

APPENDIX VI – 23

TUCSON UNIFIED
SCHOOL DISTRICT

2017-18 Code of Conduct
including parent and student rights

DRAFT

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This Code of Conduct was written by a diverse group of Tucson Unified School District stakeholders, including parents, students, teachers, administrators, school support staff, and other community members. It was informed by the perspective of nearly 150 other district employees and community members that participated in school discipline focus groups. It represents a collective, community-wide perspective on how school discipline should be handled in our schools.

PART 1: INTRODUCTION

Welcome to Tucson Unified School District, where every student has the right to a high-quality education that includes a full and equal opportunity to: develop their mind, personality, and talents; fulfill their potential; achieve their goals; improve the quality of their lives; and graduate from high school prepared for college, living-wage employment, and thoughtful and responsible citizenship.

Tucson Unified School District is committed to providing these opportunities for every single student who attends one of our schools. As part of this commitment, we must ensure that every school has a safe, positive, and supportive school climate in which students and educators can thrive. The foundation of this effort is the expectation that district employees will: (1) ensure that students are engaged and challenged by well-rounded, culturally-relevant instruction; (2) prioritize the development of strong relationships with every student; (3) be aware of, and responsive to, the full array of students' academic, social, emotional, and physical needs, including the impact of crises, trauma, and other challenges our students face at home and in the community; (4) commit to ongoing teaching and reinforcement of positive student behaviors; (5) focus on the prevention of negative student behaviors through effective classroom management and campus management strategies; and (6) model the appropriate behaviors we want students to emulate.

Similarly, we ask that parents and guardians take responsibility for supporting students in following the **Six Bs**: (1) **Be** present; (2) **Be** on time; (3) **Be** prepared; (4) **Be** kind; (5) **Believe** in yourself; and (6) **Do your Best**.

These commitments, from every member of the school community, are the essential building blocks of the high-quality learning environments we must create for our students.

Additionally, our commitment to our students' demands that we use developmentally appropriate disciplinary methods that are applied fairly and equitably. Research shows that the frequent use of harsh school disciplinary measures such as out-of-school suspensions, expulsions, and arrests or referrals to the juvenile justice system fails to create safer schools or promote school success. Instead, it causes severe, long-term harm to students, families, and the entire community while creating unhealthy school environments in which it is more difficult for students to learn and for educators to teach. Therefore, we are committed to using such measures only when they are necessary to protect the safety of members of the school community or in response to persistent misconduct where appropriate.

As outlined in the sections below, all of our disciplinary methods are targeted at promoting the success of every one of our students and supporting the creation of healthy, safe, and productive learning environments that will benefit all members of the school community. This will require a collaborative effort among students, parents/guardians, and all Tucson Unified School District employees. By working together as a community, we can create the excellent and equitable schools that will strengthen our city and provide each of our students with the education they deserve.

PART 2: THE SCHOOL DISCIPLINARY PROCESS

Our commitment to meeting the needs of all Tucson Unified School District students requires that we have high expectations for every member of the school community. That includes having high behavioral expectations. Thus, our school disciplinary process is guided by the following standard:

In Tucson Unified School District, every student, parent/guardian, teacher, administrator, and school staff person is expected to:

1. *Treat all members of the school community with respect.*
2. *Conduct themselves in a responsible manner that does not interfere with any student's right to learn and does not jeopardize the safety or well-being of any member of the school community.*
3. *Respect the property of others, and of the school.*

Each school principal has the responsibility to ensure that every member of the school community understands these expectations and is supported in meeting them. School principals may also adopt additional rules or behavioral expectations that are consistent with the approach of this policy.

If, as part of the learning process, students fall short of meeting behavioral expectations or violate school rules, it is each school's responsibility to use the disciplinary process to help them learn the skills needed to become successful and responsible students and adults. Following such misbehavior, school personnel shall investigate the circumstances and gather facts as necessary to determine the appropriate response. Students shall always be allowed to respond and provide their perspective on the incident. School behavioral expectations and rules are applicable during regular school hours, while students are being transported on the school bus, and at times and places where school administrators have jurisdiction over students, including, but not necessarily limited to school-sponsored events, field trips, athletic functions, going to and from school ("portal to portal"), and other activities. Additionally, school principals are authorized to use the disciplinary responses described in Tables [One, Two, and Three](#) when a student's misconduct away from school (including on social media) has a detrimental effect on other students or on the learning environment.

If it is determined that one or more disciplinary responses are needed, schools may ~~choose~~ [select](#) from among the options in Tables [One, Two, and/or Three](#) below (exceptions for persistent misconduct or behaviors that create a continuing threat to members of the school community are discussed on pages 5-10 below).

Disciplinary responses should always meet the following criteria:

- They should be designed to address the root cause of the student's behavior, which may include academic difficulties; unmet social, emotional, or physical needs; challenges at home or in the community; or inter-personal conflicts with other students or school staff, among others.
- They should address the needs of the student who engaged in the misconduct, the needs of those who were affected by the misconduct, and the needs of the overall school community.
- They should be structured to maximize productive teaching and learning time and minimize the amount of time that students are removed from their classrooms.
- They should include meaningful instruction and guidance to assist students in taking responsibility for their actions, learning from their mistakes, and becoming successful learners and positive contributors to the school community.
- They should be reasonable, age-appropriate, and applied equitably.

Table One		
Disciplinary Responses		
(Note: Not all of the items listed below will be available at every school.)		
<p>Level A: Classroom Responses (Note: they may also be used by other school personnel in response to behaviors outside of the classroom on school campuses)</p>	<ul style="list-style-type: none"> * Reminders of rules and expectations * Re-direction of behavior * Teaching or re-teaching of expectations and skills or replacement behaviors * Teacher/student conference * Restorative dialogue * Written or verbal apology * Reflective essay; other reflective activity * Independent study * Role-play * In-class, impromptu restorative circle * Modification of instruction * In-class "cool down" * Structured breaks * Parent/guardian outreach 	<ul style="list-style-type: none"> * Check-in/check-out * Morning meetings * Seat change * Self-charting of behaviors * Daily report card on behavior, task completion, and achievement * Student/teacher/parent conference * Team building exercises * Group or classroom restorative circles * Victim-offender dialogue * Teacher mentor * Referral to support staff (e.g., guidance counselor, social worker, psychologist, or nurse) * Other similar, non-exclusionary responses, as needed
<p>Level B: School Support Staff Responses (e.g., Counselors, Psychologists, Social Workers, Student Equity Success Specialists, Special Education Case Managers, Multi-Tiered System of Supports (MTSS) Teams)</p>	<ul style="list-style-type: none"> * Any of the responses listed above * Parent shadowing * Student/teacher/support staff/parent conference * Out-of-classroom "cool down" (no more than one hour) * Loss of privileges (e.g., exclusion from group lunch or extra activities) * Mini-course/training (e.g., conflict resolution, anger management, social skills, or appropriate behavior) * Adult/student lunches * Mediation (including peer mediation) * Short term behavioral progress reports * Behavioral or academic coaching * Referral to afterschool program * Anger management group or training 	<ul style="list-style-type: none"> * Mentoring (with peers, community members, or other school staff) * Functional Behavioral Assessment/Behavioral Intervention Plan * Home visit * In-house or outside referral to community-based services, substance abuse harm reduction program, education, or counseling (federal law prohibits outside agencies from releasing private medical records to the District without parent consent) * Modification of IEP or 504 plan (if applicable) * Restorative community service (not to include manual labor) * Life Skills training * Teen court/peer jury * Other similar, non-exclusionary responses, as needed
<p>Level C: School Administrator Responses</p>	<ul style="list-style-type: none"> * Any of the responses listed above * Student/administrator or student/administrator/parent conference * Family/community restorative conference * Restitution * Abeyance contract (not to include out-of-school suspensions, alternative education placements, expulsions, or referrals to law enforcement as a consequence) * Change in schedule/class (including per TEA Consensus Agreement, Article 14) * Detention (before/after school; lunch) * Saturday School * Other similar, non-exclusionary responses, as needed 	<p>The following responses are to be used only in accordance with the Persistent Misconduct Process and/or the Safe Schools Protocol:</p> <ul style="list-style-type: none"> * In-School Intervention (ISI) * Out-of-school suspensions * Alternative education placements * Expulsions <p>NOTE: Referrals to law enforcement are to be used only in accordance with the "Law Enforcement Involvement" section on Page 13.</p>

Table One

**Level 1 Disciplinary Infractions and Options
Recommended Classroom-Level Responses and Interventions**

Commented [BS1]: This term was revised in response to feedback from the SMP and from Jim Freeman

Priority should be given to addressing student misbehavior through Level 1 options whenever possible. When behaviors cannot be adequately addressed through Level 1 options, school support staff may be involved and may use Level 2 options. (Not all of the items/options listed below will be available at every school).

Commented [BS2]: This sentence, copied from the top of page 8, was added in response to SMP comments

Responses and interventions Options may also be used by other school personnel in response to behaviors outside of the classroom on school campuses. See Appendix 1, Infraction Definitions and Appendix 2, Glossary of Terms.

Level 1 Infractions

<ul style="list-style-type: none"> * Provocation (verbal or nonverbal) * Recklessness * Minor Aggressive Act * Dress Code Violation * Parking Lot Violation * Public Display of Affection * Other Violation of School Policies and Regulations * Language (verbal or nonverbal), Inappropriate * Contraband * Disruption * Gambling * Defiance or Disrespect and Non-Compliance * Over the Counter Drugs, Inappropriate Possession/Use * Tobacco Violation, Possession/Use 	<ul style="list-style-type: none"> * Possession/Use of Drug Paraphernalia * Other Attendance Violations * Tardy * Unexcused Absence * Leaving School Grounds without Permission * Truancy * Cheating * Forgery * Lying * Plagiarism * Telecommunication * Other Technology * Petty Theft * Trespassing * Graffiti or Tagging
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Level 1 Options Recommended Responses and Interventions

<ul style="list-style-type: none"> * Reminders of rules and expectations * Re-direction of behavior * Teaching or re-teaching of expectations and skills or replacement behaviors * Teacher/student conference * Restorative dialogue * Written or verbal apology * Reflective essay; other reflective activity * Independent study * Role-play * In-class, impromptu restorative circle * Modification of instruction * In-class "cool down" * Structured breaks * Parent/guardian outreach 	<ul style="list-style-type: none"> * Check-in/check-out * Morning meetings * Seat change * Self-charting of behaviors * Daily report card on behavior, task completion, and achievement * Student/teacher/parent conference * Team building exercises * Group or classroom restorative circles * Victim-offender dialogue * Teacher mentor * Referral to support staff (e.g., guidance counselor, social worker, psychologist, or nurse) * Other similar, non-exclusionary responses, as needed
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Table Two

**Level 2 Disciplinary Infractions and Options
Recommended School Support Staff Responses and Interventions**

Commented [BS3]: This term was revised in response to feedback from the SMP and from Jim Freeman

Priority should be given to addressing student misbehavior through Level 1 options whenever possible. When behaviors cannot be adequately addressed through Level 1 options, school support staff may be involved and may use Level 2 options. (Not all of the ~~items-options~~ listed below will be available at every school).

