



2020 - 2021
CITYSCAPE SCHOOLS
CODE OF CONDUCT



CITYSCAPE SCHOOLS CODE OF CONDUCT

THE PHILOSOPHY AND APPLICATION OF DISCIPLINE AT CITYSCAPE SCHOOLS, INC.

Purpose

The Cityscape Student Code of Conduct has been developed in the context of Chapter 37 of the Texas Education Code, The Texas Association of School Boards' Model Code of Conduct, and the best practices regarding discipline and standards shared by many successful schools.

The Code of Conduct provides information regarding Cityscape methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

In general, the law requires schools to define misconduct that will result in a range of specific disciplinary consequences including, but not limited to, in-school suspension, out-of-school suspension, Saturday School, and expulsion from school.

The Code has been adopted by the Cityscape Schools, Inc. Board of Trustees and, therefore, has the force of school policy. The Code provides information to parents regarding standards, expectations, boundaries, consequences, procedures, and due processes for administering discipline.

A copy of the Code will always be available for review at the school office. A copy of the Code is provided as part of the enrollment process.

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.

School Authority and Jurisdiction

School rules and the authority of the school to administer discipline apply whenever the interest of the school is involved, *on or off school grounds*, in conjunction with or independent of classes and school-sponsored activities.

The school has disciplinary authority over a student:

- During the regular school day and while the student is going to and from school on school transportation;
- While the student is in attendance at any school-related activity, regardless of time or location;

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- For any school-related misconduct, regardless of time or location;
 - When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
 - When criminal mischief is committed on or off school property or at a school-related event;
 - For certain offenses committed within 300 feet of school property as measured from any point on the school’s real property boundary line;
 - For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another school in Texas;
 - When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
 - When the student is required to register as a sex offender.

Part I: Philosophical Basis

Cityscape’s mission statement makes reference to our desire to help students develop “character, knowledge, and wisdom”. The goals of the Code of Conduct are an extension of that mission statement:

- Self-discipline (a life quality that is foundational to the development of positive and productive character); and
- An orderly school (a prerequisite of an instructional environment that seeks to impart knowledge and wisdom). An orderly school implies:
 - a safe and secure campus, and
 - classrooms and learning environments that are free from disruption

Discretionary Authority

Despite our best efforts to be clear regarding rules, requirements, and expectations, the need will occasionally arise for judgment calls to be made and discretionary authority to be exercised by the administration. While we wish to avoid these kinds of decisions, the administration, nevertheless, reserves the right to do so.

When making decisions regarding consequences as well as the processes leading to potential removal from school, consideration **will** be given to the following:

- self-defense
- student’s disciplinary history
- disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct

When making decisions regarding consequences as well as the processes leading to potential removal from school, consideration **will not** be given to the following:

- intent or lack of intent at the time the student engaged in the conduct

Discipline vs. Punishment

At Cityscape Schools, we recognize the difference between discipline and punishment. Punishment is what happens when adults are frustrated, and the only goal is that the student be as unhappy as the supervisory adult.

Discipline is the application of consequences with the goal of eliminating behavior that is not in the students', or Cityscape's, best interest. Indeed, discipline that leads to self-discipline is a part of the character training that parents expect from the school.

Standards

Each student is expected to:

- Demonstrate courtesy, even when others do not;
- Behave in a responsible manner, always exercising self-discipline;
- Attend all classes, regularly and on time;
- Prepare for each class; take appropriate materials and assignments to class;
- Meet school and campus standards of grooming and dress;
- Obey all campus and classroom rules;
- Respect the rights and privileges of students, teachers, and other school staff and volunteers;
- Respect the property of others, including school property and facilities;
- Cooperate with and assist the school staff in maintaining safety, order, and discipline;
- Adhere to the requirements of Cityscape's Code of Conduct;
- Adhere to the requirements of Cityscape's Parent/Student Handbook.

BOUNDARIES, CORRECTION, AND CONSEQUENCES

A Code of Conduct that works (i.e. helps a student to eliminate behavior that is not in his or her best interest or in the best interest of Cityscape Schools) involves boundaries, correction, and consequences.

Boundaries are:

- Standards
- Rules
- Expectations
- Instructions
- Parameters
- Agreements
- Requirements

and must be established and communicated, for individual classrooms, grades, divisions, and the school, as a whole.

Correction is:

- Verbally instructing students regarding their actions;
- Interrupting their behavior;
- Redirecting their behavior;
- Reminding students of expectations and consequences; and
- Referring the student to the administration for determination and application of consequences.

Most children, especially in the younger grades, respond to **correction** out of a desire to please their teacher, and most school situations can be addressed in this manner (most of the time). At other times, however, **correction** needs to be accompanied by **consequence** in order to help the child eliminate behavior that is not in his or her best interest or in the best interest of the learning environment for the other students.

Consequences are:

- Restrictions on, or removal of, privileges and opportunities
- Required responses; and
- Impacting events viewed by the child as undesirable.

Consequences must:

- Be appropriate to, and proportionate to, the relative seriousness of the infraction and the frequency of its occurrence;
- Be taught and communicated as clearly as possible, alongside classroom rules and expectations;

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- (When required), be swiftly and consistently applied; accrue and increase over time if the child does not initially respond with improved behavior; and
 - Be provided by the classroom teacher, and then ultimately by the administration, if the child does not initially respond with improved behavior.

