

**Texans Can! Shared Service Arrangement
Austin Can!, Dallas Can!, Fort Worth Can!,
Houston Can! & San Antonio Can!**

SPECIAL EDUCATION POLICIES

Board Adopted November 2004

Topics

Discipline

Restraint and Time-out

DISCIPLINE

Authority: 34 C.F.R. Part 300, Texas Education Code (TEC); 19 T.A.C. Chapter 89

All disciplinary actions regarding students with disabilities shall be conducted in accordance with the most current federal and state laws. **Under Texas statute, a suspension may not exceed 3 consecutive school days (TEC 37.005).** All Procedural Safeguards, including required Notices and Consents, will be followed throughout the process of disciplinary action for students with disabilities.

When a principal or other appropriate administrator recommends disciplinary removal from the student's current IEP placement, a "Change of Placement Analysis" will be conducted.

A. Change of Placement Analysis

The district will count the days of disciplinary removal from the student's current educational placement. (An in-school suspension would not be considered a part of the days of suspension as long as the child is afforded the opportunity to appropriately progress in the general curriculum, continue to receive the services specified on his or her IEP and continue to participate with non-disabled children to the extent they would have in their current placement.)

B. Manifestation Determination Review (MDR)

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the parent, and relevant members of the IEP Team (as determined by the parent and local educational agency) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; OR
- (ii) If the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

Manifestation Determination

If the local educational agency, the parent, and relevant members of the IEP Team determine that the following conditions were met:

- (i) The conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; OR
- (ii) The conduct in question was the direct result of the local educational agency's failure to implement the IEP;

The conduct shall be determined to be a manifestation of the child's disability.

If the local educational agency, the parent, and relevant members of the IEP Team determine that:

- (i) The conduct in question was not caused by, or had a direct and substantial relationship to, the child's disability; AND
- (ii) The conduct in question was not the direct result of the local educational agency's failure to implement the IEP;

The conduct shall be determined to not be a manifestation of the child's disability.

Determination that the Behavior was a Manifestation

If the local educational agency, the parent and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall:

- (i) Conduct a functional behavioral assessment (FBA), and implement a behavioral intervention plan (BIP) for the child, provided that the local educational agency has not conducted such assessment prior to such determination before the

- behavior resulted in a change of placement;
- (ii) In the situation where a BIP has been developed, review the BIP if the child already has such BIP, and modify it, as necessary, to address the behavior; and
 - (iii) Except for circumstances listed immediately below, return the child to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the BIP.

Special Circumstances

School personnel may remove a student to an interim alternative education setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child:

- (i) Carries or possess a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;
- (ii) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or
- (iii) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

Serious Bodily Injury

Bodily injury which involves:

- (A) a substantial risk of death;
- (B) extreme physical pain;
- (C) protracted and obvious disfigurement; or
- (D) protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Interim Alternative Educational Placement

The interim alternative educational setting shall be determined by the IEP Team. If school personnel seek to order a change of placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities, although it may be provided in an interim alternative educational setting.

Services

A child with a disability who is removed from the child's current placement (irrespective of whether the behavior is determined to be a manifestation of the child's disability) shall:

- (i) continue to receive educational services, so as to enable the child to receive a free appropriate public education, to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
- (ii) receive, as appropriate, a functional behavior assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

Notification

Not later than the date on which the decision to take disciplinary action is made, the local educational agency shall:

- Notify the parents of the decision to take disciplinary action;
- Provide parents a copy of the Procedural Safeguards Notice; and
- Provide written Notice of an ARD Meeting to conduct a manifestation

determination review.

C. Short-Term Removals

The district may remove a student with a disability for up to 10 school days for a violation of the Code of Conduct and need not provide services if services are not provided to a student without disabilities who has been similarly removed.

In the case of a student whose behavior impedes his or her learning or that of others, an ARD committee may be convened to consider strategies including positive behavior interventions, strategies, and supports to address that behavior.

When additional short term removals occur (beyond 10 cumulative days in a school year) an ARD committee may be convened to review the BIP and its implementation to determine if accommodations/modifications are necessary.

School personnel, in consultation with the student's teacher, shall determine services necessary for FAPE including:

- services to the extent necessary to enable the student to appropriately progress in the general curriculum; and
- services to the extent necessary to appropriately advance toward achieving the goals set out in the student's IEP.