Commented [BS4]: This sentence, copied from the top of page 8, was added in response to SMP comments

Not all of the items listed below will be available at every school. School Support Staff includes, but is not limited to: Counselors, Psychologists, Social Workers, Success Specialists, ExEd Case Managers, MTSS Teams. See Appendix 1, Infraction Definitions and Appendix 2, Glossary of Terms

Level 2 Infractions

<ul style="list-style-type: none"> * Other Aggression * Disorderly Conduct * Endangerment * Fighting * Negative Group Affiliation / Illegal Organization * Over the Counter Drugs, Inappropriate Use (Sale/Share) * Tobacco Violation (Sale/Share) * Possession of Drug Paraphernalia (Sale/Share) * Threat or Intimidation * Bullying 	<ul style="list-style-type: none"> * Harassment, nonsexual * Harassment, Sexual * Hazing * Pornography * Computer (Technology, Improper Use of) * Network Violation * Theft – School Property or Non-School Property * Vandalism of Personal Property * Vandalism of School Property * Dangerous Items * Simulated Firearm
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Level 2 Options Recommended Responses and Interventions

<ul style="list-style-type: none"> * Any of the responses listed in Table One * Parent shadowing * Student/teacher/support staff/parent conference * Out-of-classroom “cool down” (no more than one hour) * Loss of privileges (e.g., exclusion from group lunch or extra activities) * Mini-course/training (e.g., conflict resolution, anger management, social skills, or appropriate behavior) * Adult/student lunches * Mediation (including peer mediation) * Short-term behavioral progress reports * Behavioral or academic coaching * Referral to afterschool program * Anger management group or training * Mentoring (with peers, community members, or other school staff) 	<ul style="list-style-type: none"> * Functional Behavioral Assessment/Behavioral Intervention Plan * Home visit * In-house or outside referral to community-based services, substance abuse harm reduction program, education, or counseling (federal law prohibits outside agencies from releasing private medical records to the District without parent consent) * Modification of IEP or 504 plan (if applicable) * Restorative community service (not to include manual labor) * Life Skills training * Teen court/peer jury * Other similar, non-exclusionary responses, as needed
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Table Three	
<p>Level 3 Disciplinary Infractions and <u>Options</u> Recommended School Administrator Responses and Interventions</p> <p><u>Priority should be given to addressing student misbehavior through Level 1 options whenever possible. When behaviors cannot be adequately addressed through Level 1 options, school support staff may be involved and may use Level 2 options, or school administrators may be involved and use Level 3 options, as appropriate.</u> (Not all of the items listed below will be available at every school). See Appendix 1, Infraction Definitions and Appendix 2, Glossary of Terms.</p>	
<p>Level 3 Infractions</p>	
<ul style="list-style-type: none"> * Inhalants (Possession, Use, Sale, Share) * Unknown Drug: (Possession, Use, Sale, Share) * Substance Represented as an Illicit Drug: (Possession, Use, Sale, Share) * Illicit Drugs: (Possession, Use, Sale, Share) * Assault * Arson or a Structure or Property * Fire Alarm Misuse * Harassment, Sexual with Contact * Indecent Exposure or Public Sexual Indecency * Burglary or Breaking and Entering * Extortion * Robbery * Other Weapons 	<p>Mandatory Report to Law Enforcement¹</p> <ul style="list-style-type: none"> * Aggravated Assault (<u>resulting in serious injury</u>) * Alcohol Violation (Possession, Use, Sale, Share) * <u>Any Dangerous Crime Against Minors</u> * <u>Armed Robbery</u> * <u>Arson of an Occupied Structure</u> * <u>Burglary (First Degree)</u> * <u>Use or Threat to Use a Deadly Weapon</u> * <u>Possession of a Firearm</u> * <u>Possession, Use, Sale, Attempted Sale of Illegal Drugs</u> <p><u>Mandatory Report to Law Enforcement and Expulsion Required by Law</u></p> <ul style="list-style-type: none"> * Bomb Threat * Chemical or Biological Threat * Other School Threat
<p>Level 3 <u>Options Recommended Responses</u></p>	
<ul style="list-style-type: none"> * Any of the responses listed in Tables One and Two * Student/administrator or student/administrator/parent conference * Family/community restorative conference * Restitution * Abeyance contract (not to include out-of-school suspensions, alternative education placements, expulsions, or referrals to law enforcement as a consequence) * Change in schedule/class (including per TEA Consensus Agreement, Article 14) * Detention (before/after school; lunch) * Saturday School * Other similar, non-exclusionary responses, as needed 	<p><i>The following responses are to be used only in accordance with the Persistent Misconduct Process (Appendix 3) and/or the Safe Schools Protocol (Appendix 4):</i></p> <ul style="list-style-type: none"> * In-School Intervention (ISI) * Out-of-school suspensions * Alternative education placements * Expulsions <p>NOTE: Referrals to law enforcement are to be used only in accordance with the "Law Enforcement Involvement" section on Page 13.</p>

Commented [BS5]: This term was revised in response to feedback from the SMP and from Jim Freeman

Commented [BS6]: This sentence, copied from the top of page 8, was added in response to SMP comments

Commented [BS7]: Revised to align with chart on page 12; responsive to Fisher Plaintiff comments

¹ Mandatory reports to law enforcement for crimes committed on a school campus are different from mandatory reports to law enforcement or the Department of Child Safety (see A.R.S. § 13-3620) related to a school official's reasonable belief that a student is the victim of non-accidental physical injury, neglect, or sexually related offense.
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Regardless of the infraction level, in making these decisions priority should be given to addressing student misbehavior through Level A1 optionsresponses whenever possible. When behaviors cannot be adequately addressed through Level A1 optionsresponses, school support staff may be involved and may use Level B2 optionsresponses, or school administrators² may be involved and use Level C3 optionsresponses, as appropriate.

For example, if a student acts in a manner that is disrespectful toward a teacher, another student, or any other member of the school community, school personnel may choose to use a disciplinary optionresponse (or optionsresponses) from Levels 1, 2, or 3 A, B, or C, depending upon the severity of the incident and the surrounding context, such as the developmental level of the student, the root causes of the incident, whether the incident is part of a pattern of behavior, and whether the student is willing to take responsibility for, and repair the harm caused by, the incident. The emphasis should be on addressing the incident promptly and appropriately, and ensuring that all affected persons are supported as necessary to create the high-quality learning environments needed in schools.

When student behavior has caused, or contributed to, an emotional, violent, or potentially violent situation, the disciplinary response(s) chosen should prioritize a de-escalation of the conflict.

School personnel shall attempt to collaborate with students' parents/guardians³ in addressing all significant disciplinary concerns.

Additionally, for all disciplinary incidents not resolved with a Level A1 optionresponse, school personnel shall promptly attempt to call the student's parents/guardians to notify them of the student's behavior and the disciplinary responses that were used.

The student's parents/guardians shall also be invited to discuss the relevant circumstances with the appropriate staff member and, if applicable, shall be invited to participate in the process of addressing the behavior. If the school's initial attempts to contact the parents/guardians are unsuccessful, they shall still ensure that the parents/guardians are notified and invited to participate in the process, if applicable, through additional phone calls, email, or, as a last resort, a letter.

Language Access

Students and their parents/guardians are entitled to an interpreter or translator when needed at any step of the disciplinary process.

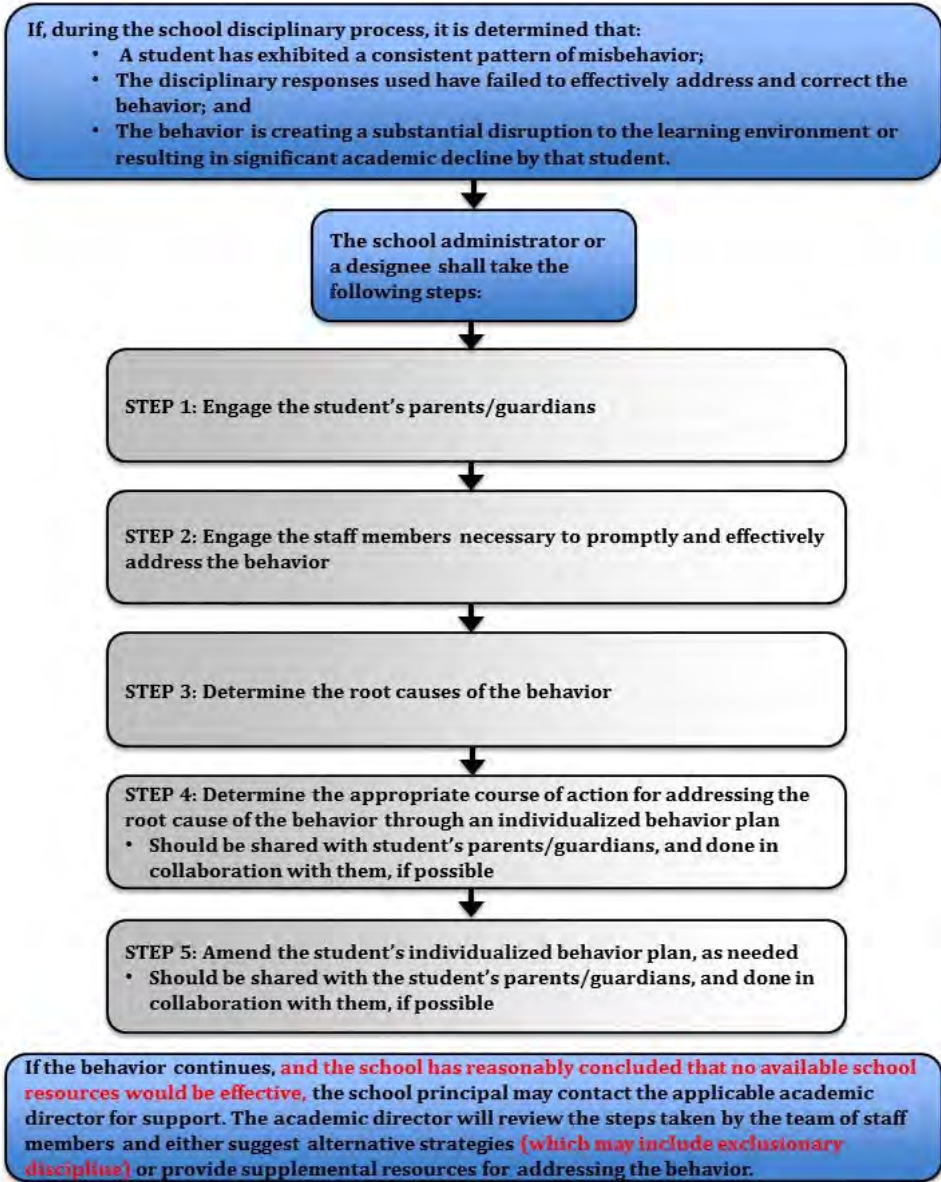
Persistent Misconduct

If, during the school disciplinary process, it is determined that: (a) a student has exhibited a consistent pattern of misbehavior; (b) the documented disciplinary responses used have failed to effectively address and correct the behavior; and (c) the behavior is creating a substantial disruption to the learning environment or resulting in significant academic decline by that student, the school administrator or their designee shall take the following steps follow the process described in Appendix 3 and outlined in the diagram below.

