



**uplift**education



# Scholar Code of Conduct 2019-20

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# Welcome to Uplift Education

This Scholar Code of Conduct contains information that scholars and parents must know to ensure a successful school year. A code of conduct is required by state law and is intended to promote a positive and safe learning environment. Please see the Scholar Handbook for more information regarding practices and procedures directly related to scholars and the educational environment.



# 1.0 SCHOLAR & PARENT ACKNOWLEDGMENT

Uplift Education's mission is to create and sustain public schools of excellence that empower students to reach their highest potential in college and the global marketplace and that inspires in students a life-long love of learning, achievement and service in order to positively change their world.

To achieve this mission, it is imperative that a School's environment be safe, secure and free from disruption. Scholars are expected to demonstrate behavior appropriate to the learning environment, to treat other scholars, School personnel, and visitors 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.

Conduct that substantially disrupts the School and learning environment will not be tolerated. This includes conduct on and off-campus, regardless of location and whether the disruption occurs in-person or through the use of technology or social media of any kind.

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 substantially disrupts the School and 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.



## 2.0 OVERVIEW AND PURPOSE

The Scholar Code of Conduct, as adopted by the Uplift Education Board of Trustees, articulates specific expectations regarding appropriate conduct to all scholars, parents/guardians, teachers, and School administrators of Uplift Education. In accordance with state law, the Code shall be available for review at the office of the campus director. Additionally, the Code shall be posted on the district's website.

The four key functions of the Scholar Code of Conduct are to:

- Describe behavior that builds a positive environment for learning;
- Delineate specific examples of student misconduct;
- Define penalties that will be imposed for specific misconduct; and
- Provide for district consistency in the matter of student discipline.

The law requires that Uplift define and communicate to scholars and parents/guardians, scholar behavioral expectations and the various kinds of misconduct that may, or in some cases, must result in disciplinary consequences.

### 2.1 Uplift Education's Philosophy of Scholar Discipline and Intervention

Uplift Education believes in promoting positive student conduct in conjunction with campus, classroom and district rules designed to maintain order in the School, foster a climate of mutual respect for the rights of others, and teach students that they are responsible for conducting themselves in a manner appropriate to their age and level of maturity. The term "discipline" derives from the Latin root word disciplina, which means, "to teach". In this same spirit, Uplift Education, promotes the use of Restorative Practices and other thoughtful and effective interventions that provide scholars the opportunity to learn and grow from their mistakes or poor choices. Most importantly, the Code of Conduct reinforces Uplift Education's deep commitment to the safety and well-being of scholars as its top priority.

### 2.2 Scholar and Parent 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.

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.

## 2.3 Parent Responsibilities and Expectations

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Parent cooperation is essential to achieving Uplift Education'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. The parent's responsibilities for ensuring a positive learning environment for their student(s) include the following

- Ensuring students arrive at School on-time every day prepared to learn, and leave School property at the designated time
- Ensuring students read and complete their homework each night
- Supporting School, district, classroom, and School related activity rules for student behavior and ensuring that their children conduct themselves according to district standards
- Providing the School with their current address and phone numbers for effective communication. Providing the appropriate School personnel with any student information that will affect the student's ability to learn and the student's behavior
- Reading, acknowledging, and understanding these rules and the rules applicable to their children's conduct while they are at School
- Parents/Guardians shall work with School officials to improve student behavior by supporting available network resources (i.e. Counseling Services).

## 2.4 Network Responsibilities and Expectations

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The network's responsibilities for ensuring a positive learning environment for our scholars(s) includes the following:

- Ensuring the safety and security of all scholars at all network campuses, central office buildings, and off-site School-related events
- Maintaining a physical environment that is clean and suitable for all scholars
- Providing an inclusive environment that is safe and welcoming for all staff, scholars and families
- Providing the appropriate staff, training, interventions and other resources to our campuses, scholars and parents to drive us towards our mission and vision.

