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## MEMPHIS SCHOOL OF EXCELLENCE

### 2016-2017 STUDENT CODE OF CONDUCT

The Student Code of Conduct includes sample violations and sample disciplinary measures and interventions for students. This Code serves as a guide for students, parents/guardians, teachers and administrative personnel. The Code also includes examples of the rights and responsibilities of students, teachers and parents and a parent contract that a parent/guardian must sign to indicate that he/she received and read the Code and will abide by its contents.

#### **A. Level 1 Violations**

1. Excessive excused tardiness to school/early releases (excluding medically documented and school sponsored events)
2. Excessive unexcused tardiness to school or early releases (more than 3 times)
3. Unexcused/excessive tardiness to class (more than 5 times)  
1<sup>st</sup> occurrence results in Saturday detention; 2<sup>nd</sup> occurrence result in 1-3 day suspension
4. Class cutting. Students who are tardy to class (including the first periods) more than 5 times a week will receive Saturday Detention. Students who are late to class more than 5 minutes without excuse will also receive Saturday Detention.
- 5. Possession of cellular phones/electronics. Students are not allowed to use cell phones/electronics before or after school in hallways, restrooms, lobby, and inside the classes. Students may use cell phones after school in cafeteria or outside the school.**
6. Possession of objects such as laser pointers (non-use)
7. Failure to wear district-adopted school uniform or violation of the school's dress code
8. Misconduct-level 1 (other Level 1 incidents not specifically listed, such as running in the hall or throwing a pencil)
9. Cyber bullying (myspace, facebook, twitter, etc.)

#### **Intervention Strategies and Disciplinary Measures**

- a. Classroom and school-wide intervention strategies

- b. Confiscation and/or loss of privileges. Confiscated items (e.g., cell phones) shall be returned to the parent Within 72 hours during a conference with the parent and teacher/administrator.
- c. After school or Saturday detention
- d. In school suspension
- e. Overnight suspension/parent or guardian conference in lieu of suspension

**B. Level 2 Violations**  
**Violations**

- 1. Continuing to engage in Level 1 violations
- 2. Defiance of school personnel’s authority, disrespect, insubordination, refusing punishment or following directions.
- 3. Leaving campus without permission
- 4. Gambling
- 5. Misuse of locker/storage privilege (student is responsible for own property in assigned locker)
- 6. Obscene, immoral, indecent and/or offensive material, behavior, language, gestures, pictures, writings, or propositions
- 7. Profanity, provocative and/or abusive language directed at a student (such as checking or name calling)
- 8. Horseplay (running, chasing, hitting) in classroom, hallway, cafeteria
- 8. Theft (\$500 or less)
- 9. Possession/use of matches, lighters, or fireworks
- 10. Unauthorized parking/reckless driving on or near campus
- 11. False accusations against a student
- 12. Giving false ID
- 13. Failure to present/surrender Student IDs
- 14. Misuse, intentional damage, or theft of Student IDs
- 15. Cheating/plagiarism or forgery
- 16. Posting/distributing unauthorized materials
- 17. False fire alarm

18. Possession/use of tobacco product (student must be issued a citation)
19. Refusal to surrender electronics (phones, games, etc.)
20. Possession/use of over-the-counter medications (e.g., aspirin, cough medicine) without school approval
21. Not being in assigned location
- 22. Students are not allowed to eat, drink or carry foods in hallways, classrooms, restrooms and lobby. Food and drink includes; gum, chips, candy, energy drinks, soft drinks, milk, popcorn, sports drinks ...etc**
23. Skipping mandatory Saturday school or detention
24. Misconduct-level 2 (other Level 2 incidents not specifically listed, such as shoving a student in line—no injury, or throwing a football in the hall—no injury)

### **Intervention Strategies and Disciplinary Measures**

- a. Classroom and school-wide intervention strategies
- b. Confiscation and/or loss of privileges. Confiscated items (e.g., cell phones) shall be returned to the parent within 72 hours during a conference with the parent and teacher/administrator.
- c. After school or Saturday detention
- d. In school suspension
- e. Overnight suspension/parent or guardian conference in lieu of suspension
- f. 1-3 day suspension (Sessions that focus on ending the student's negative or harassing behavior may replace suspension.)

