which is defined as obtaining money or information from another by coercion or intimidation of a value less than \$1,500
- Possession or use of any prescription or nonprescription drug, medicine, vitamins, or other chemical in violation of the Guidelines for Dispensing Medications at School
- Refusal to cooperate in, or interfering with, a random metal-detector safety search
- Any other acts of serious misconduct that disrupt the school environment in the classroom and/or school
- Hazing, which means any intentional, knowing, or reckless act directed against a student by one person alone or acting with others that endangers the mental or physical health or the safety of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization or general classification of students whose members are or include other students
- Assisting (directly or indirectly) with the promotion of any behavior prohibited by this Code of Student Conduct and The DRAW Academy Incorporated Proactive Discipline Approach and any other established DRAW rules and regulations.

#### Disciplinary Options/Responses:

- Required Director of Student and Community Services /student/parental conference
- Restitution or restoration, as applicable, for vandalism to property
- Exclusion from extracurricular activities including, but not limited to, field trips, commencement exercises, and award ceremonies
- Recommendation to Charter Board of placement into long-term in-school suspension in the campus alternative education program.
- Suspension for three school days per occurrence.
- Removal of transportation services for up to one year
- Any other appropriate disciplinary actions determined by the Director of Student and Community Services

#### Procedures:

1. Referral to the Director of Student and Community Services with a conference with a parent within 24 hours
2. Director of Student and Community Services confers with student and parent about the misconduct. The student is given an opportunity to explain the incident
3. Director of Student and Community Services decides whether to suspend student for three or refer him or her to the Principal to determine a long-term suspension or placement in in-school suspension more than one to three days. Written notice of the offenses and the action taken are given to the parent and teacher. If the student is referred to the Principal for a long-term placement in in-school suspension for more than one to three days, the parent shall be given a letter stating the reasons for the removal and setting the term. The letter placing the student should state the term of placement in a specific number of days of successful attendance. Students under the age of 6 may not be placed in-school suspension.

5. The teacher must discuss the misbehavior with the parent and the student within 24 hours and document the conference on the discipline sheet.
4. The Director of Students will notify teacher and parent of any sanctions resulting from student's transgression of the school rules.

Repeated violations shall result in a more severe response and/or referral to Level IV.

Level IV and V:

Required Withdrawal from The DRAW Academy Incorporated and/or Referral to a Campus Alternative Education Program (AEP):

### ZERO TOLERANCE/PURSUIT OF CRIMINAL CHARGES

- The Charter Board, in accordance with its major system priorities, believes the school environment should be safe for all students and free of disruptions that interfere with the education process. In response to this belief, the Board has developed a policy of zero tolerance. This policy shall apply to elementary and middle students.
- All students who unlawfully possess a firearm, illegal knife as defined by state law, explosive, or any other dangerous object or weapon on The DRAW Academy Incorporated property, on school buses, and/or in attendance at school-related activities shall be recommended for expulsion to the Principal. The decision of the Principal may be appealed to the Charter Board. The Charter Board shall schedule a hearing within three days and hold the hearing within seven days unless agreement with the parent or guardian or circumstances require a delay, in which case the hearing shall be scheduled within a reasonable time. Students with disabilities may be subject to the "stay-put" requirements of 34 C.F.R. 300.514. The procedures relating to the discipline of students with should be followed. The decision of the Board will be final. The Code of Student Conduct and The DRAW Academy Incorporated Proactive Discipline Approach will be strictly applied.
- Reports to Local Law Enforcement
- The DRAW Academy Incorporated administrators and the Charter Board has an obligation under the law to notify the police department and the local police department if any administrator has reasonable grounds to believe that any of the following offenses has occurred in school, on school property, or at a school-sponsored or school-related activity on or off school property:
  - Murder; capital murder
  - Aggravated kidnapping
  - Aggravated assault
  - Injury to a child or an elderly individual
  - Sexual assault; aggravated sexual assault
  - Arson
  - Robbery; aggravated robbery; burglary
  - Manufacture or delivery of a controlled substance, manufacture, delivery, or possession of a miscellaneous illegal substance, or delivery of marijuana within 1,000 feet of a school or playground
  - Deadly conduct, as described by Section 22.05, Penal Code, which includes, but is not limited to, recklessly engaging in conduct that places another person in imminent danger of serious bodily injury or knowingly discharging a firearm in the direction of an individual, home, or occupied vehicle
  - Terrorist threat, which generally involves the threat of a violent act that places a person in fear of serious bodily injury or is designed to incite panic; cause disruption to the use of a public building or space; interrupt the use of public communications, transportation, the water, gas, or power supply or another public service; or cause an emergency response as more specifically described by Section 22.07, Penal Code

- Use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Chapter 481, Health and Safety Code
- Possession of a club, explosive weapon, firearm, firearm silencer, handgun, illegal knife, knife, brass knuckles, machine gun, short-barrel firearm, switchblade knife, armor-piercing ammunition, hoax bomb, chemical dispensing device, or zip gun, as listed in Sections 46.01(1)–(14) or Section 46.01(16) of the Penal Code
- Organized criminal activity, which includes commission of murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, burglary of a motor vehicle, unauthorized use of a motor vehicle, a gambling offense, or other criminal activity if it is done with the intent to establish or maintain or participate in a collaboration of three or more persons or participate in the profits of such a combination in carrying on criminal activity as further defined under Section 71.02 of the Penal Code.

