



**SPYRJA ACADEMY**  
— VIST - HREYSTI - VEGR —

# Student and Family Handbook



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## A Welcome Letter from Spyrja Academy

Dear Valkyries,

The journey that you and your child are about to embark upon will be one that is filled with adventure, stories, ups and downs, and deep moments. Thank you for choosing to spend that time with Spyrja Academy.

Spyrja Academy began in 2023 as an element of a vision. School should be a place where learning is spontaneous, uncharted, relevant, and children should enjoy their time there. Schools should be small so that each child can be seen, heard, and understood. The school has a duty to the community, and perhaps it was time “the school” shouldn’t be “the school” any more.

Spyrja Academy is a place where not just the child but also the family is invited to take part in one of the most human of human traits: to ask; learn. We’re so excited to have you a part of our community, to see what it means to Seek Truth, Be Courageous, and Live Honorably. Here’s to this year and the many years to come!

Sincerely,  
Jourdan Simmang  
Campus Director

## Mission Statement

Spyrja is an Old Norse word meaning to ask; learn. Spyrja is driven by the philosophy that every child learns best through a combination of didactic and hands-on approaches to education; that learning doesn't occur in a vacuum; and that true mastery occurs only when learners have a chance to connect new ideas to their existing world views. We strive to align instruction to our children's learning continua.

## Hours and Attendance

Spyrja Academy is open Monday through Thursday from 7:15 AM to 4:20 PM, and Friday from 8:00 AM to 2:25 PM, consistent with the academic calendar listed on the Spyrja Academy website. Students are not permitted to remain at Spyrja Academy after 4:30 PM Monday through Thursday or 2:30 PM on Fridays. On Fridays, learners and staff may be at a community organized event. Parents are responsible for picking their children up at the event when the event is concluded. Spyrja Academy is not responsible for the care or supervision of students beyond program closing time.

The school calendar can be accessed here: [Enrollment & Tuition \(sanewbraunfels.org\)](https://www.sanewbraunfels.org) and on page 7 of the parent handbook.

Spyrja operates under a year-round school calendar with the following guaranteed holidays:

- Labor Day
- Columbus Day
- Thanksgiving
- Christmas and New Years
- Martin Luther King, Jr Day
- Memorial Day

The Fall semester will typically begin in the middle of August and conclude either late May or early June. Inclement weather days will be decided year-on-year.

## What to Bring

Each day, students should bring the following items to Spyrja Academy

- Book bag or backpack
- A water bottle
- Lunch or snacks
- Writing utensils
- College-ruled notebook(s)
- Calculator (TI-83 or higher)
- Laptop or tablet
- Fidget spinners if applicable

Students should leave valuable personal items at home. Spyrja Academy is not responsible for lost, damaged, or stolen personal property.

## Drop-Off and Pickup

Spyrja Academy opens at 7:15 AM Monday through Thursday and 8:00 on Friday. Students may not be dropped off before Spyryja Academy opens. Spyryja Academy closes at 4:20 PM on Thursdays and 2:30 PM on Fridays. Students must be picked up by this time each day. Families should communicate with their Homeroom as soon as possible if they know they will be late.

### Authorized Pickup Persons

Students will only be released to families or those people listed as Emergency Contacts and/or Authorized Pick Up Persons. Pick-up persons may be asked to show photo identification as verification. In order to safeguard children, Spyryja Academy will need copies of any court ordered custody agreements. Without a custody agreement, Spyryja Academy staff are not able to prevent the release of children to their parents.

## Tuition and Plans

Full Time – Annual - For scholars who will take all classes at offered times and plan on obtaining a Spyryja Academy diploma	\$11500
Part Time – Annual - For scholars who only desire to take the core content and Enrichment courses offered Monday through Thursday	\$ 6750
A La Carte Services – For the duration of the experience - Enrichment, Maker-Space, Fine Arts, Science Lab, or Community Service.	\$400 each
Class for Credit - Core content, electives, or second language	\$600 per course
Full Time Annual – Military and First Responder Discount	\$10350
Fridays Only – Annual	\$2100
Extra expenses may apply if your child is enrolled in our sports program.	

