



Empowering Students

Student Code of Conduct 2018 - 2019

**Approved by Board of Trustees
July 20, 2018**

RICHARD MILBURN ACADEMY TEXAS



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STUDENT CODE OF
CONDUCT 2018-2019**

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I. INTRODUCTION

The Student Code of Conduct is RMA Texas' response to the requirements of Chapter 37 of the Texas Education Code. The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, suspension, or expulsion from school.

This Student Code of Conduct has been adopted by the Richard Milburn Academy Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the board becomes effective for the next school year.

II. APPLICATION OF THE CODE

The Board of Trustees of the Richard Milburn Academy Texas has adopted this Student Code of Conduct (the "Code") in accordance with Section 12.131 of the Texas Education Code, in order to clearly communicate standards for expected student conduct, the disciplinary consequences which may be applied to students who violate those standards, and the applicable procedures for the implementation of disciplinary consequences. All students must comply with the Code. Definitions of words and phrases used throughout this Code are provided at the end of the Code.

Parents and students are encouraged to contact campus administration with any questions or concerns regarding the requirements and provisions of the Code. Parents and students are expected to review and be familiar with the provisions of the Code. Lack of knowledge or awareness about any School rules, including this Code, will not excuse violations of the Code. Parents and students will be required to sign a statement acknowledging receipt and understanding of the Code. A copy of this Code is available on the District website, www.rmaschools.org under the student's tab – documents. A copy can also be attained on your child's respective campus.

The school has the authority to create and enforce rules related to student 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 student conduct that relates to, affects, or shares a nexus with the School, its students, or its employees regardless of when or where the conduct occurs. The school may also issue discipline based on a student's use of electronic media, whether on or off campus.

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

In considering a student's request for admission, the school may consider the student'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 student, law enforcement, or any other relevant documentation, and may exclude the student from admission on this basis.

If a student who would otherwise be ineligible for admission to the school provides false information on an admissions application or other enrollment document and because of the false information is admitted to the school, the student shall be immediately withdrawn from enrollment from the school upon discovery of the falsification. Falsification of information for 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.

i. Student Code of Conduct

To function properly, education must provide an equal learning opportunity for all students by recognizing, valuing, and addressing the individual needs of every student. In addition to the regular curriculum, principles and practices of good citizenship must also be taught and modeled by school staff. To foster an orderly and distraction-free environment, RMA has established this Student Code of Conduct that outlines prohibited behaviors and consequences. RMA has the responsibility and authority to enforce the Student Code of Conduct, question students, counsel students, and assign discipline when appropriate.

The Student Code of Conduct does not define all types and aspects of student behavior. The Board of Trustees and the Superintendent may establish written policies, rules, and regulations of general application governing student conduct in all schools.

Any conduct that causes or creates a reasonable likelihood that it will cause a substantial disruption in or material interference with any school function, activity, or purpose, or that interferes or creates a reasonable likelihood that it will interfere with the health, safety, or well-being or the rights of other students is prohibited.

A teacher may send a student to the Principal's office to maintain effective discipline in the classroom. In addition, a teacher may remove from class a student:

1. Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or
2. Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or within the ability of the student's classmates to learn.

The Board of Trustees has authorized detention, out-of-school suspension, and expulsion as methods of disciplining students. The Board of Trustees has also given authority to the Superintendent or designee to use any of these disciplinary actions, which in his or her judgment, is appropriate for the violation.

When students participate in student activities, they will also be expected to follow the guidelines and constitutions student behavior and consequences.

Jurisdiction

The school may discipline a student:

For any violation of the Student Code of Conduct committed while a student is

1. On school property;
2. In transit to and from the school;
3. Attending any school-related or school-sponsored activity, so long as the student is under the direction of a school employee;
4. When a school employee or volunteer is a victim of retaliation no matter when or where it takes place; or
5. When a felony is committed.

NOTE

In addition to disciplinary consequences, misdemeanor and felony offenses committed on campus will be reported to the appropriate law enforcement agency.

ii. Standards for Student Conduct

Classroom Rules

Students shall:

- Be in assigned seat and ready to work before the tardy bell rings.
- Not disrupt classroom activities.
- Follow instructions and directives immediately.
- Not leave class without permission. Any student leaving class must have a hall pass.