² "School administrator," when used in this policy, refers to principals, assistant principals, and deans of students.

³ Throughout this policy, the requirements affecting parents and guardians shall only apply when applicable, i.e., they shall not apply when a student does not have a legal guardian.

Summary of Persistent Misconduct Process

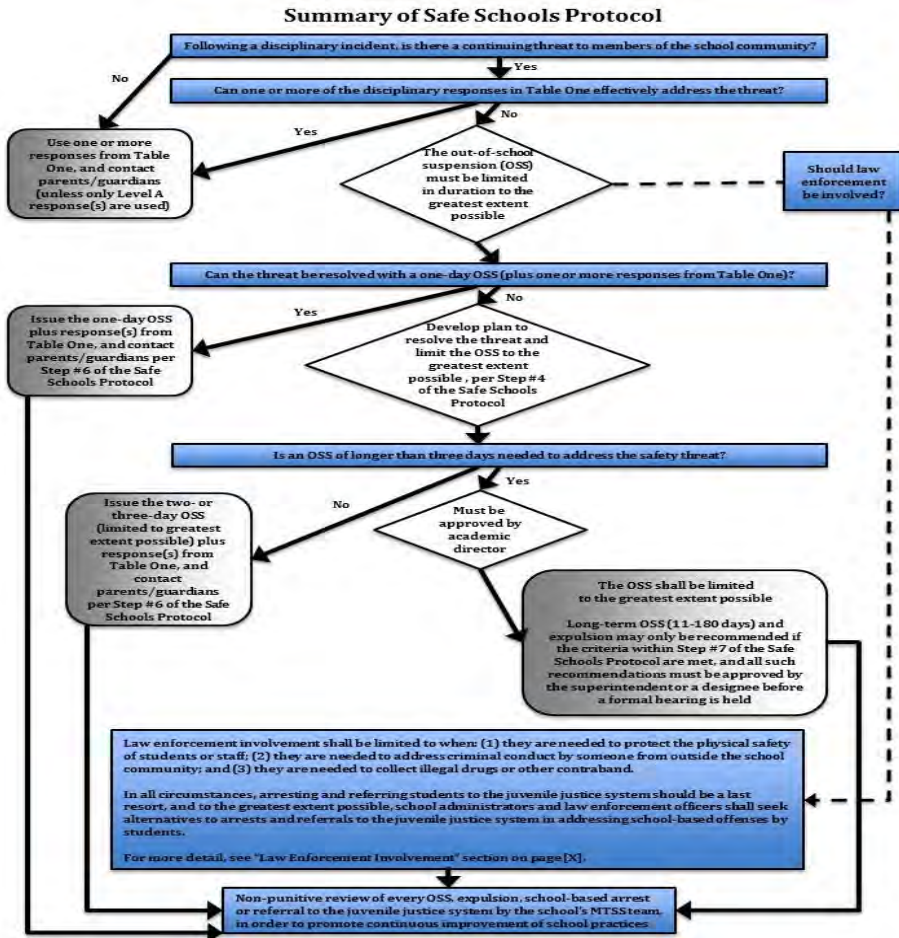


Commented [BS8]: Revised as suggested by the DOJ/Mendoza Plaintiffs

Safe Schools Protocol

The vast majority of disciplinary incidents should be addressed using the procedures described above. However, there may be rare instances in which student behavior creates a continuing threat to members of the school community, in which case school administrators have the responsibility to ensure the well-being of every member of the school community.⁴ In determining whether there is a continuing threat to members of the school community, school administrators shall apply the following principles described in Appendix 4 and outlined in the diagram below.

Commented [BS9]: This list has been revised to the original list as requested by the DOJ and Mendoza Plaintiffs



⁴ The types of behaviors that may, depending on the circumstances, create a continuing threat to members of the school community that necessitates an out-of-school suspension include, but are not limited to, violence against another person, distributing or selling alcohol or drugs (including prescription medication), the possession or use of weapons, sexual assault, credible threats of harm or violence, and fire-setting or the use of explosives. Note that there shall never be a presumption that these, or any other, behaviors create a continuing threat to members of the school community that necessitates an out-of-school suspension. Instead, all such incidents shall result in school administrators following the School Safety Protocol outlined below.

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Law Enforcement Involvement

Law enforcement involvement in school disciplinary incidents shall be limited to the following circumstances: (1) when they are needed to protect the physical safety of students or staff; (2) when they are needed to address criminal conduct by someone from outside the school community; (3) when they are needed to collect illegal drugs or other contraband that has been confiscated by an administrator or school employee and (4) as required by Arizona law (see chart below). Law enforcement involvement shall not be requested in a situation that can be safely and appropriately handled by school staff.

In all circumstances, it is the position of the Tucson Unified School District that arresting and referring students to the juvenile justice system should be a last resort. School administrators shall comply with state law in providing notification of incidents to law enforcement, but they shall not refer students to law enforcement for arrest or referral to the juvenile justice system unless there are no other options for addressing a continuing threat to members of the school community. Only under extraordinary circumstances (or as required by Arizona law, see chart below) shall a student in elementary- or middle-school grades be referred to law enforcement for arrest or referral to the juvenile justice system. (See footnote 6 for the definition of “extraordinary circumstances”).

School resource officers based on Tucson Unified School District campuses shall exercise their authority to arrest and refer students to the juvenile justice system in a manner that is consistent with the goals and requirements of this policy, and to the greatest extent possible, shall seek alternatives to arrests and referrals to the juvenile justice system in addressing school-based offenses by students. Examples may include a conversation with the student about their actions, a verbal warning, parental outreach/engagement, a “cool-down” period, one of the restorative options, In-School Intervention/in-school suspension, mediation, referral to teen court/peer jury, detention, referral to school support staff or community-based services, or mentoring opportunities. When other, non-school-based law enforcement officers are in a school responding to an incident involving a student, school administrators shall work collaboratively with them to seek such alternatives to arrests and referrals to the juvenile justice system.

If law enforcement officers do speak with, attempt to speak with, issue a citation to, or arrest a student in connection with a school-based incident, a school administrator shall promptly call the student’s parents/guardians. If the initial attempt is unsuccessful, the school administrator or designee shall make all reasonable efforts to notify the parents/guardians as quickly as possible. Certain criminal behavior must be reported to appropriate law enforcement agencies due to Arizona’s mandatory reporting laws. Any school district staff member is **required to report the following incidents:**

Aggravated Assault resulting in serious physical injury	Homicide
Any dangerous crime against minors	Kidnapping
Armed Robbery	Possession of a firearm
Arson of an occupied structure	Possession, use, sale, or attempted sale of illegal drugs
Bomb threats	Sexual Assault
Burglary in the first degree	Sexual conduct with a minor under 15 years of age
	Use or threat to use a deadly weapon/dangerous instrument
Additionally, pursuant to A.R.S. § 13-3620, school personnel are required to immediately report any reasonable belief of non-accidental physical injury, neglect, or sexually related offense against a minor.	

Commented [BS10]: Updated to align with State law

Discipline and Student Academics

Students shall not be punished or penalized academically as a result of disciplinary action. Regardless of the disciplinary consequence, students shall be provided the opportunity to earn grades and academic credits equivalent to those earned by other students in the class. A student who has been excluded from the classroom for any length of time (with the exception of expulsions) shall be provided the opportunity to make up any missed quizzes, tests, or exams in a timely manner. Additionally, to promote effective reintegration into the classroom following an exclusion, the student shall be provided the opportunity to receive any missed class and homework assignments on a daily basis and turn them in for full credit.

Commented [BS11]: Minor revision from “with the exception of expelled students”

PART 3: STUDENT AND VICTIM RIGHTS

The Tucson Unified School District believes that students and victims have rights that should be protected by the adults who work with them in the school environment. Students have a right to receive high quality instruction in a safe, clean, orderly and positive climate – one that is unbiased, nonjudgmental, and free from bullying, prejudice, discrimination, verbal or physical threats and abuse. School staff members will work to proactively create this environment.

If a student is a victim of a crime that falls under the reporting guidelines for ARS 13-3620 (crimes against minors), or another ARS statute that requires notification of law enforcement, school staff will protect that student by making a mandatory report to law enforcement and/or the Department of Child Safety (reports to law enforcement do not always result in arrests). See Chart on page 11. If a student is targeted by behavior of another individual that would be considered a violation of this Code of Conduct, school staff will work to protect the student during and after the investigation of the incident.

The safety of adult victims, including staff, parents, and community members, will be protected by law enforcement, consistent with the procedures set forth on page 11. Teachers will be assisted by building administrators in appropriately addressing disruptive student behavior, consistent with the “School Disciplinary Process” in this Code and consistent with state law.

Appendix 5 and Appendix 6 contain detailed information regarding student, victim, and parent rights:

Appendix 5: Governing Board Regulations and Policies	Abeysance Contracts (Regulation JK-R4)
	Equal Educational Opportunities And Anti-Harassment (Policy JB)
	Governing Board Position on Gang Behavior And Activity
	Student Attendance (Policy JE)
	Dating Abuse (Policy JICL)
	Bullying, Intimidation And Harassment (Policy JICK)
	School Dress Code (Required At Every School) (Policy IICA)
	Bus Rules
	Student Use of Cell Phones And Electronic Devices (Policy JICJ)
Appendix 6: Student and Parent Rights	Hazing (Policy JICFA)
	Due Process Rights
	Due Process For Students With 504 Plans or IEPs
	Privacy Rights of Parents and Students
	Parent Rights Regarding Surveys, Collection and Use of Information for Marketing Purposes, and Certain Physical Exams

Commented [BS12]: Moved after the “School Disciplinary Process” in response to feedback from the SMP and Jim Freeman

Commented [BS13]: Added language to ensure the focus is on “reporting” rather than “criminalizing students” in response to feedback from Jim Freeman

Commented [BS14]: Based on feedback from the DOJ/Mendoza Plaintiffs, this proposed language replaces the previous language:

Adult victims including staff, parents, and community members have the right to contact law enforcement as they feel necessary for their protection according to the criteria described on page 12, below (including that law enforcement involvement shall not be requested in a situation that can be safely and appropriately handled by school staff). School staff will also hold students accountable if they violate this Code of Conduct through their actions towards adults. Teachers may exclude a disruptive student from their room in accord with A.R.S. 15-841.

PART 4: ACCOUNTABILITY

Data Monitoring

The overuse, or inequitable use, of harsh disciplinary measures can have a dramatic impact on students, families, schools, and the entire community. As such, all schools are instructed to continually analyze their own data to ensure that disciplinary responses and consequences are being used appropriately and equitably. The data should be used to promote reflective and critical conversations among school staff about any disparities that arise, their causes, their consequences, and how they can be addressed.

Additionally, the district office will monitor each school's use of disciplinary responses and consequences, with a particular focus on out-of-school suspensions, expulsions, and law enforcement involvement, as well as the [Level 3](#) responses included in [Table Three Level C of Table One](#). The overuse of these measures, or any unjustifiable racial or ethnic disparities within their use, shall be cause for corrective action.