## 2.5 The International Baccalaureate Learner Profile

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Uplift Education is committed to the rights of students as recognized and protected under state and federal laws. In addition, Uplift has enumerated certain expectations (responsibilities) regarding student behavior that, when adopted by students, effect a positive influence on the School and community. A proper balance between rights and responsibilities is essential if Uplift is to provide the kinds of educational experiences that promote self-responsibility and enhance educational opportunities for all students. The network-wide plan to promote positive student conduct in conjunction with the campus/classroom rules is designed to maintain order in the School, foster a climate of mutual respect for the rights of others, and teach students that they are responsible for conducting themselves in a manner appropriate to their age and level of maturity. The International Baccalaureate Learner Profile asserts that responsible students should be encouraged and taught to strive to be:

- **Inquirers:** They develop their natural curiosity. They acquire the skills necessary to conduct inquiry and research and show independence in learning. They actively enjoy learning and this love of learning will be sustained throughout their lives.
- **Knowledgeable:** They explore concepts, ideas and issues that have local and global significance. In so doing, they acquire in-depth knowledge and develop understanding across a broad and balanced range of disciplines.
- **Thinkers:** They exercise initiative in applying thinking skills critically and creatively to recognize and approach complex problems and make reasoned, ethical decisions.
- **Communicators:** They understand and express ideas and information confidently and creatively in more than one language and in a variety of modes of communication. They work effectively and willingly in collaboration with others.
- **Principled:** They act with integrity and honesty, with a strong sense of fairness, justice and respect for the dignity of the individual, groups and communities. They take responsibility for their own actions and consequences that accompany them.
- **Open-minded:** They understand and appreciate their own cultures and personal histories, and are open to the perspectives, values and traditions of other individuals and communities. They are accustomed to seeking and evaluating a range of points of view and are willing to grow from the experience.
- **Caring:** They show empathy, compassion and respect towards the needs and feelings of others. They have a personal commitment to service, and act to make a positive difference to the lives of others and to the environment.
- **Risk-takers:** They approach unfamiliar situations and uncertainty with courage and forethought and have the independence of spirit to explore new roles, ideas and strategies. They are brave and articulate in defending their beliefs.
- **Balanced:** They understand the importance of intellectual, physical and emotional balance to achieve personal well-being for themselves and others.
- **Reflective:** They give thoughtful consideration to their own learning and experience. They are able to assess and understand their strengths and limitations in order to support their learning and personal development.



## 3.0 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.

### 3.1 General Scholar Misconduct

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;

### 3.2 Violation of School Agreements and Procedures

9. Failure to comply with the Scholar Handbook, or other School or campus rules;
10. Leaving the classroom, School building, 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

### 3.3 Violent, Illegal and other Serious Offenses

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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. Trespassing on School or district property without authorization;
43. Other conduct as identified within this Code

## 4.0 LEVELS OF MISCONDUCT

Uplift’s Student Code of Conduct categorizes misconduct as Level I, II, and III Offenses. Levels are defined as follows:

- **Level I:** Offenses that generally occur in the classroom and can be corrected by the teacher, other staff member, or administrator.
- **Level II:** Serious offenses that require the attention of campus administration; these violations of the Code of Conduct seriously disrupt the educational process in the classroom, in the School, and/or at a School-related activity.
- **Level III:** The most serious violations of the Code of Conduct. Level III offenses may require escalation to senior district leadership and may result in the most serious consequences, including but not limited to the involvement of local agencies and law enforcement, and in some circumstances, expulsion from Uplift Education.

Level I Violations of the Code	Level II Violations of the Code	Level III Violations of the Code
1. Cheating/ Copying Work	1. Assault	1. Arson
2. Destruction of Classroom Property	2. Bullying	2. Felony Conduct
3. Dress Code Violation	3. Cyberbullying	3. Frequent Violations of the Code (Levels I, II and/or III)
4. Insubordination	4. Destruction of School Property	4. Indecent Exposure
5. Leaving Classroom without Permission	5. Disruption of School Activities and Operations	5. Intimate Visual Material
6. Minor Classroom Disruption	6. Excessive Tardies	6. Possession/ or Distribution of Alcohol
7. Minor Inappropriate Use of Technology	7. Fighting	7. Possession/ or Distribution of Other Drugs or Illegal Substances
8. Minor Physical or Verbal Aggression	8. Frequent Minor Violations	8. Prohibited Weapons
9. Minor Theft	9. Gambling	9. Firearm
10. Profanity, Vulgar Language or Obscene Gesture	10. Gang Activity	10. Public Lewdness
11. Tardy	11. Harassment	11. Security Breach
12. Other Level I Violations	12. Hazing	12. Serious Bodily Injury
	13. Inappropriate Use of Technology	13. Sexual Harassment
	14. False Report	14. Some Forms of Bullying:
	15. Major Classroom Disruption	15. Inciting Group Violence
	16. Major Theft	16. Encouraging Self-Harm/Suicide
	17. Profanity Towards School Personnel	17. Transmission of Intimate Visual Material
	18. Prohibited Items	18. Terroristic Threat
	19. False Alarm	19. Violent Conduct
	20. Soliciting	20. Deadly Conduct
	21. Skipping Class	21. Severe Instance of Plagiarism or Academic Dishonesty
	22. Trespassing	22. Other Violations of the Code
	23. Other Level II Violations	