The Charter Board notifies local law enforcement of these offenses shall notify each instructional or support staff member who has regular contact with the student who has committed the offenses.

### Court Involvement

- If a student is found to have committed an offense under Level IV or V of this Code the county may decide whether the student is in need of supervision, whether the student has engaged in delinquent conduct, or whether the student should be referred to an appropriate state agency.
- The Director of Student and Community Services may recommend the immediate expulsion of a student from the school when the administrators reasonably believe that the action is necessary to protect persons or property from imminent harm. The Charter Board shall schedule a hearing within three days and hold the hearing within seven days unless agreement with the parent or guardian or circumstances require a delay, in which case the hearing shall be scheduled within a reasonable time. Students with disabilities may be subject to the "stay-put" requirements of 34 C.F.R. 300.514. The procedures relating to the discipline of students with should be followed.

### Student Misconduct

The Code of Student Conduct and The DRAW Academy Incorporated Proactive Discipline Approach provide a description of a broad range of behavior considered to be student misconduct. The behavior described should be viewed as representative of the misconduct, which most frequently causes a disruption to the orderly educational process. Discipline enforcement is the responsibility of all teachers, counselors, directors, principal, and other adults as assigned by the Charter Board in a partnership with parents. Discipline will be dispensed in a dignified manner, free from mental and physical abuse

### When and Where These Rules Apply

The policies and administrative procedures concerning student conduct apply to actions of students on school property and school buses and, in some cases, for conduct occurring off of school property or within 300 feet of school property. Additionally, the rules apply to actions of students at all school-sponsored or school-related activities or events, such as field trips, sporting events, stadium assemblies, fairs, or evening school-related activities. Students should be aware that the commission of any felony offense, whether at school or away from school, may result in expulsion or withdrawal from The DRAW Academy Incorporated. Finally, students should be aware that administrators who are made aware of criminal activity whether on or off of campus will make a report to appropriate law enforcement agencies and that, in addition to these administrative rules, students may be subject to criminal charges for violations of the law.

### General Discipline Guidelines for Assessing Penalties

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

- Discipline shall be administered when necessary to protect students, school employees, or property and to maintain essential order and discipline.

- Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case and may include such factors as:
  - seriousness of the offense;
  - student's age;
  - frequency of misconduct;
  - student's attitude;
  - potential effect of the misconduct on the school environment; and
  - state law requirements for certain disciplinary consequences.

## LEVELS OF OFFENSES

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

- Level I—Violation of Classroom Rules:
  - Offenses which generally occur in the classroom and can be corrected by the teacher.
- Level II—Administrative Intervention:
  - Offenses which are more serious in nature or a continuance of Level I misconduct.
- Level III—Suspension and/or Optional Removal to a Disciplinary Alternative Education Program:
  - Offenses which seriously disrupt the educational process in the classroom, the school, and/or at school related activities, or a continuance of repeated Level I, II, or III misconduct.
- Level IV—Required Withdrawal or Placement in a Campus Alternative Education Program:
 

Criminal offenses as defined in Level IV. This may include any felony, whether school-related or not, unless it is one for which expulsion is required.
- Level V—Expulsion and Withdrawal for Serious Offenses:
 

Offenses which include those for which a student may or shall be expelled under state law. They include continued serious or persistent misbehavior which violates the Code of Student Conduct by a student while placed in the campus alternative education program.

Staff Members will use their professional judgment to determine the most effective way to correct student misconduct. Disciplinary actions apply equally to all students, except as provided under the direction of the Principal or the final of the decision of the Charter Board.

### General Procedures for Resolving School Problems:

School problems can best be resolved at the campus level, where problems start.

In order to resolve problems, parents, guardians, and/or students can meet with a teacher at appropriate times to discuss existing problems. If the parents, guardians, or students are dissatisfied with the teacher's decision or explanation, they can meet with the Director of Student and Community Services to review the area of concern. If further assistance is needed, then parents, guardians, or students can meet with the Principal. Parents, guardians, and students who wish to appeal placement in the DAEP that extends beyond the next grading period, or who wish to appeal an expulsion or withdrawal, should request a meeting with the Charter Board.

In limited scope a student peer mediation may be the appropriate avenue for conflict resolution or related low offense student discipline related concerns.

### Procedures for Referral of a Student to an external Alternative Education Program:

It is the policy of The DRAW Academy Incorporated not to refer students to an AEP. The DRAW Academy Incorporated will comply and support police and county official efforts in regard to AEP matters relation to current or former students enrolled at the campus.