### Payment Options

Families can pay tuition in the following ways:

- One-time payment due at enrollment
- Quarterly. The first payment will be due at enrollment and then at every third month thereafter.
- Monthly. The first payment will be due at enrollment and processed on the first of every month.

### Sibling Discounts

Siblings will receive a 10% discount on annual tuition regardless of enrollment type.

### Military and First Responders

Families who have active or reserve military or active first responders in direct care or one generation removed of the enrolled child will receive discounted tuition. Families must provide proof of service in the form of military issued identification, state-issued ID, or badge number.

## Additional Fees

- Registration fee: \$250 per child.
- Additional Fees may apply (textbooks, supplies, etc.)
- **Late Payment Fees of \$50** will be invoiced if tuition is received after the **5<sup>th</sup> day** of the month.

## 2023/24 School Calendar – Spyrja Academy

August 2023							September 2023							October 2023							November 2023						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2	1	2	3	4	5	6	7				1	2	3	4
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31					26	27	28	29	30		

  

December 2023							January 2024							February 2024							March 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2		1	2	3	4	5	6					1	2	3						1	2
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	3	4	5	6	7	8	9
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	17	18	19	20	21	22	23
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29			24	25	26	27	28	29	30
31																					31						

  

April 2024							May 2024							June 2024							July 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1							1												1		
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27
28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31			
														30													

### Federal holidays 2023/24

Sep 4, 2023	Labor Day	Nov 11, 2023	Veterans Day	Jan 1, 2024	New Year's Day	May 27, 2024	Memorial Day
Oct 9, 2023	Columbus Day	Nov 23, 2023	Thanksgiving Day	Jan 15, 2024	Martin Luther King Day	Jun 19, 2024	Juneteenth
Nov 10, 2023	Veterans Day (obs.)	Dec 25, 2023	Christmas Day	Feb 19, 2024	Presidents' Day	Jul 4, 2024	Independence Day

8/28/2023 through 8/31/2023 – Teacher In-Service – **No School**

8/31/2023 – Community Kick-off Event, 4:30 PM to 6:30 PM

### Fall Session

9/4/2023 – Labor Day – **No School**

9/5/2023 – **First Day of Fall Session**

9/10/2023 – National Grandparents Day

9/19/2023 – Talk Like a Pirate Day

9/27/2023 – See You at the Pole

9/29/2023 – National Veterans of Foreign Wars Day

10/4/2023 – National Taco Day

10/5/2023 – National Teacher's Day

10/9/2023 – Columbus Day – **No School**

10/16/2023 – Picture Day

10/31/2023 – Halloween

11/1/2023 – El Dia De Los Muertos

11/6/2023 – **Fall Break/Thanksgiving**

Number of Instructional Days: 43

### Winter Session

11/27/2023 – Winter Session begins

12/20/2023 – **Christmas Break**

1/2/2024 – Staff Development Day

1/3/2024 – Winter Session resumes

1/15/2024 – Martin Luther King, Jr. Day – **No School**

1/22/2024 – Celebration of Life Day

2/12/2024 – **Winter Break**

Number of Instructional Days: 44

### Spring Session

3/4/2024 – Spring Session begins

4/23/2024 – National Speak Like Shakespeare Day

5/2/2024 – International Harry Potter's Day

5/5/2024 – El Cinco de Mayo

5/6/2024 – **Spring Break**

Number of Instructional Days: 45

### Summer Session

5/28/2024 – Summer Session

7/4/2024 and 7/5/2024 – Fourth of July, **No School**

8/12/2024 – **Summer Break**

Number of Instructional Days: 52

## Code of Conduct

### *Dress Code*

- Slacks, knee-length or longer skirts or shorts, or nice jeans (no holes, no oversized)
- Polos, t-shirts, or button-down shirts are allowed.
  - Graphics are allowed so long as they do not depict drugs, tobacco, alcohol, violence, or sexually explicit messages either explicit or implied.
- Footwear
  - Closed-toe athletic or dress shoes
  - Socks: graphics rules above apply
- Outerwear
  - Jackets and sweaters
    - Graphics rules above apply
  - Sports coats
- Hats and other Head Coverings
  - Hats and other head coverings must be free of graphics that depict drugs, tobacco, alcohol, violence, or sexually explicit messages or images either explicit or implied.
  - The wearing of religious head coverings (yarmulkes, burkas, etc.) are protected under the 1<sup>st</sup> Amendment and shall not be infringed.
- Cosmetics
  - Hair color, natural and unnatural, are permitted.
  - Painted and press on nails are permitted.
- Grooming
  - Hair of any length is permitted
  - Facial hair is permitted