School-Wide Rules

Students shall:

- Demonstrate courtesy at all times.
- Behave in a responsible manner, always exercising self-discipline and control.
- Attend all classes, regularly and on time.
- Be prepared for each class.
- Follow dress code requirements.
- Obey all campus and classroom rules.
- Respect the rights of others, including property and school facilities.
- Cooperate with and assist school personnel, including volunteers, in maintaining safety, order and discipline.
- Adhere to all requirements of the Code of Conduct.
- Show high standards of behavior to create a positive and welcoming school atmosphere.

Responsibilities of Parents

Parents are expected to:

- Serve as a model for students by showing respect for themselves, students, teachers, other parents, and school staff.
- Ensure their student's compliance with school attendance requirements and promptly report and explain absences and tardies to the school.
- Communicate regularly with the school concerning their student's conduct and progress.
- Bring to the attention of school authorities any problem or condition which affects their student.
- Maintain up-to-date home, work, and emergency telephone numbers at the school.
- Respond promptly when notified by campus to pick up student due to medical or disciplinary problems.
- Respond promptly when notified of student disciplinary matters.

iii. Offenses and Consequences

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

Level I Offenses

1. Accessing restricted areas
2. Causing damage to School property less than \$50
3. Disrespectful to staff
4. Failing to comply with directives of School personnel
5. Talking back to teacher
6. Inappropriate public displays of affection, including kissing, hugging, etc.
7. Inappropriate physical contact not defined as a Level II or Level III offense
8. Offensive language, orally or in writing
9. Profanity and/or obscene gestures toward other students, teachers or staff
10. Scuffling
11. Single acts of disruptive behavior, including non-compliance and insubordination
12. Throwing objects not considered an illegal weapon that can cause bodily injury or property damage
13. Unruly, disruptive, or abusive behavior that interferes with the teacher's ability to effectively communicate with students.
14. Use of a cellular phone/paging device during the school day without permission from Principal.
15. Verbal or written abuse, i.e., name-calling, racial or ethnic slurs, or derogatory statements that may disrupt the school environment.

Level I Disciplinary Consequences

1. Behavior contracts or individually developed behavior management plans.
2. Confiscation of cell phone; a fee of \$15.00 may will be charged for the return of the phone. The school is not liable for lost or stolen cell phone. All confiscated phones must be turned in to the Campus Principal's office immediately, if possible, or as soon as possible the day the phone is confiscated.
3. Cooling-off time or "time-out".
4. Counseling by teachers, counselors, or administrative personnel.
5. Parent/guardian observations in student's classes.
6. Parent/guardian conference with teacher or Campus Principal.
7. Placement in another appropriate classroom.
8. Restitution/restoration, if applicable.
9. Verbal Correction
10. Temporary confiscation of items that disrupt the educational process.
11. Seating changes within the classroom.
12. Withdrawal of participation in school events such as field trips, extracurricular activities, etc.

Level II Offenses:

1. Abusing prescription and/or non-prescription drugs, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on School property or at a School-related event (except the possession of asthma or anaphylaxis medications);
2. Academic dishonesty;
3. Assault of another student or an adult that is not an expellable offense;
4. Bullying and/or cyberbullying, as well as conduct including verbal or physical harassment or threat thereof, taunting, hazing, intimidating or any other action whereby one or more individuals deliberately single out another student for cruel, mean and/or humiliating treatment;
5. Causing damage to School property in an amount equal or greater than \$50;
6. False accusation of the commission of a misdemeanor or felony by another;
7. Falsification and/or forgery of School records;
8. Fighting or arranging a fight. Students involved in fighting will, at a minimum, be suspended for the remainder of the day;
9. Intentionally providing incorrect information to School officials;
10. Knife possession;
11. Skipping class or Leaving a School campus, classroom, or event without written permission from an administrator;
12. Misdemeanor vandalism and/or criminal mischief;
13. Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
14. Possessing ammunition;
15. Possessing, exhibiting, or threatening with a look-alike weapon, including without limitations, BB guns, CO₂ guns, air pistols or rifles, pellet guns, or any other device designed to appear to be a firearm or other weapon;
16. Possession of stolen property;
17. Possession or use of fireworks or other explosive devices;
18. Possession or use of tobacco or related products such as E-cigarettes, all types of vapors on School property or at School-related events;
19. Profanity/obscene gestures toward personnel;
20. Refusal to follow directions from a School employee or administrator;
21. Repetitive Level I Offenses – i.e., three or more Level I offenses within a semester;
22. Sending or posting abusive, obscene, sexually oriented, threatening, harassing, defamatory or illegal electronic messages, sexting;
23. Stealing and/or theft.