### Procedures for Continuation of AEP Placement after Receipt of Notice Under Article 1527(g)

The Charter Board shall review the placement of a student in an external alternative education program (AEP) upon receipt of notice under Article 1527(g), Code of Criminal Procedure:

- that the prosecution of the case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or
- that the court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

On receipt of a notice under this article, the Principal or his or her designee shall review the student's placement in the AEP. The student may not be returned to the regular classroom pending the review. The Principal or Director of Student and Community Services shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the school receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the directors or his or her designee may continue the student's placement in the AEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent or guardian may appeal the Principal's decision to the Charter Board who may consider additional matters. The student may not be returned to the regular classroom pending the appeal. The student, parent, or guardian may not appeal the decision of the Charter Board.

On receipt of a notice under this article, the Principal shall review the student's placement in the AEP. The student may not be returned to the regular classroom pending the review. The Principal shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the directors receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the Principal may continue the student's placement in the campus alternative education program if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent or guardian may appeal the Principal's decision to the Charter Board who may consider additional matters. The student may not be returned to the regular classroom pending the appeal. The student, parent, or guardian may not appeal the decision of the Charter Board.

### General Provisions

The following procedures apply to student grievance resolution:

1. Authority. If a grievance arises that is not under the jurisdiction of the Principal, the grievance shall be transmitted in writing directly to the Charter Board. Grievances initiated in this fashion shall begin at Step 3 of the formal process. The Board has final authority in the decision-making process and cannot be appealed.
2. Meetings. All meetings concerning grievances will take place at reasonable hours. Students who must be absent from class will be excused providing they have confirmation from their teacher that no examinations will be missed. If a grievance hearing is scheduled during the regular school day, all staff participants in the investigation and processing of the grievance shall be released from regular duties and shall suffer no loss of pay or other benefits. Reasonable notice of scheduled hearings shall be given to all participants.
3. Records of Meetings. All documents, communications, and records dealing with a grievance shall be filed separately from the student's transcript, and no notation of such grievance shall appear in the file of the aggrieved

unless so requested by the aggrieved. All matters pertaining to a grievance shall be treated as confidential material and shall not be considered in the evaluation of the student.

4. Time Limits. The number of days indicated at each level of the resolution procedures shall be a maximum. Time limits specified may be extended in any specific instance by agreement of both parties.
5. Withdrawal. A grievance may be withdrawn at any step and cannot be reopened.
6. Reprisals. No reprisals of any kind shall be taken by or against any student in the grievance procedure by reason of such participation; however, the student may be subject to disciplinary action for any subsequent misconduct. Reprisals shall not be taken against any party of interest in the grievance procedure by reason of such participation.
7. Legal Remedy Rights. No part of this process shall work in such a way as to deny the complainant the right to pursue legal redress in the courts.

## FORMAL RESOLUTION PROCESS

The formal procedures for the resolution of student grievances are as follows:

### Step 1

The student who is unable to resolve a grievance through the informal process may send a formal written grievance within 15 days of the alleged circumstances that prompted the complaint to the Director of Student and Community Services or directly to the Principal. Within five days of the date the grievance is filed, the administrators shall schedule a meeting with the aggrieved and his or her parents, guardian, or designated representative in an attempt to resolve the grievance. The Principal shall indicate their disposition of the grievance in writing within five days of such meeting and shall furnish copies to the aggrieved and his or her representative.

### Step 2

If the aggrieved is not satisfied with the disposition of the grievance at Step 1, or if no disposition has been made within the allotted time period, the student may file the grievance up the normal authority chain; the Principal, Superintendent and Charter Board. Within five days, the Principal shall meet with the parties of interest concerning said grievance. The disposition of the grievance shall be indicated in writing within five days of the meeting, and a copy shall be furnished to all parties of interest.

### Step 3

If the aggrieved is not satisfied with the disposition of the grievance at Step 2, or if no disposition has been made within five days of the meeting, the student may file the grievance up the normal authority chain by forwarding the grievance to the Charter Board. Within five days of the date the grievance is received, the Charter Board shall meet with the interested parties. The disposition of the grievance shall be indicated in writing within five days of the meeting, with a copy furnished to the aggrieved and all parties of interest. The decision of the Charter Board is final and may not be appealed.

### Step 4

If the aggrieved is not satisfied with the disposition of the grievance, or if no disposition has been made at Step 3, the aggrieved may take additional action as provided within the federal or state statutes.

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

Student misconduct that is alleged to be sexual harassment by one student toward another student should be reported to a campus teacher, counselor, Principal, administrative staff, directors, or other adult staff member. The adult who receives the report of student misconduct shall follow the Code of Student Conduct and The DRAW Academy Incorporated Proactive Discipline Approach for reporting, investigating, and responding to student misconduct. Students found to have committed the misconduct shall be disciplined according to the levels of student misconduct in the Code of Student Conduct and The DRAW Academy Incorporated Proactive Discipline Approach. Students and parents may appeal to the Principal if they are



not satisfied with the resolution reached by the Director of Student and Community Services. They may appeal to the Charter Board if they are not satisfied with the decision of Principal.