### *Hygiene*

- Spyrja Academy recognizes that maintenance of proper hygiene may be difficult for some families and children. Spyrja Academy requests that families and children make every effort to maintain proper and acceptable hygiene.
- If hygiene is an issue, Spyrja Academy officials may call a meeting with families to discuss circumstances and provide as much support as possible to ensure children and families have access to facilities or hygiene products.

### *Standards for Student Conduct*

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner.
- Exercise self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.



- Meet Spyrja Academy standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other staff and volunteers.
- Respect the property of others, including Spyrja Academy property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

### *Misconduct*

The law requires Spyrja Academy to define misconduct that may – or must – result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, or expulsion from school.

This Student Code of Conduct has been adopted by the Spyrja Academy Board of Directors. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. This Code remains in effect during all school related events and activities outside the school if and when an updated version adopted by the board becomes effective. In accordance with state law, the Code shall be posted on the school campus or shall be available for review at the office of the campus principal.

Parents shall be notified of any conduct violation that may result in a student being suspended, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code. Because the Student Code of Conduct is adopted by the school’s Board of Directors, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code shall prevail.

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.

Spyrja Academy rules and the authority of the Academy 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 Academy has disciplinary authority over a student:

1. During the regular school day;
2. While the student is traveling on Spyrja Academy provided transportation;
3. During lunch periods in which a student is allowed to leave campus;
4. At any school-related activity, regardless of time or location;
5. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school’s real property boundary line;
9. For certain offenses committed while on school property or while attending a school sponsored or school-related activity of another district in Texas;

10. When the student commits a felony, as provided by Education Code 37.006 or 37.0081;
11. When the student is required to register as a sex offender.

### *Campus Behavior Coordinator*

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. Spyrja Academy shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as campus behavior coordinator. Contact information may be found on the Spyrja Academy website.

### *Searches*

Spyrja Academy officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and school policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner.

Spyrja Academy has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by Spyrja Academy. Desks, lockers, school-provided technology, and similar items are the property of the Academy and are provided for student use as a matter of convenience. Spyrja Academy property is subject to search or inspection at any time without notice.

### *Reporting Crimes*

The principal or and other school officials as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

Unauthorized Persons In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or police officer shall have the authority to refuse entry or eject a person from Spyrja Academy property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from Spyrja Academy property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the school's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

### *Conduct Violations*

The categories of conduct below are prohibited at school, in vehicles owned or operated by Spyrja Academy, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on Out-of-School Suspension, Placement and/or Expulsion for Certain Offenses, and Expulsion, certain offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in Removal from the Regular Educational Setting as detailed in that section.

### *Disregard for Spyrja Staff*

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in Spyrja Academy vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

### *Mistreatment of Others*

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see DAEP—Placement and/or Expulsion for Certain Offenses on page 28.)
- Threaten a Spyrja Academy student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists.
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older.
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a Spyrja Academy student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Coerce an individual to act through the use of threat or force.
- Commit extortion or blackmail
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a Spyrja Academy student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

### *Property Offenses*

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see DAEP— Placement and/or Expulsion for Certain Offenses.)

- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft, see DAEP— Placement and/or Expulsion for Certain Offenses.)

#### *Possession of Prohibited Items*

Students shall not possess or use while on school property or property on which Spyrja Academy students are present:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- Knuckles;
- \*A location-restricted knife;
- \*A club;
- \*A firearm;
- A stun gun;
- Pornographic material;
- Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an eCigarette device;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

\*For weapons and firearms, see DAEP—Placement and/or Expulsion for Certain Offenses. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

#### *Possession of Telecommunications or Other Electronic Devices*

Students shall not:

- Use a telecommunications device, including a cellular telephone, or other electronic device in violation of Spyrja Academy rules.

