



# Student Code of Conduct

## APPLICATION OF THE CODE

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

Parents and students are encouraged to contact campus administration with any questions or concerns regarding the requirements and provisions of the Code. Parents and students are expected to review and be familiar with the provisions of the Code. Lack of knowledge or awareness about any School rules, including this Code, will not excuse violations of the Code. Parents and students will be required to sign a statement acknowledging receipt and understanding of the Code. A copy of this Code is available for all parents with children enrolled at Trivium Academy.

Trivium Academy 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. Trivium Academy 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. The school may issue any consequence they deem appropriate and necessary for the safety and well-being of all students.

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

In considering a student’s request for admission, the School considers 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 can and does exclude the student from admission if a discipline history exists.

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 as a result 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 the purpose of gaining enrollment in a public school is a criminal offense under § 37.10 of the Texas Penal Code. The School may elect to report the falsification to law enforcement or take any other action permitted by law.

## EXPECTATIONS FOR STUDENT CONDUCT

The mission of [Trivium Academy](#) is to provide a classical education for the modern world that trains children to be life-long learners. To achieve this mission, Trivium must be an environment safe, secure, and free from disruption. Students are expected to demonstrate behavior appropriate to the school's learning environment, to treat other students, school personnel, and visitors to the school with respect. As such, each student is expected to:

- Behave in a responsible and respectful manner;
- Demonstrate courtesy and respect for others, especially other students and school personnel;
- Attend classes and required school activities and events regularly and on time;
- Prepare for each class and complete assignments on time;
- Respect the rights and privileges of other students and school personnel in person and online;
- Respect and care for school property and facilities;
- Use of cell phones and personal electronic devices is prohibited at school. Trivium is not liable for damage or theft.
- Cooperate with school personnel in maintaining safety, order and discipline;
- Dress appropriately in accordance with the school's dress code;
- Review and comply with the Student Handbook and other school and campus rules;
- Obey classroom rules and classroom expectations for behavior;
- Refrain from verbal or written acts of bullying whether in person or online;
- Avoid violations of this Code.

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

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

## THREE STRIKES POLICY

Students are expected to comply with this code of conduct. It is also important to note that our charter does include a “three strikes” policy that allows for expulsion of students after three Code of Conduct Violations (pg. 5-6) occur as determined by campus administration or the members of the Safe and Supportive Schools Team (SSST).

Should a student violate any area outlined in the code of conduct, that student will be held responsible according to the “three strikes” policy at Trivium Academy. Each violation, if deemed necessary by campus administration or the SSST, will constitute a documented strike. Parents will be notified of each strike. The SSST has discretion to warrant multiple strikes, including up to three strikes, depending on the severity, frequency, or multiple code violations that occur in one day, situation, or episode.

Students who reach three strikes will be considered by the Safe and Supportive Schools Team for expulsion from Trivium Academy. A student may be considered for expulsion after “three strikes” under “**5. Other.** The student, while on campus or at a school-sponsored or school-related event, on or off campus: **C.** Commits frequent violations of this Code that cause significant disruption to the School environment or substantial interference with the instructional process. - This includes the Three Strike Policy and is up to the discretion of the SSST to determine if the student’s three strikes warrant an expulsion.” (Pg 12-13.)

The “three strike” policy at Trivium Academy does not apply when a student has committed an act that constitutes a reason for mandatory expulsion (pg. 12-13).

## **CODE OF CONDUCT VIOLATIONS**

The following conduct constitutes a violation of the Code. Any student found to have engaged in such conduct shall be subject to one or more disciplinary consequences as identified within the Code. The school views all the below conduct as serious and will be considered as a violation of the code of conduct and can be issued a strike or multiple strikes under the discretion of a campus administrator or member of the SSST. Depending on the severity of the below listed violation, a student may be expelled if the conduct is considered a reason for mandatory expulsion (pg. 12-13).

