



Student Code of Conduct 2022-2023

Approved by Board of Trustees
July 29, 2022

RMA TEXAS



**RMA TEXAS
STUDENT CODE OF
CONDUCT**

TABLE OF CONTENTS

Table of Contents

INTRODUCTION.....	3
I. APPLICATION OF THE CODE	5
II. STUDENT CODE OF CONDUCT.....	6
Academic Integrity	7
III. STANDARDS FOR STUDENT CONDUCT.....	8
IV. TYPES OF DISCIPLINE	9
V. DETERMINING APPROPRIATE DISCIPLINE.....	14
VI. INVESTIGATION OF DISCIPLINE ISSUES	15
VII. DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS	15
VIII. OUT-OF-SCHOOL SUSPENSION	16
IX. REASONS FOR EXPULSION	16
X. EXPULSION PROCESS.....	19
XI. TERMS OF EXPULSION.....	20
XII. EXPULSION APPEAL PROCESS	20
XIII. TRUANCY	21
XIV. DEFINITIONS.....	22

INTRODUCTION

As required by state law, the RMA Texas Board of Trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student. 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 Code informs parents and students regarding standards of conduct, behavioral expectations, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities during and outside of the school year until an updated version adopted by the board becomes effective for the next school year. Parents and students are encouraged to read and regularly review the RMA Texas Student Code of Conduct to ensure a successful and productive school year for all.

***Acknowledgment of Receipt &
Understanding of the Code***

**Richard Milburn Academy
Texas**

**STUDENT CODE OF CONDUCT
2022-2023
ACKNOWLEDGMENT FORM**

Student Name: _____

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

In our continued efforts to be as efficient as possible, the RMA Texas website, [rmaschools.org](https://www.rmaschools.org), is the primary source for access to the Code. Families who do not have Internet access can receive a copy at their campus upon request at any time during the school year. To ensure that every district student has had the opportunity to access the information contained within the Code, we are requiring that a parent or legal guardian of every student complete the requested information below and return it to your child's school's administrative team at the front office. This form will remain in your child's cumulative folder.

_____ I acknowledge that I can electronically access the RMA Texas Student Code of Conduct by visiting this RMA Texas internet address: <https://www.rmaschools.org> under Students, Tab Documents.

_____ I acknowledge that I can obtain a paper copy of the RMA Student Code of Conduct by visiting the administrative office of my child's school.

You are responsible for reading the rules, expectations and other information contained herein and signing and returning the attached acknowledgement form. All students will be held accountable for their behavior and will be subject to disciplinary consequences outlined in this Student Code of Conduct. Failure to read the Code does not excuse the student from any consequences if they are in violation of the Code.

Student Name: _____ Grade: _____

Student Signature: _____ Date: _____

Parent/Legal Guardian Signature: _____ Date: _____

I. 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 Tex. Educ. Code § 12.131, to provide parents and students information regarding standards of student conduct, consequences of misconduct, and procedures for administering discipline. All students must comply with the Code. Definitions of words and phrases used throughout this Code are provided at the end of the Code. Throughout the Code and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the student.

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 Tab – Documents. A copy can also be reviewed in the campus principal’s office.

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 to the school, 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.

Please Note: The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

II. 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, values and practices of good citizenship must also be taught and modeled by school staff. To foster an orderly and distraction-free environment, RMA Texas has adopted this Student Code of Conduct to correct misconduct and to encourage all students to meet their responsibilities as citizens of the school community and, when necessary, to protect students, school employees or property, and to maintain essential order and discipline. Disciplinary action will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, the effect of the misconduct on the school environment, whether the student acted in self-defense, intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, or whether a disability substantially impairs a student's capacity to understand the wrongfulness of the student's conduct. RMA Texas 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. The RMA Board of Trustees must approve any change or amendment to the Student Code of Conduct.

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.

Removal

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

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

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. At school and engaging in school activities;
3. In transit to and from school;
4. Attending any school-related or school-sponsored activity, regardless of time or location, so long as the student is under the direction of a school employee;
5. When retaliation against a school employee, board member or volunteer occurs or is threatened, regardless of time or location;
6. For any school-related misconduct, regardless of time or location;
7. When a student engages in cyberbullying, as provided by Tex. Educ. Code § 37.0832;
8. When criminal mischief is committed on or off school property or at a school-related event;
9. When the student is required to register as a sex offender; and
10. 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.