Complaint Process

If students or their parents/guardians believe that a school employee other than the principal has violated their rights under this policy or has not followed this policy appropriately, they may file a complaint with their principal. If students or their parents/guardians believe that the principal has violated their rights under this policy, has not followed this policy appropriately, or has not responded appropriately to a complaint, they may file a complaint with the district office. The complaint form is available here: <http://tusd1.org/contents/distinfo/deseg/complaint.asp>. A complaint to the district office may be submitted with any School District employee who will forward it to the principal or principal's designee, the site director and/or Charlotte Brown-Dept. of Student Equity. Students and parents/guardians may also submit a complaint to the district office by calling (520) 225-4316. All complainants shall receive a written response to their complaint within one week of submission.

School Discipline and School Climate Committee

Tucson Unified School District has created a School Discipline and School Climate Committee composed of parents/guardians, students, teachers, administrators, school support staff, and other community members that is empowered to take a more active role in promoting high-quality school disciplinary practices and healthy school climates. The committee members will be provided with the school discipline data and summaries of the complaints described above (without any information that would allow for the identification of any individual person) and shall collect input from school stakeholders (such as through surveys and public meetings), advise district leadership on related policy and budgetary decisions, and submit biannual reports to the Governing Board on the committee's findings and recommendations. This committee can be reached at [\[insert contact info\]](#).

Individual schools are also encouraged to create their own School Discipline and School Climate committees.

APPENDIX 1 VIOLATIONS INFRACTION DEFINITIONS

The Arizona Department of Education has identified the following violations, which are prohibited in TUSD schools:

<p>Aggravated Assault: A person commits aggravated assault if the person: (1) causes serious physical injury to another; (2) uses a deadly weapon or dangerous instrument; (3) commits the assault by any means of force that causes temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part or a fracture of any body part; (4) commits the assault while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired; (5) commits assault and the person is in violation of an order of protection; (6) commits the assault knowing or having reason to know that the victim is any of the following: law enforcement officer, prosecutor, firefighter, EMT/Paramedic engaged in official duties, teacher or any school employee on school grounds, on grounds adjacent to the school or in any part of a building or vehicle used for school purposes, teacher or school nurse visiting a private home in the course of the teacher's or nurse's professional duties or any teacher engaged in any authorized and organized classroom activity held on other than school grounds. (see A.R.S. § 13-1204). NOTE: "substantial impairment" occurs where by reason of injury or fatigue the victim does not have the ability to defend himself from further assault.</p>
<p>Alcohol Violation: Includes the act of possessing, using, selling, and/or sharing intoxicating alcoholic beverages or substances represented as alcohol. This includes being intoxicated at school, school-sponsored events and on school-sponsored transportation. (See Glossary for definitions of the following terms: "Possession," "Use," "Sale," and "Share") (Governing Board Policy JICH)</p>
<p>Armed Robbery: A person commits armed robbery if, in the course of committing robbery (see definition above) such person or an accomplice: (1) Is armed with a deadly weapon or a simulated deadly weapon; or (2) Uses or threatens to use a deadly weapon or dangerous instrument or a simulated deadly weapon. (see A.R.S. § 13-1904)</p>
<p>Arson of a Structure or Property: A person commits arson of a structure or property by knowingly and unlawfully damaging a structure or property by knowingly causing a fire or explosion. (see A.R.S. § 13-1703). NOTE: Burning one's own property is not arson, with the exception of burning one's own property with the knowledge that it will ignite another's property or a structure. Burning one's own property may, where appropriate, be considered reckless burning.</p> <p>Arson of an Occupied Structure: A person commits arson of an occupied structure by knowingly and unlawfully damaging an occupied structure by knowingly causing a fire or explosion. (see A.R.S. § 13-1704). NOTE: Administrators may consider acts of arson that are only reckless (as opposed to knowing or intentional), or that damage property with a value under \$100, as a Level 2 infraction at Level 3. Please see the definition of Reckless Burning below.</p> <p>NOTES: The term "damaging," as used here, means creating a tangible or visible impairment to a surface; "reckless burning" means recklessly causing a fire or explosion resulting in damage to a structure, wild land, or property. (see A.R.S. § 13-1702).</p>
<p>Assault: A person commits assault by: intentionally, knowingly or recklessly causing any physical injury to another person; or intentionally placing another person in reasonable apprehension of imminent physical injury; or knowingly touching another person with the intent to injure, insult or provoke such person. (see A.R.S. § 13-1203).</p> <p><i>Key Characteristics: high-level of hostility; intent to inflict injury is prevalent; action by one student against another (unilateral).</i></p>
<p>Bullying: Bullying is the repeated intimidation of students by the real or threatened infliction of physical, verbal, written, electronically transmitted, or emotional abuse, or through attacks on the property of another. It may include, but not be limited to actions such as verbal taunts, name-calling and put-downs, including ethnically based or sex or gender-based verbal put downs, and extortion of money or possessions. Bullying can be physical in form (e.g., pushing, hitting, kicking, spitting, stealing); verbal (e.g., making threats, taunting, teasing, name-calling); non-verbal/ cyber-bullying (e.g., text messages, email, social networking-such as, but not limited to "Twitter"); or psychological (e.g., social exclusion, spreading rumors, manipulating social relationships). (Governing Board Policy JICK-R)</p>
<p>Burglary (First Degree): A person commits burglary in the first degree if such person or an accomplice enters or remains unlawfully in or on a residential structure or yard or a nonresidential structure or in a fenced commercial with the intent to commit any theft or any felony therein (see A.R.S. § 13-1506 and 13-1507) and knowingly possesses explosives, a deadly weapon or a dangerous instrument in the course of committing any theft or any felony. (see A.R.S. § 13-1508)</p>
<p>Burglary or Breaking and Entering: Entering or remaining unlawfully in or on the personal property of another, a classroom, a residential structure or yard or a nonresidential structure or in a fenced commercial property with the intent to commit any theft or any felony therein. (see A.R.S. § 13-1506 and 1507)</p>

<p>Cheating: To intentionally share with another, or take from another, intellectual property for the purpose of deceit or fraud, or to take or steal intellectual property from another with or without their knowledge and present it as the student's own.</p>
<p>Combustible: Possession of substance or object readily capable of causing bodily harm or property damage. (<i>e.g. matches</i>)</p>
<p>Computer (inappropriate use): Examples: use of school computers for non-instructional purpose, copyright or trademark infringement, knowingly uploading or downloading destructive or malicious programs or software, loading personal software or disks onto school computers without permission of an administrator, vandalism of computers or computer equipment. NOTE: this also applies to "other technology" like gaming systems, iPods, iPads, Tablets, etc.</p>
<p>Contraband: Items stated in school policy as prohibited because they may disrupt the learning environment.</p>
<p>Dangerous Items (possession and/or use): <i>Examples: Knife with a blade length of less than 2.5 inches, air soft gun, b.b.gun, laser pointer, letter opener, mace/pepper spray, paintball gun, pellet gun, razor blade/box cutter, simulated knife, taser or stun gun, tear gas, firecrackers, smoke and stink bombs, gas, lighter fluid, and other dangerous items (anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury). Mandatory report to law enforcement if under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury. (Governing Board Policy JICI)</i></p>
<p>Defiance or Disrespect Towards Authority and Non Compliance: Student engages in repeated behavior including, but not limited to, refusal to follow directions, or, talking back, or swearing at a staff member or delivers socially rude interactions.</p>
<p>Disorderly Conduct: Engaging in any one of the following acts where there is clear evidence the student intended to disturb, or knew that he or she disturbed, the peace or quiet of a school, neighborhood, family or person: (1) engaging in violent or seriously disruptive behavior; (2) using abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; (3) making any protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession; (4) refusing to obey a lawful order to disperse issued to maintain public safety; or (5) recording/distributing fights on any social media outlet.</p>
<p>Disruption: Student engages in behavior causing a substantial interruption in a class or activity including, but not limited to, loud talking, yelling, or screaming; noise with materials; throwing objects; or out-of-seat behavior.</p>
<p>Dress Code Violation: Student wears clothing that does not fit within the dress code guidelines stated by school or district policy. (Governing Policy JICA-R)</p>
<p>Drug and Tobacco Violations: Includes the act of possessing, using, selling, and/or sharing: over the counter drugs (used inappropriately), prescription drugs (used inappropriately), inhalants, unknown drugs, a substance represented as an illicit drug, prescription, illicit drugs, or tobacco. Also includes the act of possessing drug paraphernalia. (See Glossary for definitions of the above-listed categories). Includes being under the influence of drugs at school, school-sponsored events and on school-sponsored transportation. Includes over-the-counter medications if abused by the student. (See Glossary for definitions of the following terms: "Possession," "Use," "Sale," and "Share")</p>
<p>Endangerment: Students recklessly put themselves or another person at substantial risk of imminent death or serious physical injury through acts such as, but not limited to: rock throwing, skateboarding on campus, etc.</p>
<p>Extortion: A person commits theft by extortion by knowingly obtaining or seeking to obtain property or services by means of a threat to do in the future any of the following: (1) cause physical injury to anyone by means of a deadly weapon or dangerous instrument; (2) cause physical injury to anyone except as provided in paragraph 1 of this subsection; (3) cause damage to property; (4) engage in other conduct constituting an offense; (5) accuse anyone of a crime or bring criminal charges against anyone; (6) expose a secret or an asserted fact, whether true or false, tending to subject anyone to hatred, contempt or ridicule or to impair the person's credit or business; (7) take or withhold action as a public servant or cause a public servant to take or withhold action; or (8) cause anyone to part with any property. (see A.R.S. § 13-1804) (Governing Board Policy JICK-R)</p>
<p>Fighting: Mutual participation in any form of physical altercation or aggression.</p> <p><i>Key Characteristics: hostility and intent to inflict injury exists; physical or aggressive exchange between two or more students (mutual); often requires investigations and student/parent meetings.</i></p>