### **C. Level 3 Violations**

#### **Violations**

1. Continuing to engage in Level 2 violations
2. Public Display of Affection (PDA)
3. Trespass or loitering (includes suspended students)
4. False statements or false accusations toward another student or teacher
5. Participation in activities related to non-school sponsored/non-sanctioned organizations
6. Unauthorized or inappropriate use of the internet, computers, or computer software

7. Disruptive behavior (other level 3 incidents not specifically listed, such as throwing a chair or a food fight)

8. Field trip misconduct

9. Bringing inappropriate materials (pornographic, criminal, hate related, water balloon etc.)

### **Intervention Strategies and Disciplinary Measures**

a. School- and district-wide intervention strategies

b. Confiscation and/or loss of privileges. Confiscated items (e.g., cell phones) shall be returned to the parent within 72 hours during a conference with the parent and teacher/administrator.

c. Saturday detention

d. In school suspension

e. Overnight suspension/parent or guardian conference in lieu of suspension

f. 1-5 day suspension

### **D. Level 4 Violations**

#### **Violations**

1. Continuing to engage in Level 3 violations

2. Arson

3. Hazing/initiation: non-school sponsored/non-sanctioned organizations, societies, clubs, or teams

4. Breaking and entering/burglary, theft over \$500, or motor vehicle theft

5. Vandalism/graffiti (damage will be assessed and will be student/parent monetary responsibility for replacement or repair)

6. Possession of drug paraphernalia

7. Under the influence of an unauthorized substance at school (no actual possession or use at school) – Mandatory referral to Alcohol and Drug Counseling (A & D)

8. Possession of electronic pagers or beepers (excluding cell phones)

9. Possession/use of alcohol

10. Assault against a student (resulting in minor injury)

11. Threats against a student (non serious)
12. Refusal to produce an object identified by metal detectors
13. Profanity, provocative and/or abusive language directed at school personnel
14. Discrimination based on sex, race, religion, ethnicity, national origin, disability, or sexual orientation
15. Sexual harassment
16. Bullying, intimidation and harassment
17. Extortion
18. Distribution of over-the-counter medications (e.g., aspirin, cough medicine)
19. Felony per juvenile court, where the student's continued presence in school poses a danger to person or property or disrupts the educational process
20. Disruptive behavior with prior unsuccessful interventions
21. Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive device including chemical weapons on school property or at a school sponsored event
22. Refusal to follow administration's directions
23. Fighting (minor injury and non gang-related)

### **Intervention Strategies and Disciplinary Measures**

- a. School- and district-wide strategies
- b. Generally, 5-10 day suspension or an expulsion for cases involving middle and high school students.

### **D. Level 5 Violations**

#### **Violations**

1. Fighting (serious injury, weapon used or gang-related)
2. Aggravated assault against students (resulting in serious injury)
3. Assault against designated visitors
4. Possession of a dangerous weapon (including a bowie knife, hawk bill knife, ice pick, dagger, switchblade or a weapon of like kind)
5. False imprisonment or kidnapping

6. Sexual battery
7. Serious threats against a student
8. Threats (serious and non-serious) or false accusations against school personnel
9. Middle/high school students engaging in activities implying gang affiliation/membership including gang fights, gestures, actions, signals, literature, colors, drawings, signs, jewelry, apparel, manner of grooming, writings, gang graffiti, verbal or nonverbal communication, possessing/distributing gang information, participating in gang recruitment, solicitation, or hazing/initiation activities, coordinating/ordering gang activities at school, gang-related threats, intimidation, and extortion, and other gang activity or acts that imply gang affiliation or membership
10. Other major incidents and behaviors which have high potential for causing serious injury and/or death (e.g., throwing bricks at an occupied school bus)

### **Intervention Strategies and Disciplinary Measures**

- a. School- and district-wide strategies
- b. Suspension 8-10+ days
- c. Expulsion (11-180 days)