Consequences, over time, must have two ultimate outcomes:

- **The student will develop and practice self-discipline, or**
- **The student will make himself or herself ineligible to continue enrollment at a Cityscape school.**

It is important to note that an orderly environment is not the same thing as a harsh environment. A school should certainly have high expectations of students. To the same degree, the school should provide a high level of support in helping children learn, respond to, and ultimately meet, those expectations.

At Cityscape Schools, our underlying objective is that, even with boundaries, correction and consequences, our students will know that we love and respect them.

We will do our best to make sure they have an opportunity to learn that there are times that unconditional love must be expressed in terms of boundaries, correction, and consequences.

Classroom Management

Developmentally appropriate boundaries, correction, and consequences

Children are all in varying stages of development, maturation, cognitive functioning, and reasoning ability. A “one size fits all” approach to classroom management is ineffective.

At Cityscape Schools, each classroom, each grade level, and where appropriate, combinations of grade levels, have an administratively approved classroom discipline plan. These plans differ from one another and are intended to do so as a reflection of our understanding of the differing needs and abilities of children across the grade level spectrum. The boundaries, the way correction is handled, and the form that consequences take, and the manner in which those consequences are applied, are all specific to the needs of children in those classes and grade levels.

As a part of Parent Orientation, teachers provide an overview of their specific class rules, procedures, and management plan (some teachers have a name for their plan: Behavior Bucks, Pull Cards, Smiley Faces, etc.). As mentioned before, for most children, simply knowing about and understanding the plan results in compliance and self-discipline. For some, compliance and self-discipline will be a process that comes through crossing boundaries, receiving correction, and experiencing consequences.

For others, self-discipline will not be attained by the classroom management process and will require the intervention of an administrator and the application of administrative consequences.

Administrative Discipline

Developmentally appropriate consequences beyond the classroom

Referring and Sending Students to the Office

For each classroom's discipline plan there is a point at which students must be referred to an administrator's office. This will vary to some degree as a function of our desire to recognize developmental and grade level differences. Some behaviors are chronic, and the classroom plan has not resulted in compliance and self-discipline. Some behaviors and the degree to which that behavior found expression, do not fall within the parameters of classroom discipline plans, but are considered immediate grounds for referral to the administrative offices.

In general, a parent can expect a child's behavior to be **referred (reported)** when:

- minor infractions have been repeated often enough to process the student through available classroom consequences and **no incremental options remain for the teacher** to apply (no cards left, too many behavior bucks gone in one day, all smiley faces turned upside down, recess restrictions already given, etc.) and there is no improvement in behavior.

In general, a parent can expect the child to be **sent or taken** to an administrator when the behavior in question has been, from the teacher's perspective:

- Serious;
- Lacking a positive response to classroom consequences;
- Disruptive of the learning environment
- Disrespectful;
- Inappropriate;
- Potentially injurious or abusive to self or others.
- A Tier 3 behavior in the Positive Behavioral Interventions & Supports (PBIS) program

Clearly, the preceding list is one of broad categories that are open to interpretation. Exactly so. It is the classroom teacher who has primary responsibility to manage and provide a well-ordered instructional environment.

The classroom teacher must have discretionary authority, however, to involve an administrator whenever he or she feels that administrative intervention must be taken into consideration.

Administrative Intervention

Administrative intervention is the administrator's response to situations that have been referred to him or her by a teacher or staff member. The administrator also has discretionary authority to respond to situations referred to him/her by adults who are not on staff (parent volunteers, field trip chaperones, etc.). Additionally, the administrator has discretionary authority to initiate administrative intervention processes for situations that have not been referred to him/her, but of which he/she has knowledge or reason to have a concern.

Parents should be notified by the administrator and/or teacher any time a student is referred to the administrative offices for disciplinary reasons.

PART II: THE DISCIPLINARY PROCESS

The PBIS Approach

In most schools, the writing of, or receiving of, a referral is an emotionally charged issue associated with a major behavior problem, and the referral is seen in and of itself as punishment. To change this antiquated system, Cityscape Schools is adopting a new behavioral approach to discipline called Positive Behavioral Interventions & Supports (PBIS). In a PBIS program, a referral is the final option after an array of preventative measures have first been attempted.

PBIS is an approach many schools utilize to improve school safety and promote positive behavior. It also helps schools decide how to respond to a child who misbehaves. PBIS recognizes that students can only meet behavior expectations if they know what the expectations are. PBIS has six important guidelines:

- Every child can learn proper behavior;
- Stepping in early can prevent more serious behavior problems;
- Each child is different, and schools need to provide many kinds of behavior support;
- How schools teach behavior should be based on research and science;
- Following a child's behavioral progress is important; and
- Schools must gather and use data to make decisions about behavior problems.

According to several studies, PBIS leads to better student behavior. In many schools that use PBIS, students receive fewer detentions and suspensions, and get better grades. There is also some evidence that PBIS may lead to less bullying.

PBIS sets up three tiers of support for students and staff in a school.