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<p>Firearms: Un-empowered persons under eighteen years of age and who are unaccompanied by a parent, grandparent or guardian, shall not knowingly carry or possess on his person, within his immediate control, or in or on a means of transportation a firearm in any place that is open to the public. (see A.R.S. §13-3111(A)) (excluding items such as toy guns, colorful plastic water guns, cap guns, bb guns, and pellet guns) (Governing Board Policy JICI) "Firearm" means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will expel, is designed to expel or may readily be converted to expel a projectile by the action of an explosive. Firearm does not include a firearm in permanently inoperable condition. (see A.R.S. § 13-3101). "Other Firearms" mean any weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive; the frame or receiver of any weapon described above; Any firearm muffler or firearm silencer; Any destructive device, which includes: Any explosive, incendiary, or poison gas: Bomb; Grenade; Rocket having a propellant charge of more than four ounces; Missile having an explosive or incendiary charge of more than one-quarter ounce, Mine or similar device. Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter. Any combination or parts either designed or intended for use in converting any device into any destructive device described in the two preceding examples, and from which a destructive device may be readily assembled. (see 18 U.S.C. 921)</p>
<p>Forgery: Falsely and fraudulently making or altering a document, including hall passes and parent signatures.</p>
<p>Gambling: To play games of chance for money or to bet a sum of money.</p>
<p>Graffiti or Tagging: Writing on walls; drawings or words that are painted or sprayed on walls and/ or other surfaces that can be easily removed with soap or cleaner.</p>
<p>Harassment, nonsexual: A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person: (1) anonymously or otherwise communicates or causes a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses; (2) Repeatedly commits an act or acts that harass another person; (3) surveils or causes another person to surveil a person for no legitimate purpose; (4) on more than one occasion makes a false report to a law enforcement, credit or social service agency (see A.R.S. § 13-2921); or (5) engages in stalking-following another person in or about a public place for no legitimate purpose after being asked to desist. NOTE: Bullying and Sexual Harassment are types of Harassment. Indicate Harassment, nonsexual if the violation is not specifically Bullying or Sexual Harassment, or if the specific type of harassment is not known. (Governing Board Policy JICK-R)</p> <p>Harassment, Sexual: Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, written, or physical conduct of a sexual nature where such conduct has the purpose or effect of creating an intimidating, hostile, or offensive educational environment. Sexual harassment can include nonverbal forms (e.g., "sexting," tweeting, or otherwise sending messages through networking sites and/or telecommunication devices), or physical conduct of a sexual nature.</p> <p>Harassment, Sexual with contact: Sexual harassment that includes physical contact.</p>
<p>Hazing: "Hazing" means any intentional, knowing or reckless act committed by a student, whether individually or in concert with other persons, against another student, and in which both of the following apply: 1. The act was committed in connection with an initiation into, an affiliation with or the maintenance of membership in any organization that is affiliated with an educational institution. ("Organization" means an athletic team, association, order, society, corps, cooperative, club or other similar group that is affiliated with the school and whose membership consists primarily of students enrolled at the school.) 2. The act contributes a substantial risk of potential physical injury, mental harm or degradation or causes physical injury, mental harm or personal degradation. (see A.R.S. § 15-2301) (Governing Board Policy JICFA and JICK-R)</p>
<p>Inappropriate Language (verbal or nonverbal): Student delivers verbal or nonverbal messages that include swearing, name calling, or use of words or gestures in an inappropriate way.</p>
<p>Indecent Exposure or Public Sexual Indecency: A violation of A.R.S. § 13-1402 Indecent exposure, § 13-1403 Public sexual indecency, or engaging in other sexual acts. Examples: public urination, streaking, masturbation, "peeping tom" (including taking photos or videotaping), exposing another student's private parts, or engaging in intercourse, or oral sex.</p>
<p>Leaving School Grounds without Permission: Leaving school grounds or being in an "out-of-bounds" area during regular school hours without permission of the principal or principal designee. (Governing Board Policy JHB)</p>
<p>Lying: To make an untrue statement with intent to deceive or to create a false or misleading impression.</p>
<p>Minor Aggressive Act: intentional, non-serious, inappropriate physical contact such as, but not limited to: hitting, poking, pulling, pushing, tripping, pulling a chair out from underneath someone, or other behaviors that demonstrate low level hostile conduct.</p> <p><i>Key Characteristics: low-level of hostility; intent to inflict injury is minimal.</i></p>

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<p>Negative Group Affiliation/Illegal Organization: Anti-social organizations, secret societies, criminal street gangs, and other sets of individuals not sanctioned by the Governing Board and which are determined to be disruptive to teaching and learning. This includes wearing of symbolic apparel, making gestures, writing on and marking of property, or altering of personal appearance to symbolize membership in an organization with a history of, or determined to be, a disruption to teaching and learning.</p>
<p>Network Violation: <i>Examples: use of computer network for non-instructional purpose, knowingly uploading or downloading destructive or malicious programs or software, sharing passwords, attempting to read, delete, copy or modify the email of other users, accessing secure areas other than for educational purposes, transmitting material information or software in violation of any district policy or regulation, local, state or federal law or regulation, or tampering with or misuse of the computer networking system or taking any other action inconsistent with this regulation will be viewed as a network violation.</i></p>
<p>Other Aggression: acts of aggression including, but not limited to, intentional, serious and inappropriate physical contact including, but not limited to, examples under "Minor Aggressive Act" that may result in a serious physical injury.</p>
<p>Other Attendance Violations: <i>Examples: leaving school, without signing out in the main office; leaving school at lunch, without a pass; obtaining a pass to go to a certain place and not reporting there; becoming ill and going home or staying in the restroom, instead of reporting to the nurse's office; or coming to school, but not attending classes. (Governing Board Policy JHB)</i></p>
<p>Other Violation of School Policies and Regulations: Other violations of written school, or district-wide, policy or regulation.</p>
<p>Other Weapons (possession and/or use) <i>Examples: Billy club, brass knuckles, knife with a blade length of at least 2.5 inches, nunchakus. Mandatory report to law enforcement if under the circumstances in which it is used, attempted to be used or threatened to be used the item is readily capable of causing death or serious physical injury.</i></p>
<p>Parking Lot Violation: Student displays inappropriate behaviors involving a motor vehicle including, but not limited to, unsafe driving in the parking lot, parking in unauthorized areas, parking in fire lanes or disabled person's space/area, parking in two or more parking spaces with one vehicle, excessive audio or radio sound, blocking driveway or access, and/or littering.</p>
<p>Petty Theft: Thefts for cash, or property, valued under \$100.</p>
<p>Physical Injury: An impairment of physical condition that does not require external medical attention.</p>
<p>Plagiarism: To steal and pass off the ideas or words of another as one's own, including material obtained online.</p>
<p>Pornography: the sexually explicit and obscene depiction of persons, in words or images. <i>Examples: viewing and/or sharing nude or sexually-charged images (non-art, non-educational) of people in books, magazines, electronic devices, or on the internet; using an electronic device to send or receive nude images, partially-nude images, or images that are sexual in nature ("i.e. sexting"), or drawing nude images, partially-nude images, or images that are sexual in nature that have no redeeming educational value.</i></p>
<p>Provocation (verbal or nonverbal): Use of language or gestures that may incite another person or other people to fight.</p>
<p>Public Display of Affection: Inappropriate displays of affection. (i.e. kissing)</p>
<p>Recklessness: Unintentional, careless behavior that may pose a safety or health risk for yourself or for others.</p>
<p>Robbery: A person commits robbery if in the course of taking any property of another from his person or immediate presence and against his will; such person threatens or uses force against any person with intent either to coerce surrender of property or to prevent resistance to such person taking or retaining property. <i>(see A.R.S. § 13-1902)</i></p>
<p>School Threat or Interference: Threatening an Educational Institution (School Threat) means to interfere with or disrupt an educational institution by doing any of the following: 1. For the purpose of causing, or in reckless disregard of causing, interference with or disruption of an educational institution, threatening to cause physical injury to any employee of an educational institution or any person attending an educational institution. 2. For the purpose of causing, or in reckless disregard of causing, interference with or disruption of an educational institution, threatening to cause damage to any educational institution, the property of any educational institution, the property of any employee of an educational institution or the property of any person attending an educational institution. 3. Going on or remaining on the property of any educational institution for the purpose of interfering with or disrupting the lawful use of the property or in any manner as to deny or interfere with the lawful use of the property by others. 4. Refusing to obey a lawful order to leave the property of an educational institution. NOTE: "interference with or disruption of" includes only those acts that might reasonably lead to the evacuation or closure of a school</p>

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property or to the postponement, cancellation, or suspension of any class or other school activity (though actual evacuation, closure, postponement, cancellation or suspension is not required).
Includes the following violations: Fire Alarm Misuse (Intentionally ringing fire alarm when there is no fire); Bomb Threat (Threatening to cause harm by using or threatening to use a bomb, or arson-causing device); Chemical or Biological Threat (Threatening to cause harm using dangerous chemicals or biological agents) (Governing Board Policy JICI); and Other School Threat (The incident cannot be coded in one of the above categories but did involve a school threat).
Simulated Firearm: Possession of a simulated firearm made of plastic, wood, metal or any other material which is a replica, facsimile, or toy version of a firearm. (Governing Board Policy JICJ)
Tardy: Arriving at school or class after the scheduled start time.
Telecommunication Device: Students may possess and use cellular telephones and/or other electronic signaling devices subject to limitations of this and other policies of the District under the following conditions and guidelines: (1) Cell phones and/or electronic devices are to be kept out of view in a student's locker, pocket, or a carrying bag; (2) Such devices shall not be turned on or used during instructional time, except as authorized by the teacher; (3) The principal shall establish additional guidelines appropriate to campus needs; (4) Students violating the policy may have the electronic device confiscated and be subject to disciplinary action. Any search of the contents of an electronic device shall be by an administrator in accordance with the Guidelines for Students Rights and Responsibilities. (Governing Board Policy JICJ)
Theft – School Property or Non-School Property: A person commits theft if, without lawful authority, the person knowingly: (1) controls property of another with the intent to deprive the other person of such property; (2) converts for an unauthorized term or use services or property of another entrusted to the defendant or placed in the defendant's possession for a limited, authorized term or use; (3) obtains services or property of another by means of any material misrepresentation with intent to deprive the other person of such property or services; (4) comes into control of lost, mislaid or misdelivered property of another under circumstances providing means of inquiry as to the true owner and appropriates such property to the person's own or another's use without reasonable efforts to notify the true owner; (5) controls property of another knowing or having reason to know that the property was stolen; or (6) obtains services known to the defendant to be available only for compensation without paying or an agreement to pay the compensation or diverts another's services to the person's own or another's benefit without authority to do so. (see A.R.S. § 13-1802)
Threat or Intimidation: When a person indicates, by words or conduct, the intent to cause physical injury or serious damage to a person or their property, or intentionally places another person in reasonable apprehension of imminent physical injury. This may include threats or intimidation that occurs online or through a telecommunication device. (see A.R.S. § 13-1202) (Governing Board Policy JICK-R)
Tobacco Violation: The possession, use, distribution or sale of tobacco products on school grounds (including any device or substance that delivers nicotine such as e-cigarettes, nicotine patches and hookah sticks), at school-sponsored events and on school-sponsored transportation. (see A.R.S. §36-798.03) (Governing Board Policy JICG)
Trespassing: To enter or remain on a public school campus or school board facility without authorization or invitation and with no lawful purpose for entry, including students under suspension or expulsion and unauthorized persons who enter or remain on a campus or school board facility after being directed to leave by an administrator or designee of the facility, campus or function.
Truancy: When a child between 6-16 years of age has an unexcused absence for at least one class period during the day.
Unexcused Absence: When a student is not in attendance for an entire day and does not have an acceptable excuse. (Governing Board Policy JHB)
Unknown Drug: if a drug is identified, after an investigation, a different violation may be identified (Governing Board Policy JICH)
Vandalism of Personal Property: Willful destruction or defacement of personal property.
Vandalism of School Property: Willful destruction or defacement of school property. <i>Examples: Destroying school computer records, carving initials or words in desk top, spray painting on walls, or damaging vehicles.</i>

APPENDIX 2 GLOSSARY OF TERMS

The following is a collection of terms that are frequently used within the disciplinary process. It includes clarification as well as violations that have been identified by the Arizona Department of Education.