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

1. A student, parent, or individual with knowledge of an alleged act of sexual harassment of a student by an adult is obligated to report it to a teacher, counselor, nurse, school administrator, Principal, or administrative staff.
2. At any time, including at the time of making the initial complaint, the student, parent, or individual with knowledge of the alleged act of sexual harassment may complain directly to the Principal.
3. Whenever a complaint of sexual harassment of a student by an adult is received, the following steps shall be taken:
  - a. Efforts will be made to obtain all of the facts from the student and to verify these facts. Such efforts may include requesting a written statement from the student and verifying these facts. Such efforts may include requesting a written statement from the student's parents or guardian and obtaining names of witnesses of the alleged acts of sexual harassment. The individual receiving the complaint shall complete the Complaint Form.
  - b. If appropriate, Harris County Children's Protective Services and/or a law enforcement agency must be contacted.
  - c. An appropriate investigation must be conducted. The investigation shall begin within five school days of receiving the information from the student, parent, or individual with knowledge of the alleged act of sexual harassment.
  - d. A thorough investigation includes an interview with the individual who allegedly committed the sexual harassment to inform the individual of the specific allegations and to provide an opportunity for a response.
  - e. Upon completion of the investigation, the student and/or parents should be informed of the resolution of the complaint.
  - f. Upon completion of the investigation, the individual who allegedly committed the sexual harassment shall be informed of the resolution of the complaint. A representative of choice to discuss the resolution of the complaint may accompany the individual.
4. Upon completion of the investigation, the Response Form along with the documentation of the complaint, the steps taken to investigate the complaint, and the proposed resolution shall be filed.
5. Any disciplinary action against any The DRAW Academy Incorporated employee shall be determined by the Principal and may be appeal to the Charter Board. The Charter Board's decisions are final and may not be appealed.

### STUDENT PUBLICATIONS

The school encourages student participation in the publication of school newspapers, yearbooks, literary magazines, and similar publications as learning and educational experiences. These publications have qualified faculty advisors and strive to meet high standards of journalism. Opportunities for a broad spectrum of opinions shall be provided.

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

- ❑ A publication is subject to these procedures if it is not school-sponsored or if it is not prepared for the partial fulfillment of a school course. Additionally, these rules apply if it appears more than five copies of the publication may be distributed.
- ❑ Distribution of a publication shall not be prohibited because the publication contains the expression of any idea, popular or unpopular. However, if the publication is libelous or obscene or advocates illegal action or disobedience to published rules on student conduct adopted by the Charter Board, the publication cannot be distributed on

school premises. Libelous language is that language for which a civil suit can be maintained in the state courts. A publication is obscene if the language, pictures, or portrayals are described as vulgar, lewd, or indecent according to the community standards of the area surrounding the individual school in which the school's students reside.

- Distribution on school premises of material consisting wholly or primarily of commercial advertising is prohibited.
- Distribution of a publication is prohibited if its distribution materially and substantially interferes with normal school operations, or if the building Charter Board, Principal, and/or Directors have reasonable cause to believe that the distribution would cause such a material and substantial interference.
- The publication cannot be sold on the school premises but may be sold off school premises subject to the provisions of Subsection g.
- The publication must contain the names of the individual contributors, editors, and publishers.
- Distribution of printed material off of school premises will be subject to these rules when the manner of distribution is calculated to and in fact does result in possession by students on school premises. This includes the distribution of materials in places adjacent to the school premises in the morning before normal classroom activity has begun. It does not include distribution in places adjacent to school premises in the afternoon after normal classroom activity has ceased for the day.

The following procedures are to be followed in distributing a publication as defined in Subsection a:

1. A copy of the publication must be given to the Principal, who may take up to one working day for the purpose of reviewing the publication before its general distribution on campus. The Principal should determine whether the publication qualifies for distribution. In making this determination, the Principal may consult with other administrators, with the faculty, and with anyone he/she thinks will be of assistance.
2. If the distribution of the publication is approved, the Principal must approve the manner, time, and place of distribution.
3. If the publication is not approved by the Principal, the sponsors of the publication may appeal the decision to the Charter Board, who may take up to one additional working day for the purpose of reviewing the publication and the decisions of the administrators and possibly the attorneys. He/she may either affirm or overrule the decisions of the directors and the attorneys. If the Charter Board overrules the decision of the administrators and the attorneys, the publication may be distributed in a timely manner determined by the Charter Board.

## THE DRAW ACADEMY INCORPORATED TRANSPORTATION SERVICE SAFETY GUIDELINES

Students should be aware that all of the rules contained in this Code are applicable to their conduct and actions while riding The DRAW Academy Incorporated provided transportation. Aside from compliance with the rules contained in Levels I through V, students are expected to observe the following rules:

1. Students shall follow the directions of the school-bus operator the first time given.
2. Students should be at the assigned bus stop five minutes before the scheduled departure time.
3. Students shall wait in a safe place, clear of traffic and away from where the school bus stops.
4. Students shall wait in an orderly line and avoid horseplay.
5. Students shall cross the road or street in front of the bus only after the bus has come to a complete stop and upon the direction of the bus driver.
6. A student must go directly to an available seat upon entering the bus, must remain seated, and must keep all aisles and exits clear.
7. Students are expected to exhibit appropriate classroom conduct at all times when riding transportation.
8. A student may carry only objects on the bus that can be held on his or her lap.
9. Students shall refrain from throwing or Passing objects on or from the bus.
10. Food, drinks, animals, hazardous substances, and nuisance items are not permitted on the bus.