## Cell Phone Use

- It is recognized that the cellular phone is a multi-functional tool. Students at Spyrja Academy may use their cellular devices in a manner consistent with the academic needs and functions of Spyrja Academy.
- Students are not permitted to use their cellular devices in such a manner as to violate the aforementioned Code of Conduct. Violations may result in confiscation, suspension, or expulsion.

## *Illegal, Prescription, and Over-the-Counter Drugs*

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see DAEP Placement on page 21 and Expulsion on page 31 for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)
- Abuse over-the-counter drugs. (See glossary for “abuse.”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by Spyrja Academy policy.

## *Misuse of Technology Resources and the Internet*

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of Spyrja Academy, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable school technology resources including, but not limited to, computers and related 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.
- Use the internet or other electronic communications to threaten or harass students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Video, possess, share, post, or view inappropriate verbal, physical, or sexual conduct while at school.

- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and “sexting,” either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

### *Safety Transgressions*

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.
- Tamper with AED equipment.

### *Miscellaneous Offenses*

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.
- Impersonate another individual (including electronic impersonations on social media, fake email accounts, etc.)

Spyrja Academy may impose campus or classroom rules in addition to those found in the Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code of Conduct.

## *Students with Disabilities*

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, Spyrja Academy shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

Spyrja Academy does not have a special education coordinator and is thus not authorized to conduct ARDs or special education committee hearings. A child who is enrolled in Spyrja Academy with an IEP, so long as Spyrja Academy can provide the least restrictive environment, will have the IEP and accommodations honored.

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see glossary) until a parent meeting has been held to review the conduct. In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, Spyrja Academy shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

## *Discipline Management*

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by Spyrja Academy or during school activities.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.

- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in Out-of-School Suspension
- Placement in a DAEP, as specified in DAEP on page 21.
- Placement and/or expulsion in an alternative educational setting, as specified in Placement and/or Expulsion for Certain Offenses on page 28.
- Expulsion, as specified in Expulsion on page 31.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by Spyrja Academy.
- Other strategies and consequences as determined by school officials.

### *Prohibited Aversive Techniques*

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain.

Aversive techniques include:

- Using techniques designed or likely to cause physical pain. [See policy FO(LOCAL).]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).



## Suspension and Expulsion

Spyrja Academy reserves the right to suspend or terminate any student from its program, in its sole discretion. Behavior that may lead to a suspension or expulsion are listed in the previous pages under the Student Code of Conduct.

Any incidents will be immediately investigated by Spyrja Academy. Any consequences of the results of these investigations will be determined by Spyrja Academy in its sole discretion. Should a student be involuntarily discharged or expelled from the program, the family forfeits all payments for tuition.

### ***Out-of-School Suspension***

#### *Misconduct*

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

#### *Process*

State law allows a student to be suspended for no more than five school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year. Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision. The campus behavior coordinator shall determine the number of days of a student's suspension, not to exceed five school days. In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take into consideration:

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

Spyrja Academy does not permit a student who is placed in an out of school suspension to participate in any school-sponsored or school-related extracurricular or cocurricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

#### *Coursework During Suspension*

Spyrja Academy shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity before the beginning of the next school year to complete each course the student was enrolled in at the time of removal from the regular classroom. Spyrja Academy may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. Families may be subject to additional charges for any method of completion provided by the Spyrja Academy.

### **Expulsion**

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

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

#### *Discretionary Expulsion: Misconduct That May Result in Expulsion*

A student may be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older.
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
  - Aggravated assault.
  - Sexual assault.
  - Aggravated sexual assault.
  - Murder.
  - Capital murder.
  - Criminal attempt to commit murder or capital murder.
  - Robbery
  - Aggravated robbery.
  - Breach of computer security. (See glossary)

- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

*At School, Within 300 Feet, or at a School Event*

A student may be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See glossary for “under the influence.”)
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)

*Within 300 Feet of School*

A student may be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school’s real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Manslaughter.
- Criminally negligent homicide.
- Robbery
- Aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Unlawfully carrying on or about the student’s person a handgun or a location-restricted knife, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal law. (See glossary.)