Alternative Education Placement: An alternative to long-term suspensions which allows students to continue receiving classroom instruction from content certified teachers at an alternative campus.
Drug, Tobacco, and Alcohol Violation Definitions: Possession (knowing exercise of dominion or control over an item); Sale (to transfer or exchange an item to another person for anything of value or advantage, present or prospective); Share (to allow another person to use or enjoy something that one possesses); Use (the act of using or being under the influence); Unknown Drug (if a drug is identified, after an investigation, a different violation may be identified)
Drug Paraphernalia: Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a drug in violation of this chapter. (see A.R.S. § 13-3415)
Functional Behavioral Assessment: a problem-solving process used to identify the function (the "why") of a student's behavior so that the site team can intervene to decrease, modify, or replace the behavior.
Inhalants: Inhalants include medications, anesthetics, or other compounds in vapor or aerosol form, taken by inhalation This does NOT include e-cigarettes or hookah sticks, or items such as markers, glue, etc. (Governing Board Policy JICH)
Illicit Drug: Illicit drugs include dangerous drugs, narcotic drugs, marijuana, and peyote as defined by A.R.S. § 13-3401, and appearing in any form, including seeds, plants, cultivated product, powder, liquid, pills, tablets, etc. (Governing Board Policy JICH)
In-School Intervention: An alternative to short-term suspension that allows students to continue receiving classroom instruction while also engaging in Social Emotional Learning from content certified teachers in a classroom on campus, where available.
May: A choice to act or not, as distinguished from "shall," which requires a specific action.
Occupied structure: any structure in which one or more persons is, or is likely to be present, or is so near as to be in equivalent danger at the outset of the fire or explosion. This includes any dwelling house, whether occupied or not.
Over the Counter Drugs (inappropriate use): Medicines that may be purchased directly without a prescription from a health care professional. Inappropriate use includes any use other than that described on the packaging or recommended by a health care professional. (Governing Board Policy JICH)
Plans Behavioral Intervention Plan: a systematic plan created to reduce a student's problem behaviors and/or to increase desired behaviors; usually developed by teachers, counselors, school psychologists and parents based on the findings of a Functional Behavior Assessment. Individualized Behavior Plan: developed by the school administrator, designee, or a team of staff members to address the underlying causes of persistent misconduct (may involve completing a Behavioral Intervention Plan). Safety Plan: developed by a school administrator or designee when an out-of-school suspension of longer than three days is necessary to address a safety threat.

Physical Injury: An impairment of physical condition that does not require external medical attention.
Prescription Drugs (inappropriate use): Medicines obtained with the lawful prescription of a health care professional. Inappropriate use includes any use other than that described by the prescription. (Governing Board Policy JCH)
Property: anything other than a structure that is owned and has value of any kind (e.g., a backpack, school book, clothing, etc.).
Reckless: Lacking appropriate caution; careless of consequences; actions that put students and/or others in harm's way.
Repeated: Said, done, or occurring again and again (at least twice).
Serious Physical Injury: An impairment of physical condition that interferes with a student's ability to receive instruction, and is the type of injury that would reasonably require external medical attention.
Shall: Expressing a command or required action.
Structure: a building or place with sides and a floor used for lodging, business, transportation, recreation, or storage
Substance Represented as an Illicit Drug: A substance that is not an illicit drug but that is represented as, and could be perceived as being, an illicit drug. (Governing Board Policy JCH)
Sustained: Continuing for an extended period or without interruption; prolonged.

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APPENDIX 3 PERSISTENT MISCONDUCT PROCESS

If, during the school disciplinary process, it is determined that: (a) a student has exhibited a consistent pattern of misbehavior; (b) the documented disciplinary responses used have failed to effectively address and correct the behavior; and (c) the behavior is creating a substantial disruption to the learning environment or resulting in significant academic decline by that student, the school administrator or their designee shall follow this process:

1. Engage the student's parents/guardians.
 - a. Attempt to call the parents/guardians to notify them of the persistent misconduct promptly and invite them to participate in the process outlined below.
 - b. If initial contact is unsuccessful, utilize additional phone calls, email, or, as a last resort, a letter to notify the parents/guardians and to invite them to participate in the process outlined below.
2. Engage the staff members necessary to promptly and effectively address the behavior ("the team").
 - a. This may involve a combination of administrators, teachers, and support staff
 - b. This role may be filled by each school's MTSS team.
3. Determine the root causes of the behavior.
 - a. The team shall analyze and consider the full range of possible root causes of the behavior, including academic difficulties; unmet social, emotional, or physical needs; challenges beyond school; or inter-personal conflicts, among others (this may involve a Functional Behavioral Assessment).
4. Determine the appropriate course of action for addressing the root cause of the behavior.
 - a. The team shall develop an individualized behavior plan for addressing the identified root causes, meeting the student's needs, and supporting the student in becoming a successful learner and positive contributor to the school community (this may involve a Behavioral Intervention Plan).
 - b. This individualized behavior plan may include disciplinary responses from Tables One – Three.
 - c. The plan shall be created and implemented in a timely fashion both for the student's benefit and to limit disruptions to the learning environment. Plan interventions must be documented.
 - d. The team shall promptly share the plan with the student's parents/guardians.
5. Amend the plan, as needed, in collaboration with the student's parents/guardians, if possible.
 - a. Schools shall adapt the strategies they are using in response to any changes in the student's needs or behaviors, using the full array of school and community resources available to them.
 - b. All changes shall be promptly shared with the student's parents/guardians through email, if available, or by mail, if unavailable.

If, after these steps are taken, the behavior continues, and ~~the school has reasonably concluded that no available school resources would be effective~~ the team of staff members determines that all available school resources for addressing it have been exhausted, the school principal may contact the applicable academic director for support. The academic director will review the steps taken by the team of staff members and either suggest alternative strategies (which may include exclusionary discipline) or provide supplemental resources for addressing the behavior, which may include more intensive in-school support services for students who have routinely caused extreme disruptions to the learning environment.

Commented [BS15]: Revised as suggested by the DOJ/Mendoza Plaintiffs

APPENDIX 4 SAFE SCHOOLS PROTOCOL

The vast majority of disciplinary incidents should be addressed using the procedures described above. However, there may be rare instances in which student behavior creates a continuing threat to members of the school community, in which case school administrators have the responsibility to ensure the well-being of every member of the school community.⁵ In determining whether there is a continuing threat to members of the school community, school administrators shall apply the following principles:

- The continuing threat to members of the school community may be a generalized threat to other individuals within the school community or it may be a specific threat to one or more individuals.
- The analysis should be prospective (or forward-looking), not retrospective (or backward-looking). In other words, instead of determining whether a student should be suspended as a consequence for their behavior, school administrators should assess whether there is a risk to members of the school community posed by a student being allowed to stay on school campus.
 - Note that some student behaviors may threaten members of the school community in the moment but the student need not be removed from campus to ensure that there is no continuing threat. In such cases, out-of-school suspensions should not be used.
- The threat must not be overly speculative or distant. Instead, there must be a legitimate threat of imminent, physical harm to another member of the school community.
- Creating non-violent schools is critical to the promotion of student success, and thus violence of any sort will be swiftly addressed and an out-of-school suspension may be necessary to protect members of the school community. Minor aggressive acts and interpersonal conflicts between students do not rise to the level of creating a continuing threat to members of the school community and are most effectively and appropriately de-escalated and/or resolved using other disciplinary responses from Tables One, Two, or Three.
- The use or possession of drugs or alcohol in school is clearly inconsistent with the creation of the healthy, safe, and productive learning environments that students need, and thus is strictly prohibited. Additionally, offenses involving the distribution of, or intent to distribute, drugs or alcohol within the school community represent an obvious continuing threat to members of the school community, and an out-of-school suspension may be necessary to protect threats to members of the school community. However, offenses involving the use or possession of drugs or alcohol, when there is no evidence of distribution or intent to distribute, typically do not rise to the level of creating a continuing threat to members of the school community.⁶ In those instances, once the drugs or alcohol are confiscated, the most effective strategies for addressing student needs and promoting drug and alcohol-free schools are included within the other disciplinary responses in Tables One, Two, or Three.

⁵ The types of behaviors that may, depending on the circumstances, create a continuing threat to members of the school community that necessitates an out-of-school suspension include, but are not limited to, violence against another person, distributing or selling alcohol or drugs (including prescription medication), the possession or use of weapons, sexual assault, credible threats of harm or violence, and fire-setting or the use of explosives. Note that there shall never be a presumption that these, or any other, behaviors create a continuing threat to members of the school community that necessitates an out-of-school suspension. Instead, all such incidents shall result in school administrators following the School Safety Protocol outlined below.

⁶ Even when a student under the influence of drugs or alcohol does pose a threat to members of the school community, the appropriate response is to refer that student to a parent/guardian, school nurse, or other staff member who can ensure the safety of that student and all other members of the school community until the effects of the drugs or alcohol have subsided, the safety threat has passed, and other disciplinary responses from Table One can be pursued.

If, after making all reasonable efforts to de-escalate the situation (if applicable), investigating the circumstances, gathering the relevant facts, and hearing the student's perspective on the incident, the school administrator determines that there is a continuing threat to members of the school community, the following protocol shall be followed:

1. The school administrator shall determine whether one or more of the disciplinary responses from Tables One, Two, or Three can effectively address the threat. For example, many such threats can be resolved through a student/administrator conference, parental outreach/engagement, out-of-classroom "cool down," one of the restorative options, or In-School Intervention.
2. If it is determined that the disciplinary responses described above are inadequate to effectively address the threat and that the student must be removed from the school environment to avoid a continuing threat to members of the school community, the administrator may issue an out-of-school suspension (see Board Policy JK-R1 for more information).
 - a. Schools are responsible for ensuring that any disciplinary consequences are in accordance with students' individualized education programs (IEPs), Behavior Intervention Plans, and 504 plans. Prior to a student with an IEP or 504 being suspended out-of-school, school administrators shall consult with the student's case manager, the school psychologist, or the Exceptional Education Department Chair. A student with an IEP or 504 plan is entitled to a manifestation determination review prior to being suspended out-of-school for more than 10 cumulative days in a school year (see Board Policy JK for more information).
 - b. Only in extraordinary circumstances shall a student in elementary-school grades be suspended out-of-school.⁷
 - c. Note that Article 14-4 of the Consensus Agreement with TEA may impose additional requirements under certain circumstances.
3. The out-of-school suspension must be limited in length to the greatest extent possible. For example, many continuing threats to members of the school community can be effectively addressed through a one-to-three-day out-of-school suspension, which often function as a "cooling-off" period.
 - a. One or more disciplinary responses from Tables One, Two, or Three may also be used in conjunction with the out-of-school suspension.
4. If the school administrator determines that an out-of-school suspension of longer than three days is necessary to address the safety threat, a safety plan must be developed for resolving the threat during the period of the student's suspension and limiting the exclusion of the student to the greatest extent possible. This plan, which shall be developed by the school administrator or a designee, must include strategies for addressing the root cause of the student's behavior, preventing future harm, restoring relationships, addressing the needs of any victims of the student's actions, and addressing the suspended student's ongoing social, emotional, and academic needs, including the successful re-engagement of the student in the school once they return from their suspension. The plan may include one or more disciplinary responses listed in Tables One, Two, or Three.
 - a. The creation of this plan may involve additional school personnel such as counselors, psychologists, social workers, Student Equity Success Specialists, special education case managers, and MTSS Teams.
5. Any out-of-school suspension longer than three days must first be reviewed by the academic director or a designee as soon as possible, but no later than the first three days of the suspension, to ensure the consequence is warranted under District discipline policy. The academic director will review the

⁷ "Extraordinary circumstances" refers to the rare situations in which a student has committed a serious disciplinary violation – such as using, or attempting to use, a dangerous weapon, intentionally causing a serious injury to another member of the school community, distributing drugs or alcohol, or another offense of similar gravity – and there is no viable strategy for returning that student to the school without jeopardizing members of the school community. See footnote 7 for the definition of "serious physical injury."