Tier One is a schoolwide, universal system for everyone in a school. Students learn basic behavior expectations, like to be respectful and kind. School staff regularly recognize and praise kids for good behavior. They may also use small rewards, like tokens or prizes, to encourage kids.

Tier Two provides an extra layer of support for kids who continue to struggle with behavior. Kids get a set of evidence-based interventions and instruction. For example, some kids may interrupt class because they struggle with social interaction. A Tier Two strategy might be a “social skills club” to help these kids learn how to get along with peers.

Tier Three is the most intensive level. It is designed for students who need individualized supports and services because of behavior issues.

The following are some examples of Student Behaviors and Teacher Responses for each of the PBIS Tiers:

	Student Behaviors	Teacher Response
Tier One	<ul style="list-style-type: none">• Speaking out of turn• Off task• No materials• No homework• Dress Code violation• Delay in following directions• Tardy	<ul style="list-style-type: none">• Verbal/non-verbal reminders• Reteach expected behavior• Change seating location• Take a break• One-on-one conference• Correct with respect• Consistency & Fairness
Tier Two	<ul style="list-style-type: none">• Staff or student disrespect• Defiance• Mild verbal aggression• Horseplay• Significant class disruption• Repeat Tier 1 offenses	<ul style="list-style-type: none">• Fill out referral (teacher)• Contact parent/guardian• Loss of privilege• Teacher conference• Counselor referral• Utilize peer resources
Tier Three	<ul style="list-style-type: none">• Illegal Activity (Threats, Drugs, Weapons, Assault)• Strong, repetitive defiance• Physical Aggression• Verbal Aggression• Severe classroom disruption• Refusal to comply with a Tier 2 consequence	<ul style="list-style-type: none">• Situation de-escalation• Immediate removal from class• Fill out referral (principal)• Behavior plan or contract• Parent conference• Reteach expected behavior

It is important to note that consequences resulting from a referral will affect a student's ability to participate in school privileges and programs at various levels and, ultimately, in the school at all. The goal of the process is to provide secure, recognizable boundaries for all students, to ensure consistent discipline by the teachers and staff, and to successfully manage student behavior issues.

Referrals lead to Consequences

Teachers and staff members write referrals. For a Tier 3 violation, it is a school administrator who, in a joint effort with the teacher and parents/guardians, assigns the consequences.

Note: After School Detention and Out of School Suspension are administrative consequences that may be assigned to any student at any grade level.

Conference and Communication Process

When an administrator receives a referral from a staff member or is otherwise aware of behavior outside of that permitted by The Code of Conduct, he or she will meet with the student, as well as the parents/guardians. Parents must be informed and included after any referral is given, and told the nature of the infraction in question, as well as the administrative consequences, if any.

Administrators will discuss the referral or incident or behavior with the student and the student will be allowed to give his/her side of the story or explanation. Parents and students should not expect that we will take the word of the student against the word of the teacher or any Cityscape staff member.

After meeting with all concerned parties, potential consequences include, but are not limited to, the following:

- After school detention(s): requirement to stay after school on (45 minutes per detention) until all detentions have been served;
 - Teachers may require a student to stay after school with one day's notice to the family.
 - Failure to attend after school detention without prior arrangements made with the principal will result in additional consequences.
 - Referrals received for inappropriate behavior during after school detention will result in additional consequences and.
 - Failure of the parent/guardian (if required to accompany their child to after school detention) to work cooperatively with the after school teachers will result in additional consequences.
- Out of school suspension; and
- Recommendation for expulsion.

STUDENT WITH DISABILITIES

Referrals and Consequences for Students receiving IDEA and 504 Services

In the absence of a precluding or limiting provision contained within a Behavior Intervention Plan or behavior accommodation in the IEP, the Principal has discretionary authority to provide consequences outlined in The Code of Conduct. All IDEA due processes, restrictions, and protections will be afforded to all eligible students.

REFERRALS CAN BE APPEALED

Occasionally, a parent questions whether or not the disciplinary action taken by the school is warranted. Occasionally, there are mitigating circumstances that can be grounds for altering the consequence, but parents (or students) should not expect that regularly appealing referrals will result in dismissal of the referral.

QUARTERLY STATUS REVIEWS

At the end of each grading period, students in the following categories will, along with a parent/guardian, may be required to meet with an administrator:

- students who have earned three referrals;
- students who have been absent (unexcused) for ten percent or more of the school days (full day or portion thereof) for that quarter;
- students who have unserved consequences at the end of that grading period;
- students who have one or more failing grades for the grading period.

The review process is as follows:

Initial Review- This review is carried out by an administrator and he/she will examine the academic /behavioral/attendance record of all students on the review list for that grading period and determine if any action needs to be taken. The Principal has discretionary authority to decide that no administrative action is warranted and may, therefore, terminate the review process. No student file will reflect an initial review wherein the process is terminated in this manner.

The Principal may decide that the student and family is best served by taking administrative action and will, therefore, initiate the second level of the status review by requiring a student/family consultation.