### *Property of Another School*

A student may be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another school in or outside of Texas or while the student is attending a school-sponsored or school-related activity of a school in another school in or outside of Texas.

### *Mandatory Expulsion: Misconduct That Requires Expulsion*

A student must be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

#### *Under Federal Law*

- Bringing to school or possessing at school, including any setting that is under Spyrja Academy's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See glossary.) Note: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the school when the school has adopted appropriate safeguards to ensure student safety.

#### *Under the Penal Code*

Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:

- A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.) Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
- A location-restricted knife, as defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See glossary.)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Robbery.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.

- Continuous sexual abuse of a young child or disabled individual.
- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

### *Under Age Ten*

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

### *Process*

If a student is believed to have committed an expellable offense, the campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing. Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate room on campus.
- In-school suspension.
- Out-of-school suspension.

### *Hearing*

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of Spyrja Academy,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the school at the hearing.

After providing notice to the student and parent of the hearing, the school may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees' delegates to the Campus Director authority to conduct hearings and expel students.

### *Board Review of Expulsion*

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the Campus Director within seven days after receipt of the written decision. The Campus Director must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall consider and base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

#### *Expulsion Order*

Before ordering the expulsion, the board or campus behavior coordinator shall take into consideration:

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

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

#### *Length of Expulsion*

The length of an expulsion shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year, except as provided below.

An expulsion may not exceed one year unless, after review, the school determines that:

1. The student is a threat to the safety of other students or to school employees, or
2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the Campus Director may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

### *Withdrawal During Process*

When a student has violated the Spyrja Academy's Code in a way that requires or permits expulsion from the school and the student withdraws from the school before the expulsion hearing takes place, the school may conduct the hearing after sending written notice to the parent and student. One month's payment will be charged, then the contract for the remainder of the year will be terminated.

If the student then re-enrolls in the school during the same or subsequent school year, the school may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another school.

### *Additional Misconduct*

If during the expulsion, the student engages in additional conduct for which expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator or the board may issue an additional disciplinary order as a result of those proceedings.

### *Restrictions During Expulsion*

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No academic credit shall be earned for work missed during the period of expulsion.

### *Newly Enrolled Students*

Spyrja Academy shall decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or an open-enrollment charter school upon enrollment in Spyrja Academy.

If a student expelled in another state enrolls in Spyrja Academy, the school may continue the expulsion under the terms of the expulsion order or may allow the student to attend regular classes if:

1. The out-of-state district provides Spyrja Academy with a copy of the expulsion order, and
2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, Spyrja Academy shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

1. The student is a threat to the safety of other students or district employees, or
2. Extended placement is in the best interest of the student.

### *Emergency Expulsion Procedures*

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.



## Transportation

Spyrja Academy does not provide transportation. Each child must be picked up by a parent or authorized person by closing time. If someone other than the parent or authorized individuals are to pick up a child, the parent must notify Spyrja Academy either that day, or prior to, and inform them of who will be picking up the child. Parents should inform anyone who is picking up their child that they will need a photo ID.

## Food and Allergies

Students are expected to bring their own lunches and/or snacks. If an enrolled student has a food allergy, please notify the administrative team prior to enrollment of the full list of allergies. Please also include this information on the registration form.

While Spyrja Academy will work to eliminate any allergic triggers, please understand that this may be unavoidable at times. Please deliver any and all medications and/or Epi-pens to the Spyrja administrative team with instructions for administration and use of medication.