### **Serious Violation of Student Code of Conduct**

1. Verbal abuse, Cursing, name calling: yelling, obscene gestures towards staff or students;
2. Offensive language, Racial, ethnic, or gender slurs or other derogatory statements;
3. Disrespectful behavior towards adults; insubordination;
4. Failure to follow directives;
5. Disruption of instruction, other school activities, and/or school operations;
6. Bullying, teasing, hazing, or targeting other students and/or staff members;
7. Cyberbullying, teasing, or targeting other students, using social media or other electronic means to target or threaten students or staff members;
8. Taking photographs or making video or audio recordings of students, employees, or other persons without the consent of the other person; or posting on social media without the consent of the other person;

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

9. Failure to comply with the Student Handbook, or other School or campus rules; failure to follow school directive and classroom rules and expectations; including taking steps toward violation of the code even if the act is not completed, as determined by campus administrator or the SSST;
10. Unexcused or excessive tardiness;
11. Leaving the classroom, school building, mandatory school activities or events, or adult supervision without permission;
12. Skipping a class period or other mandatory activity, in whole or in part, without permission;
13. Violation of school or campus policies or rules related to the use of electronic media, including personal or school-owned electronic devices (*e.g.*, cell phones, tablets, game systems, computers, cameras), or the school's network or internet connection;
14. Inappropriate cell phone or electronic media use;
15. Persistent dress code violations;
16. Persistent documented misbehavior; including classroom, hallway, bathroom, and school misbehavior that has been documented and communicated with parents; i.e. multiple behavior log entries
17. Truancy or other failure to attend school without excuse;
18. Defacing, destroying or otherwise modifying school property without authorization;
19. Soliciting or attempting to solicit another student to violate the Code, school policies and rules, or the law;
20. Disobeying rules and expectations regarding school transportation;
21. Inappropriate or unauthorized use of School property, including posting or distributing literature or materials without School authorization;

### Violent, Illegal, and Other Serious Offenses

22. Possession of prohibited items; weapons, explosive devices, sharp objects, or any devices that could be used to harm, a device which resembles a weapon, disruptive devices (i.e. stink bombs, fireworks, devices which make a loud noise, etc.), firearm/weapon accessories, lighters, chemicals;
23. Conduct which meets the elements of a criminal offense, as determined by the School or State;
24. Physical, verbal, or emotional harassment or abuse; includes violating a stay away agreement; includes stalking, spamming, doxing, or unwanted physical or verbal contact expressed by another student or staff member includes contributing to harmful and damaging gossip;
25. Engaging in offensive conduct that constitutes sexual harassment or sexual abuse, whether verbal or physical, that may include requests for sexual favors or intimidating sexual conduct directed toward other students or school employees;
26. Inappropriate physical or sexual behavior, including jokes, comments, gestures or unwelcome physical conduct or contact;
27. Lying, making false statements, false accusations, including making a false statement or accusation that impedes an SSST investigation, or making a false alarm to emergency personnel;
28. Committing extortion, coercion, or blackmail including obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force;
29. Hazing or initiations;
30. Participating in a gang, soliciting or attempt to solicit participation in a gang;
31. Possessing, distributing, using or being under the influence of tobacco products, electronic cigarettes, drugs, alcohol, or controlled substances, including prescription drugs if the student has not been prescribed the drugs or prescription drugs that have been prescribed to the student but are not properly stored and distributed by the school nurse, or is taking the drugs in excess of the dosage specified by the prescription;
32. Possessing drug paraphernalia; including but not limited to lighter, pipes, cigarette paper, bong;
33. Stealing from a student, staff member, or Trivium Academy;
34. Cheating or copying the work of another without authorization(plagiarism), or knowingly permitting another person to copy or submit your work as their own or completing or submitting work for another student. This includes the use of AI;
35. Deliberately, and without School authorization, accessing, damaging, or altering School data and records, including but not limited to confidential records, electronic data, networks or systems;
36. Stealing from students, staff, campus visitors, or theft or misuse of school property;
37. Violence of any kind; including dating violence;
38. Fighting;
39. Gambling;
40. Setting or attempting to set a fire;
41. Inappropriate or indecent exposure of body parts;
42. Retaliation of any form against other students or School personnel;
43. Conduct which requires the student's registration as a sex offender;
44. Possession or distribution of pictures, text messages, electronic messages or other material of a sexual or obscene nature;
45. Endangering the health or safety of others; including endangering the mental health or safety of others;
46. Making terroristic threat, verbal, written, physical threat to harm, students, teachers, or the school as a means to incite fear, make a joke, or create a false alarm;
47. Making a terroristic threat- verbal, written, physical threat with **intent** to harm students, teachers, staff, or school with access, means, plan, and/or hit list;