Student\Family Consultation – In this stage of the process, the student, one or more of the parents/guardians, and an administrator meet together to discuss the reasons for the status review (academic/behavioral/attendance) and how the situation can be remedied for the future. The Principal has the discretionary authority to decide that no further action is warranted and may terminate the review process and, indeed, this is the goal of the

consultation. Alternatively, the Principal has discretionary authority to exercise other options:

- The assignment of additional consequences
- Counseling family regarding resources, intervention, and assistance
- **Calling for a Discipline Review Committee**

The Principal may decide that the needs of the school, or the needs of the student, are best served by taking more serious administrative action and will, therefore, inform the parent/guardian regarding the initiation of the third level of the status review.

DISCIPLINE REVIEW COMMITTEE

The ultimate purpose of the Discipline Review Committee is to determine whether or not to recommend a student for expulsion.

The Principal has discretionary authority to call for a Discipline Review Committee.

When an infraction has occurred for which expulsion is mandatory according to state law or district policy, no discipline committee review will be conducted.

A committee consisting of three or more Cityscape administrators and teachers will review the student's academic/behavioral/attendance record for the current and previous, if any, grading period(s).

The student and the parent/guardians will be invited to address the committee and state what they believe to be a compelling reason for allowing their student to continue at a Cityscape school. *Note: this is an expulsion hearing and all due process rights regarding same will be accorded.* After which, the family will be excused. The committee will begin deliberations leading to a recommendation to the Superintendent. If the committee does not find a compelling reason to allow the student to continue, the committee will recommend that the Superintendent expel the student for a specific length of time.

If the student for which expulsion is being recommended **receives** Special Education services, the principal will call for a Manifestation Determination ARD. The Superintendent will be immediately notified of the ARD committee decision.

Upon review, the Discipline Review committee may alternatively recommend that:

- no further action is required, and the Principal should terminate the status review process;
- the Principal should exercise additional options from the second stage of the process (assign additional consequences other than expulsion).

FORFEITURE OF ELIGIBILITY TO RETURN DUE TO EXPULSION

At the end of each school year students who find themselves in the following categories will be expelled from Cityscape Schools:

- students who have been absent (unexcused) for 18 days or more of the calendar school days (all of the day or portion thereof for that year).
- Students who have been suspended more than three times in a school year

Often, a student will have issues that are questionable but do not rise, in and of themselves, to the level of automatic ineligibility. Cityscape Schools, Inc. reserves the right to declare a student ineligible to return to school the following year by expulsion, if, in the judgment of the Principal, the student's behavioral and/or attendance record warrants such action.

Due process will be accorded to all such students (including students receiving special education services) and their families.

Please note: Cityscape Schools, Inc. reserves the right to refuse re-enrollment to the school to any student who does not meet eligibility requirements. Cityscape Schools reserves the right to refuse re-enrollment for any student when, in the judgment of the administration, that re-enrollment would not be in the best interest of Cityscape, its students, or faculty. Previous enrollment does not guarantee re-enrollment.

Please note: any of the offenses below will result in the immediate placement of the student on temporary suspension (notwithstanding due process requirements).

A Discipline Review Committee must be convened to determine the student's eligibility to return to classes. Actions that violate local, state, or Federal laws will be reported to local law enforcement authorities.

1. Administrative discovery of misrepresented student discipline record from previous school
2. Physical abuse including, but not limited to, biting, hitting, or kicking of a Cityscape staff member, substitute, approved volunteer, or campus visitors
3. Carrying or possessing any object identified as a weapon in the state penal code.
4. Using, possessing, providing for others, or being under the influence of alcohol, inhalants, marijuana, controlled or illegal substances, on or off campus, school or non-school related activities, school or non-school hours/days.
5. Major (as determined by the school) vandalism, damage, or alteration to school property or the property of another; (replacement or repair costs may be charged to the student/family by the school)

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6. Creating, or participation in creating, a false alarm of any kind
 7. Threat of Physical Harm –in any format made to, or in reference to, other Cityscape students, employees, substitutes, approved adult volunteers or family members of any of the preceding (pending administrator evaluation of severity of threat and/or potential for disruption of the educational environment)
 8. “Loss of Life” threats, in any format, made against other Cityscape students, employees, substitutes, approved adult volunteers, or family members of any of the preceding
 9. Threat, in any format, to destroy or damage school property or the property of employees, substitutes, approved adult volunteers or family members of any of the preceding
 10. Possession of, accessing of, and providing for others, pornographic material in any format
 11. Unauthorized possession of, access to, or use of, unauthorized information or resources/assistance with STAAR test
 12. Sending or posting electronic messages or images, in reference to a Cityscape staff member, student, or the family members of either, that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal. This includes electronic messages or images sent while off on or off campus, during school hours and non-school hours
 13. Use, exhibition, or possession of fireworks of any kind, smoke bombs, stink bombs, or any other pyrotechnic device or substance
 14. Violation of school’s “Acceptable Use” policies regarding computers
 15. Leaving, or attempting to leave, the classroom, school building, or school grounds without the knowledge or permission of, or against the directive of, campus personnel without being under the supervision of the parent/guardian.

Please note: any of the offenses below will result in immediate suspension until an expulsion hearing can be convened.

