

## **(A) SCHOLAR CODE OF CONDUCT**

### **APPLICATION OF THE CODE**

The Board of Directors of Uplift Education has adopted this Scholar Code of Conduct (the “Code”) in accordance with Section 12.131 of the Texas Education Code, in order to clearly communicate standards for expected scholar conduct, the disciplinary consequences which may be applied to scholars who violate those standards, and the applicable procedures for the implementation of disciplinary consequences. This Code applies to all Uplift Education schools and all scholars must comply with the Code. Definitions of words and phrases used throughout this Code are provided at the end of the Code.

Parents and scholars are encouraged to contact campus administration with any questions or concerns regarding the requirements and provisions of the Code. Parents and scholars are expected to review and be familiar with the provisions of the Code. Lack of knowledge or awareness about any School rules, including this Code, will not excuse violations of the Code. Parents and scholars will be required to sign a statement acknowledging receipt and understanding of the Code. A copy of this Code is available on the School’s website and is included in the Scholar Handbook available from the campus office.

The School has the authority to create and enforce rules related to scholar conduct and behavior while on school property, traveling to or in attendance at a school-sponsored or school-related event or activity, whether on or off campus. The School has the authority to issue disciplinary consequences for certain other scholar conduct that relates to, affects, or shares a nexus with the School, its scholars, or its employees regardless of when or where the conduct occurs. The School may also issue discipline based on a scholar’s use of electronic media, whether on or off campus.

Other School rules, codes or policies may apply to a scholar’s misconduct, and may result in multiple disciplinary consequences issued for the same conduct.

In considering a scholar’s request for admission, the School may consider the scholar’s history of a criminal offense(s), juvenile court adjudication(s), or disciplinary problems under subchapter A, Chapter 37 of the Education Code, as evidenced by records received from schools previously attended by the scholar, law enforcement, or any other relevant documentation, and may exclude the scholar from admission on this basis.

If a scholar who would otherwise be ineligible for admission to the School provides false information on an admissions application or other enrollment document and as a result of the false information is admitted to the School, the scholar shall be immediately withdrawn from enrollment from the School upon discovery of the falsification. Falsification of information for the purpose of gaining enrollment in a public school is a criminal offense under § 37.10 of the Texas Penal Code. The School may elect to report the falsification to law enforcement or take any other action permitted by law.

## **EXPECTATIONS FOR SCHOLAR CONDUCT**

The mission of Uplift Education schools is to create and sustain public schools of excellence that empower each scholar to reach his or her highest potential in college and the global marketplace and that instill in scholars a life-long love of learning, achievement, and service in order to positively change the world. To achieve this mission, the School environment must be safe, secure and free from disruption. Scholars are expected to demonstrate behavior appropriate to the School's learning environment, to treat other scholars, School personnel, and visitors to the School with respect. As such, each scholar is expected to:

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

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

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

## **PROHIBITED CONDUCT**

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

### **General Scholar Behavior**

1. Cursing, using offensive language, name calling, ethnic, racial or gender slurs, other derogatory statements, or yelling;
2. Disrespectful behavior towards adults;
3. Failure to follow directives;
4. Disruption of instruction or other school activities or operations;
5. Unexcused or excessive tardiness;
6. False statements or false accusations;
7. Bullying (*including cyberbullying*), teasing, or targeting other scholars;
8. Inappropriate cell phone or electronic media use;

### **Violation of School Rules and Policies**

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

### **Violent, Illegal, and Other Serious Offenses**

21. Possession of prohibited items (See definitions at end of this Code) ;
22. Conduct which meets the elements of a criminal offense, as determined by the School;
23. Physical, verbal or sexual harassment of others;