## 5.0 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.

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

### 5.1 Investigations

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 campus surveillance footage, review of relevant documents, review of information on campus owned computers, verification of tips received from other individuals, gathering of physical evidence, and contacting and cooperating with law enforcement agencies and officials. Regarding the latter, law enforcement may be contacted and informed of scholar conduct if it is determined a criminal offense may have been committed.

### 5.2 Right to Interview

School officials have the legal authority and responsibility to investigate violations of the Scholar Code of Conduct and to interview students without prior notice to parents/legal guardians or the consent of parents/legal guardians in order to do so. School officials exercise this authority to maintain the safety and security of the School environment and to prevent the disruption of School and instructional programs.

## 5.3 Right to Search

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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.).

## 5.4 Electronic Surveillance

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Electronic surveillance may be used to monitor scholar behavior and School-owned property for purposes of safety, including the maintenance of order and discipline in common areas of the campus in accordance with Texas Education Code Section 26.009. Scholar behavior recorded by electronic surveillance equipment may be subject to disciplinary consequences consistent with the Scholar Code of Conduct.

## 5.5 Criminal Prosecution not Controlling in Determining Discipline

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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.

## 5.6 Restorative Practices

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Uplift Education promotes the use of Restorative Practices when possible and when appropriate. Restorative Practice is a social science that studies how to improve and repair relationships between scholars and School culture. Likewise, Restorative Practice is a differentiated relational approach to managing student behavior. The purpose is to build healthy School communities, increase social capital, decrease scholar misbehavior and antisocial behavior, repair harm and restore scholar to scholar/teacher/campus leadership/School culture relationships.

## 5.7 Types of Interventions and Consequences

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Available interventions and consequences include, but are not limited to:

- Cooling off time or time out;
- Seating change within classroom;
- Various age appropriate reflective assignments;
- Check in and check out sheet;
- Scholar conference with teacher or administrator

- Parent phone call;
- Parent conference;
- Circle conference; or Restorative action or assignment;
- Verbal or written correction;
- Education/training;
- Emotional Intelligence classes or activities;
- Participate in a book study;
- Research related articles;
- Daily or weekly scholar improvement plan;
- Behavioral contract
- Safety plan;
- Stay away agreement;
- Counseling by teachers, School counselors or campus leaders;
- Conflict Resolution or mediation
- Referral to Student Support Team;
- Community service or classroom 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;
- Referral to an outside agency or legal authority;
- Reverse suspension;
- 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.



## 6.0 GENERAL GUIDELINES & OTHER CONSIDERATIONS

### 6.1 Consideration of Discipline History in Admission Decisions

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 sub-chapter 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.

Applicants for admission to Uplift Education with a documented history of a criminal offense, a juvenile court adjudication, or a history of discipline problems as described in sub-chapter A, Chapter 37 of the Texas Education Code, that is, offenses for which public School district students must or may be expelled, suspended, or assigned to an Alternative Education Program, may be excluded from admission ("Discipline History"). This exclusion from admission is regardless of whether the Discipline History occurred before or after the application for admission to Uplift was submitted. If Discipline History is not disclosed in the application and is later discovered by Uplift after the child is enrolled, the child shall be administratively withdrawn effective immediately.

A parent is required to, and shall, inform the School(s) his/her child applied to of any Discipline History occurring after the date of application for admission. Any falsifications, misrepresentations, or omissions of information regarding an applicant's Discipline History shall disqualify the applicant from admission to Uplift Education and is a criminal offense under § 37.10 of the Texas Penal Code. Uplift Education may elect to report the falsification to law enforcement or take any other action permitted by law.