These offenses will result in an immediate recommendation to the superintendent for expulsion regardless of:

- the date on which the student’s conduct (or the relevant issue) occurred,
- the location at which the conduct (or relevant issue) occurred,
- whether the conduct (or relevant issue) occurred while the student was enrolled in the school, or
- whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Actions that violate local, state, or Federal laws will be reported to local law enforcement

authorities. Actions directly involving a Cityscape campus that violate local, state, or Federal laws will be reported to local law enforcement authorities. The school will seek to have such actions prosecuted to the full extent of the law. Actions listed by state law as requiring mandatory expulsion will be treated as such.

1. Failure to meet the terms of probationary enrollment agreement
2. Superintendent finding of cause regarding grievance file against the parent/guardian by Cityscape faculty member for abusive or threatening behavior
3. Additional misconduct during temporary suspension while awaiting expulsion hearing or Discipline Committee Review meeting
4. Required to register, or discovered to be registered, as a sex offender
5. Arrested for, charged with, convicted of, referred to a juvenile court for having received deferred prosecution/ deferred adjudication for, or given probation for conduct defined as a Title 5 felony offense
6. Assault or aggravated assault
7. Criminal mischief
8. Robbery or aggravated robbery
9. Terroristic threat (including a bomb threat) involving a public school
10. Engaging in deadly conduct
11. Coercion, blackmail, or extortion
12. Sexual assault, or aggravated sexual assault
13. Murder, capital murder, or criminal attempt to commit murder or capital murder
14. Indecency with a child
15. Inappropriate or indecent exposure of private body parts
16. Inappropriate verbal, physical, or sexual conduct
17. Sexual harassment
18. Sexual abuse of a young child or children
19. Convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault
20. Aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery
21. Use, exhibition, or possession of a firearm (as defined by state law or federal law)
22. Use, exhibition, or possession of any instrument (including a starter gun or zip gun) that will, is designed to, or may readily be converted to expel a projectile by

the action of an explosive

23. Use, exhibition, or possession of the frame or receiver of any such weapon
24. Use, exhibition, or possession of any firearm muffler or firearm silencer
25. Use, exhibition, or possession of any destructive device, such as live ammunition, any explosive, incendiary or poison gas bomb, or grenade
26. Use, exhibition, or possession of any knife (including a pocketknife)
27. Use, exhibition, or possession of a club or 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, but not limited to, a blackjack or nightstick
28. Use, exhibition, or possession of a chemical dispensing device (pepper spray, mace, etc.)
29. Attempt to access or circumvent passwords or other security-related information of the school, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment
30. Attempt to alter, destroy, or disable school computer equipment, school data, the data of others, or other networks connected to the school's system, including off school property if the conduct causes a substantial disruption to the educational environment
31. Encouraging, in any format, any behavior that threatens school safety
32. Possess published or electronic material that is designed to promote or encourage illegal behavior or behavior that could threaten school safety
33. Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program, interfere with school activities, or incite violence
34. 36. Breaking and entering school property abuse of, and/or providing for others, prescription and non-prescription medications and substances.
35. Possessing, using, exhibition of, or providing for others "look alike" drugs or drug paraphernalia

Mandatory Expulsions
Texas Education
Code Section 37.007
(a) (d) and (e)

37.007. EXPULSION FOR SERIOUS OFFENSES

- (a) A student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off school property:
- (1) uses, exhibits, or possesses:
- (A) a firearm as defined by Section 46.01(3), Penal Code;
 - (B) an illegal knife as defined by section 46.01(6), Penal Code or by local policy;
 - (C) a club as defined by Section 46.01(1), Penal Code or
 - (D) a weapon listed as a prohibited weapon under section 46.05, Penal Code
- (2) engages in conduct that contains the elements of the offense of:
- (A) aggravated assault under Section 22.02, Penal Code, sexual assault under section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
 - (B) arson under Section 28.02, Penal Code;
 - (C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code to commit murder or capital murder;
 - (D) indecency with a child under Section 21.11, Penal Code;
 - (E) aggravated kidnapping under Section 20.04, Penal Code;
 - (F) aggravated robbery under Section 29.03, Penal Code;
 - (G) manslaughter under section 19.04, Penal Code; or
 - (H) criminally negligent homicide under Section 19.05, Penal Code, or
- (3) engages in conduct specified by Section 37.006(a) (2) (C) or (D), if the conduct is punishable as a felony.
- (10) (D) A student shall be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a) against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district without regard to whether the conduct occurs on or off school

property or while attending a school–sponsored or school–related event on or off school property.

APPEAL PROCESS

Occasionally a parent or student questions whether the disciplinary action taken by the school is warranted. The following procedures should be followed:

- If there is a question regarding a consequence applied by the classroom teacher or faculty member, the parent must contact the teacher\faculty member for clarification.
- If there is a question as to what happened or why the referral was written, or why the student was taken to the office, the parents must contact the teacher or staff member for clarification.
- If there is a question regarding consequences (what was assigned and why), the parents must contact administration for clarification.

Parents may set up a conference with a teacher or administrator by letter, e-mail, voicemail or with the help of the school office.

Please do not call the teacher at home. Please do not just show up or try to meet with the teacher without an appointment. School policy prohibits the teacher from meeting with a parent at times when the teacher is directly supervising students or carrying out assigned duties.