Beginning the 11th day of short-term disciplinary removals in a school year, and in any case of a disciplinary change of placement, the ARD/IEP committee must address behavioral issues. If the removal does not result in a change of placement, the ARD/IEP committee must meet within 10 school days of first removing the student for more than 10 school days in a school year to develop a plan to conduct a Functional Behavioral Assessment, if one was not conducted before the behavior that resulted in the removal.

- After the Functional Behavioral Assessment (FBA) is completed, the ARD/IEP committee will meet as soon as possible to develop a Behavior Intervention Plan (BIP) to address the behavior and provide for implementation of the BIP, if appropriate.
- If the student's IEP already includes BIP, within 10 school days of first removing the student for more than 10 school days in a school year, the ARD/IEP committee must meet to review the BIP and its implementation, and modify the plan and its implementation as necessary to address the behavior.

RESTRAINT AND TIME-OUT

Authority: 34 C.F.R. Part 300; Texas Education Code (TEC); 19 T.A.C. Chapter 89

Seclusion/Confinement – Texans Can! Shared Service Arrangement prohibits a student with a disability from

being confined in a

locked box, locked closet or other specially designed locked space as either a discipline management practice or a behavior management technique. No school district employee, volunteer or independent contractor of the district will place a student in seclusion/confinement. This section does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

- a. the student possesses a weapon; and
- b. the confinement is necessary to prevent the student from causing bodily harm to himself/herself or another person.

Restraint – Texans Can! Shared Service Arrangement will use physical force or a mechanical device to restrict the free movement of all or a portion of the student's body only in an emergency in which a student's behavior poses a threat of imminent, serious physical harm to the student or others or imminent, serious property destruction.

A core team of personnel on each campus is trained in the use of restraint. On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint and a good faith effort must be made to verbally notify the parent(s) regarding the use of restraint. Written documentation must be provided to the parent and placed in the student's Special Education eligibility folder including the name of the student, the staff member(s) administering the restraint, the date and time of the restraint, the location and nature of the restraint, a description of the behavior that prompted the restraint, efforts made to de-escalate the situation and documentation of efforts to contact the parent regarding the restraint. If personnel are called upon to use restraint in an emergency and have not received prior training, they must receive training within 30 school days following the use of restraint.

Time-Out – Texans Can! Shared Service Arrangement may remove a student from an educational environment and from the source(s) of the anger escalation. This removal (time-out) is a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period of time in a setting that is not locked and from which the student is not physically prevented from leaving.

Time-out will be used in conjunction with an array of positive behavior intervention strategies/techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurring basis to increase or decrease a targeted behavior.

Training on the use of time-out will be provided as part of a program which addresses a full continuum of positive behavior intervention strategies and will address the impact of time-out on the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP. Documentation must be collected to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

Texans Can! Charter Schools

This handbook serves as the Student Handbook for all TEXANS CAN! Schools.

STUDENT HANDBOOK & CODE OF CONDUCT

Board Adopted June 2006

Topics

Disciplinary Procedures

TEXANS CAN! Inc., is a 501 (c)(3) nonprofit corporation created to provide alternative educational opportunities for at-risk students in Texas. The corporation currently operates ten schools: Dallas Can! Academy, which has four campuses, Fort Worth Can! Academy, which has two campuses, Houston Can! Academy, which has two campuses, Austin Can! Academy and San Antonio Can! High School.

The term Texans Can! will be used throughout this document to represent Dallas Can! Academy, Fort Worth Can! Academy, Houston Can! Academy, Austin Can! Academy, San Antonio Can! High School and Texans Can! Academy

TEXANS CAN!

Disciplinary Procedures

Student Conduct:

Texans Can! is committed to providing each student with a quality educational program. This requires that the school environment must be free of disruptions and distractions that interfere with teaching and learning activities. The school is committed to all your rights recognized and protected under state and federal laws. In addition, the school sets expectations for appropriate behaviors that contributes in a positive way to the school and community. A proper balance between rights and responsibilities is essential if Texans Can! is to provide educational experiences, which allow you to develop your fullest potential. Texans Can! is intent to set forth reasonable standards of conduct that will enhance educational opportunities for you and promote self-responsibility. The following five standards are offered to guide the development of a self-responsibility system for our campus.