11. Students are required to follow all safety instructions and to respect the rights of others.
12. Students are not permitted to leave or board the bus at any location other than the assigned stops at home or school.
13. Extending the head, arms, or other objects out of the windows of the bus as well as hitching a ride via the rear bumper or other parts of the bus are strictly prohibited.

## SUMMARY OF RELATED BOARD AND THE DRAW ACADEMY INCORPORATED DISCIPLINE POLICIES

This Student Code of Conduct and the Proactive Discipline Approach: A Positive, Proactive Approach is drawn from Board Policies and has been altered to align with the mission, goals, and philosophies of The DRAW Academy Incorporated. Copies are available in the front office, through the registration process, and all schools' classroom teachers.

## DISCIPLINE OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

Important Clarification: The discipline for students eligible for special education services is consistent with 300.121d; 300.522; and 37.004. The Student Code of Conduct is not unilaterally applied to all students, and the ARD committee will address the behavioral needs for students with disabilities for whom the Code is inappropriate or for whom the behaviors are a manifestation of the student's disability.

Students with disabilities are expected to exhibit appropriate conduct and may be subject to the requirements of this Code of Student Conduct and The DRAW Academy Incorporated Proactive Discipline Approach. Nothing in these rules prevents police from arresting and prosecuting a special education student for commission of a criminal act. Upon request or subpoena, copies of special education and disciplinary records are required to be provided to appropriate law enforcement or judicial authorities investigating or prosecuting reported criminal conduct. The parent or guardian shall be notified of such transmittal.

A student with disabilities is one who has been determined by an Admission, Review, and Dismissal/Individual Education Plan (ARD/IEP) Committee as having a non-categorical early childhood condition, mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities, and who, because of those impairments, needs special education and related services.

In some instances, the ARD/IEP Committee of a student with disabilities may have developed a behavior intervention plan that must be followed in administering discipline in situations addressed by the behavior intervention plan. If the ARD/IEP Committee developed a behavior intervention plan for a student with disabilities, that plan will be contained on the ARD/IEP Supplement: Behavior Intervention Plan form.

Additionally, it may become necessary for the ARD/IEP Committee to determine whether the alleged conduct in question was related to the student's disability (manifestation determination). If the ARD/IEP Committee determines there is a connection, it must also determine what educational action is appropriate to minimize the misbehavior. In the implementation of the zero-tolerance policy previously discussed in this booklet, the ARD/IEP Committee must review the behavior intervention plan and/or determine whether there is a relationship between the conduct and the disability prior to changing the student's placement for disciplinary reasons.

## In General:

In general, all disciplinary actions regarding students with disabilities shall be in accordance with federal requirements and Texas Education code Chapter 37. A student with a disability may be expelled for engaging in conduct that would warrant such action for a student without a disability only if the Admission, Review, and Dismissal (ARD) committee determines the misconduct is not related to the disability or inappropriate placement.

Students with disabilities are expected to exhibit appropriate conduct and may be subject to the requirements of this Code of Student Conduct and The DRAW Academy Incorporated Proactive Discipline Approach. Nothing in these rules prevents police from arresting and prosecuting a special education student for commission of a criminal act. Upon request or subpoena, copies of special education and disciplinary records are required to be provided to appropriate law enforcement or judicial authorities investigating or prosecuting reported criminal conduct. The parent or guardian shall be notified of such transmittal.

A student with disabilities is one who has been determined by an Admission, Review, and Dismissal/Individual Education Plan (ARD/IEP) Committee as having a non-categorical early childhood condition, mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities, and who, because of those impairments, needs special education and related services.

In some instances, the ARD/IEP Committee of a student with disabilities may have developed a behavior intervention plan that must be followed in administering discipline in situations addressed by the behavior intervention plan. If the ARD/IEP Committee developed a behavior intervention plan for a student with disabilities, that plan will be contained on the ARD/IEP Supplement: Behavior Intervention Plan form.

Additionally, it may become necessary for the ARD/IEP Committee to determine whether the alleged conduct in question was related to the student's disability (manifestation determination). If the ARD/IEP Committee determines there is a connection, it must also determine what educational action is appropriate to minimize the misbehavior. In the implementation of the zero-tolerance policy previously discussed in this booklet, the ARD/IEP Committee must review the behavior intervention plan and/or determine whether there is a relationship between the conduct and the disability prior to changing the student's placement for disciplinary reasons.

The ARD committee shall determine the instructional and related services to be provided during the time of expulsion. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression.

If the ARD committee determines that the student's disruptive behavior is related to the disability or inappropriate placement, the student shall not be expelled. If the disruptive behavior on the part of the student indicates an inappropriate placement, the ARD committee shall review the placement and recommend alternatives. If the ARD committee determines that the behavior was related to the disability, it shall either rewrite the IEP to address the student's behavioral and educational needs, or, when appropriate, consider the extension of an emergency removal.