### 6.2 Reporting a Crime

A campus administrator who suspects a crime has been committed by a scholar will call law enforcement.

### 6.3 Educator Rights

The Texas Penal Code Sub-chapter F, Section 9.62 provides that: "The use of force, but not deadly force, against a person is justified: (1) if the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and (2) when and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group." Further, TEC 22.0512 provides that; "A professional employee of a School district may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Section 9.62 of the Penal Code."

## 6.4 Physical Restraints

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Trained network employee's may, within the scope of the employee's duties, use and apply physical restraint to a scholar if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Protect property from serious damage.
4. Remove a student refusing a lawful command of a School employee from a specific location, including a classroom or other School property, in order to restore order or to impose disciplinary measures.
5. Restrain an emotionally volatile student.

## 6.5 Extracurricular Activities

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

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

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

## 6.6 Withdrawal of Scholar Pending Disciplinary Action

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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 shall 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.

## 7.0 CELL PHONES & ELECTRONICS DEVICES

### 7.1 General

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Campus administrators shall have the discretion to determine the appropriate use of cellular phones during the instructional day and for students participating in extracurricular activities while on School property or while attending School-sponsored or School-related activities on or off School property. In some cases, students may find it beneficial or might be encouraged to use personal telecommunications or other personal electronic devices for instructional purposes while on campus. Students must obtain prior approval before using personal telecommunications or other personal electronic devices for instructional use. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

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

The use of cellular phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at School or at a School-related or School-sponsored event.

The network is not liable for lost or stolen cell phones.

### 7.2 Acceptable Use

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To prepare scholars for an increasingly technological society, the network has made an investment in the use of district owned technology resources for instructional purposes. Specific resources may be issued individually to students. Use of these technological resources, which include the district's network systems and use of district equipment, is restricted to approved purposes only.

### 7.3 Unacceptable Use

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Scholars are prohibited from sending, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition applies to conduct on and off School property, regardless if the equipment used to send such messages is district or personally owned, if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the Scholar Code of Conduct and may, in certain circumstances, be reported to law enforcement.

## 8.0 DISCIPLINE OF SCHOLARS WITH SPECIAL NEEDS

The discipline of scholars with special needs is subject to applicable state and federal law in addition to the Scholar Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail. Each scholar with disability eligibility under the Individual with Disabilities Education Act (IDEA) shall have an Individualized Education Plan (IEP) to address the scholar's specialized education needs.

A behavior intervention plan (BIP) shall be developed for those eligible scholars who exhibit persistent misconduct and/or whose behavior interferes with learning. The BIP of a scholar with disabilities shall be reviewed prior to taking discipline action in order to determine that a selected discipline technique is not prohibited by the scholar's plan. In deciding whether to order in- or out-of-School suspension, or expulsion, the district will take into consideration a disability that substantially impairs the scholar's capacity to appreciate the wrongfulness of the scholar's conduct. TEC 37.001 (a)(4)

If it is determined that a behavior management strategy is not appropriate to be applied to a scholar with a disability, the Admission, Review, and Dismissal (ARD) Committee shall determine what alternate consequences would be appropriate by referencing the scholar's BIP. TEC 37.001 (b-1)

In accordance with Texas Education Code, a scholar receiving special education services may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. TEC 37.001 (b-1)

### 8.1 Change in Placement for Scholars with Special Needs

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.

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

## 8.2 Manifestation Determination

Any disciplinary action regarding a scholar with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the scholar's admission, review and dismissal committee conducts a manifestation determination review. The ARD Committee shall review all relevant information in the scholar's file, including the scholar's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was;

- Caused by, or had a direct and substantial relationship to, the scholar's disability; or
- The direct result of the District's failure to implement the IEP.

If the District, the parent/guardian, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the scholar's disability. 20 U.S.C. 1415(k)(1)(E); 34 CFR 300.530(e)

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

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

## 8.3 Protection for Scholars Currently Being Evaluated

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

The district shall be deemed to have knowledge that a scholar has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the scholar expressed concern in writing to supervisory or administrative personnel of Uplift Education, or to a teacher of the scholar that the scholar is in need of special education and related services;
2. The parent of the scholar requested an initial evaluation to determine if the child qualifies as a child with a disability under IDEA
3. The teacher of the scholar or other personnel of Uplift Education directly expressed specific concerns about a pattern of behavior demonstrated by the scholar directly to the director of special education services or to other supervisory personnel of the district.