Academic Integrity

Academic integrity is a fundamental value of teaching, learning and scholarship. RMA Texas has the primary responsibility for protecting and promoting the highest standards of academic integrity. Both students and faculty will thrive in an atmosphere where academic work is challenging, relevant and fair.

Academic Dishonesty Definition

Students found to have engaged in academic dishonesty shall be subject to grade penalties on assignments or tests and disciplinary penalties in accordance with the Student Code of Conduct. Academic dishonesty includes cheating, copying and/or modifying another student's work files stored on a computer, copying the work of another student or allowing another student to copy your work, plagiarism of any kind, including the use of electronic media, and unauthorized communication between students during or after an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or another supervising employee, taking into consideration written materials, observation, or information from students.

Behaviors defined as cheating include, but are not limited to:

- Giving or receiving information during an exam, test or quiz; looking on someone else's work during an exam, test or quiz; or allowing someone else to see one's work during an exam, test or quiz.
- Unauthorized receipt or distribution of exam, test or quiz contents, materials, or answer key.
- Use of unauthorized resources such as notes, cell phones, or other electronic devices during an exam.
- Taking an exam, producing a project, paper or assignment for another student or asking someone to take an exam or produce a project, paper or assignment for an individual.

- Copying work assigned to be done independently or letting other(s) copy one's work.

Behaviors defined as plagiarism include, but are not limited to

- Any misrepresentation of another's work as one's own, including the copying of sentences, phrases, images, entire essays, passages from an undocumented source, musical scores, electronic media, and other similar works.
- Paraphrasing another's work as one's own without proper citation.

Academic dishonesty may result in academic and behavioral consequences

A student found to have engaged in academic dishonesty will be subject to loss of credit for the work in question, as well as disciplinary penalties, according to the Student Code of Conduct.

III. STANDARDS FOR STUDENT CONDUCT

Classroom Rules

Each student is expected to:

- Attend all classes, regularly and on time.
- Be in assigned seat and ready to work before the tardy bell rings.
- Not disrupt classroom activities.
- Immediately follow instructions and directives given by school personnel.
- Not leave class without permission. Any student leaving class must have a hall pass.
- Consciously participate in class and be supportive of an effective learning and teaching environment.
- Demonstrate courtesy and respect for others.
- Behave in a responsible manner, always exercising self-discipline.
- Prepare for each class; take appropriate materials and assignments to class.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other school district staff and volunteers.
- Respect the property of others, including school property and facilities.
- Cooperate with and assist school staff in maintaining safety, order, and discipline.

School-Wide Rules

Students shall:

- Demonstrate courtesy and respect for others 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.

IV. 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, 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 may include:

- Cooling-off time;
- Seating changes in classroom;
- Verbal correction;
- Counseling by teachers, counselors or administrative personnel;
- Student and/or Parent Conference with teacher or administrator;
- Education/training;
- Improvement plan;
- Community service;
- School-related assigned tasks or duties other than class tasks;
- 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 that disrupt the educational process;
- Referral to an outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the school;
- Detention;
- Out-of-School Suspension;
- Expulsion.

Note: Corporal punishment is not permitted at RMA Texas.

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 set out below, and in Section IX. Types of Discipline:

Level I Offenses

1. Committing Academic dishonesty, Cheating or copying another person's work, and/or Plagiarism
2. Accessing restricted areas without permission
3. Causing damage to School property less than \$50
4. Being disrespectful to staff
5. Failing to comply with directives of School personnel
6. Talking back to teacher
7. Repeatedly violating communicated campus or classroom standards of behavior
8. Falsification of paper or computer records, passes or other school related documents
9. Engaging in inappropriate public displays of affection, including kissing, hugging, etc.
10. Engaging in inappropriate physical contact not defined as a Level II offense
11. Using offensive language, orally or in writing

12. Using profanity, vulgar language and/or obscene gestures toward other students, teachers or staff
13. Scuffling
14. Single acts of disruptive behavior, including non-compliance and insubordination
15. Throwing objects not considered an illegal weapon that can cause bodily injury or property damage
16. Unruly, disruptive, or abusive behavior that interferes with the teacher's ability to effectively communicate with students.
17. Using a cell phone/ electronic device for other than academic purposes during the school day without permission from the Campus Principal.
18. Engaging in verbal or written abuse, i.e., name-calling, racial or ethnic slurs, or derogatory statements that may disrupt the school environment or incite violence.