## Illnesses

Spyrja Academy is committed to the physical well-being of all students and staff at our sites. As a result, we may temporarily exclude a student from attending Spyrja Academy if:

- Their illness prevents the student from participating in the program activities or from resting comfortably;
- Their illness results in greater care need than staff can provide without compromising the health and safety of the other students;
- The student has any of the following conditions: fever, unusual lethargy, irritability, persistent crying, difficult breathing, or other signs of serious illness; diarrhea; vomiting two or more times in the previous 24 hours at home or once at the center; mouth sores, unless a physician states that the student is non-infectious; rash with a fever or behavior change until a physician has determined that the illness is not a communicable disease; purulent conjunctivitis (defined as pink or red conductive with white or yellow discharge, often with matted eyelids) until examined by a physician and approved for re-admission, with or without treatment; tuberculosis, until the student is non-infectious; impetigo, until 24 hours after treatment has started or all the sores are covered; head lice, free of all nits or scabies and free of all mites; strep infection, until 24 hours after treatment and the student has been without fever for 24 hours; hepatitis; chicken pox, until last blister has healed over.

A student who has been excluded from Spyrja Academy may return after being evaluated by a physician, physician's assistant or nurse practitioner, and it has been determined that they are considered to pose no serious health risk to themselves or to the other students. Nevertheless, Spyrja Academy may make the final decision concerning the inclusion or exclusion of the student from Spyrja Academy.

## Medications

Spyrja Academy can administer prescription medications to students with written consent from parents or guardians and instructions for administration.

## COVID-19 Protocol

In the event the nation faces another severe outbreak of COVID-19 or other outbreak of highly transmissible bacteria or virus, Spyrja Academy will follow State recommendations for safe operation of schools.

## Anti-Bullying and Harassment

Bullying is strictly prohibited at Spyrja Academy. Incidents of bullying of which Spyrja Academy administrators and/or staff become aware will be investigated promptly and dealt with according to local law. Referrals may be made to the local police department as warranted.

The terms “bullying” and “cyberbullying” include verbal, written, physical, and electronic acts of harm or present a threat of harm to another individual, infringes on their rights, or interferes with their education. Even if they do not occur on Spyrja Academy property or using Spyrja Academy equipment, these acts are covered by the anti-bullying policy if they disrupt the educational process.

Any Spyrja Academy student who believes that he or she is a victim of bullying should immediately report all information regarding the offensive behavior to a responsible adult. Retaliation against a person who reports bullying, provides information during an investigation of bullying, or has reliable information about bullying is strictly prohibited.

## Non-Discrimination

It is the policy of Spyrja Academy of New Braunfels not to discriminate on the basis of race, creed, ancestry, marital status, gender, sexual orientation, age, physical disability, veteran’s status, political service or affiliation, color, religion, or national origin.

Spyrja Academy is committed to empowering students of all backgrounds to achieve their full potential. Accordingly, it does not discriminate in admission to, access to, or participation in its services, programs and activities, on the basis of race, creed, ancestry, marital status, gender, sexual orientation, age, physical disability, veteran’s status, political service or affiliation, color, religion, or national origin.

As such, Spyrja Academy will not tolerate any form of discriminatory treatment, including discriminatory harassment. All staff, students, and families are expected to conduct themselves in an appropriate and professional manner. Discriminatory harassment occurs when one’s behavior creates a hostile, offensive, or intimidating learning environment on the basis of another’s Protected Characteristic. Should any member of the Spyrja Academy community have a concern or question about discriminatory behavior, they should immediately notify a Spyrja Academy staff member.

## Mandated Reporting

Spyrja Academy staff members are mandated reporters and must, by law, report reasonable suspicion of abuse or neglect to the Texas Child Protective Services.

## Questions?

Many parents or guardians have specific questions, suggestions, or concerns. We want to be able to meet your needs in the most efficient way possible. For any questions, please contact Jourdan Simmang at (512)608-2826 and at [jourdan@sanebraunfels.org](mailto:jourdan@sanebraunfels.org).

## Glossary

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by Penal Code 29.03(a) as when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is: a) 65 years of age or older, or b) A disabled person.