Uplift Education shall not be deemed to have knowledge that the scholar is a disabled scholar if the parent/guardian of the scholar has not allowed an evaluation of the scholar or has refused special education services or the scholar has been evaluated and it was determined that the scholar was not eligible for special education services. Additionally, in cases where the scholar has previously been determined eligible and has been receiving special education services, but the parent/guardian or adult scholar has withdrawn consent for provision of Special Education services, Uplift Education will be deemed to have no knowledge that the scholar is a disabled scholar.

## 8.4 Discipline of Scholars Served Under Section 504 of the Rehabilitation Act

Scholars served under IDEA (Individuals with Disabilities Education Act) include scholars 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 scholar with disabilities under Section 504 is defined as a scholar 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. Discipline of Section 504 scholars mirrors the procedural framework for scholars receiving special education services. However, it is a separate procedure established under separate laws. As with Special Education scholars, if there is a behavior plan that specifies disciplinary options or responses to scholar 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 scholar's conduct was caused by his or her disabling condition.

The Section 504 Committee is composed of a group of person's knowledgeable about the scholar. 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 scholar's disabling condition, the scholar may be excluded from School in the same manner as similarly situated non-disabled scholars 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 scholar's disabling condition. If it is determined by the Section 504 Committee that the misconduct is caused by the scholar's disabling condition, the scholar may not be expelled. The Section 504 Committee must then determine whether the scholar's current educational placement is appropriate.

Uplift Education 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 non-disabled 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.



## 9.0 REMOVAL OF SCHOLARS AND EXCLUSIONARY DISCIPLINE

### 9.1 Removal by School Officials

In the best interest of School and scholar safety, campus teachers, deans and directors reserve the right to remove a scholar from a classroom, campus area and School related event.

### 9.2 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.

### 9.3 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.

## 10.0 EXPULSION OF SCHOLAR

### 10.1 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 designated official as appointed by Uplift Education's CEO. 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 by the administration. 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.

### 10.2 Expellable Offenses

**Mandatory Expulsion:** Pursuant to the Gun Free Schools Act, a scholar shall be expelled for a period of at least one year for possessing a firearm\* on School property.

**Discretionary Expulsion:** A scholar may be expelled 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. An illegal knife;
  - b. A club; or
  - c. 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.

## 10.3 Terms of Expulsion

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The period of expulsion may be either (1) permanent or (2) temporary. A temporary expulsion is defined as through the end of the following school year. For example, if a scholar is expelled on a temporary basis at any point during the 2019-2020 school year, that scholar shall be eligible for re-enrollment for the 2021-2022 school year, assuming all requirements have been met per this Code.

## 10.4 Permanent Exclusion from Admission Permitted and Readmission

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A scholar who is permanently expelled is not eligible for readmission to Uplift. A scholar who is temporarily expelled may not be eligible for readmission to Uplift, unless the following terms are met: (1) the scholar must meet with the Readmission Committee to present a request for readmission; (2) the scholar must have no disciplinary history since he or she was expelled from Uplift; (3) the Readmission Committee must approve the readmission of the scholar; and (4) the scholar must submit an application pursuant to law and policy and be accepted pursuant to law and policy.

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 scholar’s 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.

Any scholar who is expelled is prohibited from entering onto any Uplift property and attending any Uplift-sponsored or Uplift-related events. Failure to comply with this prohibition will result in Uplift immediately contacting law enforcement. Except as otherwise required by law, scholars will not receive educational services or receive course credits during a period of expulsion.

## 11.0 DISCIPLINE APPEAL PROCESS

With the exception of expulsions, scholar discipline decisions 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 Expulsion Hearing Officer within 5 business days of the date of the decision. The Board shall hear the appeal at a regular meeting or special meeting. The appealing party shall be notified of the location, date and time of the hearing in front of the Board. The Board will designate an allotted time for the appealing party to present its position against expulsion. Likewise, the Board will designate the same allotted time for a School official(s) to present its position in defense of the expulsion. The Board may deliberate in private but will communicate its decision orally in open meeting. The decision of the Board is final and not appealable. An expulsion will not be delayed during the appeal process.