24. Inappropriate physical or sexual behavior, including jokes, comments, gestures or unwelcome physical conduct or contact;
25. False statements or false accusations;
26. Hazing or initiations;
27. Participation in a gang, soliciting or attempt to solicit participation in a gang;
28. Possessing, distributing, using or being under the influence of tobacco products, electronic cigarettes, drugs, alcohol, or controlled substances, including prescription drugs if the scholar has not been prescribed the drugs or is taking the drugs in excess of the dosage specified by the prescription;
29. Possessing drug paraphernalia;
30. Stealing, lying, cheating, or copying the work of another without authorization (plagiarism);
31. Deliberately, and without School authorization, accessing, damaging, or altering School data and records, including but not limited to confidential records, electronic data, networks or systems;
32. Violence of any kind, including dating violence;
33. Fighting;
34. Gambling;
35. Setting or attempting to set a fire;
36. Inappropriate or indecent exposure of body parts;
37. Retaliation of any form against other scholars or School personnel;
38. Conduct which requires the scholar's registration as a sex offender;
39. Possession or distribution of pictures, text messages, electronic messages or other material of a sexual or obscene nature;
40. Endangering the health or safety of others;
41. Making threats to harm someone or to cause damage to the building or property of the school;
42. Other conduct as identified within this Code.

## **DETERMINING APPROPRIATE DISCIPLINE**

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

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

- The scholar's intent;
- The scholar's age and grade level;

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

Actions will not be based on a scholar's race, ethnicity, national origin, gender, sex, religion, sexual orientation, disability, or any other unlawful consideration.

## **INVESTIGATION OF DISCIPLINE ISSUES**

In order to determine whether a violation of the Code has occurred, campus administrators or other authorized individuals may conduct an investigation. Investigations of scholar misconduct may involve, but are not limited to, interviews of other scholars, employees and adults, review of school surveillance footage, review of relevant documents, review of information on School-owned computers, verification of tips received from other individuals, gathering of physical evidence, contact of or cooperation with law enforcement agencies and officials. Law enforcement may be contacted and informed of scholar conduct which may constitute a criminal offense.

Scholars should have no expectation of privacy with respect to School-owned property. Lockers, desks, and other items provided for scholar use remain School property, and scholars do not have a reasonable expectation of privacy in School property or in personal items placed inside School property. School administrators or other authorized personnel may monitor and search scholar desks and lockers for any reason. School officials may search any School property, including School property that is within a scholar's possession or otherwise being used by a scholar, at any time, with or without notice to the scholar and without consent. School officials may confiscate any items found during a search, including prohibited items, dangerous items or other items that violate School policy.

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

## **Criminal Prosecution not Controlling in Determining Discipline**

**The School may issue discipline based on a determination that a scholar has engaged in conduct which meets the elements of a criminal offense. The School has the authority to make such a determination without regard for whether the scholar is arrested, charged, or otherwise processed by the criminal justice system for the criminal offense. The School may consider information received from law enforcement or other entities within the criminal justice system in issuing discipline under this Code.**

## **DISCIPLINE OF SCHOLARS WITH SPECIAL NEEDS**

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

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

Any disciplinary action that would constitute a “change in the placement” of a scholar receiving special education services may be taken only after the scholar’s Admission, Review, and Dismissal (ARD) committee conducts a manifestation determination review in order to determine whether the scholar’s conduct was a manifestation of his or her disability.

A change in placement occurs if a scholar is:

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

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

A scholar who has not been determined eligible for special education services and who has engaged in behavior that violates the Code is entitled to the protections under the IDEA regarding discipline of a scholar with special needs described above if the school has knowledge that the scholar was a scholar with a disability before the behavior that precipitated the

disciplinary action occurred. If the school does not have knowledge that a scholar is a scholar with a disability prior to taking disciplinary action, the scholar may be subject to the disciplinary actions applied to scholars without disabilities. If a request is made for an evaluation of a scholar during the time period in which the scholar is subjected to disciplinary action, the evaluation shall be conducted in an expedited manner.

## **TYPES OF DISCIPLINE**

Available disciplinary consequences include, but are not limited to:

- Parent conference;
- Verbal correction;
- Conference with teacher or administrator;
- Education/training;
- Improvement plan or behavioral contract;
- Community service;
- School-related assigned tasks or duties;
- Loss or restriction of privileges (*e.g.*, eligibility to hold special positions, exemption from exams, etc.);
- Consequences related to scholar participation in extracurricular activities, including removal, suspension, or restriction of participation;
- Removal from class to campus office;
- Issuance of demerits;
- Confiscation of items;
- Detention;
- In-School Suspension;
- Other alternative placement, if available;
- Out-of-School Suspension;
- Expulsion.

