

Performance Impact Analysis:

Proposed Revisions to the Code of Conduct 2024-2025

I. Proposed Action.

During SY2022-23, Student Relations was tasked with creating a new, updated, and user-friendly version of the district's code of conduct. A PIA was submitted and approved in June 2023 resulting in an updated 2023-24 Code of Conduct. Recognizing a code of conduct needs to have clear definitions and descriptors, especially for violations of somewhat subjective conduct, Student Relations closely monitored the use of the 2023-24 Code of Conduct. The Behavior Management Committee, which is comprised of diverse stakeholders, met monthly to analyze student disciplinary data and meet with their respective stakeholders to compile what sections needed revisions to the current TUSD Code of Conduct. Representatives from the district EDI department, TEA Leadership, ELI leadership and one representative from Senior leadership make up the District Behavior Management Committee.

Based on feedback provided, Student Relations learned that some behaviors and descriptions were not specific enough and could have the potential to lead to disproportionate consequences. This PIA is being submitted with recommendations to revise some parts of the current code of conduct for clearer language. If these changes are approved, they will be incorporated into an updated 2024-25 Code of Conduct.

The purpose of the proposed revisions is to promote a school culture that is more focused on respect and safety, decrease variability in how consequences are issued by providing a progressive discipline model for elementary, middle, and high school students and provide clarity and consistency when addressing violations district wide.

The following descriptions are of the proposed revisions to the current code of conduct. When applicable, a page number is included for reference to the current violation along with the descriptor.

Revision 1: Change in Language of Descriptors:

The following descriptors are changes in language to the **Violation of Aggression** currently found on page 11 of the Code of Conduct. By adding more specific language, the descriptions in the progression of aggressive behaviors will be more coherent and defined.

Minor Aggressive act revision:

Intentionally or knowingly engaging in aggressive physical contact that does not have a reasonable risk of resulting in physical injury, including but not limited to: poking (including with a pencil), pulling (including hair), pushing, tripping, pulling a chair out from underneath another person, or other behaviors that demonstrate low level hostile conduct.

Other aggression revision:

Intentionally or knowingly engaging with physical contact that has a reasonable risk of resulting in physical injury.

- Examples: pushing, kicking, biting, hitting, slapping, and punching with no physical injury etc.
- Similar conduct not meeting the definition of Other Aggression shall be treated as the level 2 offense of “Minor Aggressive Act.” Is there physical injury?

Assault revision:

Intentionally or knowingly causing any physical injury. “Physical injury” includes the temporary or substantial loss or impairment of any body organ or part (e.g., the fracture of a bone), and temporary but substantial disfigurement (e.g., bleeding, bruising, or a visibly open wound). Injuries may not be visible if internal injury is present (especially involving when a student makes contact with another student’s head.) Spitting with the intent to insult an/or provoke.

- Involves one person acting against another.

Aggravated assault revision:

- Intentionally or knowingly causing serious physical injury to another. “Serious physical injury” includes physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.
- Committing an assault using a firearm, simulated firearm, dangerous item, or other weapon (as defined in the Code of Conduct).
- Placing a person in reasonable apprehension of imminent harm by threatening to use a firearm, simulated firearm, dangerous item, or other weapon (as defined in the Code of Conduct).
- Committing the assault while the victim is bound or otherwise physically restrained or while the victim’s capacity to resist is substantially impaired.
- Committing assault and the person is in violation of an order of protection.
- Committing the assault knowing or having reason to know that the victim is any of the following:
 - a. Teacher or any school employee
 - b. Prosecutor on school grounds
 - c. Firefighter
 - d. Law enforcement officer
 - e. EMT/Paramedic Engaged in official duties, on grounds adjacent to the school or in any part of a building or vehicle used for school purposes.
 - f. Teacher, staff member, or school nurse visiting a private home in the course of the teacher’s, staff member, or nurse’s professional duties or any teacher or staff member

engaged in any authorized and organized classroom activity held on other than school grounds.

Revision 2: Add an introductory section between PBIS and Exclusionary Consequences.

The following recommendations will address the need for an articulated transition plan and timelines for investigations when student conflict occurs. The two recommendations below would be added to the introduction section in the code of conduct between PBIS and Exclusionary Consequences.