## 12.0 BULLYING PREVENTION AND INTERVENTION

### 12.1 Bullying and Retaliation Prohibited

Uplift Education prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process, including but not limited to, a victim, witness, or another person, who in good faith provides information concerning an incident of bullying, is a violation of Uplift policy.

### 12.2 For purposes of this policy, “Bullying” is defined as the following:

Bullying means a single significant act or a pattern of acts by one or more scholars directed at another scholar 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 scholar, damaging a scholar’s property, or placing a scholar in reasonable fear of harm to the scholar’s person or of damage to the scholar’s property; is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a scholar; 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.

For purposes of this policy, “Cyberbullying is defined as 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.

Bullying applies to incidents that occur on, or that are, delivered to School property or to the site of a School-sponsored or School-related activity on or off School property; bullying that occurs on a publicly or privately owned School bus or vehicle being used for transportation of scholars to or from School or a School-sponsored or School-related activity; and cyberbullying that occurs off School property or outside of a School-sponsored or School-related activity if the cyberbullying interferes with a scholar’s educational opportunities or substantially disrupts the orderly operation of a classroom, School, or School-sponsored or School-related activity.

### 12.3 Examples of Bullying

Bullying may include, but is not limited to, the following: Bullying of a student may include discrimination, harassment, hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism

### 12.4 Examples of Retaliation

Retaliation may include, but is not limited to, threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.



## 12.5 Report of Bullying

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**Timely Reporting:** Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair Uplift’s ability to investigate and address the prohibited conduct.

**Scholar Reporting:** To obtain assistance and intervention, any scholar who believes that he or she has experienced bullying or believes that another scholar has experienced bullying should immediately report the alleged acts to a teacher, counselor, director, or other Uplift employee. A scholar who intentionally makes a false claim, offers false statements, or refuses to cooperate with an investigation regarding bullying shall be subject to appropriate disciplinary action.

**Staff Reporting:** If any staff member recognizes or receives a report from a scholar, parent or guardian regarding suspected bullying, it must be immediately reported to the Campus Director or designee. Reports may be given orally by staff but must be reduced to written form by the Campus Director or Designee.

**Anonymous Reporting:** Any scholar, parent or guardian may report an allegation of bullying anonymously through the Uplift website.

## 12.6 Notice of Alleged Bullying

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After receiving a report of an allegation of bullying, a campus director or designee shall provide notice to (1) a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported, and (2) a parent or guardian of the alleged bully within a reasonable amount of time after the incident is reported.

## 12.7 Investigating a Report of Bullying

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The Campus Director or designee shall conduct an appropriate investigation based on the allegations in the report. The Campus Director or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the initial report alleging bullying; however, the Campus Director or designee shall take additional time if necessary, to complete a thorough investigation. The Campus Director or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the campus Managing Director.

## 12.8 Uplift Action – Bullying Confirmed

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If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the scholar who engaged in bullying.

If the results of an investigation indicate that bullying occurred, Uplift shall promptly respond by taking appropriate disciplinary action or corrective action reasonably calculated to address the conduct in accordance with the Uplift Scholar Code of Conduct.

A scholar may be removed from class and expelled if the scholar (1) engages in bullying that encourages a scholar to commit or attempt to commit suicide, (2) incites violence against a scholar through group bullying; or (3) releases or threatens to release intimate visual material, as defined by the Texas Civil Practices and Remedies Code, of a minor or a scholar who is 18 years of age or older without the scholar's consent. The discipline of a scholar with a disability is subject to applicable state and federal law in addition to the Scholar Code of Conduct.

## **12.9 Uplift Action – Improper Conduct**

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If the investigation reveals improper conduct that did not rise to the level of bullying, Uplift may take action in accordance with the Scholar Code of Conduct or any other appropriate corrective action

## **12.10 Reasonable Self-Defense**

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A scholar who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action. The discipline of a scholar with a disability is subject to applicable state and federal law in addition to the Scholar Code of Conduct.