## **DETERMINING APPROPRIATE DISCIPLINE**

Depending on the nature and severity of the offense, discipline may be issued by the student's classroom teacher, campus administrator, Safe and Supportive Schools Team (SSST), in accordance with this Code. To make a determination of misconduct or issue disciplinary consequences under this Code, the SSST must have a reasonable belief that the student engaged in the suspected conduct. The SSST'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, Trivium may consider the specific facts and circumstances of the situation, including but not limited to:

- The student's intent;
- The student's age and grade level;
- The student's past disciplinary history;
- Whether the student's conduct may have been the manifestation of a disability; (504 or SPED Services)
- 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.

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

If a student violates a serious offense that warrants a reason for mandatory expulsion (page 12-13), then the above facts and circumstances of the situation does not apply. Actions will not be based on a student's race, ethnicity, national origin, gender, sex, religion, disability, or any other unlawful consideration.

## INVESTIGATION OF DISCIPLINE ISSUES

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

Students should have no expectation of privacy with respect to school-owned property. Lockers, desks, and other items provided for student use remain school property, and students do not have a reasonable expectation of privacy in school property or in personal items placed inside school property. School administrators or other authorized personnel may monitor and search student desks, personal property, and lockers for any reason. School officials and law enforcement 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 of student or parents. School officials and law enforcement 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 with or without a student or parent's consent. Any personal property which is brought onto school property or to a school-sponsored or school-related activity or event, on or off school property, may be subject to search (*e.g.*, student cell phone, backpack, personal computer, purse, car, etc.).

A student who is a threat to themselves (self-harms at school, suicidal ideations/attempts) or makes a threat towards another person, MUST have a threat evaluation completed by a mental health professional via mental health official or mental health service prior to returning to school. A child that is a threat to themselves will have a "return to campus plan" by a member(s) of the SSST, including clearance from a hospital or mental health professional with a safety plan in writing, and daily check ins with the school counselor(s) or a member of the SSST until the student is able step-down into a less intense school plan and is able to self-regulate and self-manage as determined by the school counselor, personal therapist, parents, and SSST.

Texas Department of Family Services and Child Protective Services investigations are anonymously reported by members in the community and other mandatory reporters. TDFS and CPS may conduct interviews and investigations on campus property. The school is not responsible for TDFS or CPS interviews. School officials cannot disclose if there is a TDFS/CPS report made or if an investigation occurs to parents or guardians as it impedes TDFS and CPS investigations.



## DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS

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

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

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

A change in placement occurs if a student is:

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

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

A student who has not been determined eligible for special education services and who has engaged in behavior that violates the Code is entitled to the protections under the IDEA regarding discipline of a student with special needs described above if the school has knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. If the school does not have knowledge that a student is a student with a disability prior to taking disciplinary action, the student may be subject to the disciplinary actions applied to students without disabilities. If a request is made for an evaluation of a student during the time in which the student is subjected to disciplinary action, the evaluation shall be conducted in an expedited manner.

## TYPES OF DISCIPLINE

Trivium may consider the types of discipline available for disciplinary consequences. The Safe and Supportive Schools Team Members may issue any consequence they deem necessary regardless of the types of discipline. These types of discipline may include but are not limited to:

- Parent conference;
- Verbal correction;
- Counseling;
- Conference with teacher or administrator;
- Education/training;
- Improvement plan;
- Consequences related to student participation in extracurricular activities, and student privileges; including removal, suspension, or restriction of participation;
- Removal from class to campus office;
- Removal from class to home;
- In-School or Out-of-School Suspension;
- Expulsion.

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, Trivium may issue whatever disciplinary consequence is deemed reasonable and appropriate, with the exception of expulsion or mandatory 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 Trivium before completing assigned In-School Suspension, Out-of-School Suspension, or Expulsion, Trivium shall send documentation to the next school that enrolls the student. If a student withdraws from the School before the expulsion process is completed, Trivium may choose to complete the expulsion process and send documentation of the expulsion decision to the next school

that enrolls the student. The student may not return to enroll in Trivium at a later date as the school's enrollment policy prohibits students with a disciplinary history from enrolling.