1. Timeline for the Determination of Consequences:

It will be stated that there is an expectation of a window of time for our site administrators to complete a thorough investigation *and that this* is communicated to parents when an incident occurs.

2. Transition Back to School After Fights/Assaults:

- Specify that once a student returns from suspension they will need to engage with either a mediation or restorative practice. In addition, the other student involved will be notified that the student is returning, and appropriate supports are put in place to ensure student safety.

- Menu of options that must be utilized for when students return:
 - Restorative
 - Mediation
 - Parent contact for both students before a student returns from suspension when an altercation has occurred.
 - Behavior plan
 - Safety plan
 - MTSS plan
 - Check in and check out for victim and offender
 - Communication of safety plan for applicable staff
 - One day transition

Revision 3: Level Changes for Specific Violations:

Change the levels of the following violations to support less exclusionary practice.

Violation:	Current level:	Recommendation level:	Grade level:
Illicit drug share	5	4	All
Sexual Harassment with contact	4	3	Only for elementary
Indecent exposure	4	3	Only for elementary

Revision 4: Decrease exclusionary practice for elementary students:

Currently in the code of conduct student’s progress through their consequences in grade bands. K-5, 6-8. 9-12. We are recommending that elementary violations be considered year to year violation offense progression, instead of grade band violation progression, K-5. This will provide elementary students a clean slate in relation to discipline progression at the beginning of every year.

- Example: If a student has a fight in 2nd grade, that would be a first offense, another fight in 4th grade would be a 2nd offense, in 5th grade, they had another fight and that would be the 3rd offense. With this recommendation if a student had a fight in 2nd grade this would be their first offense. If they had no other fights in their 2nd grade year, but have a fight in 4th grade, that fight would be considered their first offense again.

Revision 5: Address the safety needs on campus.

1. Addition of a new violation in the section titled School threat or interference on page 18: *Level 4 School Interruption*
 - A School Interruption occurs where a student, acting either for the purpose of causing or in reckless disregard of causing interference with, or disruption of an educational institution, **uses words or actions** that do not amount to a threat but that place students, staff, or property guests in apprehension of harm (i.e. verbal threat not made directly to the school population or one individual, such, “as I wish everyone here would just die”, firecrackers, fire alarm pulling, social media in which other students see a student with either fire arms or simulated fire arms, etc.)
2. Changing Original language for the *violation of Simulated firearm* which can be found on page 19 of the current code of conduct.
 - Moving any gun (air soft gun, BB gun, paintball gun, pellet gun) out of “dangerous items” level 3 into “simulated firearms” level 4.

II. Issues.

Stakeholders have been asking for a change in particular violation areas that have impacted students to the extent that stakeholders have asked the district behavior management committee to revisit them for potential revisions. Revisions are necessary because:

- Certain violations in the current code of conduct do not sufficiently provide what is needed for students and staff to feel safe and supported in our schools.
- Laws have changed in relation to kindergarten students thru 4th grade students requiring the need for code of conduct to be updated to align with the laws.

In addition to revising the Code of Conduct to address current stakeholder need, it is also critical to revise the levels of infractions and language for specific violation categories.

Elementary students are receiving the same level consequences for sexual offenses as secondary students, and they are consequences in grade band progression K-5. Developmentally for our elementary learners it is important that the consequence progression and levels match realistic expectations for our young learners. Sexual offenses for our students, particularly, indecent exposure and sexual harassment or currently a level 4 violation. As our youngest learners discover social boundaries it does not seem appropriate to have a level 4 offense on their record.

Due to the K-4 law we cannot consequence the student for a level 4 offense as we can suspend for most violations a maximum of 2 days and level 4 offenses call for a minimum of 11 days of exclusion. We have had 23 cases of elementary students having a level 4 sexual violation on their student record. With these proposed changes we would have no students with these sexual offenses on their record at a level 4.

To support our youngest learners in starting off with as much support as possible we want to ensure that they do not have discipline that progresses over a 6-year span. There is huge growth that occurs between the ages of 5 and 10. No other student grade band spans 6 years. Middle school spans 3 years and high school spans 4 years. Creating a more even approach to the progression of consequences for all learners is critical.