## Suspension or Removal to an Alternative Education Program (AEP) for less than 10 Days

Students with disabilities may be suspended in the same manner as non-disabled students for a period not to exceed three school days per occurrence so long as the total number of days of cumulative suspensions does not constitute a change in placement. Additionally, students with disabilities may be referred to a DRAW Alternative Education Program, which

implements curriculum instruction outside the classroom to assure continuity of the academic program. The appropriately qualified teacher supervises this program. (This program is named DAEP throughout the document) This program can be implemented for a period of up to 10 days.

An ARD/IEP meeting is not required for suspensions or removals to a DAEP totaling less than 10 cumulative days during any school year.

Except as described in the next paragraphs, procedures regarding the suspension and the length of suspension shall be the same as those for non-disabled students so long as the suspensions do not constitute a change in placement and the discipline imposed would be applied to non-disabled students. In determining whether a series of short-term removals that total more than 10 days for separate incidents of misconduct constitutes a change in placement, school personnel must analyze the length of each removal, the proximity of the removals to each other, and the total amount of time the child is removed. If the removal will result in a change in placement, a manifestation determination must be held prior to the removal. All reasonable efforts must be made to notify the parents about the behavior, the suspension, and the decision, and the parents shall be provided a copy of their procedural safeguards along with any notice of a disciplinary removal, suspension, or expulsion that is proposed or has been implemented.

1. If a student is removed for disciplinary reasons for more than 10 days (cumulative) in a school year, beginning with the eleventh day of disciplinary removals, educational services must be provided regardless of whether the removal constitutes a change of placement. If the removal does not constitute a change of placement, the administrator, in consultation with the student's special education teacher, determines the services to be provided. The services to be provided must enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals stated in the student's Individual Education Plan.
2. Also beginning with the eleventh day of removal in a school year, an Admission, Review, and Dismissal (ARD) Committee must address behavioral issues. Within 10 business days of first removing the student for more than 10 school days in a school year, the ARD Committee must meet to develop a plan to conduct a functional behavioral assessment if one was not conducted before the behavior occurred that resulted in the removal. After the functional behavioral assessment is completed, the ARD Committee must meet to review the Behavior Intervention Plan and its implementation and to modify the plan as necessary to address the behavior.
3. If a student has been removed for up to 10 school days in a school year and is subjected to any additional removals beyond 10 days in a school year that results in a change in placement, the ARD Committee, including the parent, must informally review the Behavior Intervention Plan and its implementation to determine whether modifications are necessary. If one or more of the members of the ARD Committee believe modifications are needed, an ARD meeting must be held to modify the plan and its implementation as deemed necessary.
4. If the ARD/IEP Committee has met to consider the behavior intervention plan in accordance with these rules, and discipline is proposed that will result in removal of the student for more than 10 days for the school year, then the procedures for expulsion, etc., must be followed. In addition to any additional assessment needed by the committee and development or modification of the behavior intervention plan, the school is required to conduct a manifestation determination. After this is done, the new IEP and behavior intervention plan should be implemented in accordance with these rules. If the discipline with the new plan will result in removal of the child from his or her educational setting for a new period greater than 10 days, then the process should be repeated utilizing the revised IEP and behavior intervention plan.

Expulsion or Removal to an Alternative Education Program for Weapons, Drug Offenses, or Disciplinary Action Which Will Remove a Special Education Student From His or Her Educational Placement for More Than 10 Consecutive School Days or Change the Student's Educational Placement :

Students with disabilities may be subject to removal to an outside or contracted AEP or to expulsion for any Level IV or Level V acts of misconduct that would subject a regular education student to removal to an outside or contracted AEP or to expulsion.

## NOTICE OF EXPULSION ORDER

The local school district Board or its designee shall deliver a copy of the order expelling the student to the student and the student's parent or guardian. After such notification, the parents shall provide adequate supervision for the student during the period of expulsion. Education Code 37.009(g)(h)

The Charter Boards' recommendation for expulsion or for placement of a student with disabilities in a disciplinary alternative setting for more than 10 consecutive school days shall be referred to the students with disabilities ARD/IEP Committee, which shall meet immediately, if possible, or no later than 10 business days after the student is referred to the disciplinary alternative setting and before any hearing on expulsion.

If expulsion or referral to an outside or contracted AEP that will remove the student from his or her educational placement for more than 10 school days is contemplated, then the ARD/IEP Committee must first determine whether the alleged behavior in question was related to the disability or to an inappropriate placement (manifestation determination). In making this determination, the ARD/IEP Committee shall include a professional who is qualified to interpret the results of any evaluations that may be presented. This may include such professionals as an educational diagnostician or an associate or licensed psychologist employed by the district. The ARD/IEP Committee must also include a regular education teacher and will consider the behavior subject to discipline, as well as evaluation and diagnostic results, including information supplied by the parent, observations of the student, and the student's IEP and placement. Any ARD/IEP Committee that is considering expulsion or long-term removal to an outside or contracted AEP of a student with disabilities must include a licensed psychologist or licensed specialist in school psychology as a member of the committee.