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situation to determine if there are alternative strategies or supplemental resources that could effectively address the safety threat.

6. If the school administrator issues an out-of-school suspension, there must be a prompt attempt to notify the student's parents/guardians by phone. Additionally, within 24 hours of the out-of-school suspension being issued, a notice shall be emailed (if available) and mailed to parents that notifies them of the following: (a) the incident and any relevant circumstances around it; (b) why the incident created a continuing threat to members of the school community; (c) why an out-of-school suspension was necessary to protect members of the school community; (d) which, if any, other disciplinary responses were used to address the threat; (e) the components of the plan from Step #4 above; (f) the parents'/guardians' right to a conference with the principal; and (g) the parents'/guardians' right to appeal the out-of-school suspension. A copy of the notice shall also be provided to the district office.⁸
7. Long-term out-of-school suspensions (between 11 and 180 days) and expulsions are reserved for circumstances in which (a) the student has intentionally caused a serious physical injury to another member of the school community or intentionally placed another member of the school community at significant risk of serious physical injury;⁹ and (b) there is no viable strategy for returning that student to the school within 10 days without jeopardizing the safety of members of the school community, or it is otherwise required by federal law. To make a recommendation for a long-term out-of-school suspension or expulsion, the school principal or designee must provide written documentation to the applicable academic director that includes the rationale for the recommended consequence, an explanation of why alternative strategies are inadequate to protect members of the school community, and the components of the plan from Step #4 above (unless the recommendation is for expulsion). The academic director will review the situation to determine if there are alternative strategies or supplemental resources that could effectively address the safety threat. All recommendations for long-term out-of-school suspensions or expulsions must be approved by the superintendent or a designee before a formal hearing is held. In all circumstances, student exclusion shall be limited in duration to the greatest extent possible. See Board Policies JK-R2 and JK-R3 for more information. Note that students with IEPs are entitled to receive educational services during long-term suspensions or expulsions.
8. To promote the continuous improvement of school practices, every out-of-school suspension, expulsion, school-based arrest or referral to the juvenile justice system will be subsequently reviewed by the school's team (MTSS, PBIS, or Discipline) in collaboration with any other relevant school personnel. The goals of these reviews will be to investigate the root causes of the disciplinary incidents and determine whether they and the resulting consequences could have been prevented or mitigated through alternative practices beforehand. These reviews shall be non-punitive.

Notes:

A student who willingly encourages, assists, or forces another student to commit a violation of these guidelines may be held accountable, subject to the limitations stated in this Code. This does not include bystanders or passive observers, but includes actions such as encouraging fights and posting fights on social media.

Administrators will determine the appropriate Action to take for an attempted violation (where a student takes steps to engage in a violation but for some reason is stopped from completing the violation), subject to the limitations stated in this Code.

For suspensions, administrators must communicate with Student Equity immediately after the suspension is recorded. Student Equity will review all suspensions as part of the district process for tracking discipline data.

Students have a right to have access to school assignments/homework while serving a disciplinary suspension for the duration of the suspension and have options for alternative instructional opportunities for any remaining suspension.

APPENDIX 5 GOVERNING BOARD REGULATIONS AND POLICIES

⁸ "District office," when used throughout this policy, refers to the district's central administrative office at 1010 E. 10th Street.

⁹ "Serious physical injury" is an impairment of physical condition that interferes with a student's ability to receive instruction, and is the type of injury that would reasonably require external medical attention.

RELATED TO THE DISCIPLINARY PROCESS

The following is a collection of governing board regulations and policies that are frequently related to the disciplinary process.

Abeyance Contracts (Regulation JK-R4)

An administrator should offer to hold a suspension in abeyance through an abeyance contract unless there are particular circumstances that would make it inappropriate. Under an abeyance contract, an administrator would not immediately impose the assigned disciplinary action if: (1) the administrator believes it is in the best interests of the student and the school community, (2) the student and parent/legal guardian agree to certain conditions, and (3) the student and parents sign an abeyance contract. The term of the abeyance contract may not exceed the maximum suspension term for the offense level and the consequence for violating an abeyance contract should not be longer than the original consequence. If a student violates his/her abeyance contract with a suspendable offense, the student must serve the remaining term of the initial offense plus the suspension for the additional offense (the last days of the first suspension would also be the first days of the additional suspension)

Commented [BS16]: Removed and replaced the following language and to align with JK-R4:

(1) the student admits to committing the infraction, (2) the student and parent/legal guardian agree to certain conditions, and (3) the student and parent/legal guardian sign a contract, called an abeyance contract.

Commented [BS17]: Clarification added in response to feedback from Jim Freeman

Equal Educational Opportunities And Anti-Harassment (Policy JB)

It is the policy of the TUSD to prohibit discriminatory harassment based on actual or perceived race, color, religion/religious beliefs, sex, gender, gender identity, age, national origin, sexual orientation, creed, citizenship status, marital status, political beliefs/affiliation, disability, home language, parental status, status with regard to public assistance, limited proficiency in English, or family, social or cultural background, or any other reason not related to the student's individual capabilities or on the basis of association with others identified by these categories. TUSD shall investigate all complaints, formal or informal, verbal or written, of discriminatory or other harassment, and shall take appropriate action against anyone who is found to have violated this policy.

Governing Board Position on Gang Behavior And Activity

The behaviors that have become associated with gang activity or membership, especially violence and intimidation will not be tolerated on or near school property or in activities associated with school. In accordance with this position, any students engaging in gang activities will be disciplined to the fullest extent of TUSD policies, and prosecuted, if applicable, according to local ordinances, and state and federal laws.

Gang: An ongoing formal or informal association of persons in which members or associates individually or collectively engage in the commission, attempted commission, facilitation or solicitation of any felony act and that has at least one individual who is a criminal street gang member.

Gang-Related Incident: An incident is considered gang-related when it involves gang recruitment, gang initiation, fights between rival gangs, or other similar behaviors, but does not include non-threatening behavior such as handshakes, signs, or wearing of particular colors.

Bias-Related and Hate-Related Incidents: An incident is considered bias-related or hate-related when a reasonable person would conclude that it was motivated, in whole or in part, by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics. Such characteristics include: ancestry or ethnicity, disability, sex, gender, immigration or citizenship status, race, religion or religious practices, or sexual orientation.

Student Attendance (Policy JE)

Regular attendance is essential for success in school; therefore, absences shall be excused only for necessary and important reasons. Such reasons include illness, bereavement, other family emergencies, and observance of major religious holidays of the family's faith. A Parent/Guardian should notify the school prior to the absence/tardy with a call, note or email that his/her child is unable to attend or will be late to school. The call, note or email must address the date/time and reason for the absence.

Dating Abuse (Policy JICL)

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Dating abuse is a pattern of behavior in which one person uses or threatens to use physical, sexual, verbal, or emotional abuse to control the person's former or present dating partner. Behaviors used may include, but are not limited to, physical abuse, emotional abuse, sexual abuse, and/or threats. TUSD is committed to maintaining a school campus environment that is safe and secure for all students, and dating abuse will not be tolerated. TUSD employees aware of dating abuse shall respond in a manner consistent with District training. Students are encouraged to report all known or suspected instances of dating abuse involving themselves or other students, either verbally or in writing, to a teacher, site administrator, Student Equity (225.4316). The District will investigate all complaints.

Bullying, Intimidation And Harassment (Policy JICK)

Bullying is a form of harassment. Bullying is the repeated intimidation of students by the real or threatened infliction of physical, verbal, written, electronically transmitted (including cyberbullying), or emotional abuse, or through attacks on the property of another (including verbal taunts, name-calling and put-downs, extortion of money or possessions, or spray-painting derogatory terms on a student's locker or vehicle). Students who engage in any act of bullying while at school, at any school function, in connection to or with any District sponsored activity or event, or while en route to or from school, are subject to disciplinary action.

School Dress Code (Required At Every School) (Policy JICA)

Acceptable school dress is neat, clean and appropriate. While the school cannot and does not dictate styles, it is expected that students will abide by the following rules demonstrating appropriateness in dress as though this were their daily place of business.

- Shoes must be worn in school.
- Hats and sunglasses may be worn outside in the sun for an extended period of time for protection from the sun. A principal in collaboration with School Safety may institute stricter requirements at a high school experiencing safety-related issues.
- Dark glasses may not be worn inside buildings unless a documented health problem exists.
- No gang related apparel or items are allowed (e.g., "wearing colors known to be affiliated with a particular gang, or wearing clothing with illustrations of known gang signs or symbols").
- Students may not wear clothing or accessories in school buildings or on school grounds that are:
 - o Hazardous, damaging, or presenting danger to school property or persons including but not limited to: extended belts (belts should fit proper length), choke chains, dog collars, wallet chains or any type of spiked apparel or jewelry;
 - o Depicting and/or promoting and/or endorsing illegal or violent activities, illegal drugs, tobacco, or alcohol;
 - o Vulgar, obscene, indecent, libelous, or degrading of others on the basis of race, color, religion, ancestry, national origin, sex, gender, sexual orientation or disability; and/or
 - o Distracting so as to interfere with the teaching or learning process such as extremely revealing garments including but not limited to short shorts, short skirts, short dresses (must cover buttocks while standing and sitting), tube tops, net tops, swimsuits, strapless tops, spaghetti strap tops, halter tops, muscle shirts, basketball shirts without an accompanying T-shirt, no tights to be worn as pants, garments with plunging necklines, transparent and see through garments, (midsections must be covered and undergarments shall be completely covered with outer clothing).

Students who violate standards may be asked to do any of the following depending on circumstances:

- Turn inappropriate clothing inside out.
- Change into clothing that may be provided by the school.
- Change into other clothing which has been brought to school.
- Remove the jewelry or other accessory.

*NOTE ON SCHOOL DRESS CODES: The above-stated guidelines represent minimum standards. Individual schools may adopt additional guidelines, but may not apply exclusionary discipline without first giving the student an opportunity to address the alleged violation. Students wearing inappropriate clothing are given an opportunity to change clothing or they will be released from school in the company of the parent/guardian. Students who are unable to comply with the dress code may access TUSD's clothing bank (520) 232-7058.

Bus Rules

Student Behavior Policy Proper student behavior contributes to the overall safety and comfort of the ride to and from school. Following driver directions and all ridership rules is paramount to maintain a safe and enjoyable ride for all. Infractions will be dealt with through the District-approved Student Conduct policies which include driver interventions, the student's principal, and other administrators as deemed appropriate. Riding is a privilege; parents and students should discuss and make sure they know the rules:

- Always comply with bus driver's/monitor's directions
- Use classroom voice only (no profanity/loud noises/threats/intimidation)
- Remain seated; keep hands, feet, and head inside bus
- All personal possessions must be under control at all times
- Keep unauthorized materials and substances off bus (animals, glass objects, weapons, illegal substances, or large objects that occupy a seat space)
- No eating or drinking on the bus

As a last resort, violations of these bus rules may result in the loss of bus privileges for a limited time, not to exceed 30 days.