## **12.11 Report to Local Law Enforcement**

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A Campus Director may make a report to the police department of the municipality in which the campus is located or, if the campus is not in a municipality, the sheriff of the county in which the campus is located if, after an investigation is completed, the Campus Director has reasonable grounds to believe that a scholar engaged in conduct that constitutes an offense under Section 22.01 (assault) or 42.07(a)(7) (harassment) of the Texas Penal Code.

The Campus Director may designate a campus employee, other than a School counselor, who is under the supervision of the Campus Director to make the report to the police department.

A person who makes a report under this section may include the name and address of each scholar the person believes may have participated in the conduct.

## **12.12 Counseling Options**

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The principal or designee shall notify the victim, the scholar who engaged in bullying, and any scholars who witnessed the bullying of available counseling options. Each campus shall have access to a Social/Behavioral Counselor to provide support.

## **12.13 Confidentiality**

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

## **12.14 Access to Policy**

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Information regarding this policy shall be distributed annually to Uplift employees and included in the scholar handbook. Copies of the policy shall be readily available at each campus and Uplift's administrative offices.

## 12.15 Prevention and Training

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Uplift will implement research-based bullying prevention and intervention programs. Such programs shall provide training for Uplift scholars and staff for effectively responding to, intervening in, and reporting incidents of bullying.

# 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.

## 13.0 DEFINITIONS - LEVEL I VIOLATIONS OF THE CODE OF CONDUCT

**Cheating/ Copying Work:** The copying, selling, trading or purchase of another scholar's homework or other classwork, or committing academic dishonesty in some other capacity that does not rise to the level of significant plagiarism or cheating on a high-impact project, exam or other assessment.

**Destruction of Classroom Property:** The intentional destruction of, or behavior that results in, damage to classroom materials or classroom property or equipment.

**Dress Code Violation:** An instance in which a scholar's uniform is out of compliance with the School's dress code.

**Minor Inappropriate Use of Technology:** The use of an electronic device during a non-designated time.

**Insubordination:** Refusal to follow instructions provided by a classroom teacher, or other School personnel; or an instance in which a scholar is in defiance of the authority of School staff or personnel.

**Leaving Classroom without Permission:** An instance in which a scholar leaves a classroom, or other designated instructional environment, without first receiving permission from the teacher or other School personnel; or abusing time away from the classroom or other designated instructional environment by not returning promptly or loitering in other areas of the School without permission.

**Minor Classroom Disruption:** Behavior that directly impacts and/or disrupts the learning environment at the classroom or School level but does not rise to the severity of causing a School-wide disruption.

**Minor Physical or Verbal Aggression:** Inappropriate behavior that includes, but is not limited to, gestures, threats, comments, or any language or behavior of an intimidating nature that does not require seeking staff support or notifying campus administration.

**Minor Theft:** Without consent or approval of owner, an instance in which a scholar takes (steals) and does not willingly return items such as pens, pencils, paper, food or other small personal items in the classroom or School environment.

**Profanity/ Vulgar Language/ Gesture:** The use of language, and/or physical gestures, that are prohibited on campus and in a classroom, such as profanity or other derogatory terms.

**Tardy:** Late arrival to class or other assigned location.

**Other Level 1 Violation(s):** Scholar engaged in miscellaneous behavior or action that directly impacted the classroom learning environment, or others in the learning environment.

## 14.0 DEFINITIONS - LEVEL II VIOLATIONS OF THE CODE OF CONDUCT

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

**Bullying:** A single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that 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.

**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.

**Major Classroom Disruption:** Behavior that significantly impacts and/or disrupts the learning environment in a classroom or another location.

**Destruction of School Property:** The intentional destruction or, and/or significant damage to School materials or other School or district property.

**Disruption of School Activities and Operations:** Behaviors or scholar actions that result in a direct impact/ disruption of the normal operations of the School, and/or activities in the classroom or on campus.

**Major Inappropriate Use of Technology/ Electronic Media:** The use of an electronic device or other electronic media that creates or results in a significant and/or wide-spread distraction or disruption of the educational environment or School or district operations. 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:** 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.

**False Report:** Knowingly and intentionally providing false information to implicate an innocent scholar, or to otherwise disrupt School activities/operations, or disrupt an investigation or other administrative function.