Notice: School policy allows for the teacher\faculty member to file a grievance against any parent, family member, or guardian who treats the teacher in an abusive (lacking civility and respect) or threatening (loud, angry, aggressive proximity) manner. A decision by the superintendent that the teacher had good cause for filing the grievance could result in the removal of the student from a Cityscape campus.

After meeting with the teacher, if the parent does not feel the question has been resolved, then, and only then, will a meeting be set up with the parent and campus administration. After that meeting, if the parent does not feel that the question has been resolved, then a meeting will be set up with the parent, teacher, and the superintendent. The previous meetings must have been held to reach this level.

For disciplinary consequences other than recommendation for expulsion, disciplinary decisions cannot be appealed beyond the superintendent unless it can be reasonably asserted that the consequence:

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- was assigned in a manner inconsistent with the Cityscape Code of Conduct policies and due processes or
 - is inconsistent with the legal requirements of charter schools or violates established civil or legal rights of the student or his/her parent/guardian.

To appeal a decision to, to register a complaint with, or to file a request for a grievance to be heard by the school board in open meeting, please refer to the Grievance Section of the Parent/Student Handbook.

SUPPLEMENTAL CODE OF CONDUCT ISSUES POLICIES AND PROCEDURES

Weapons

In accordance with a federal law, the school shall expel any student who brings a firearm (as defined by 18 U.S.C. 921) to school or who is found in possession of a firearm at school. The expulsion shall be for a period of at least one year, except that the school administrator may modify the length of expulsion in the case of an individual student. Employees, visitors, and students are prohibited from bringing knives of any sort or other weapons onto school premises or any grounds or building where a school-sponsored activity takes place, to ensure the safety of all. Students who observe or suspect a violation of the school's weapons policy should report it to a staff member and/or contact the administrator immediately. The school shall report all student expulsions that occur under this policy to the Texas Education Agency, together with information identifying the weapon involved.

- The term "firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Such term does not include an antique firearm which is incapable of being fired.
- The term "destructive device" means: any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, fireworks or device similar to any of the devices described in this handbook, Texas Education Code or State and Federal guidelines.

Possession of Prohibited items:

- fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- any hazardous material such as mercury, acid;

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- a razor, box cutter, chain, or any object used in a way that threatens or inflicts bodily injury to another person;
 - a “look-alike weapon or hoax explosive;
 - an air, BB, blow, paint, pellet, or stun gun or any device designed to propel a projectile;
 - ammunition;
 - any pocketknife;
 - pornographic material;
 - tobacco products and/or related paraphernalia;
 - matches or a lighter;
 - a laser device for other than approved use; or
 - any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

Tobacco

The school prohibits all students from possessing, smoking, or using tobacco products at school and school-related or school-sanctioned activities on or off school property.

Every Cityscape campus (buildings, parking lots, grounds, etc.) is a smoke free environment. Adults who wish to smoke must please leave school property before doing so.

Bullying

Bullying occurs when a student or group of students directs handwritten, verbal, or electronic generated expressions or physical conduct against another student. Bullying occurs when the behavior results in harm to the student or the student’s property, places a student in fear of harm to himself or his property, or is so severe that it creates an intimidating, threatening, or abusive educational environment.

Discrimination

Discrimination is defined as any conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law, that it negatively affects the student.

Harassment

Harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student’s ability to participate in or benefit from an educational program or activity;

creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance. Examples of harassment may include, but are not limited to, offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

Sexual Harassment

Cityscape encourages parental and student support in the efforts to address and prevent sexual harassment and sexual abuse in the public schools. Students and/or parents are encouraged to discuss their questions or concerns about the expectations in this area with a teacher, administrator, or designee. Students must not engage in unwelcome verbal or physical conduct of a sexual nature directed toward another student or school employee. This prohibition applies whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors. All students are expected to treat other students and school employees with courtesy and respect, to avoid any behaviors known to be offensive, and to stop these behaviors when asked or told to stop.

A substantiated complaint against a student will result in appropriate disciplinary action, according to the nature of the offense and the Student Code of Conduct.

The school will notify the parents of all students involved in sexual harassment by student(s) when the allegations are not minor and will notify parents of any incident of sexual harassment or sexual abuse by an employee. To the greatest extent possible, complaints will be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

A complaint alleging sexual harassment by another student, or sexual harassment/sexual abuse by a staff member may be presented by a student and/or parent in a conference with the administrator or designee. The parent or other advisor may accompany the student throughout the complaint process. A person who is the same gender as the student will ordinarily hold the first conference with the student. The conference will be scheduled and held as soon as possible, but no later than seven calendar days of receipt of the complaint. The administrator or designee will conduct an appropriate investigation, which ordinarily will be completed within seven calendar days of the conference.

The student and/or parent will be informed of extenuating circumstances that might delay completion of the investigation.

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

If the resolution of the complaint by the administrator or designee is not satisfactory to the student or parent, the student or parent may within seven calendar days, request a conference with the director or designee.