Level II Disciplinary Consequences

1. Any applicable Level I Disciplinary Consequence.
2. Out-of-school suspension up to three days.

Level III Offenses

1. Aggravated assault;
2. Aggravated kidnapping;
3. Aggravated robbery;
4. Aggravated sexual assault;
5. Any discretionary or mandatory expulsion violation under the Texas Education Code, Chapter 37;
6. Arson;
7. Assault;
8. Attempts to copy and/or modify another student's work files stored on a computer;
9. Burglary of a motor vehicle on campus;
10. Capital murder;
11. Commission of a felony offense listed under Title 5, Texas Penal Code;
12. Conduct punishable as a felony;
13. Criminal attempt to commit murder or capital murder;
14. Criminally negligent homicide;
15. Death threats;
16. Deliberate destruction or tampering with school computer data or networks;
17. Issuing a false fire alarm or report;
18. Felony criminal mischief against school property, another student, or school staff;
19. Gang activity (violent);
20. Inappropriate sexual conduct;
21. Indecency with a child;
22. Manslaughter;
23. Murder
24. Persistent Level I offenses – i.e., four Level I offenses within a semester;
25. Persistent Level II offenses – i.e., two or more Level II offenses within a semester;
26. Possessing, selling, distributing, or being under the influence of inhalants;
27. Possessing, selling, distributing, or being under the influence of a simulated controlled substance;
28. Public lewdness;
29. Required registration as a sex offender;
30. Retaliation against any school employee or volunteer at any time or place;
31. Setting or attempting to set fire on school property (not arson);
32. Sexual abuse of a young child or children;
33. Sexual assault;
34. Targeting another individual for bodily harm;
35. Use, exhibition, or possession of a firearm, illegal knife, club, or prohibited weapon;
36. Use, sale, possession, distribution, or being under the influence of marijuana, controlled substances or illicit drugs, or alcoholic beverages on School premises or during any School activity, regardless of location;
37. Possessing and/or selling "look-alike" drugs;
38. Possession of use of alcohol on School property or at School-related events;

39. Suspicious drug/alcohol involvement.

Level III Disciplinary Consequences

1. Any applicable Level I or Level II Disciplinary Consequence
2. Out-of-school suspension up to 3 days
3. Expulsion. Disciplinary actions may be used individually or in combination for any offense.

III. DETERMINING APPROPRIATE DISCIPLINE

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

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

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

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

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

IV. INVESTIGATION OF DISCIPLINE ISSUES

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

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

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

V. DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS

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

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

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

A change in placement occurs if a student is:

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

The school will determine, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. A student who has not been determined eligible for special education services and who has engaged in behavior that violates the Code is entitled to the protections under the IDEA regarding discipline of a student with special needs described above if the school has knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. If the school does not have knowledge that a student is a student with a disability prior to taking disciplinary action, the student may be subject to the disciplinary actions applied to students without disabilities. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary action, the evaluation shall be conducted in an expedited manner. Refer to the Richard Milburn Academy Texas Student Handbook for more information regarding special education services.

VI. TYPES OF DISCIPLINE

One or more of these disciplinary consequences may be issued to a student found to have violated the Code. If the Code does not specify the appropriate disciplinary consequence for a particular type of student 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 student 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 student 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 student. If a student 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 student. If the student 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 student to complete the discipline upon return.

The Code shall be applied and enforced consistently and equitably among students, 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.

Available disciplinary consequences include:

- Parent conference;
- Verbal correction;
- Counseling;
- Conference with teacher or administrator;
- Education/training;
- Improvement plan;
- 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 student participation in extracurricular activities, including removal, suspension, or restriction of participation;
- Removal from class to campus office;
- Issuance of demerits;
- Confiscation of items;
- Detention;
- Out-of-School Suspension;
- Expulsion.