In the area of aggression violations, it is important to be as specific as possible in the language used to define all areas of aggression in the code of conduct. This will decrease variability in issuing consequences for students as in the area of aggression and support safe campuses. In rewriting some of the wording in the aggression violations we are decreasing the subjectivity in assigning consequences in this area. By providing a clear progression description for levels of injury, administrators will be able to provide appropriately matched consequences for aggression violations without having to decide, for example what is a serious injury and what is not. The new violation language spells out specifically what behaviors fall under each category and what do not.

Safety on our campuses is our top priority. We have two potential revisions that address campus security. Currently there are a have a variety of toy guns mentioned in the category of dangerous items

which is a level 3, and we are recommending that those be moved to the level 4 simulated firearm category. Toy guns are being created now to look more and more like a stimulated firearms and impact campuses in a more serious manner than possessing a dangerous item.

A recommendation will also come forward for a new level 4 violation called school disruption. This new violation will address behaviors in which disrupt the learning environment but are not substantiated school threats. This provides administrators with the option of a long-term suspension for serious disruptive behaviors without expelling our students from the district.

In addition, we will articulate specifically expectations around administrator practices when students experience conflict on campus.

Lastly, we have adjusted the level of illicit drug share from a level 5 to a level 4. This recommendation was made because currently if a student shares an illegal substance, it is a level 5 violation and expulsion can be recommended and the student can be suspended for 180 days. In the spirit of providing supports for our students, as they struggle with substance misuse, it is critical that we get them engaged with school as much as possible. Being long term suspended for a level 5 violation is more punitive than supportive. If this violation moved to a level 4, we have the option to decrease the days of suspension and therefore take a more supportive approach to assisting the students with substance misuse. This year the district has a total of 715 illicit drug violations. Neither African American students or Hispanic students have risk ratios in this area. The students with the largest number of violations in this category are White/Anglo students. These revisions will support all students in staying in school and getting the help they need to be successful.

III. Objectives.

Stakeholder supported objectives for the revisions in the code of conduct are:

1. **Objective:** Decrease the subjectivity in issuing exclusionary consequences in the area of aggression for all students with an emphasis on decreasing subjectivity in exclusionary practice for African American and Mexican American students by rewriting specific wording for the violations of minor aggressive act, other aggression, assault and aggravated assault.
 - **Why:** As the district continues to monitor discipline incident risk ratios for all student ethnicities, it is critical that African American and Mexican American students receive proportional consequences to their white/Anglo peers as part of the revisions in the code of conduct.
 - **Measurable:** This will be measured by the continued monitoring of the risk ratios for African American students and Mexican American. Risk ratios are measured by comparing the number of incidents a student of a certain ethnicity is involved in, within the context of the number of students in the district of that ethnicity compared to Anglo/White students and the number of the incidents White/Anglo students are involved in the context of how many students there are district wide who are White/Anglo.

2. Objective: Re-level violations for illicit drug sharing and violations that impact elementary students in the area of sexual offenses.
 - Why: Having violations that carry long term exclusionary consequences for those students who are experiencing substance misuse challenges and elementary students will learning boundaries, creates a more punitive approach for students and a less supportive stance.
 - Objective: Creating a consequence progression that progresses year to year for elementary students and not over a 6 year span within a K-5 grade band.
 - Why: Consequences that progress over a 6-year time span, like in the case of our elementary students, is not the supportive stance we should take for our youngest learners.
 - Measurable: Monthly suspension rates will be monitored for violations for illicit drug share and violations for elementary students to determine district wide impact.

3. Objective: Increase safety and security on campuses by creating specific language and supporting the movement of levels that address school disruption and toy guns and creating specific language to address administrators' actions in relation to student conflict.
 - Why: It is critical to support the safety of staff and students on school campuses. In being deliberate with language that addresses exactly how administrators manage student transitions after conflict and timelines, what can be classified as a simulated firearm and how we address campus disruptions, we both, decrease implicit bias in assigning consequences for ethnic minorities and support safe campuses and focus our energies when students return through a more restorative lens.
 - Measurable: Individual student discipline reports will be generated to monitor the success of standardized restorative transition practices. Long- term suspension reports will be monitored for students engaging in school disruption to assess whether we have decrease in recommended expulsions.