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

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

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

### **DETENTION / IN-SCHOOL SUSPENSION**

A scholar may be assigned to one or more sessions of detention or placed in in-school suspension for engaging in prohibited conduct under this Code. The scholar's parent or guardian will be notified by phone and in writing of the scholar's conduct and assignment to detention or in-school suspension. Detention will be held outside of the instructional day, either before or after school, during lunch period, or during recess. In-school suspension will require the scholar to report to the in-school suspension classroom for all or part of one or more school days. While in in-school suspension, the scholar will be provided the appropriate class assignments and will be expected to complete those assignments as if the scholar were in the regular classroom.

### **OUT-OF-SCHOOL SUSPENSION**

A scholar may be suspended for one or more school days for engaging in prohibited conduct under this Code. The scholar's parent or guardian will be notified by phone and in writing of the scholar's conduct and the length of the period of suspension. A scholar will not be suspended for more than three consecutive school days unless a conference is held with the Campus Director of the school and the scholar and parents. A suspension of more than three days requires approval of the Managing Director and if suspension of more than 10 days is recommended, a hearing must be held with the Managing Director and the scholar given an opportunity to present evidence to support his or her defense. During a period of suspension, the suspended scholar may not enter onto school property or participate in or attend school-sponsored or school-related events or activities. The scholar's teachers will provide assignments that the scholar will be expected to complete during the period of suspension. Scholar assignments or other class work completed during a period of suspension will be accepted for grading if completed in a timely fashion.

### **REASONS FOR EXPULSION**

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

1. **Weapons.** The scholar used, exhibited, or possessed any of the following while on school property or while attending a school-sponsored or school-related activity on or off school property:
  - a. A firearm\*;
  - b. An illegal knife;
  - c. A club; or
  - d. A prohibited weapon.

2. **Violent Conduct.** The scholar engaged in conduct that could be punishable as one of the following offenses within the Texas Penal Code, regardless of location:
  - a. Aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, or continuous sexual abuse of a child or children;
  - b. Assault against another scholar, an employee, or a volunteer of the School;
  - c. Deadly conduct;
  - d. A Title V felony under the Penal Code.
  
3. **Disruptions.** The scholar engaged in conduct that could be punishable as one of the following offenses within the Texas Penal Code, regardless of location:
  - a. False alarm or report or terroristic threat involving a public school;
  - b. An offense related to an abusable volatile chemical;
  - c. Breach of computer security if the conduct involves accessing a computer network, or computer system owned by or operated on behalf of a public school and the scholar knowingly alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system;
  - d. Criminal mischief if the conduct is punishable as a felony;
  - e. Public lewdness or indecent exposure.
  
4. **Drugs and Alcohol.** The scholar engaged in conduct that could be punishable as one of the following offenses within the Texas Penal Code:
  - a. On school property, at school-sponsored or school-related event, or within 300 feet of school property:
    - i. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of marijuana, dangerous drug, or alcoholic beverage.
  - b. Regardless of location:

- i. Sells, gives, delivers to another person or possesses or uses or is under the influence of marijuana or a dangerous drug, as defined by the Health and Safety Code, if the conduct is punishable as a felony.
  - ii. Sells, gives, delivers to another person an alcoholic beverage, as defined by the Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol or possesses, uses, or is under the influence of an alcoholic beverage, and the conduct is punishable as a felony.
- 5. **Intimate Visual Material.** A scholar, regardless of location, engages in conduct that involves intimate visual material\* and could be punishable as a misdemeanor or felony.
- 6. **Certain Bullying\* Behavior.** A scholar may be expelled if he or she:
  - a. Engages in bullying that encourages a scholar to commit or attempt to commit suicide;
  - b. Incites violence against a scholar through group bullying; or
  - c. Releases or threatens to release intimate visual material\* of a minor or a scholar who is 18 years of age or older without the scholar's consent.
- 7. **Other.** The scholar, while on campus or at a school-sponsored or school-related event, on or off campus:
  - a. Engages in conduct that could be punishable as a felony;
  - b. Engages in conduct that could be punishable as an assault;
  - c. Commits a severe instance of plagiarism or academic dishonesty\*;
  - d. Commits frequent violations of this Code that cause significant disruption to the School environment or substantial interference with the instructional process.