Maintain self-control:

Speak using appropriate tone of voice, volume and language.
Resolve conflicts in a mature manner.
Follow the dress code.

Demonstrate a positive attitude:

Be a positive leader.
Be polite.
Be cooperative.

Respect the rights and feelings of others:

Treat others the way you want to be treated. Put yourself in the place of the other person, whether it is a student, teacher, parent, administrator or any other person on campus.
Respect the building, the grounds, property and individuals.
Keep the campus free from trash and graffiti.

Support the learning process.

Be on time.

Work consistently on individual assignments.

Students are responsible for conducting themselves appropriately, in a manner consistent with their age and level of maturity. The school fosters a climate of mutual respect for the rights of others. Texans Can! rules of conduct and discipline are established to achieve and maintain order in the school.

Student Responsibilities

Student responsibilities for achieving a positive learning environment at school or school-related activities include:

1. Attending all classes, regularly and on time.

2. Working consistently on individual assignments.
3. Following the dress code and being properly groomed.
4. Showing courtesy and respect toward others.
5. Behaving in a responsible manner and not disrupting others.
6. Listening carefully to instructions.
7. Talking in a courteous manner.
8. Avoiding violations of the Student Code of Conduct.
9. Obeying all class and school rules, including eating in class and wandering around.
10. Seeking change in school policies and regulations in an orderly and responsible manner, through the appropriate channels.
11. Cooperating with Texans Can! staff in investigation of disciplinary cases and volunteering known information relating to a serious offense.

Texans Can! has authority over a student during the regular school day. The Texans Can! Student Code of Conduct applies to all school-sponsored and school-related activities, on or off campus, and at any time the school is involved. This jurisdiction includes any activity during the school day on school grounds, attendance at any school-related activity, regardless of time or location. A violation of the law and the student code of conduct involving retaliation against an employee, even though it occurs off school grounds, and not at any school-related activity, is also subject to Texans Can! jurisdiction. Students who violate these rules will be subject to disciplinary action, and when appropriate, will be referred to legal authorities for criminal prosecution for violations of the law.

The Code of Conduct identifies a broad range of behaviors that disrupt learning and are not acceptable at Texans Can!. The behaviors listed are not all inclusive of all behaviors that are subject to discipline at Texans Can!.

When and Where the rules apply:

The policies and administrative procedures concerning student conduct apply to actions of students during school hours, before and after school while on or within 300 feet of school property/school transportation, at all school-sponsored events/activities, field trips, sporting events, stadium assemblies, evening school-related activities, as well as traveling to and from school.

All students, parents and school personnel should understand that, in addition to taking disciplinary actions at the school level, administrators will report all illegal acts to the appropriate authorities.

Gang Activity on School Property

Texans Can! Charter School Board of Trustees is committed to keeping the campus free from threats or harmful influences of groups or gangs that advocate drug use, violence, or disruptive behaviors while under the campus supervision. The Board prohibits the presence of apparel, jewelry, accessory, notebook, or manner of grooming which, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in gangs which advocate drug use, violence, or disruptive behavior. The Principal and/or

designee(s) shall maintain visible supervision of school premises so as to deter gang intimidation of students and confrontations between members of different gangs. Campus personnel will work closely with students and local law enforcement agencies in order to remain current in regard to constantly changing trends of gang activity. Students are prohibited from gang involvement or gang activities while at school, at any school facility, at any school-sponsored activity, or on any school vehicle. Gang activities and gang involvement are described as:

1. Wearing, possessing using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other items that are evidence of membership or affiliation in a gang.
2. Committing any act or using any speech, either verbal or nonverbal, such as gestures, handshakes and the like, that indicates membership or affiliation in a gang.
3. Promoting interests in a gang or gang activity, including but not limited to:
 - a. Soliciting others for membership.
 - b. Requesting any person to pay for protection or otherwise intimidating or threatening any person.
 - c. Committing any other illegal act or violation of campus policies.
 - d. Inciting other students to act with physical violence toward any other person.
 - e. Engaging in concert with others by intimidating, fighting assaulting or threatening to assault others.

The student and/or parent will not be required to present a complaint to a person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent within 10 days may request a conference with the superintendent.