Level I Disciplinary Consequences

1. Behavior contracts or individually developed behavior management plans.
2. Confiscation of cell phone; a fee of \$15.00 will be charged for the return of the phone. The school is not liable for lost or stolen cell phone. All confiscated phones are to be turned in by the RMA staff member 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. Grade reduction for academic dishonesty/cheating/plagiarism in accordance with the RMA Grading Policy.
6. Parent/guardian observations in student's classes.
7. Parent/guardian conference with teacher or Campus Principal.
8. Placement in another appropriate classroom.
9. Restitution/restoration, if applicable.
10. Verbal Correction
11. Temporary confiscation of items that disrupt the educational process.
12. Seating changes within the classroom.
13. Withdrawal of participation in school events such as field trips, extracurricular activities, etc.
14. Any other disciplinary consequence as outlined above, with the exception of suspension and expulsion.

Level II Offenses:

Serious 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. Assaulting another student or an adult, when the assault is not an expellable offense;

3. 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;
4. Causing damage to School property in an amount equal or greater than \$50;
5. Falsely accusing another student of the commission of a misdemeanor or felony;
6. Possessing any type of knife with a blade less than 5 ½ inches, bladed instruments, switchblade knives, razor, box cutter, chain, air guns, toy guns, chemical dispensing devices, mace/pepper spray, fireworks, replica firearms, electronic stunning devices or any other object used in a way that threatens or inflicts bodily injury to another person;
7. 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;
8. Possession or use of fireworks or other explosive devices;
9. Stealing and/or theft.

Other Level II Offenses:

10. Falsification and/or forgery of School records;
11. Fighting or arranging a fight. Students involved in fighting will, at a minimum, be suspended for the remainder of the day;
12. Intentionally providing incorrect information to School officials;
13. Skipping class or leaving a School campus, classroom, or event without written permission from an administrator;
14. Misdemeanor vandalism and/or criminal mischief;
15. Possessing ammunition
16. Possession of stolen property;
17. Possession or use of tobacco or related products such as e-cigarettes, e-cigars, e-pipes, and all types of vapors on School property or at School-related events;
18. Refusal to follow directions from a school employee or administrator;
19. Repetitive Level I Offenses – i.e., more than five Level I offenses within a single semester;
20. Sending or posting abusive, obscene, sexually oriented, threatening, harassing, defamatory or illegal electronic messages, sexting;
- 21.

Level II Disciplinary Consequences

1. Any applicable Level I Disciplinary Consequence.
2. Out-of-school suspension up to three school days.
3. Any other disciplinary consequence as outlined above, with the exception of expulsion.

Level III Offenses

1. Aggravated assault;
2. Aggravated kidnapping;
3. Aggravated robbery;
4. Aggravated sexual assault;
5. Arson;
6. Assault;
7. Burglary of a motor vehicle on campus;
8. Capital murder;
9. Commission of a felony offense listed under Title 5, Texas Penal Code;
10. Conduct punishable as a felony;
11. Criminal attempt to commit murder or capital murder;
12. Criminally negligent homicide;
13. Death threats;
14. Deliberate destruction or tampering with school computer data or networks;
15. Issuing a false fire alarm or report;
16. Felony criminal mischief against school property, another student, or school staff (causing damage of more than \$1,500 but less than \$20,000);
17. Violent gang activity;
18. Inappropriate sexual conduct;
19. Indecency with a child;
20. Manslaughter;
21. Murder;
22. Serious and Persistent Level II offenses – i.e., three or more documented serious Level II offenses within a single semester;
23. Possessing, selling, distributing, or being under the influence of inhalants;
24. Possessing, selling, distributing, or being under the influence of a simulated controlled substance;
25. Public lewdness;
26. Required registration as a sex offender;
27. Retaliation against any school employee or volunteer at any time or place;
28. Setting or attempting to set fire on school property (not arson);
29. Sexual abuse of a young child or children;
30. Sexual assault;
31. Targeting another individual for bodily harm;
32. Use, exhibition, or possession of a firearm, illegal knife, club, or prohibited weapon;
33. 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 or school-related event, regardless of location;
34. Possessing and/or selling “look-alike” drugs;