Prior to or at this conference, the student and/or parent must submit the complaint in writing and must include (1) a complete statement of the complaint, (2) any evidence supporting the complaint, (3) a statement about how the matter should be resolved, (4) the student's and/or parent's signature, and the date of the conference with the administrator or the administrator's designee.

Retaliation

Retaliation against a person, who makes a good faith report of discrimination or harassment is prohibited. Retaliation against a student occurs when a student receives threats from another student or an employee or when an employee imposes an unjustified punishment or unwarranted grade reduction. Retaliation does not include petty slights and annoyances from other students or negative comments from a teacher that are justified by a student's poor academic performance in the classroom.

A person who makes a false claim or offers false statements or refuses to cooperate with a school investigation, however, may be subject to appropriate discipline. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited.

Reporting procedures

Any student (or parent/guardian on behalf of the student) who believes that he or she has experienced bullying, discrimination, harassment, or retaliation should immediately report the problem to a teacher, counselor, principal, or other school employee. Again, the report may be made by the student's parent.

Investigation of report

To the extent possible, the school will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which includes dating violence, discrimination, harassment, and retaliation, will be promptly investigated. The school will notify the parents of any student alleged to have experienced prohibited conduct by an adult associated with the school.

In the event prohibited conduct involves another student, the school will notify the parents of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by school policy.

If the school's investigation indicates that prohibited conduct occurred, appropriate disciplinary or corrective action will be taken to address the conduct. The school may take disciplinary action even if the conduct that is the subject of the complaint was not unlawful. A student or parent who is dissatisfied with the outcome of the investigation may appeal.

Disruptions

As identified by law, disruptions include the following:

- Interference with the movement of people at an exit, entrance, or hallway of a district building without authorization from an administrator.
- Interference with an authorized activity by seizing control of all or part of a building.
- Use of force, violence, or threats to prevent participation in an authorized assembly.
- Use of force, violence, or threats to cause disruption during an assembly.
- Interference with the movement of people at an exit or an entrance to district property.
- Use of force, violence, or threats to prevent people from entering or leaving district property without authorization from an administrator.
- Disruption of classes or other school activities while on district property or on public property that is within 500 feet of district property. **Class disruption includes** making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class or activity; and entering a classroom without authorization and disrupting the activity with loud or profane language or **any misconduct**
- Interference with the transportation of students in vehicles owned, operated, or temporarily is used by the district.

Disruptions will be dealt with according to district policy, including reporting to law enforcement, when applicable.

Electronic Devices

Radios, CD Players, Other Electronic Devices and Games, and Cell Phones

Students are not permitted to operate or exhibit items such as smartphones, tablets, iPads, radios, CD players, tape recorders, camcorders, DVD players, PDA's, MP3's, IPOD's of any type, cameras, electronic devices or games at school, unless prior permission has been obtained from a teacher for a specific activity. Without such permission, teachers will collect the items and turn them into the main office. The items will not be returned to the student, but parents/guardians are welcome to pick them up in the front office. **Repeated offenses could result in a fine of \$15 dollars will be collected**

from the parent picking up the device. These funds will be placed in the school's Activity Fund for the benefit of Cityscape students.

Video Cameras

For safety purposes, video/audio equipment may be used to monitor student behavior in common areas on campus. Students/staff will not be told when the equipment is being used or the location of such equipment. Administration may routinely review and document student misconduct. Discipline will be in accordance with the Code of Conduct. A parent, student, or guardian who wishes to view video recording or listen to audio recording may request such access under the procedures set out by law.

Granting Permission to Video or Audio Record a Student

As a parent, you may grant or deny any written request from the district to make a video or voice recording of your child. State law, however, permits the school to make a video or voice recording without parental permission for the following circumstances:

- When it relates to classroom instruction or a co-curricular or extracurricular activity;
- When it relates to media coverage of the school.

Law Enforcement Agencies

Reporting crimes

School administrators will report crimes as required by law and will call local law enforcement when an administrator suspects that a crime has been committed on campus.

Questioning of Students

When law enforcement officers or other lawful authorities wish to question or interview a student at school, administration will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation. In other circumstances:

- Administration will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student at school.
- Parents/guardians will always be notified when their child is interviewed or questioned by law enforcement, except for a child abuse investigation.
- An administrator will be present unless the interviewer raises a valid/legal objection.

Students Taken into Custody

State law requires the school to permit a student to be taken into legal custody:

to comply with an order of the juvenile court; to comply with the laws of arrest by a law enforcement officer if there is probable cause to believe the student has engaged in

delinquent conduct or conduct in need of supervision; by a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court; by an authorized representative of Child Protective Services, Texas Department of Family and Protective Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety and to comply with a properly issued directive to take a student into custody.

Before a student is released to a law enforcement officer or other legally authorized person, school officials will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student. The superintendent will immediately be notified, as will the parents/guardians, unless the officer or other authorized person raises a valid/legal objection to notifying the parents. Because administrators do not have the authority to prevent or delay a student's release to a law enforcement officer, any parent notification will most likely be after the fact.

Notification of Law Violations

The school is required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been arrested or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who has been convicted, received deferred prosecution, received deferred adjudication, or was adjudicated for delinquent conduct for any felony offense or certain misdemeanors.

Physical Restraint

Restraint means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body (TAC 89.1053).