General Discipline Guidelines For Assessing Penalties:

When imposing discipline, professional staff shall adhere to the following guidelines:

1. All professional staff are expected to enforce discipline and direct students so that they will demonstrate appropriate behavior.
2. Discipline shall be administered when necessary to protect students, school employees, or property, and to maintain essential order and discipline.
3. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstance of each case:
 - Seriousness of offense
 - Student's age
 - Frequency of misconduct
 - Student's attitude
 - Potential effect of the misconduct on the school environment
4. Personnel will use their professional judgment in determining which disciplinary action will be most effective in dealing with specific acts of student misconduct. Behaviors that detract from the instructional environment may result in parental contact, suspensions, detention, and parental requirement to shadow student in the classroom.

Discipline System

Texans Can! students are serious about their educational goals, and thus, have very few behavior problems. We are proud of our students, and committed to showing them respect by: 1) making our expectations clear and reasonable, 2) addressing all disciplinary concerns in a private, respectful manner and 3) being consistent in all disciplinary actions.

If a student participates in a prohibited activity or displays behavior that is not productive to the student or the school, the Discipline System is a form of communication between parents, teachers, Student Advisors and students. This serves as a special opportunity for students to express their personal needs and to enlist the help of their Student Advisor in solving problems that are preventing them from meeting their goals.

Some consequences are, but not limited to the following: behavior contracts, community service hours, verbal and/or written apologies, essays, sentences, parent shadowing in the classroom, etc.

A suspension hearing can be scheduled based on the severity and frequency of an event. After meeting with the student and/or parent/guardian, the Principal or his designee will honor due process for all students in all circumstances. A student's first suspension is generally three days, and cannot be longer than three days. The length of the second suspension can also vary depending on the seriousness of the offense, but cannot be longer than three days. A third time suspended will warrant an expulsion hearing. A student's expulsion hearing would normally result in a home study arrangement or termination from the program.

This process is designed to allow the student time and opportunity to change the behavior which led to the warning. The student has the choice to continue the undesirable behavior, which will result in termination or the student may choose to change the behavior in order to continue in school.

Each step of the above process will be conducted in private. If a student believes that he/she has not been treated properly, the student should present a complaint in writing to the Principal who will (1) conduct an inquiry on the student's behalf and (2) schedule a conference with the parties involved, in order to arrive at a mutually agreeable resolution.

Possible actions of misbehavior that may warrant the Discipline System:

Any activity off campus that threatens the safety of students and staff on campus
Absenteeism/Tardiness
Having a pager/cell phone "ON" while in school
Cheating
Damaging or vandalizing property belonging to others
Disobeying school rules
Dress code violations
Eating/drinking in non-break areas
Engaging in inappropriate physical or sexual behavior
Excessive/loud talking
Exhibiting and/or soliciting gang membership
Failure to comply with staff directives
Failure to work during class
Gambling
Horseplay or verbal fighting
Leaving school grounds without permission
Name calling or racial slurs or derogatory statements
Possessing or using matches or a lighter
Possessing or using tobacco products on school property
Profanity/offensive language
Refusing to follow instructions
Stealing from students, staff or the school
Throwing objects that can cause bodily harm
Wearing headphones/personal radio during class
Willful refusal to work or follow directions
Other behaviors that disrupt the educational efficiency of the school
The previous listings above are prohibited activities. The consequence for the offense will be assessed depending on the seriousness of the violation and frequency of misbehavior. The listings are not intended to be inclusive of all possible actions of misbehavior.

Removal for Certain Conduct: Suspension (Education Code §37.006)

Students shall be removed from class and placed in an In-School Suspension or Suspended program if the student commits the following on or within 300 feet of school property, as measured from and point on the school's real property boundary line, or while attending a school related activity on or off of school property:

1. Engages in conduct punishable as a felony.
2. Engages in conduct that contains the element of the offense of assault under Section 22.01 (a) (1), Penal Code, or terrorist threat under Section 22.07, Penal Code.
3. Engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code.
 - A. If a student engages in conduct that contains the element of offense of retaliation against any school employee or student, that student will be removed from the school.

B. In addition to Subsection (a), a student may be removed from school based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The continued presence of the student in the regular classroom threatens the safety of the students or staff or will be detrimental to the education process

Procedure:

1. The Principal or his/her designee investigates the infractions(s).
2. The Principal or his/her designee confers with the student and parent about the misconduct. The student is given an opportunity (due process) to explain his/her version of the incident.
3. Written notice of the offense(s) and action taken are given to the parent and appropriate staff member.