35. Knife with blade of 5 ½ inches or more;
36. Any discretionary or mandatory expulsion violation under the Texas Education Code, Chapter 37, Sections 37.006 or 37.007.

Level III Disciplinary Consequences

1. Any applicable Level I or Level II Disciplinary Consequence.
2. Out-of-school suspension up to three days.
3. Expulsion for offenses set out in Section XI below. Disciplinary actions may be used individually or in combination for any Level III offense.

V. 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 shall 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 also 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 independently, regardless of 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.

VI. INVESTIGATION OF DISCIPLINE ISSUES

In order to determine whether a violation of the Code has occurred, campus administrators or other authorized individuals have the right to conduct an investigation. Students may be required to provide written statements as needed and/or may be questioned regarding the student's own conduct or the conduct of other students. Investigations of student misconduct may involve, but are not limited to, interviews of 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, and contact with or cooperation with law enforcement agencies and officials. Law enforcement may be contacted and informed of student conduct which may constitute a criminal offense. A student's failure to cooperate in an investigation or refusal to provide a written statement may be treated as insubordination. Investigatory proceedings will be conducted without delay, and there is no right to representation in such proceedings.

Students 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 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.).

VII. 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), as incorporated into and expanded by the Americans with Disabilities Act of 1990, are subject to discipline under those laws and applicable state law in addition to the provisions of this Code. To the extent any conflict exists, state and/or federal law shall prevail.

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 or possession of drugs or in the use or possession 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.

In accordance with the Texas Education Code, a student who receive special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment or making hit lists until an Admission, Review and Dismissal (ARD) committee has been held to review the conduct.

In deciding whether to order suspension or expulsion, regardless of whether the action is mandatory or discretionary, the school shall take into consideration whether the student's disability substantially impairs a student's capacity to appreciate the wrongfulness of the student's conduct. This process is called a manifestation determination 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.

VIII. OUT-OF-SCHOOL SUSPENSION

A student may be suspended for up to three consecutive 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. 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. A student suspended from his/her regular classes must request makeup work when he/she returns to school in order to receive any academic credit. The student must satisfactorily complete the assignments for the period of suspension within the times designated by the makeup work policy.

IX. REASONS FOR EXPULSION

Mandatory Expulsions

A student **must** be expelled for any following offense if committed on school property, including a parking lot, parking garage, or other parking area owned by the school district, on a school bus or while attending a school-sponsored or school-related activity on or off school property:

- Bringing to school a firearm, as defined by federal law as:

- o Any weapon (including a starter gun), which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive.
- o The frame or receiver of any such weapon.
- o Any firearm muffler or silencer.
- o Any destructive device, such as any explosive, incendiary or poison gas bomb or grenade.
- Use, exhibition or possession of the following, under the Texas Penal Code:
 - o A firearm (defined as 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).
 - o A location-restricted knife, defined as a knife with a blade over five-and-a-half inches.
 - o A prohibited weapon, such as an explosive weapon (see glossary); a machine gun; a short-barrel firearm; a firearm silencer; armor-piercing ammunition; a zip gun; or a tire deflation device.
- Behavior containing the elements of the following under Texas Penal Code:
 - o Aggravated assault, sexual assault or aggravated sexual assault.
 - o Aggravated kidnapping.
 - o Aggravated robbery.
 - o Arson (see glossary).
 - o Behavior punishable as a felony that involves being under the influence of, possession or use of, or the selling, giving or delivering to another person: any amount of marijuana or a controlled substance, a dangerous drug, or alcohol; or committing a serious act while under the influence of alcohol.
 - o Continuous sexual abuse of a young child or children.
 - o Indecency with a child.
 - o Murder, capital murder or criminal attempt to commit murder or capital murder; manslaughter; or criminally negligent homicide.
 - o Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity.