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.

## **IN-SCHOOL / OUT-OF-SCHOOL SUSPENSION**

A student may be suspended for one or more school days for engaging in prohibited conduct under this Code. A student may be removed from the classroom to be sent home the same day of the misconduct as deemed necessary by the SSST. The student's parent or guardian will be notified by phone, email or writing of the student's conduct and the length of the period of suspension. A student may not be suspended for more than three consecutive school days. During a period of in-school suspension, the suspended student will have a designated work area which will be supervised by a staff member. During a period of out-of-school suspension, the suspended student may not enter onto school property.

Any student who is suspended may not participate in or attend school-sponsored or school-related events or activities. The student's teachers will provide assignments that the student will be expected to complete during the period of suspension. Student assignments or other class work completed during a period of suspension will be accepted for grading if completed in a timely fashion. Students who are assigned Out of School Suspension will receive an excused absence.

## MANDATORY REASONS FOR EXPULSION

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

1. **Weapons.** The student used, exhibited, or possessed any of the following while on school property or while attending a school-sponsored or school-related activity on or off school property:
  - A. A firearm;
  - B. An illegal knife;
  - C. A club; or
  - D. A prohibited weapon.
  
2. **Violent Conduct.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code, regardless of location:
  - A. Aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, or continuous sexual abuse of a child or children;
  - B. Assault against another student, an employee, or a volunteer of the School; c. Deadly conduct;
  - C. A Title V felony under the Penal Code.
  
3. **Disruptions.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code, regardless of location:
  - A. False alarm or report or terroristic threat involving a public school; terroristic threat is defined as Texas Penal Code 22.07 as a person commits an offense if he/she threatens to commit any offense involving violence to any person or property with intent to: place a person, the public, or a substantial group of the public in fear of serious bodily injury
  - B. An offense related to an abusable volatile chemical;
  - C. Breach of computer security if the conduct involves accessing a computer network, or computer system owned by or operated on behalf of a public school and the student knowingly alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system;
  - D. Criminal mischief if the conduct is punishable as a felony;
  - E. Public lewdness or indecent exposure.

4. **Drugs and Alcohol.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code:

A. On school property, at school-sponsored or school-related event, or within 300 feet of school property:

i. Sells, gives, or delivers to another person or possesses, uses or abuses, or is under the influence of any amount of marijuana or a controlled substance, dangerous drug, prescription drugs, controlled substances, OTC drugs, or alcoholic beverages

B. Regardless of location:

i. Sells, gives, delivers to another person or possesses or uses or is under the influence of marijuana, tetrahydrocannabinol, or any dangerous drug, as defined by the Health and Safety Code, if the conduct is punishable as a felony.

ii. Sells, gives, delivers to another person an alcoholic beverage, as defined by the Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol or possesses, uses, or is under the influence of an alcoholic beverage, and the conduct is punishable as a felony.

5. **Other.** The student, while on campus or at a school-sponsored or school-related event, on or off campus:

A. Engages in conduct that constitutes a felony;

B. Commits an assault;

C. Commits frequent violations of this Code that cause significant disruption to the School environment or substantial interference with the instructional process. This includes the Three Strike Policy and is up to the discretion of the SSST to determine if the student's three strikes warrant an expulsion.

6. **Vape Pens and E-Cigarettes.** The student possesses, uses, sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081 of the Texas Health and Safety Code.

A. A student possessing, using, selling, giving, or delivering to another person an e-cigarette shall be expelled from Trivium Academy.

## EXPULSION PROCESS

If the Safe and Supportive Schools Team (SSST) determines that the student's conduct warrants expulsion, the SSST shall provide written notice to the parent, guardian, or adult student of the proposed expulsion of the student within three days of an incident.