### **State-Mandated Zero Tolerance Violations**

11. Assault (injury or extremely offensive or provocative physical contact)/aggravated assault (serious injury) against school personnel
12. Possession/sale/distribution of illegal drugs or unauthorized prescription drugs
13. Possession/concealment/use/sale/distribution of explosive devices and firearms (assembled or unassembled parts), except toy guns – real/look alike

### **Intervention Strategies and Disciplinary Measures**

- d. School-wide strategies and district-wide strategies (adjustment transfer and remand/alternative placement)
- e. Mandatory expulsion for one calendar year. The Superintendent may modify the expulsion on a case-by-case basis.

**NOTE: LAST TWO WEEKS OF SCHOOL ALL PUNISHMENTS DOUBLE (NO SATURDAY DETENTIONS).**

### **DUE PROCESS**

The Code of Conduct and all local rules which furnish the basis for discipline shall be published and made available to students, parents/guardians, teachers, counselors and administrative staff. They are to be posted

in conspicuous places within each school throughout the school year. Reasonable efforts shall be made to keep parents/guardians informed of basic rules and regulations governing the conduct of their children while they are at school or are participating in school-related activities.

The issuing and handling of disciplinary measures, including suspensions, forced adjustment transfers, withdrawals, and expulsions, shall be governed by the following procedures of due process.

### **A. In-school Suspensions and Suspensions**

1. The principal, acting principal, or assistant principal of each school shall have sole power to suspend up to ten (10) consecutive school days and to refer students to the In School Suspension Program. Principals have the authority to designate the length of a suspension within guidelines established by the Code of Conduct.

Parents/guardian must clear an in school suspension with the principal or his/her designated representative by the end of the in school suspension period.

If a student is suspended, students and their parents/guardians have the right to appeal it. The application to appeal must be made in writing to the Principal. This appeal must be made within 3 school day of the suspension.

The suspension and its circumstances will be reviewed by a panel of 2-3 teachers not associated with the suspension or by the discipline committee in the presence of the student and parent/guardian. The student may not attend classes until the appeal is heard. All panel hearings will be held within two (2) school days of the appeal being made. No lawyers and/or representatives other than the parent/guardian may be present during short term suspension proceedings. The decision of the disciplinary committee is final.

**The decision of the panel will be final.**

**There are 3 possible outcomes for an appeal (only suspensions more than 3 days may be appealed).**

- a) The suspension may be canceled and removed from the student's record. All work may be made up.
- b) The suspension may be shortened.
- c) The suspension will stand as assigned.

### **B. Expulsion**

The decision to expel any student will be made in writing and will include the reason for the expulsion by the principal after hearing about the events involved in a situation. Student and student's parent/guardian may appeal the expulsion within two (5) school days of the suspension being issued. This appeal will be made to the principal. The student may not attend classes until the appeal is heard. All Disciplinary MSE Committee on expulsions will be held within ten (10) school days of the appeal being made. The decision of the MSE Disciplinary Committee is final.

## **GLOSSARY**

Listed below are commonly-used terms that will lead to a greater understanding of the Code of Conduct. All offenses listed in the Code of Conduct are not defined

### **After-School Detention**

This detention is served with the teacher or administrator who assigns it. It may be assigned for the same day or the following day. The detention is for an infraction such as disturbing the class, continuous tardiness to class, cafeteria misbehavior etc. The student will serve from 15 minutes to 45 minutes depending on the number of detentions already served. Parents will be notified of any after-school detentions that are longer than 15 minutes. Teachers are not required to notify parents of a 15 minute detention. Parents can see their child's discipline record, including any after-school detentions on the school database.

### **Answering an In-School Suspension**

A parent/guardian consulting with school officials to discuss the reasons for a student's in school suspension and how the parent/guardian can work with the student, the teachers and other school personnel to improve the student's behavior or actions.

### **Arson**

The actions of an individual who knowingly damages school property or the property of another by means of a fire or explosion without consent of the property owners and with the intent to destroy or damage for any unlawful purpose.