**Fighting:** A situation in which a scholar is an active participant in a verbal and/or physical fight; includes behaviors such as postures and gestures that could lead to a fight and or commotion on campus.

**Frequent Minor Violations:** Recurrent pattern of violations of the Code of Conduct (typically Level I offenses).

**Gambling:** Engaging in a gambling related game or event, or organizing a gambling system, associated with the exchange of money or other items of value.

**Gang Activity:** Engaging in activity such as gang signs, gang related gestures and branding gang paraphernalia; or activity such as making gang related threats, using gang related intimidation methods, or being an active participant in gang violence

**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.

**Profanity Towards School Personnel:** The use of language, and/or physical gestures, that are prohibited on campus/classroom, including profanity or other derogatory terms directed towards staff or other school personnel.

**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.

**Skipping:** Includes instances when a scholar is intentionally absent for part of a School day, or the whole day, without a valid excuse from parent and/or guardian.

**Excessive Tardies:** Late arrival to class or other assigned location on multiple occasions.

**Major Theft:** Without consent or approval of owner, an instance in which a scholar takes (steals) and does not willingly return items belonging to the School, another organization or entity, or an individual.

**Trespassing:** Behavior that involves a scholar in, on or around the School, or any other Uplift Education property, without permission.

**Prohibited Items:** Scholar is in possession and/or use of a prohibited object that could be presumed as a weapon to cause harm to another but that is not a firearm or does not meet specified criteria as a prohibited weapon.

**Other Level II Violation(s):** Scholar engaged in miscellaneous behavior or action that directly impacted the School environment or School operations, the academic environment, or others in the learning environment rising to the severity of the need for School or district administrator involvement.



## 15.0 DEFINITIONS - LEVEL III VIOLATIONS OF THE CODE OF CONDUCT

**Alcohol (possession or distribution):** Scholar possesses, uses or delivers alcohol or alcohol paraphernalia to another or intends use or deliver to another.

**Arson:** Deliberately setting fire, attempting to start a fire, or engaging in conduct that results in a fire, to property.

**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.

**Drugs (possession or distribution):** Scholar possesses, uses, or delivers drugs, including controlled substances, illegal drugs, and/or drug paraphernalia; or scholar intends use or delivery of controlled substances, illegal drugs, and/or drug paraphernalia to another.

**Extreme Bullying:** Bullying as defined elsewhere in the Code that is pervasive; and includes bullying situations that are designated by Texas Statute as potentially criminal and/or expellable offenses, such as: inciting (or attempting to incite) group violence; encouraging another scholar to commit self-harm or self-injury; or bullying involving the transmission of intimate visual material (as defined elsewhere in the code).

**Felony Conduct (Felony 5 Conduct):** Scholar was engaged in behavior or acts that are considered to be a felony either on or off campus. 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.

**Firearm:** (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.; or 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.

**Frequent Violations of the Code of Conduct:** Recurrent misconduct and other violations of the Code of Conduct that are persistent, pervasive and rise to the severity of a Level 3 offense.

**Indecent Exposure:** A scholar is intentionally naked, or displays his or her sexual organs, in public.

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

**Severe Instance of Plagiarism or Academy 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.

**Prohibited Weapon:** Scholar is in possession of a prohibited weapon. Prohibited Weapons includes the following items: armor-piercing ammunition, clubs, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, switchblade knife, illegal knife, zip gun, taser gun, BB gun, pellet gun, air gun, toy gun, water gun, look-alike gun, and a look-alike weapon.

**Public Lewdness:** Scholar is engaged in sexual activity, which includes but is not limited to, sexual contact of any kind and intercourse.

**Security Breach:** A security breach is any incident that results in unauthorized access of data, applications, services, networks and/or devices by bypassing their underlying security mechanisms. A security breach occurs when an individual or an application illegitimately enters a private, confidential or unauthorized logical IT perimeter.

**Serious Bodily Injury:** Serious bodily injury refers to bodily injury which involves substantial risk of death, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ or mental faculty. Serious bodily injury is more than a minor or superficial injury.

**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.

**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).

**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.

## 16.0 OTHER DEFINITIONS

**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.

**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.

**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.

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

**Possession:** Regardless of the 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.

**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.

**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.

**Under the influence:** When in an employee's professional judgment, a scholar's faculties reflect 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



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