Any school employee may, within the scope of their duties, use & apply physical restraint to a student when the employee can reasonably assume it is necessary in order to:

- Protect a person from physical harm, including the person using physical restraint.
- Obtain possession of a weapon or other dangerous object.
- Protect property from serious damage.
- Remove a student from a specific location who is refusing a lawful command of a school employee, including from a classroom or other school property, in order to restore order or impose disciplinary measures.
- Restrain an irrational student.

By Commissioner Rule (TAC 89.1053), a school employee, volunteer, or independent contractor may use restraint on students with disabilities only in an emergency and under the following guidelines:

- Limited to such reasonable force as is necessary to address the emergency.
- Use discontinued at the point at which the emergency no longer exists.

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- Implemented in such a way as to protect the health and safety of the student and others.
 - Does not deprive the student of basic human necessities.

An emergency as defined by TAC 89.1053 means:

- Imminent, serious physical harm to the student or others; or
- Imminent, serious property destruction.

When an employee, volunteer, or independent contractor uses restraint on a student with disabilities an incident report must be completed.

Prescription and illegal drugs

Defined as:

- Possessing or selling seeds or pieces of marijuana or other illegal substances;
- Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or a school-related event;
- Having or taking prescription drugs or over-the-counter drugs at school or a school-related event other than as provided by school policy.

Safety Infractions

Defined as:

- Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety;
- Engaging in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, volunteers, or school property;
- Making false accusations or perpetrating hoaxes regarding school safety;
- Engaging in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence;
- Throwing objects that can cause bodily injury or property damage;
- Discharging a fire extinguisher without valid cause;
- Trespassing on school property;
- Being in a restricted area of the campus;
- Behavior, while being escorted near or across streets, that is disorderly and/or non-compliant.

Skateboards/roller blades

Students are not allowed to use skateboards or roller blades on school property. Students are not allowed to bring skateboards or roller blades to school. Students who violate this policy, in addition to the demerits assigned as per the Code of Conduct, will have skateboards or roller blades confiscated, and such items will only be released to the students' parent or guardian. Shoe skates or

Heelys are not allowed at school.

Bicycles

Students who ride bicycles to school are to park them in the designated areas. Bicycles are not to be ridden during school hours. All bicycles should be locked while parked. Bicycles must be walked on and off the school grounds. The school is not responsible for any lost or damaged bicycles.

Property offenses

Property offenses will not be tolerated and are defined as:

- Damaging or vandalizing property owned by others where damage does not constitute a felony criminal mischief;
- Damaging, destroying, or defacing school property – including textbooks, lockers, furniture, and other equipment – with graffiti or by other means (less than criminal mischief);
- Stealing from students, staff, or the school;
- Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code

Vandalism

The school has made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended—both this year and for years to come—littering, defacing, or damaging school property is not tolerated. Students will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Code of Conduct.

Searches

In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, school officials may from time to time conduct searches. Such searches are conducted without a warrant and as permitted by law.

A pat-down search of a person may be conducted based on a reasonable, individualized suspicion that such person is in possession of contraband. Any such search shall be conducted in private by an authorized school official of the same sex as the person to be searched and in the presence of a witness of the same sex.

Students may be asked to empty pockets and turn inside out, open coats and empty pockets. Personal purses may be opened by owner and contents removed (if some item(s) are personal in nature, then student or staff member may be moved to a more private area at their request), backpacks, briefcases or similar personal effects may be searched in general. A student or staff member may be removed to a private area at their request prior

to any search involving a purse, backpack, coat, or similar items.

General searches will be conducted only when authorized by the Principal or his designee. These searches are necessary to maintain order and discipline, promote security, health, and welfare of students and to control violence, drug, or contraband from entering school. If during a general search, an individual is identified to have committed a violation of the school Code of Conduct, state or federal penal code, this constitutes individualized reasonable suspicion and further search of student's personal effects is authorized. A teacher, staff member or administrator may conduct a general search of a student if there is reasonable suspicion the safety of the students or other people in the school could be at risk.

Students' desks, lockers, and cubbies

Students' desks, lockers, and/or cubbies are school property and remain under the control and jurisdiction of the school even when assigned to an individual student. Students are fully responsible for the security and contents of their assigned desks and lockers. Searches of desks, lockers or cubbies may be conducted at any time there is reasonable suspicion to believe that they contain articles or materials prohibited by school policy, whether or not a student is present.

The parent will be notified if any prohibited items are found in the student's desk, locker, purse, or backpack.

Trained dogs

The district will use trained dogs to alert officials to the presence of prohibited or illegal items, including drugs and alcohol. At any time, trained dogs may be used around lockers and the areas around vehicles parked on school property. Searches of classrooms, common areas, or student belongings may also be conducted by trained dogs when students are not present. An item in a classroom, a locker, or a vehicle to which a trained dog alerts may be searched by school officials. The purpose of the canine surveillance program is to each Cityscape schools as a drug free environment.



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Cityscape Schools, Inc. does not discriminate on the basis of race, religion, color, disability, gender, national origin, or ethnic origin in the consideration of applicants, the enrolling of students, and the provision of educational services, activities, and programs.