### **Assault**

The actions of an individual who intentionally, knowingly or recklessly causes bodily injury to another intentionally or knowingly causes another to reasonably fear imminent bodily injury, or causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

**Aggravated Assault** is committed by an individual who intentionally, knowingly or recklessly commits an assault and also causes —serious bodily injury to another or uses or displays a deadly weapon.

### **Assault on Designated Visitors**

The actions of an individual who intentionally, knowingly or recklessly causes bodily injury to persons who are legitimately present on school property or attending school-sponsored activities/ events. This would typically include parents/guardians, other family members, guests, volunteers and chaperons.

### **Assault/Aggravated Assault (formerly Battery) on a Teacher or Other School Personnel**

The actions of an individual who intentionally, knowingly or recklessly causes bodily injury on any elected official or school district employee whether it is committed on school property, on school-sponsored transportation, during a school-sponsored activity or while the elected official or employee is on official school business.

### **Breaking and Entering/Burglary**

An individual who enters a building not open to the public with the intent to commit a felony, theft or assault or remains concealed in a building with the intent to commit a felony, theft or assault.

### **Bullying, Harassment and Intimidation**



Any act that substantially interferes with a student's educational benefits, opportunities or performance that takes place on school grounds, at any school-sponsored activity, on school provided transportation, or at any official school bus stop and that has the effect of:

- (1) Physically harming a student or damaging a student's property;
- (2) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or
- (3) Creating a hostile educational environment.

Examples include, but are not limited to, name calling or —checking, making negative comments about a person's race, ethnicity, sexual orientation, sex, religion or disability; extortion; and following students to and from school with intent to intimidate.

Bullying, Harassment and Intimidation includes Cyber Bullying, which is bullying through the use of the Internet or through telecommunications technologies, such as computers, telephones, cell phones and text messaging.

### **Cheating/Plagiarism**

Taking credit for oneself and not giving credit to the source for written and oral expression authored and/or prepared by another, cheating on exams, etc.

### **Clearing a Suspension**

Terms and conditions of a student's return to school after being suspended. The principal (or designee) will set the terms.

### **Cyber Bullying**

See Bullying, Harassment and Intimidation

### **Designated Visitors**

Persons who are legitimately present on school property or attending school-sponsored activities/events. This would typically include parents/guardians, other family members, guests, volunteers and chaperons.

### **Disruptive Behavior**

Conduct that significantly interferes with all or portions of the campus activities, school sponsored events and school bus transportation. Behavior that poses a serious threat to the learning environment or to the health, safety, and/or welfare of others.

### **Drug**

Any controlled substance, marijuana, alcohol, legend drug or any other substance whose possession or use is regulated in any manner by any governmental authority, including the school system.

### **Early Release**

Early release means leaving school or class before the end of the school day with the knowledge of parents and school authorities

### **Electronics**

Radios, Tape or CD Players, MP3 Players, Electronic Games, and/or similar devices

### **Excessive Tardiness/Class Cutting**

**Excessive tardiness** means continuing to come to school after the school day begins or to the classroom after classes have started.

**Class cutting** is absence from scheduled classes or scheduled activity without prior knowledge of parents and school authorities.

**Expel/Expulsion**

Removed from the pupil's regular school program at the location where a violation occurred or removal from school attendance altogether. Suspensions of more than 10 days are expulsions.

**Extortion**

A person who uses coercion upon another person with the intent to obtain property, services, any advantage or immunity; or restrict unlawfully another's freedom of action

Coercion is a threat of kidnapping, extortion, force or violence to be performed immediately or in the future.

**False Accusation**

The intentional making of untrue statements that may jeopardize the reputation, employment or professional certification of a teacher, member of the staff or student.

**False Fire Alarm**

The intentional activation of a fire alarm, fire bell, or other signaling device with intent to deceive, mislead or otherwise misinform a school/center function concerning the presence of a fire or other disaster.

**False Imprisonment**

Knowingly removing or confining another person unlawfully so as to interfere substantially with the person's liberty.