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 SSST during which the student and/or the student's representative (*e.g.*, parent, guardian, attorney, other) will have the opportunity to review and present evidence and information. If an attorney will be present, the party must give the school 24 hours notice in writing. The SSST may place reasonable restrictions on the conduct of the hearing, including the length of the presentations. Hearings will be conducted via video conferencing and will last approximately forty-five minutes. At the end of the hearing, the SSST may issue a decision immediately if it is a reason for mandatory expulsion or may wait until a later date to communicate a decision. The SSST shall send written communication of the decision to the parent, guardian or adult student. If the SSST determines that expulsion is appropriate, the SSST will present the information to the school's principal. The principal will review the hearing information provided by the SSST and the written decision ("Expulsion Order") shall include the length of the term of expulsion will be sent to the parent or guardian via the Principal.

The parent, guardian or adult student may choose to **voluntarily** waive the right to an expulsion hearing in writing to a member(s) of the SSST. If the hearing is waived, the SSST will review the relevant evidence and issue a written decision to the parent as described above. If a parent, guardian, or adult student NO SHOWS or refuses to attend the expulsion hearing, then it is assumed that the parent, guardian, or adult student forfeit and waive the right to an expulsion hearing. The SSST will continue to conduct the hearing with or without the parent, guardian, or adult student who has No showed or refused the hearing. If a student withdraws from the school prior to the expulsion hearing, the SSST may continue to conduct the hearing.

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

## **TERMS OF EXPULSION**

An expulsion may be determined by many factors, including but not limited to the persistence of code of conduct violations, severity of the conduct, and the existence of a continuing risk of harm to other students and employees. An expulsion is permanent. A permanent expulsion allows the school to deny future admission to the student based on consideration of the student's past disciplinary history.

A student expelled from Trivium Academy is not eligible for readmission to the school at any time.

After a student is expelled, the student is prohibited from entering onto any school property, 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 once expelled.

## **DISCIPLINE APPEAL PROCESS**

With the exception of expulsions, student discipline decisions at the campus level are final and not appealable. If the appealing party is not satisfied with the decision of the Principal/Superintendent, he or she may appeal that decision to the School Board by filing a request for review with the Principal/Superintendent's office in writing within 5 business days of the date of the decision. The Superintendent shall notify the School Board and arrange for the board 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 school board. The decision of the governing body is final and not appealable. An expulsion action will not be delayed during the appeal process. During an appeal process, the student is prohibited from entering onto any school property and attending any school-sponsored or school related events

During the appeal process a student is considered expelled, the student is prohibited from entering onto any school property, 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 once expelled.



## TRUANCY

State compulsory attendance law requires that every child at least 6 and younger than 19 years of age attend school. Trivium 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 10<sup>th</sup> 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 Trivium makes a referral to truancy court, the School's Truancy Prevention Facilitator 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 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, Trivium may revoke the student's enrollment.

A student is considered tardy if they are not in their class by the start of the school day. The court considers late arrivals as missing part of a day. Only doctor's notes can excuse a tardy.

Official attendance is taken at 8:40 AM for secondary; therefore, a student who arrives after that time is marked as absent for the day. Students need to bring a note within three school days when they are absent to make the absence "excused." When a student is absent for five (5) consecutive days, a doctor's note will be needed. The parent will get periodic phone calls and/or letters when the tardies and/or absences begin to accumulate. All absences and tardies are monitored closely through the year by the classroom teacher, counselor, and office staff. Since the compulsory attendance law is ninety percent compliance of attendance, your child could be in jeopardy of being retained unless he or she attends class regularly and is on time.

3 absences: Teacher contact

6 absences: Letter notification

9 absences: Meeting with Truancy Tribunal

12 + absences: Loss of credit or possibly retained.

## DEFINITIONS

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

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

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

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

**Bullying:** Written or verbal expression or physical conduct that (1) has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

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

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

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

**Electronic media:** Refers to all forms, kinds and types of electronic devices, communication systems, networks, software, websites, and any other technology resources including, but not limited to, social media, text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing or file sharing Web sites, cellular telephones, portable electronic devices, computers.

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

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

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

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

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

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

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

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

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

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

**Prohibited weapons:** Includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, switchblade knife, or zip gun, taser gun.

**Retaliation:** Harming or threatening to harm another: (1) on account of their service as a School

employee or volunteer, (2) to prevent or delay another's service to the School, or (3) because the person intends to report a crime or violation of this Code.

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

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

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

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

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

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

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

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

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

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