The ARD/IEP Committee shall then consider the behavior in relation to the student's IEP and placement, whether the placement was appropriate, and whether the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement, as well as determine whether any such failure to provide the services may have contributed to the behavior in question.

Additionally, in order to determine that the behavior subject to discipline is not a manifestation of the child's disability, the ARD/IEP Committee must determine (1) that the child's disability did not impair the ability of the child to understand the consequences of the behavior, and (2) that the child's disability did not impair the child's ability to control the behavior.

Finally, an ARD/IEP Committee shall formulate an assessment plan to address the behavior and develop a behavior intervention plan if there is none. If the student already has a behavior intervention plan, the ARD/IEP Committee shall review the plan and modify it as necessary to address the behavior.

If the ARD/IEP Committee determines that there is no behavior-disability-placement link, procedures regarding expulsion or referral to an outside or contracted AEP, the length of expulsion or referral to an outside or contracted AEP, and the appeal of an expulsion or referral to an outside or contracted AEP shall be the same as those for regular education students. The removal of a student with disabilities to a disciplinary alternative setting for more than 10 days may be implemented through ARD/IEP Committee action. The ARD/IEP Committee that determines that there is no behavior-disability-placement link shall determine the instructional and related services to be provided to the students with disabilities during

the time of the expulsion or during the referral to an outside or contracted AEP. The Individual Education Plan developed for implementation in an outside or contracted AEP shall be developed so as to allow the student to make progress on the goals and objectives of his IEP and shall include provisions for any related services the student may need while placed in an outside or contracted AEP as developed by the ARD Committee. Additionally, the services and modifications provided must address the student's behavior.

If there is no linkage, the directors will follow the same procedures used with regular education students in determining whether a student with disabilities committed the prohibited conduct and in formulating a recommendation that a student with disabilities be placed in an outside or contracted AEP for 10 or more consecutive school days.

All expelled students shall be referred to an outside or contracted AEP. The ARD/IEP Committee shall consider the services that are available to expelled students through an outside or contracted AEP in formulating the post expulsion IEP.

The ARD/IEP Committee will adjust the IEP or placement as appropriate and may consider placement in any disciplinary alternative setting, if appropriate, based upon the level of offense and the individual needs of the student.

If the ARD/IEP Committee determines that the student's disruptive behavior is related to the disabling condition or inappropriate placement, the student with disabilities shall not be expelled and no further disciplinary action may be taken.

Any student who commits a crime is subject to arrest and prosecution. In the case of students with disabilities who bring weapons to school or who knowingly possess, use, or solicit the sale of a controlled substance, federal law permits a change in placement to an outside or contracted AEP for up to 45 days, regardless of whether the conduct is linked to the disabling condition. The educational services shall be selected so as to allow the student to continue to make progress on the goals and objectives of the student's current IEP and shall include services and modifications to address the behavior of the student.

All decisions of the ARD/IEP Committee may be through the special education due-process appeal procedures as stated in the TEA publication Special Education: Explanation of Procedural Safeguards. The student shall remain in the last agreed-upon placement ("stay put") during a due-process appeal, unless the parties agree upon a different placement or a change in placement is ordered by a hearing officer or court of competent jurisdiction.

#### Limitation on Days of Removal of Students With Disabilities

When a student with disabilities has been suspended, removed to a DAEP, and/or removed for any reason for a combined total of 10 school days in any one school year, an ARD/IEP Committee must be convened to review current evaluations, assessments, and IEP, in accordance with the procedures outlined above, unless such removal is warranted in the student's IEP. The ARD/IEP Committee must determine appropriate actions and adjustment with the goal of keeping the student in school. For example, a decision to remove a student with disabilities for disciplinary reasons into an outside or contracted AEP for more than 10 days is a change in placement that can be made only by the ARD/IEP Committee.

#### Protections for Students Not Yet Eligible for Special Education Services

A student may be entitled to some of the protections afforded students with disabilities if the school had knowledge that the student was a student with a disability prior to the student's misconduct. The school may be deemed to have knowledge of the student's disability if the parents had expressed a concern in writing (or orally in some cases) that the child was in need of special education and related services; the behavior or performance of the child demonstrated the need for such services; or the parent, teacher, or another employee of the school expressed a concern about the behavior or performance of the child to the special education teacher or other personnel of the school.

If none of the above conditions is met, then the school may be deemed not to have knowledge, and the student may be disciplined in the same manner as any other student.

If an evaluation is requested during the time disciplinary action is taken, the evaluation must be conducted in an expedited manner. Pending the outcome of the evaluation, the student remains in the disciplinary placement determined by the directors. If the result of the expedited evaluation is that the student qualifies for special education, then the school shall schedule an ARD meeting within 10 business days of the completion of the evaluation to develop an IEP and placement for the student.