Kidnapping is false imprisonment under circumstances that expose a person to substantial risk of bodily injury.

Aggravated Kidnapping is false imprisonment committed to facilitate commission of a felony or flight after committing a felony or interfere with the performance of any governmental or political function, with the intent to inflict serious bodily injury, or terrorize the victim or another, or where the victim suffers bodily injury, or while in possession of a deadly weapon or threatened use of a deadly weapon.

**Felony per Juvenile Court**

Off-campus criminal behavior that results in the student being legally charged with a felony and the student's continued presence in school poses a danger to persons or property or disrupts the educational process.

**Field Trip Misconduct**

Failure to comply with rules of safety or field trip conduct behavior as laid down by the teacher in charge.

**Fighting**

Minor injury and non gang-related - Mutual combat and mutual altercation, including when two or more persons mutually participate in physical violence that may require physical restraint and/or results in minor or no injury. (Level 3 violation)

Serious injury, weapon used or gang-related - Mutual combat and mutual altercation, including when two or more persons mutually participate in physical violence, that requires physical restraint and results in serious injury and/or weapons are used. (Level 5 violation)

**Firearm or Destructive Device**

Any weapon designed, made or adapted to expel a projectile by the action of an explosion or any device readily convertible to that use.

**Forgery**

To alter, make, complete, execute or authenticate any writing that attempts to:

- (1) Be the act of another who did not authorize that act;
- (2) Have been executed at a time or place or in a numbered other than was in fact the case; or
- (3) Be a copy of an original when no such original existed.

**Gambling**

Gambling includes but is not limited to card playing, dice shooting, and sports pools and involves the transfer of money or personal belongings or assistance from one person to another.

**Gang**

A formal or informal ongoing organization, association, or group consisting of three (3) or more persons that has as one (1) of its activities the commission of criminal acts; and has two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal gang activity.

**Harassment**

See Bullying, Harassment and Intimidation and Sexual Harassment

**Hazing**

Any intentional or reckless act by one student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety.

**In-School Suspension**

Prohibiting a student from attending his/her regular class for a specified period of time.

**Indecent Exposure**

The display of parts of the human body without clothing in a manner that is contrary to local custom and law.

**Interventions**

Programs, curricula, strategies or activities designed to prevent, reduce or eliminate negative behaviors or actions in students or to support academic achievement.

**Insubordination/Defiance**

Refusing to follow a reasonable request, direction or instruction of an adult through disobedience, defiance, unruliness or noncompliance. Includes walking away when being addressed by an adult and refusal to work in class.

**Intimidation**

See Bullying, Harassment and Intimidation

**Locker Misuses**

Intentionally using, without proper permission, property belonging to another or the school, in a manner likely to damage the property or using another person's locker without authorization. Applying profane, obscene, sexist, racist or other decorations to a locker or any area or surface which disrupts the educational process, interferes with teaching and learning, and defaces or devalues school property.

**Making a Threat (with a Destructive Device) or False Report (Bomb)**

Threatening to throw, project, place, or discharge any destructive device, including chemical weapons, with intent to do bodily harm to any person or with intent to do damage to any property of any person; or making a false report, with intent to deceive, mislead or otherwise misinform any person, concerning the placing or planting of any destructive device, bomb, dynamite, or any other deadly explosive.

**Misconduct Level 1**

Conduct that interferes with the school or classroom environment, but has little potential for causing harm to others or destruction of property.

**Misconduct Level 2**

Conduct that interferes with the school or classroom environment, and has high potential for causing harm to other persons or destroying property.

**Not being in assigned location**

All students need to be in their assigned location during lunch time, break time or while class is in session.

**Obscene Material**

Material of a sexual nature which offends common decency and morals.

**Participation in Activities Related to Non-School Sponsored/Non-Sanctioned Organizations**

Participation in organizations at school that are not approved by the school's administration. Includes failure to register a non school-sponsored organization with the school or participation in the activities of a non school-sponsored organization while at school.

**Posting/Distributing Unauthorized Material**

Posting or distributing leaflets or other materials that have not been approved for posting or distribution by the school and/or the district or that are not in accordance with law or policy.