IV. USP Program Background.

Section VI. A of the Unitary Status Plan, entered by the Court in 2013, called upon the district to create an inclusive and supportive environment in its schools, keep students in classroom settings as often as practicable, and reduce discipline disparities by race/ethnicity. The bulk of the district's student disciplinary policy and practice was embedded within the student handbook, "Guidelines for Student Rights and Responsibilities" (GSRR). The GSRR design and format originally was introduced in the 2008-09 school year.

In June 2018, the district drafted and approved a new student code of conduct for SY2018-19. Like the GSRR before it, the new Student Code of Conduct was incorporated by reference into District Policy. Changes were made again in the SY2019-20 Code of Conduct designed to specifically reduce exclusionary discipline for all students, but particularly for African American students who experienced the greatest levels of disproportionality.

Last school year, after an extensive and comprehensive review with input from a committee comprised of 22 stakeholder representatives (parents, teacher and administrator associations, EDI, and senior leadership), a new SY2023-24 Code of conduct was adopted by the Board. This is the Code of Conduct for which this PIA is recommending some changes in a continued effort to communicate as clearly as possible TUSD's expected student behaviors and consequences.


V. Impact Analysis: Impact on Protected Classes.

A. Impact on Effectiveness of USP Program or Activity

The anticipated impact of the revisions to the code of conduct should be positive in decreasing subjectivity in how consequences are issued, support a less punitive approach to specific disciplinary violations and create a consistent discipline practices district wide and promote a safe and productive learning environment in our schools.

Impact #1- Eliminate higher risk ratios for African American students and maintaining even risk ratios for Mexican American students.

The recommended revisions will decrease the subjectivity in issuing consequences and therefore also decreasing implicit bias for race when issuing exclusionary consequences affecting risk ratios for African American and Mexican American students.

The attached report shows the top violations for student's district wide. These top violations are consistent with the top violations for African American students and Mexican American students and make up the majority of incidents that drive the risk ratio for each ethnicity.  [Risk Ration SY 23.24.pdf](#)

Risk ratios for Hispanic students have remained proportional to White/Anglo students in terms of participation in incidents district wide.

Risk ratios for African American students have not increased significantly from the school year 2022-2023 compared to 2023-2024. The current difference in risk ratio for African American students in the area of aggression is 1.57 and their White/Anglo peers' suspension for aggression is 1.00. There have been 1934 violations of aggression in the 2023- 2024 school year (this includes acts of provocation, recklessness, endangerment, minor aggressive act, other aggression, fights, assaults, and aggravated assaults). Of the 1934 aggression violations, 1067 have been from Hispanic students (of which carry no risk ratios in any category of aggression for the 2023-2024 school) 362 aggression violations from our African American Students and 315 aggression violations from our White/Anglo students. The intention with the progressive discipline model is to decrease variability when issuing consequences and therefore, eliminating any disproportionality for African American students.

Impact #3: In our monthly violation report, we anticipate showing a trend in which the length of out of school suspension for incidents coded Aggression, illicit drug sharing, and school threats decrease.

This will positively impact our African American students. As seen in the risk ratio report in Impact #1, aggression is the leading violation district wide that creates the current disproportionate suspension rates for African American students. It is the only violation that still consistently carries a risk ratio for any ethnicity and any violation in TUSD.

This report shows the percentage students that are African American, Hispanic and White/Anglo ethnicity for the violations of aggression. [Violation by Month Chart SY23.24.pdf](#)

In articulating more specifically violation levels and descriptions we hope to see a positive impact on students by seeing the decrease in out of school suspension.

B. Impact on Other District Programs or Obligations under the USP

Compliance: All revisions in the Code of Conduct will continue to comply with USP requirements.

2. Student Assignment: The district does not anticipate any impact on student assignment programs according to the USP.

3. Transportation: The district does not anticipate any impact on transportation programs according to the USP.

4. Admin/Certified staff: The recommended revisions should positively impact retention and recruitment because specific revisions specifically support a respectful school climate for staff and students. If the impression of future TUSD Educators is that we promote a safe and supportive learning environment for teachers and students, it can be easier to recruit staff as well.