VII. DETENTION

A student may be assigned to one or more sessions of detention for engaging in prohibited conduct under this Code. The student's parent or guardian will be notified by phone and in writing of the student's conduct and assignment to detention. Detention will be held outside of the instructional day, either before or after school, during lunch period, or during recess.

VIII. OUT-OF-SCHOOL SUSPENSION

A student may be suspended for one or more school days for engaging in prohibited conduct under this Code. The student's parent or guardian will be notified by phone and in writing of the student's conduct and the length of the period of suspension. A student may not be suspended for more than three consecutive school days. During a period of suspension, the suspended student may not enter onto school property or participate in or attend school-sponsored or school-related events or activities. The student's teachers will provide assignments that the student will be expected to complete during the period of suspension. Student assignments or other class work completed during a period of suspension will be accepted for grading if completed in a timely fashion.

IX. REASONS FOR EXPULSION

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

1. **Weapons.** The student 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 student engaged in conduct that contains the elements 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 student, an employee, or a volunteer of the School;
 - c. Deadly conduct;
 - d. A Title V felony under the Penal Code.

3. **Disruptions.** The student engaged in conduct that contains the elements 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 student 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 student engaged in conduct that contains the elements 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. **Other.** The student, while on campus or at a school-sponsored or school-related event, on or off campus:
 - a. Engages in conduct that constitutes a felony;
 - b. Commits an assault;
 - c. Commits frequent violations of this Code that cause significant disruption to the School environment or substantial interference with the instructional process (level II and II).

X. EXPULSION PROCESS

If the school administrator or administrator's designee determines that the student's conduct warrants expulsion, the administrator shall provide written notice to the parent, guardian, or adult student of the proposed expulsion of the student. The written notice shall also include the reason(s) for the proposed expulsion and the date, time, location and procedure for the expulsion hearing. The student is entitled to a hearing with the campus administrator during which the student and/or the student's representative (*e.g.*, parent, guardian, attorney, other) will have the opportunity to review and present evidence and information. The campus administrator may place reasonable restrictions on the conduct of the hearing, including the length of the presentations. At the end of the hearing, the campus administrator may issue a decision immediately or may wait until a later date to communicate a decision. The administrator shall send written communication of the decision to the parent, guardian or adult student. If the administrator determines that expulsion is appropriate, the written decision ("Expulsion Order") shall include the length of the term of expulsion.

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

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

XI. TERMS OF EXPULSION

The period of expulsion may be determined by many factors, including the severity of the conduct and the existence of a continuing risk of harm to other students and employees if the student were allowed to return. An expulsion may be temporary or permanent. A temporary expulsion may range in length from 4 school days to one calendar year. A permanent expulsion allows the School to deny future admission to the student based on consideration of the student's past disciplinary history. In each instance, the Expulsion Order must explain the circumstances which justify the length of the expulsion.

A student expelled from the School is eligible to apply for readmission to the school upon expiration of the expulsion period. However, the student will need to reapply to the school in accordance with the school's admission policies and timelines. A formerly expelled student who applies for readmission to the school during the school year will be added at the end of the waiting list for the grade sought based on the date the application was received.

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

XII. DISCIPLINE APPEAL PROCESS

With the exception of expulsions, student discipline decisions at the campus level are final and not appealable. A parent, legal guardian, or adult student may appeal an expulsion decision by filing a written appeal with the Superintendent within 5 business days of the date of the Expulsion Order. The Superintendent or Superintendent's designee will review the record of the expulsion proceedings at the campus level, along with any other relevant information, and will issue a written decision to the appealing party within 10 business days of receiving the request for review.

If the appealing party is not satisfied with the decision of the Superintendent or Superintendent's designee, he or she may appeal that decision to the RMA Texas Board of Trustees by filing a request for review with the Superintendent's office within 5 business days of the date of the decision. The Superintendent shall notify the RMA Texas Board of Trustees president and arrange for the RMA Texas Board of Trustees to hear the complaints of the appealing party at the next available board meeting. The Superintendent shall notify the appealing party of the location, date and time of the hearing in front of the RMA Texas Board of Trustees. The decision of the RMA Texas Board of Trustees is final and not appealable. An expulsion action will not be delayed during the appeal process.