### Discipline of Students 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 are in need of special education and related services in order to receive a free, appropriate public education. Section 504 of the Rehabilitation Act of 1973 covers a broader range of individuals. A student with disabilities under Section 504 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 major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, or performing manual tasks.

Discipline of Section 504 students mirrors the procedural framework involved with special education students. However, it is a separate procedure established under separate laws. As with special education students, if there is a behavior plan that specifies disciplinary options or responses to student misconduct, then those options or responses should be implemented in accordance with 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 a group of persons knowledgeable about the student. Such a determination should be based on current data.

If it is determined by the Section 504 Committee that the misconduct is not caused by the student's disabling condition, the student may be excluded from school in the same manner as similarly situated no disabled students are excluded, but educational services may not be terminated completely during the expulsion period. The Section 504 Committee will determine the extent of educational services to be provided during the expulsion period. Educational services should be provided to the extent necessary to prevent regression in the area of the student's disabling condition.

If it is determined by the Section 504 Committee 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 currently possess illegal drugs or alcohol may be held to the same standard of performance behavior to which no disabled students are held.

Rules concerning use or possession of illegal drugs and alcohol will be enforced evenly with respect to all students, whether they have disabilities or not.

### BEHAVIORS RELATED TO DISCRETIONARY EXPULSION – Applicable to all Students

The following behaviors are behaviors for which, if the student attended a local school district program, the local school district may expel the student, subject to all state and federal laws and regulations related to the education of students with disabilities:

**D i v e r s i t y   R o o t s   a n d   W i n g s**

Pre-K to 8<sup>th</sup> grade TEA Charter School # 101856

Main building 3920 Stoney Brook Dr. .... Upper elementary 3903 Stoney Brook Dr. .... Early Learning 7914 Westglen Dr.  
Houston, TX. 77063

Ph- (713) 706-DRAW (3729) - Fax (713) 706-3711 - email [draw@drawacademy.org](mailto:draw@drawacademy.org) - web <http://drawacademy.org>



1. Criminal mischief, if punishable as a felony whether committed on or off school property or at a school-related event.
2. Serious or persistent misbehavior if a student is already in a disciplinary Alternative Education Program and continues to violate the Student Code of Conduct.

"Persistent misbehavior", as used in #2, above, means two or more violations of the Student code of conduct in general or repeated occurrences of the same violation. Serious offenses include, but are not limited to, the following:

1. Assault of a teacher or other individual.
2. Retaliation against a school employee.
3. Murder, capital murder, or criminal attempt to commit murder.
4. Indecency with a child.
5. Kidnapping.
6. Arson.
7. Possession of a firearm.
8. Possession of a prohibited knife.
9. Possession of a club.
10. Possession of a prohibited weapon.
11. The use, gift, sale, delivery, possession, or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs, or abusable glue or volatile chemicals.
12. Engaging in conduct that constitutes criminal mischief.
13. Vandalism.
14. Robbery or theft.
15. Extortion, coercion, or blackmail.
16. Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities.
17. Hazing.
18. Insubordination.
19. Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees.
20. Fighting, committing physical abuse, or threatening physical abuse.
21. Sexual harassment of a student or District employee.
22. Possession of or conspiring to possess of any explosive or explosive device.
23. Falsification of records, Passes, or other school-related documents.
24. Possession or distribution of pornographic materials.
25. Leaving school grounds without permission.
26. Making or assisting in making threats, including threats against individuals and bomb threats.
27. Refusal to accept discipline management techniques proposed by the teacher or principal.

#### RESPONSE TO BEHAVIORS RELATED TO DISCRETIONARY EXPULSION

If a student engages in conduct for which, if the student were enrolled in a local school district, the local school district may expel the student, subject to all state and federal laws and regulations related to the education of students with disabilities, the following events shall occur:

The program principal shall determine whether the student's behavior warrants an emergency removal and may order such a removal to protect persons or property from imminent harm. The term of the removal may not exceed five school days. At

the time of an emergency removal, the program principal or designee will give the student oral notice of the reason for the action.

of the student's emergency removal from The DRAW Academy Incorporated is subject to the requirements of federal law applicable to students with disabilities who receive special education services.

The principal, in consultation with staff members working with the student, the student's parent(s), and a local school district representative will evaluate the student's conduct and determine a) whether the behavior engaged in is or should be addressed in the student's Individual Educational Plan (IEP); b) whether the student is a danger to self or others; whether an ARD committee should be convened to consider whether the student's behavior is related to the student's disability; whether the student's placement/IEP is still appropriate or needs modification or review and any other issues relevant to the student's IEP; c) whether The DRAW Academy Incorporated continues to be able to offer the student appropriate educational and related services; and d) whether The DRAW Academy Incorporated Student Code of Conduct applies to the student and, if so, what consequences will be administered.

The program principal will ensure that an ARD committee meeting is convened if determined to be needed.

#### ADDITIONAL RIGHTS OF STUDENTS WITH DISABILITIES

The DRAW Academy Incorporated does not discriminate on the basis of disability and complies with all provisions of Section 504 of the Rehabilitation Act and Title II of the Americans With Disabilities Act.

//////END OF DOCUMENT – 26 pages