Suspension of Disabled Students

A disabled student may be suspended for any acts of misconduct that would warrant suspension of a non-disabled student. Students may be suspended for a total of 10 days prior to triggering a change of placement. Once a student has established a pattern of behavior or reached the 10th day of removal, the school will hold a Manifest Determination meeting in conjunction with an ARD meeting as outlined by IDEA Reauthorization 2004 and Special Education Policy and Procedures. The Manifest Determination committee/ARD committee will determine as subscribed by law if the behavior/action is a direct result of the disability or the lack of Special Education programming and complete a Functional Behavioral Assessment and Behavior Intervention Plan. If the behavior/action or lack of programming is deemed the result of the behavior/action, the ARD will consider this in designing a new IEP to address this issue. If the behavior/action is not deemed the result of the behavior/action, students with disabilities may be suspended in the same manner as regular education students. Procedures regarding suspension and the appeal of a suspension shall be the same as those for regular education students.

Expulsion (Education Code §37.007)

At the district's discretion, a student may be expelled for:

1. Criminal mischief, if punishable as a felony whether committed on or off school property.
2. Serious or persistent misbehavior by a student who is already assigned to a disciplinary In-School Suspension program and continues to violate the Code of Conduct. The school defines "persistent" as two or more violations of the Code of Conduct in general, or repeated occurrences of the same violation.
3. Serious offenses that include, but not limited to, the following:
 - A. Assault of a teacher or other staff member or student.
 - B. Retaliation against a school employee.

- C. Murder, capital murder, or criminal attempt to commit murder.
- D. Indecency with a child.
- E. Kidnapping
- F. Sell, gives or delivers to another person an alcoholic beverage, as defined by Section 1.104, Alcoholic Beverage Code, commits a serious act of offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
- G. Engages in conduct that contain the elements of an offense relating to abusable glue or aerosol paint under Sections §485.031 through §458.035, Health and Safety Code, or relating to volatile chemicals under Chapter 484, Health and Safety Code.
- H. Engaging in conduct that constitutes criminal mischief.
- I. Vandalism.
- J. Robbery or theft.
- K. Extortion, coercion, or blackmail.
- L. Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities.
- M. Insubordination.
- N. Profanity, vulgar language, or obscene gestures directed towards teachers or other school employees.
- O. Fighting, committing physical abuse, or threatening physical abuse.
- P. Sexual harassment of a student or campus employee.
- Q. Possession of or conspiring to possess any explosive or explosive devise.
- R. Falsification of records, or tampering with school-related documents.
- S. Possession or distribution of pornographic material.
- T. Making or assisting in making threats, including threats against individuals and bomb threats.
- U. Refusal to accept discipline management techniques proposed by teacher, Principal or his/her designee.

A student MUST be expelled for any of the following offenses if committed on school property or while attending a school-related or school-sponsored activity on or off school property. Decisions involving expulsions will include a consideration of self-defense, intent, disciplinary history, and disability (as identified in IDEA reauthorization 2004) discussion. Specific timelines of the duration of expulsion will be made by principals on a case-by-case basis. State and federal guidelines apply.

1. A firearm violation, as defined by federal laws include:

- A. 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.
 - B. The frame or receiver of any such weapon.
 - C. Any firearm muffler, firearm weapon or fireworks.
 - D. Any destructive device, such as any explosive, incendiary, or poison gas bomb, or grenade.
2. Use, exhibition, or possession of the following, under the Texas Penal Code:
- A. A firearm or a bullet to be used with a firearm.
 - B. Any knife, such as a knife with a blade over 3 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.
 - C. A club.
 - D. A prohibited weapon, such as an explosive weapon; machinegun; a short barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a bullet; a chemical dispensing device; or a zip gun. (This list is not intended to be inclusive of all illegal weapons that are prohibited on campus or at school activities.)
3. Behavior containing the elements of the following under the Texas Penal Code:
- A. Aggravated assault, sexual assaults, or aggravated sexual assault.
 - B. Aggravated robbery
 - C. Manslaughter
 - D. Criminally negligent homicide
 - E. Arson
 - F. Murder, capital murder, or criminal attempt to commit murder.
 - G. Indecency with a child.
 - H. Aggravated kidnapping.
 - I. Behavior related to an alcohol or drug offense that could be punishable as a felony.
 - J. Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity.
4. Selling, giving, or delivering to another person or possessing or using or being under the influence of
- A. Marijuana or a controlled substance, or being in possession of drug paraphernalia as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; or
 - B. A dangerous drug as defined by Chapter 483, health and Safety Code.