**Armor-piercing ammunition** is defined by Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**Arson** is defined in part by Penal Code 28.02 as:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
  - a. Any vegetation, fence, or structure on open-space land; or
  - b. Any building, habitation, or vehicle:
    - i. Knowing that it is within the limits of an incorporated city or town,
    - ii. Knowing that it is insured against damage or destruction,
    - iii. Knowing that it is subject to a mortgage or other security interest,
    - iv. Knowing that it is located on property belonging to another,
    - v. Knowing that it has located within it property belonging to another, or
    - vi. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
  - a. Recklessly damages or destroys a building belonging to another, or
  - b. Recklessly causes another person to suffer bodily injury or death.

**Assault** is defined in part by Penal Code:

- §22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another;
- §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and
- §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

**Breach of computer security** includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of the school; and the student knowingly alters, damages, or deletes school property or information; or commits a breach of any other computer, computer network, or computer system.

**Bullying** is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. Has the effect or will have the effect of physically 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;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;

3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying. (See below)

This state law on bullying prevention applies to:

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

**Chemical dispensing device** is defined by Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

**Club** is defined by Penal Code 46.01 as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, nightstick, mace, and tomahawk are in the same category.

**Controlled substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

**Criminal street gang** is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**Cyberbullying** is defined by Section 37.0832 of the Education Code as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

**Dangerous drug** is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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

**Deadly conduct** under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**Deferred adjudication** is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision. Deferred prosecution may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

**Delinquent conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

**Discretionary** means that something is left to or regulated by a local decision maker.

**E-cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

**Explosive weapon** is defined by Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

**False alarm** or report under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies; Glossary Page 41
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** is defined by federal law (18 U.S.C. 921(a)) as:

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 any explosive, incendiary or poison gas bomb, or grenade. Such term does not include an antique firearm.

**Firearm silencer** is defined by Penal Code 46.01 as any device designed, made, or adapted to muffle the report of a firearm.

**Graffiti** includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

**Handgun** is defined by Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.

**Harassment** includes:

1. Conduct that meets the definition established in school policies;

2. Conduct that threatens to cause harm or bodily injury to another person, including a school student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code; or
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
  - a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
  - b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
  - d. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

**Hazing** is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

**Hit list** is defined in Section 37.001(b)(3) of the Education Code as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

**Improvised explosive device** is defined by Penal Code 46.01 as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

**Indecent exposure** is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

**Intimate visual material** is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

**Location-restricted knife** is defined by Penal Code 46.01 as a knife with a blade over five and one-half inches.



**Knuckles** means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**Look-alike weapon** means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

**Machine gun** as defined by Penal Code 46.01 is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**Mandatory** means that something is obligatory or required because of an authority.

**Paraphernalia** are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

**Possession** means to have an item on one's person or in one's personal property, including, but not limited to, clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including, but not limited, to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any school property used by the student, including, but not limited to, a locker or desk.

**Prohibited weapon** under Penal Code 46.05(a) means:

1. The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
  - a. An explosive weapon;
  - b. A machine gun;
  - c. A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device;
6. An improvised explosive device; or
7. A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

**Public Lewdness** is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

**Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are excepted from this definition.

**Reasonable belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the Campus Director or designee may use all available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

**Self-defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

**Serious misbehavior** means:



1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under Penal Code 21.07;
  - b. Indecent exposure under Penal Code 21.08;
  - c. Criminal mischief under Penal Code 28.03;
  - d. Hazing under Education Code 37.152; or
  - e. Harassment under Penal Code 42.07(a)(1) of a student or school employee.

**Serious or persistent misbehavior** includes, but is not limited to:

- Behavior that is grounds for permissible expulsion.
- Behavior identified by Spyrja Academy as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

**Short-barrel firearm** is defined by Penal Code 46.01 as 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 that, as altered, has an overall length of less than 26 inches.

**Terroristic threat** is defined by Penal Code 22.07 as a threat of violence to any person or property with intent to:

1. Cause a reaction of any type 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, or 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).

**Tire deflation device** is defined in part by Penal Code 46.01 as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

**Title 5 felonies** are those crimes listed in Title 5 of the Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02, – .05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05 – .06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02; • Sexual assault under Section 22.011;

- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or children under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

**Under the influence** means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

**Use** means voluntarily introducing into one's body, by any means, a prohibited substance.

**Zip gun** is defined by Penal Code 46.01 as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.