5. Quality of Education: The revisions in the Code of Conduct should positively impact student's access to Advanced learning opportunities, GATE programs and Advanced Academic courses. By changing certain levels in the code of conduct to less punitive consequences, specifically stating support measures for when students have conflict on campus, and being more descriptive for the violation of aggression, students enrolled in our advanced learning opportunities, who are impacted by the utilization of the code of conduct should be excluded less with the proposed revisions than with the current code of conduct and supported more as they return. This improves the quality of education for the student's receiving consequences. Students who have had frequent exclusionary consequences (out of school suspension) missed out on academic learning which impacts their ability to qualify for Advanced learning opportunities, GATE and advanced academic courses. By limiting the time students are out of school suspended we increase a student's ability to qualify for these programs.

6. Discipline: Student discipline will be impacted by the revisions to the code of conduct because this revised document directs school personnel as to how to utilize disciplinary practices that address student behavior.

7. Family and Community Engagement: The district does not anticipate any impact on family and community engagement programs according to the USP.

8. Extracurricular Activities: The district does not anticipate any impact on extracurricular programs according to the USP.

9. Facilities and Technology: The district does not anticipate any impact on facilities and technology programs according to the USP.

10. Accountability and Transparency: The district does not anticipate any impact on accountability and transparency programs according to the USP.

B. Data Sources.

Below are links to stakeholder feedback. This included student feedback on potential revisions, staff and parent feedback, and the most recent district behavior management committee survey results. Stakeholder voices inform what potential revisions will be presented to the school board.

[2023 Code of Conduct Survey Results \(staff and parents\)](#)

 [C o C Voting Results Full Summary Final.pdf](#)

 [District Behavior Management Team Survey final 3.pdf](#)
[Student Forum Feedback](#)

D. Assumptions.

The assumption underlying the revision recommendations for the Code of Conduct are:

- consistent protocols, procedures, and actions are specifically outlined for how to address student behavior will positively impact safe and academically focused learning environments.
- variability in practice will decrease which will positively impact safe and academically focused learning environments.
- Utilizing a consequence progression model will decrease decisions made with implicit bias.
- Incidents of student conduct remain similar year to year.

E. Research Based Sources for Code of Conduct Revision Process

The following links address the resources we utilized to inform our discussions as a district behavior management team in making choices for what would be presented to the school board for recommended code of conduct revisions. The department of student relations has also engaged in research that centers around how exclusionary discipline impacts students of specific ethnicities and how that effects equitable practice. These resources have also informed the current recommended policy revisions.

Code of Conduct Links:

[Link: Tucson Unified School District Code of Conduct](#)

[Kyrene School District](#)

[Phoenix Elementary District #1](#)

[Mica Mountain High School](#)

[Amphitheater School District](#)

[Sunnyside School District](#)

[Phoenix Union](#)

[Higley School District](#)

[Round Valley School District](#)

[Prescott Unified School District](#)

Code of Conduct Research:

[The Impact of Codes of Conducts on Stakeholders by Wayne R. Newman](#)

[Students Code of Conduct: Background](#)

https://edsourcesource.org/wp-content/uploads/2018/09/Noltemeyer_Ward_2015_Meta-Analysis.pdf

Equity in Education:

[Educational Equity Definition — National Equity Project](#)

[9 Ways to Promote Equity in K-12 Schools | Edutopia](#)

[OECD | Equity in education: The foundation for a more resilient future](#)

https://ospi.k12.wa.us/sites/default/files/2023-08/2019_discipline_equity_guidelines_final.pdf

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8277150/pdf/nihms-1706891.pdf>

<https://scholarsbank.uoregon.edu/xmlui/handle/1794/25366>

<https://journals.sagepub.com/doi/abs/10.3102/0002831214541670>

<https://escholarship.org/content/qt7hm2456z/qt7hm2456z.pdf>

VI. Conclusion.

The recommended revisions found in this document promote equitable disciplinary practices by limiting subjectivity in specific violations that impact African American students disproportionately. The recommended revisions promote a school culture focused on safety. These recommendations center in around supporting less exclusionary practice for those students struggling with substance misuse and aims to decrease variability in how consequences are issued by providing a different progressive discipline model for elementary school students while provides clarity and consistency in practice when addressing violations district wide.

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