**Profanity**

Vulgar or irreverent speech or action.

**Public Display of Affection**

It includes hugging, holding hands, kissing, cuddling, caressing, and any other forms of display of affection with any other student

**Reckless Driving**

Driving any vehicle on or near school grounds with an intentional reckless disregard for the safety of persons or property.

**Robbery**

Intentional or knowing theft of property from another person by violence or by putting the person in fear.

Aggravated robbery is theft of property with a deadly weapon or what is believed to be a deadly weapon or where the victim suffers serious bodily injury.

### **Saturday Detention**

All students attending Saturday detention must arrive by 7:55 a.m., ready to serve. Failing to attend a Saturday Detention without any confirmed excuse may result in a 2 days out of school suspension. Students must wear school uniforms during Saturday Detention. If a student does not wear the school uniform they will be asked to leave and return the following scheduled Saturday Detention.

### **Serious Bodily Injury**

Bodily injury that involves (a) a substantial risk of death; (b) protracted unconsciousness; (c) extreme physical pain; (d) protracted or obvious disfigurement; or (e) protracted loss or substantial impairment of a function of a bodily member, organ or mental faculty.

Serious injury generally includes injuries requiring medical attention. Examples of serious injury include, but are not limited to, such harm as:

assault which, if more forceful or differently targeted, would result in substantial risk of death

loss or impairment of the functioning of a body member or organ

being stabbed

being shot

being rendered unconscious

loss of life

### **Sexual Battery –**

Unlawful sexual contact with a victim accompanied by force or coercion, or without the victim's consent or with a person who is mentally incapacitated or physically helpless, or by fraud

Aggravated Sexual Battery unlawful sexual contact with a victim by:

- force or coercion; or
- with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon; or
- causes bodily injury to the victim; or
- by more than one (1) person through use of force or coercion; or
- by more than one (1) person who knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless;
- or the victim is less than thirteen (13) years of age.

### **Sexual Harassment (Student to Student)**

Unwelcome actions which cause a reasonable person to feel uncomfortable or unsafe resulting in a learning environment which is offensive, hostile and/or intimidating.

### **Suspension**

Prohibiting a student from attending school for a specified period of time.

**Theft**

Intending to deprive an owner of his/her property by knowingly exercising control over the property without the owner's consent.

**Threat**

A pattern of conduct or statements expressing intent to do harm or act violently against someone or something.

**Trespass and Loitering**

Students with an unauthorized absence from their home school and who are found present without permission at another school or on other MCS school property.

Loitering is remaining in or around the school building without permission and staff supervision.

**Truancy/Unlawful Absence**

Being absent from school without permission.

**Unauthorized/Inappropriate Use of the Internet, Computers or Computer Software**

Any action that violates the Policy on Access to Telecommunications Networks (#4.406) or local, state and federal law. This includes using the Internet or e-mail for non-educational purposes, transmitting personally identifiable or personal contact information without authorization, using inappropriate language, and using the network to personally attack or harass another person.

**Unauthorized Parking**

Parking in an area or a space officially designated for another person or persons; parking in an illegal space, as designated by a school or government authority; or parking in an area not designated for students.

**Unauthorized Possession or Use of Prescription Drugs**

Possession or use of prescription drugs for which the student is not the named recipient of a bona fide prescription or for which school approval to carry or use the prescription has not been given. It also applies to any student who is selling or otherwise distributing his/her prescribed medication. [School policy states that students should be allowed to carry their own emergency medication (e.g., asthma inhalers and EpiPens®). However, this should be cleared with the school principal.]

**Use of Provocative Language**

Obscene language, profanity, and/or inflammatory statements.

**Vandalism**

The intentional destruction, damage or defacement of property without consent of the owner or the person having custody or control of the property.

**Weapon/Dangerous Weapon**

Any dangerous instrument or substance which is capable of inflicting any injury on any person.

**Zero Tolerance**

Specific acts committed by students that require mandatory expulsion for one year under state law (e.g., possession of a firearm).