XIII. TRUANCY

State compulsory attendance law requires that every child at least 6 and younger than 19 years of age attend school. The School enforces the compulsory attendance laws by ensuring the regular attendance of currently enrolled students through the application of truancy prevention measures and, if necessary, referral of students to truancy court.

A student's absence is excused if the absence is specifically authorized by School policy or rule or is otherwise approved by the campus administrator. Any absence that is not excused shall be considered an "unexcused" absence.

The school will provide written notice to parents if their student has incurred three unexcused absences (including partial day absences) in a four-week period, and will begin the implementation of truancy prevention measures, which shall include one of the following:

1. The creation of a behavior improvement plan that includes a specific description of required or prohibited behavior, the period of the plan's effectiveness (not to exceed 45 days), and penalties for additional absences;
2. School-based community service; or
3. Referral to counseling, mentoring, teen court, community-based services, or other services to address the student's truancy.

A student will be considered "truant" if the student fails to attend school, without excuse, on 10 or more days or parts of days within a six-month period in the same school year. A student, who is at least 12 years of age and younger than 19 years of age, may be referred to truancy court by the School within 10 days of the student's 10th unexcused absence. In rare occasions, parents may also be subject to prosecution for criminal negligence if the parent fails to secure the student's attendance.

Before the School makes a referral to truancy court, the Student and Community Coordinator will create and oversee the implementation of truancy prevention measures for the student. The school will not refer a student to truancy court if the student's truancy is the result of pregnancy, foster care, homelessness, or because the student is the principal income earner for their family and instead may offer additional counseling for the student.

If a student is 19 or older and has more than 3 unexcused absences in one semester, the School will issue a warning letter to the student that states enrollment can be revoked after 5 unexcused absences. As an alternative to revoking enrollment, the school may require the student to comply with a behavior improvement plan to address the student's lack of attendance. If the student fails to comply with the behavior improvement plan, the school may revoke the student's enrollment.

XIV. DEFINITIONS

The following definitions are provided to further detail and define the terms of this Code. The RMA Texas Board of Trustees 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: Written or verbal expression or physical conduct that (1) has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

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.

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 students 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 student, that endangers the mental or physical health or safety of a student 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 student 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.

Inappropriate Sexual Conduct – Unwelcomed verbal or physical sexual behaviors that include, but are limited to, sexual conversation or content; comments and jokes of a personal or sexual nature; inappropriate touching or grabbing; explicit sexual behavior.

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

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, or zip gun, taser gun.

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.

Scuffle: To engage in a short, confused fight or struggle at close quarters.

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.

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

Soliciting: Requesting, commanding, or attempting to induce another student 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 student; 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 student does not have the normal use of mental or physical faculties likely attributable to the student'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 student 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.

Acknowledgment of Receipt & Understanding of the Code

**Richard Milburn Academy
Texas STUDENT CODE OF
CONDUCT 2018 - 2019**

ACKNOWLEDGMENT FORM

Student Name: _____

School/Campus: _____ **Grade Level:** _____

I, as the parent or guardian of _____, have received a copy of or have been given access to the Richard Milburn Academy Texas Student Code of Conduct (the "Code") for the 2018 – 2019 school year. I have read, understand, and agree that my child shall abide by the Code. I understand that my child will be held accountable for his or her behavior, and he or she is required to comply with the expected standards of conduct set out in this Code and will be subject to disciplinary consequences if he or she fails to do so. I understand that the Code governs my child's behavior while on school property and at school-sponsored or school-related activities whether on or off campus; and that my child may also be subject to discipline for certain conduct which occurs outside of school regardless of time or location, including any school-related misconduct. I understand that the school may contact law enforcement for further investigation or criminal prosecution for certain violations of law.

I also understand that parental involvement and cooperation is vital in the discipline process. By signing below, I acknowledge my understanding and commitment to ensure that my child understands and complies with the Code.

Parent/Guardian Printed Name

Student Printed Name

Parent/Guardian Signature

Student Signature

Date

Date