\*Under federal Gun Free Schools Act, expulsion of a scholar is mandatory if the scholar brings a firearm to school, for a period of at least one year.

## **EXPULSION PROCESS**

If the school administrator or administrator's designee determines that the scholar's conduct warrants expulsion, the administrator shall provide written notice to the parent, guardian, or adult scholar of the proposed expulsion of the scholar. The written notice shall also include the reason(s) for the proposed expulsion and the date, time, location and procedure for the expulsion hearing. The scholar is entitled to a hearing with the network hearing officer or, if the network hearing officer is unavailable, with a network Managing Director (MD) (other than the MD who is responsible for the campus where the scholar attends).. At the hearing the scholar and/or the

scholar's representative (e.g., parent, guardian, attorney, other) will have the opportunity to review and present evidence and information. The hearing officer may place reasonable restrictions on the conduct of the hearing, including the length of the presentations. At the end of the hearing, the hearing officer may issue a decision immediately or may wait until a later date to communicate a decision, however, a decision should be rendered within 48 hours (or two school days) unless the hearing officer designates a later time. The hearing officer shall send written communication of the decision to the parent, guardian or adult scholar and to the school administration. If the hearing officer determines that expulsion is appropriate, the written decision ("Expulsion Decision") shall include the length of the term of expulsion.

The parent, guardian or adult scholar may choose to **voluntarily** waive the right to an expulsion hearing by signing a hearing waiver form provided with the notice of proposed expulsion. If the hearing is waived, or the parent, guardian or adult scholar fails to appear at the hearing, the hearing officer will review the relevant evidence and issue a written decision to the parent, guardian or adult scholar as described above.

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

Note: If a scholar withdraws from the School before the expulsion process is completed, the School may choose to complete the expulsion process and send documentation of the expulsion decision to the next school that enrolls the scholar.

## **TERMS OF EXPULSION**

The period of expulsion may be determined by many factors, including the severity of the conduct and the existence of a continuing risk of harm to other scholars and employees if the scholar were allowed to return. An expulsion may be temporary or permanent. A temporary expulsion may range in length from 10 school days to one calendar year. A permanent expulsion allows the School to deny future admission to the scholar based on consideration of the scholar's past disciplinary history. In each instance, the Expulsion Decision must explain the circumstances which justify the length of the expulsion.

**PERMANENT EXCLUSION FROM ADMISSION PERMITTED:** A scholar expelled from the School for any length of time may not be eligible for readmission to the School or to any other school operated under the charter of the school the scholar was attending at the time of the expulsion, unless the following terms are met: (1) the scholar must have a clean discipline record at the current school he or she is attending; and (2) the scholar must meet with the Readmission Committee to present a request for readmission. The Readmission Committee ("Committee") will consist of two teachers and an administrator (appointed by the Campus Director), all of whom were not directly involved in the original expulsion. In considering the readmission of a scholar upon expiration of the period of expulsion, the Committee will consider, among other factors, the length of the expulsion, the nature of the violation that led to the expulsion and the

circumstances justifying the expulsion. The Committee may also consider current teacher recommendations for the scholar, relevant commentary from any counselor with whom the scholar has consulted, as well as any other documentation pertinent to the application. The scholar or his parent may make a statement to support the request. The Committee will make a recommendation on whether the scholar should be allowed to apply for readmission within two business days of the date of the presentation and that decision will be communicated in writing to the scholar and his/her parent. The decision of the Committee may only be appealed to a Managing Director, whose decision will be final.

If the Committee makes a recommendation to allow the scholar to apply for readmission, the scholar will need to reapply to the School in accordance with Uplift's admission policies and timelines as if he or she were a new applicant.