Discretionary Expulsions

Offenses Engaged in at Any Location

A student may be expelled for:

- Engaging in conduct that contains the elements of an offense under Section 22.01 of the Penal Code (assault with injury is when a person intentionally, knowingly or recklessly causes bodily injury to another, including the person's spouse) in retaliation against a school district employee or volunteer.
- Engaging in bullying as defined in Section 37.0832 that encourages a student to commit or attempt to commit suicide; or inciting violence against a student through group bullying; or releasing or threatening to release intimate visual material of a minor or student who is 18 years of age or older without the student's consent.
- Engaging in criminal mischief if punishable as a felony.
- Making a terroristic threat, false alarm or report (see glossary) (e.g., bomb threats) involving a public school.
- Engaging in conduct that contains the elements of offense of breach of computer security under section 33.02 of the Penal Code, if the conduct involves accessing a computer, computer network or computer system owned by or operated on behalf of a school district, and knowingly altering,

damaging, deleting school district property or information, or committing a breach of any other computer, computer network or computer system [Chapter 37.007 (b)(5)].

- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - o Aggravated assault, sexual assault or aggravated sexual assault.
 - o Murder or capital murder.
 - o Criminal attempt to commit murder or capital murder.
- Serious and Persistent Level II offenses – i.e., three or more documented serious Level II offenses within a single semester

Offenses Engaged in at School, Within 300 Feet of School or at a School Event

A student may be expelled for:

- Engaging in any of the following offenses if committed on school property or within 300 feet of the school's real property line, or while attending a school-sponsored or school-related activity on or off school property:
 - o Conduct that contains the elements of an offense under Section 22.01 of the Penal Code (assault with injury is when a person intentionally, knowingly or recklessly causes bodily injury to another, including the person's spouse) against a school district employee or volunteer.
 - o Conduct that contains the elements of the offense of deadly conduct (see glossary) under Section 22.05 of the Penal Code.
- Engaging in any following offense if committed within 300 feet of the school's real property boundary line:
 - o Aggravated assault, sexual assault or aggravated sexual assault.
 - o Arson (see glossary).
 - o Continuous sexual abuse of a young child or children.
 - o Felony drug or alcohol related offense.
 - o Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide or aggravated robbery.
 - o Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - o Use, exhibition, or possession of a firearm (see glossary), a location-restricted knife, or prohibited weapon.

In addition, a student may be expelled for any offense that is a state-mandated expellable offense if the offense is committed on the property of another Texas school district in Texas or while the student is attending a school-sponsored or school-related activity at another Texas school district.

A student may be removed from class or expelled under Education Code Section 37.0052 if the student engages in "Bullying" or "Cyberbullying" as defined in Education Code Section 37.0832 that encourages a student to commit or attempt to commit suicide; or incites violence against a student through group bullying; or releases or threatens to release intimate visual material of a minor or student who is 18 years of age or older without the student's consent.

Schools have authority to apply discipline for bullying that occurs on or is 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 students 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 student's educational opportunities; or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

RMA Texas takes all threats seriously. Threats of any nature are taken seriously and investigated to the full extent allowable by law and district policy. Threats of any kind against a school, students or staff are not tolerated. All school threats will be investigated by school officials and/or law enforcement.

Threats that result in evacuations, lockdowns, investigations by an official or agency organized to deal with emergencies, will result in the application of discipline policy in accordance with Education Code Chapter 37 and the Code of Conduct. Students should be aware that all such threats – made verbally or over any social media channel – are investigated immediately. Students may be detained or arrested on a charge of making a terroristic threat, even if the threat is not credible.

X. EXPULSION PROCESS

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the school administrator shall take into consideration:

1. Self-defense;
2. Intent or lack of intent at the time the student engaged in the conduct;
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to understand the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

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 representative) 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 verbal decision. Within 3 school business days, the administrator shall send the parent, guardian or adult student a written Expulsion Order explaining the circumstances which justify the length of the 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 school days of the Expulsion Order. A parent, legal guardian, or adult student may appeal an expulsion decision by filing a written appeal with the Superintendent within 5 school days of the date of the Expulsion Order, following the procedure set forth in Section XV below.