Before a student may be expelled, the student will be provided a hearing at which the student is afforded appropriate due process as required by the federal constitution.
Education Code §37.009(f)

The minimum procedural requirements necessary to satisfy due process depend upon the circumstances and the interests of the parties involved. Federal due process requires notice and some opportunity for hearing.

The notice should contain a statement of the specific charges and grounds that, if proven, would justify expulsion. In some cases, the student should be given the names of the witnesses against him or her and an oral or written report on the facts to which each witness testifies. The rights of the student may properly be determined upon the hearsay evidence of school administrators who investigate disciplinary infractions.

At the hearing, the student is entitled to be represented by the student's parent, guardian, or another adult who can provide guidance to the student and who is not an employee of the school. If the school makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the school may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.

In an emergency, the Principal or the Principal's designee may order the immediate removal of a student when people or property are in imminent harm.

TEXANS CAN! ENFORCES ZERO TOLERANCE FOR POSSESSION OF FIREARMS, ILLEGAL KNIVES, OR ANY ILLEGAL WEAPON, AND ANY CONDUCT PUNISHABLE AS A FELONY.

Expulsion means removal of a student from school. A charter holder shall notify the school district in which the student resides within three business days of any action expelling or withdrawing a student from the charter school.

A student shall be considered to be in possession of any substance or object prohibited or regulated by this CODE OF CONDUCT if the substance or object is:

1. On the student's person or in the student's personal property, including but not limited to the student's clothing, purse, book bag, back-pack, or briefcase.
2. In any private vehicle used by the student for transportation to or from school or school-related activities, including but not limited to, an automobile, truck, motorcycle, or bicycle.
3. On any school property used by the student including, but not limited to, a locker or desk.

Possession means actual care, custody, control, or management.

Procedure:

1. The Principal or his/her designee investigates the infractions(s) and illegal act(s). If it is determined that the act is of an illegal nature, the proper law enforcement authorities will be notified.
2. The Principal or his/her designee confers with the student and parent about the misconduct. The student is given an opportunity (due process) to explain his/her version of the incident.

3. The investigator notifies parent/legal guardian in writing of the reasons for the proposed expulsion.
4. Principal or his/her designee will act as a hearing officer and conduct a full hearing before a final decision to expel a student is made, unless the parent/guardian waives the hearing.
5. A parent may appeal the expulsion decision to the Principal within three school days. In the event that the Principal acted as the hearing officer, the expulsion may be appealed with the superintendent.

Expulsion of Disabled Students

A disabled student may be expelled for any acts of misconduct that would warrant expulsion of a non-disabled student. Once the administration determines that a student served in Special Education has committed an act that will result in Suspension, they will notify the Special Education Coordinator. The school will hold a Manifest Determination meeting in conjunction with an ARD meeting as outlined by IDEA Reauthorization 2004 and Special Education Policy and Procedures. The Manifest Determination committee/ARD committee will determine as subscribed by law if the behavior/action is a direct result of the disability or the lack of Special Education programming and complete a Functional Behavioral Assessment and Behavior Intervention Plan. If the behavior/action or lack of programming is deemed the result of the behavior/action, the ARD will consider this in designing a new IEP to address this issue. If the behavior/action is not deemed the result of the behavior/action, students with disabilities may be expelled in the same manner as regular education students. Procedures regarding expulsion and the appeal of an expulsion shall be the same as those for regular education students. The ARD/IEP Committee will determine the instructional and related services necessary to ensure continued progress related to the students IEP during the expulsion. All decisions of the ARD/IEP Committee can be appealed through the Special Education due process procedures. The disabled student's placement during such appeal is governed by IDEA Reauthorization 2004, which maintains the disciplinary placement during the appeal, unless the parties agree otherwise.

Students who are being expelled for any offense related to drugs, weapons, or serious bodily injury offense result in 45 day expulsion even if the determination is made that the behavior/action was a manifestation of the behavior or the programming.

Expulsion of Students service under section 504.

A student served under section 504 may be expelled for any acts of misconduct that would warrant expulsion of a non-504 student.