Safety Precautions for Students

- Know the route to and from the bus stop, safety precautions and common courtesies to be maintained en route and at the bus stop
- Know the correct bus route number
- Discuss what to do if the bus is late in the morning or no one is home in the afternoon
- ALWAYS board/depart the bus at the correct stop as known and approved by the parent

Student Use of Cell Phones And Electronic Devices (Policy JIC)

For purposes of this policy, "electronic devices" include, but are not limited to, cell phones, Mp3 players, iPods, personal digital assistants (PDA's), e-book readers, compact disc players, portable game consoles, cameras, digital scanners, lap top computers, tablet computers and other electronic or battery powered instruments which transmit voice, text, or data from one person to another. Students may possess and use cellular telephones and/or other electronic signaling devices subject to limitations of this and other policies of the District under the following conditions and guidelines:

- Cell phones and/or electronic devices are to be kept out of view in a student's locker, pocket, or a carrying bag.
- Such devices shall not be turned on or used during instructional time, except as authorized by the teacher.
- The principal shall establish additional guidelines appropriate to campus needs.
- Students violating the policy may have the electronic device confiscated and be subject to disciplinary action. Any search of the contents of an electronic device shall be by an administrator in accordance with the Code of Conduct.

Reasonable efforts will be taken to secure property that has been confiscated (i.e. lock the item in a drawer, take the item to the office to be secured in a locked area, etc.); however, neither the District nor staff is responsible for loss, damage, or theft of any electronic device even if loss, damage or theft results from the device being confiscated.

Hazing (Policy JICFA)

There shall be no hazing, solicitation to engage in hazing, or aiding and abetting another who is engaged in hazing of any person enrolled, accepted for or promoted to enrollment, or intending to enroll or be promoted to District schools within twelve (12) calendar months. For purposes of this policy a person as specified above shall be considered a "student" until graduation, transfer, promotion or withdrawal from the District school.

"Hazing" means any intentional, knowing or reckless act committed by a student, whether individually or in concert with other persons, against another student, and in which both of the following apply:

- The act was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in any organization that is affiliated with an education institution
- The act contributes to a substantial risk of potential physical injury, mental harm or degradation, or causes physical injury, mental harm or personal degradation

"Organization" means an athletic team, association, order, society, corps, cooperative, club, or similar group that is affiliated with an educational institution and whose membership consists primarily of students enrolled at that educational institution.

It is no defense to a violation of this policy if the victim consented or acquiesced to hazing. In accord with statute, violations of this policy do not include either of the following:

- Customary athletic events, contests or competitions sponsored by an educational institution
- Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program, or a legitimate military training program

All students, teachers and staff shall take reasonable measures within the scope of their authority to prevent violations of this policy. Students and others may report hazing to any staff member. Staff members must report the incident to the school administrator or next higher administrative supervisor, in writing, with such details as may have been provided. A failure by a staff member to timely inform the school administrator or next higher administrative supervisor of a hazing allegation or their observation of an incident of hazing may subject the staff member to disciplinary action in accord with District policies. The staff member shall preserve the confidentiality of those involved, disclosing the incident only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law. Any instance of reported or observed hazing which includes possible child abuse or violations of statutes known to the staff member shall be treated in accord with statutory requirements and be reported to a law enforcement agency.

To assure that students and staff are aware of its content and intent, a notice of this policy and procedure shall be posted conspicuously in each school building and shall be made a part of the Rights and Responsibilities section of the student handbook. Forms for submitting complaints are to be available to students and staff in the school offices. Disposition of all reports/complaints shall be reported to the Superintendent. The Superintendent will determine if the policies of the District have been appropriately implemented and will make such reports and/or referrals to the Board as may be necessary.

All violations of this policy shall be treated in accord with the appropriate procedures and penalties provided for in District policies related to the conduct and discipline of students, staff, and others.

APPENDIX 6 STUDENT AND PARENTS RIGHTS

Due Process Rights

Any student whose conduct may warrant suspension or expulsion will be provided due process. This is a legal safeguard that protects the rights of students and their parents and is constitutionally guaranteed.

Due process steps include:

- Oral or written notice to the student of the charges against the student
- An opportunity to present the student's side of the story in an informal hearing or meeting
- The allowance, for safety considerations, for a student to be removed from the school prior to an informal hearing with that hearing to follow as soon as practical
- Adequate notification and an opportunity for a fair hearing
- That parents will be informed in writing of all suspensions and that they have the right to a conference with the principal
- That if parents are not satisfied with any school official's decision they are entitled to request a review by the school official's immediate supervisor
- Formal due process (including a hearing officer) in long-term suspension and expulsion proceedings
- A right to appeal disciplinary decisions to the Assistant Superintendent, Director, Principal, Assistant Principal or Designee.

Due Process For Students With 504 Plans or IEPs

Students with disabilities under Section 504 or IDEA (and students suspected of having a disability) may be disciplined in the same manner as any other student and may be suspended for up to 10 cumulative days of school per school year. If a suspension beyond 10 cumulative days is contemplated, special procedures must be followed. A manifestation determination conference must be held prior to the 11th day of suspension

If the manifestation determination conference concludes that the student's behavior is a manifestation of the student's disability, then no further disciplinary action can be taken. The 504 or IEP team should convene to develop an appropriate behavior plan for the student. If the manifestation determination conference concludes that the student's behavior is not a manifestation of the student's disability, the District may impose whatever long-term suspension or expulsion it would impose under the same circumstances if a non-disabled student were the offender. The District has no obligation to continue to provide educational services to a 504 student during the period of a long-term suspension or expulsion. However, the District must continue to provide educational services for students eligible under IDEA. Please refer to the appropriate Governing Board regulations JKA and JKAB and to the Exceptional Education Handbook for specific procedures

A student with a disability under IDEA may be referred to an Interim Alternative Educational Settings in circumstances involving the use or possession of drugs, weapons, or serious bodily injury. Refer to the Exceptional Education Handbook for specific procedures.

TUSD ANNUAL NOTIFICATION OF PRIVACY RIGHTS OF PARENTS AND STUDENTS

The Family Educational Rights and Privacy Act (FERPA) affords parents and "eligible students" (students over 18 years of age, or who attend an institution of postsecondary education) certain rights regarding the student's education records. These rights are:

(1) The right to inspect and review the student's education records within 45 days from the day TUSD receives a request.

The parent(s) and/or eligible student may inspect and review student's education records, and TUSD policies and regulations governing use of those records, by making an appointment with the student's school principal. A copy of state and federal statutes and regulations concerning student records is available for reasonable inspection in the Office of the Superintendent or designee, 1010 E. 10th Street, Tucson, Arizona. A list of the types of records maintained, and an explanation of any record, will be provided by appropriate TUSD personnel upon request. Federal law assumes that both parents are equally entitled to review their child's records. If there is a custody order in place that prohibits the provision of this information to one parent, please provide TUSD with a copy of the custody order, signed by a judge.

(2) The right to request the amendment of the student's education records that the parent(s) and/or eligible students believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Such a request must be in writing to the student's school principal, must clearly identify the part of the record they want changed, and must specify why it should be changed. If TUSD, decides not to amend the record as requested by the parent(s) and/or eligible student, TUSD will notify the parent(s) and/or eligible student of the decision, and the parent(s) and/or eligible student may further request a hearing regarding the request for amendment, as provided by federal and state statutes, rules and regulations.

(3) The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent. TUSD must obtain the written consent of the parent or eligible student prior to releasing personally identifiable information from the education records of a student, except in circumstances where federal and state law authorize disclosure without consent, such as disclosure to school officials with legitimate educational interests. A school official is a person employed by TUSD as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a Governing Board member; a person or company with whom TUSD has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, schools will disclose education records, without consent, to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by TUSD to comply with the requirements of FERPA. Any complaints arising from

an alleged violation of these rights may be submitted to the Superior Court of Pima County, Arizona, or to:

The Family Policy Compliance Office, U.S. Dep't of Education
400 Maryland Avenue, SW, Washington, D.C. 20202
(202) 260-3887

Directory Information

FERPA requires that TUSD, with certain exceptions, obtain a parent's/guardian's written consent prior to the disclosure of personally identifiable information from your child's education records. However, TUSD may disclose appropriately designated "directory information" without written consent, unless you have advised TUSD to the contrary in accordance with TUSD procedures (see Administrative RegulationJR-R). The primary purpose of directory information is to allow TUSD to include this type of information from your child's education records in certain school publications, such as:

- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets showing weight/height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want TUSD to disclose directory information from your child's education records without your prior written consent, you must notify TUSD on TUSD Form LEG1000 – Student Information Opt-Out Form, prior to October 1st. TUSD has designated the following information as directory information:

Name, address, telephone listing, date and place of birth, electronic mail address, grade level, enrollment status (e.g., part time or full time), major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees (diplomas) and honors/awards received, the most recent previous educational agency or institution attended by the student, personally identifiable photographs, videotapes, films and other visual media, personally identifiable interviews, either audio only or audio and visual, and other similar information.

Under federal law, this information is considered directory information and does not require the written consent of a parent/eligible student to release. If you object to the release of directory information you must notify the principal or designee of the school, in writing, on TUSD Form LEG1000, prior to October 1st. If Form LEG1000 is not received by October 1st, it will be assumed that there is no objection to releasing such information. This procedure shall be done annually. Pursuant to federal law, upon request, TUSD may disclose education records without prior parental/eligible student consent, to officials of another school district in which a student seeks or intends to enroll. For further information, contact the Principal's Office at the school where the student(s) attend in TUSD.

TUSD ANNUAL NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams.

These include the right to:

(1) Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Dep't of Education (ED) -

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

(2) Receive notice and an opportunity to opt a student out of -

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

(3) Inspect, upon request and before administration or use -

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 yrs old, or an emancipated minor under State law.

TUSD will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

TUSD will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. TUSD will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey.

TUSD will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.
- Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office, U.S. Dep't of Ed
400 Maryland Avenue, SW, Washington, D.C. 20202

CODE OF CONDUCT
2017-2018 SY ACKNOWLEDGEMENT FORM

The Tucson Unified School District strives to be one of the best in the country. We can accomplish this mission by working as a team with you, faculty, staff, parents and the community. You, the students, are the most critical members of this team. Your success as a valued and critical member of the team can be measured when:

- **You take responsibility for your actions**
- **You help create a positive school culture and climate**
- **You are proud of your school**
- **You always do your best**

With your commitment to positive outcomes, we will continue to grow and excel!

This form must be signed and dated by you and your parent/guardian after reviewing the 2017-2018 Code of Conduct. **This form must be returned to your school within 5 days of receiving the Code of Conduct.**

I acknowledge that I have read and reviewed the information in the Code of Conduct with my child.

----- PARENT
SIGNATURE & DATE

----- STUDENT
SIGNATURE & DATE

----- SCHOOL,
GRADE & TEACHER (HOMEROOM)