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 four school days to 9 weeks. 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. In certain circumstances, according to Chapter 37, the superintendent or designee, as defined by 20 U.S.C. Section 7801, may modify the length of the expulsion in the case of an individual student.

A student expelled from the school is eligible to apply for readmission to the school upon expiration of the expulsion period. The student must 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 to 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 or 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. EXPULSION 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 school 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 school 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 school 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 provide legal definitions and are intended to assist in understanding terms related to the Student Code of Conduct. The RMA Texas Board of Trustees has final authority to interpret or amend any terms or provisions within this Code.

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

Assault: Intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; and/or intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative, as defined in Texas Penal Code § 22.01.

Bullying: Bullying is defined in Texas Education Code § 37.082 as 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:

1. Has the effect or will have the effect of physically or emotionally harming a student, damaging a student's property, or placing a student in reasonable fear of physical or emotional harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying (see below). The Texas state law on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of students to and from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

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. See Texas Penal Code § 46.01.

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

Cyberbullying: As defined by Texas Education Code § 37.0832, is 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.

Dangerous Drug: A device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

Dating Violence: Occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Texas Family Code § 71.0021.

Deadly conduct: Recklessly engaging in conduct that places another in imminent danger of serious bodily injury, such as 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 law, 18 U.S.C. § 921(a)): (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.

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 person, including another student, employee, board member, or volunteer; engaging in sexually intimidating conduct; causing physical damage to the property of another student; subjecting another student to physical confinement or restraint; or maliciously and substantially harming another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Texas Education Code.

Hazing: Is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone, or acting with others, 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.

Knife: Any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument, as defined in Texas Penal Code §§ 46.01, 46.03.

Inappropriate Sexual Conduct – Unwelcomed verbal or physical sexual behaviors that include, but are not 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, bongs and pipes.

Possession: Means actual care, custody, control or management of an object or substance. A student shall be considered in possession of any substance or object prohibited or regulated by this Code if the substance or object is (1) on the student's person or in the student's personal property, including the student's clothing, purse, telecommunications or electronic devices, book bag, briefcase or backpack; (2) in any private 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) in any school property used by the student, 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 under Texas Penal Code § 46.05: an explosive weapon; a machine gun; a short-barrel firearm, armor-piercing ammunition, a chemical dispensing device, a zip gun, a tire deflation device, a firearm silencer, or an improvised explosive device.

Retaliation: Harming or threatening to harm another: (1) on account of their service as a School employee or Board member 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 of Conduct.

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 listed in Title 5 of the Texas Penal Code that involve injury to a person and may include: murder, manslaughter or homicide (Texas Penal Code §§ 19.02 – 19.05); kidnapping (Texas Penal Code § 20.03); trafficking of persons (Texas Penal Code § 20.02); smuggling or continuous smuggling of persons (Texas Penal Code §§ 20.05, 20.06); assault (Texas Penal Code § 22.01); aggravated assault (Texas Penal Code § 22.02); aggravated sexual assault (Texas Penal Code § 22.021); unlawful restraint (Texas Penal Code § 20.02); continuous sexual abuse of a young child or children (Texas Penal Code § 21.02); bestiality (Texas Penal Code § 21.09); improper relationship between educator and student (Texas Penal Code § 21.17); voyeurism (Texas Penal Code § 21.17); indecency with a child (Texas Penal Code § 21.11); invasive visual recording (Texas Penal Code § 21.15); disclosure or promotion of intimate visual material (Texas Penal Code § 21.16); injury to a child, an elderly person, or a disabled person of any age (Texas Penal Code § 22.04); abandoning or endangering a child (Texas Penal Code § 22.041); deadly conduct (Texas Penal Code § 22.05); terroristic threat (Texas Penal Code § 22.07) aiding a person to commit suicide (Texas Penal Code § 22.08_ and tampering with a consumer

product (Texas Penal Code § 22.09). **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 a pattern of abnormal or erratic behavior, the presence of physical symptoms typically associated with drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

Use: Voluntarily introducing into one's body, by any means, a prohibited substance.

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