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

## **DISCIPLINE APPEAL PROCESS**

With the exception of expulsions, scholar discipline decisions at the campus level are final and not appealable. A parent, legal guardian, or adult scholar may appeal an expulsion decision to the Uplift Education Board of Directors (the "Board") by filing a request for review with the Chief Executive Officer's ("CEO") office or designee within 5 business days of the date of the decision. The CEO shall notify the Board chair and arrange for the Board to hear the complaints of the appealing party at the next available board meeting, which may be a regular meeting or at a specially called meeting of the Board. The CEO or designee shall notify the appealing party of the location, date and time of the hearing in front of the Board.

The Board will review the audio or transcribed record from the expulsion hearing and will hear statements made by the parties at the review. The Board may deliberate in private, but will communicate its decision orally after deliberation in open meeting. The decision of the Board is final and not appealable. An expulsion action will not be delayed during the appeal process.

## DEFINITIONS

The following definitions are provided to further detail and define the terms of this Code. The Uplift Education Board of Directors shall have final authority to interpret or amend any terms or provisions within this Code.

**Abusable volatile chemicals:** Those substances as defined in Texas Health and Safety Code § 485.001.

**Alcoholic Beverage:** Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

**Assault:** Intentionally, knowingly, or recklessly causing bodily injury to another.

**Bullying:** Bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that 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; is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student; materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or infringes on the rights of the victim at school; and includes cyberbullying

**Club:** An instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

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

**Cyberbullying;** Cyberbullying means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

**Deadly conduct:** Recklessly engaging in conduct that places another in imminent danger of serious bodily injury or knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**Electronic media:** Refers to all forms, kinds and types of electronic devices, communication systems, networks, software, websites, and any other technology resources including, but not limited to, social media, text messaging, instant messaging, electronic mail (e-mail), Web logs

(blogs), electronic forums (chat rooms), video-sharing or file sharing Web sites, cellular telephones, portable electronic devices, computers.

**False alarm or report:** Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be false or baseless and that would ordinarily: (1) cause action by an official or volunteer agency organized to deal with emergencies; (2) place a person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation of a building, room, or place of assembly.

**Firearm (federal):** (1) any weapon, including a starter gun that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm weapon; or (4) any destructive device, such as an explosive, incendiary, or poison gas bomb, or grenade.

**Firearm (state):** Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

**Gang:** An organization, combination, or association of persons composed wholly or in part of scholars that: (1) seeks to perpetuate itself by taking in additional members on the basis of the decision of the membership rather than on the free choice of the individual, or (2) that engages in illegal and/or violent activities. In identifying gangs and associated gang attire, signs, or symbols, the School will consult with law enforcement authorities.

**Harassment:** Threatening to cause harm or bodily injury to another, engaging in sexually intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's physical or emotional health or safety, alone or in combination with other conduct prohibited by School policy, rules or the Code.

**Hazing:** Any act, occurring on or off campus, by one person alone or acting with others, directed against a scholar, that endangers the mental or physical health or safety of a scholar for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization or group. Consent to or acquiescence in the hazing activity does not excuse the scholar of responsibility for the misconduct.

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

**Intimate Visual Material:** "Intimate visual material" means visual material that depicts a person: (A) with the person's intimate parts exposed; or (B) engaged in sexual conduct.

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

**Possession:** Regardless of the scholar's knowledge or intent to possess the item, to have in or on: (1) a scholar's person or in the scholar's personal property, such as the scholar's clothing, purse, or backpack; (2) in any vehicle used by the scholar for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the scholar, such as a locker or desk.

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

**Prohibited weapons:** Includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, switchblade knife, zip gun, taser gun, BB gun, pellet gun, air gun, toy gun, water gun, look-alike gun, and a look-alike weapon.

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

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

**Severe Instance of Plagiarism or Academic Dishonesty:** Includes, but is not limited to, intent to deceive, habitual behavior, and/or multiple scholars colluding together with the intent to plagiarize or engage in academic dishonesty.

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

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

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

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

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

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

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

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

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