

Student Code of Conduct 2018-19

Guidelines for Student Rights
and Responsibilities



Tucson Unified is where
Students love to Learn
Teachers love to Teach
and People love to Work
We are Team TUSD



TUCSON UNIFIED
SCHOOL DISTRICT

SPECIAL THANKS TO THE TUSD STUDENTS WHO SUBMITTED ARTWORK FOR THE COVER

Copies of this booklet are available in Spanish on the reverse side of this booklet and can be obtained online at www.tusd1.org. (follow the link to "Student Rights"). Las copias en Español de este folleto están disponible al dorso de este folleto y se pueden obtener en línea en www.tusd1.org.

Comment [TUSD1]: M. Hicks recommendation to title it "Student Code of Conduct, GSRR"

YOUR SCHOOL IS A SAFETY ZONE

IF YOU SEE IT

Violence – Weapons – Non-Students – Drugs – Fights – Gangs – Assaults – Truancy – Graffiti – Threats

REPORT IT!

CONFIDENTIALITY GUARANTEED

TELL A SCHOOL OFFICIAL OR CALL THE

SAFETY MESSAGE LINE 584-7680

- MESSAGES CHECKED HOURLY DURING SCHOOL -

- MESSAGES CHECKED DAILY ON NON-SCHOOL DAYS -

[RIGHT, OPPOSITE BACK OF COVER PAGE]

Welcome to Tucson Unified

There is no goal more important than creating and maintaining safe, supportive, and nurturing learning environments for every kid in every school.

The most important factor that determines whether or not we achieve this goal, is you, the student. When you make a commitment to safety, personal responsibility, and kindness, you are also making a commitment to personal excellence.



Please read this document with your parents or guardians. It is important for you to understand our standards and expectations for behavior at school. By following the Code of Conduct, you can help our school district become a safer and more supportive environment for all students and staff.

Amazing schools are places where learning happens, where kids succeed academically and emotionally, and where learning environments are safe, supportive, and inclusive of all students. Please do your part to make sure that every school in our district is an amazing one!

*Gabriel Trujillo, Ed.D.
Superintendent*

TUSD Governing Board:

Michael Hicks, President; Kristel Ann Foster, Clerk; Dr. Mark Stegeman; Adelita Grijalva; Rachael Sedgwick

Commented [TUSD1]: A. Grijalva and R. Sedgwick recommendation to eliminate the acknowledgement form.

Commented [TUSD2]: Stakeholder recommendation to include parents and guardians throughout the document

[LEFT]

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NON-DISCRIMINATION STATEMENT

Tucson Unified School District does not discriminate on the basis of 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, or family, social or cultural background in admission or access to, or treatment or employment in, its educational programs or activities.
Inquiries concerning Title VI, Title VII, Title IX, Section 504, and Americans with Disabilities Act may be referred to TUSD’s EEO Compliance Officer, 1010 East Tenth Street, Tucson, Arizona 85719, (520) 225-6444, or to the Office for Civil Rights, U.S. Department of Education, 1244 Speer Boulevard, Denver, Colorado 80204. See Board Policies AC “Non-Discrimination,” and ACA “Sexual Harassment” for more information.

[RIGHT]
Basic Information

What Is The Code?

A guide that outlines the behavior expectations, rights, and responsibilities of students and staff (previously called the “Guidelines for Student Rights and Responsibilities” or “GSRR”)

What Principles Guide The Administration of Discipline at TUSD?

- Partnering with students/parents/guardians to create safe, supportive, and inclusive learning environments.
- Striving to keep students in [learning environments](#).
- Ensuring that consequences are non-discriminatory, fair, and age-appropriate.
- Applying the rules consistently so students receive similar consequences for similar violations.
- [None of these principles prevent school personnel from protecting campus safety as appropriate.](#)

How Is Discipline Administered For Students With Disabilities?

All district personnel administering discipline must take into account a student’s disability under either Section 504 or the Individuals with Disabilities Education Act (IDEA) or if the student is suspected of having – or is being considered for an evaluation for – a disability. TUSD must follow specific procedures for students considered disabled under federal law, including determining whether misbehavior is a manifestation of the student’s disability.

When And Where Does The Code Apply?

- Regular school hours (including when students are going to and from school, “portal to portal”)
- While students are being **transported on a school bus or vehicle used for school purposes**
- At all times and places where a school official or employee has [authority](#) over students
- School-sponsored / school-related events and activities (including field trips, athletic events)
- On- or off-campus actions resulting in a [harmful](#) effect on students or the educational [process](#)
- On TUSD property, at any time (see Policy JICH)

Commented [TUSD3]: [M. Hicks recommendation](#) to highlight transportation rules

Commented [TUSD4]: [M. Stegeman recommendation](#) to explain “what acts are prohibited off-campus, and what consequences result” has been considered by the committee and determined to be overly burdensome and unnecessary. It is within a principal’s discretion to determine whether the actions result in a harmful effect on the educational process (and will include Discipline Review Team review where an action may result in a suspension)

Who Monitors Discipline in TUSD?

TUSD’s Discipline Review Team is made up of the Discipline Director and the Compliance Liaison. The Team monitors discipline on a bi-weekly, weekly, monthly, and quarterly basis. [The Team reviews and approves requests for elevated consequences, jointly reviews suspensions with principals/assistant principals administrators, ensures compliance with the Code and other policy, and monitors for disproportionate discipline by race or ethnicity.](#)

Commented [TUSD5]: [Stakeholder recommendation](#) to use either “administrator” or “principals/APs” throughout the document for consistency

Commented [TUSD6]: [M. Stegeman recommendation](#) to clarify why the Team monitors for discipline and the criteria for monitoring.

How Can I Get More Information Or Make An Oral or Written Complaint?

Governing Board Policies and Regulations related to discipline are available for review in the principal’s office at every school and online at www.tusd1.org (follow the link to “Student Rights”). Students or parents/[guardians](#) may [make a complaint related to discrimination, harassment, hazing, dating abuse, bullying, or unfair disciplinary actions](#) with the site principal, assistant principal, the Discipline Review Team ([the Discipline Director or the Compliance Liaison](#)) at 225-4316, or online at www.tusd1.org/deseg.

Commented [TUSD7]: [R. Sedgwick recommendation](#) to make it clear that this section refers to complaints about these discipline-related topics, not to all complaints.

Commented [TUSD8]: [Special Master/ IC Member K.Langford recommendation](#)

[LEFT]
Restorative Practices

Restorative practices are strategies ~~are practices~~ for resolving problems and building relationships by addressing the social and emotional issues created by conflict and restoring students to supportive learning environments after making amends for poor choices.



How Does TUSD Implement Restorative Practices?

- *Small impromptu circles or large group circles:* a few people meet to briefly address and resolve a problem; facilitated by district staff including teachers, counselors, and/or principals/assistant principals/administrators. A larger group can meet in a large circle or a classroom circle to discuss issues, answer questions, solve problems, or offer feedback; facilitated by district staff including, but not limited to: teachers, principals/assistant principals/administrators, counselors and/or Restorative and Positive Practice Facilitators (RPPFs).
- *Formal restorative conferences:* address serious problems of behavior. These conferences may involve students who commit disciplinary infractions, victims, parents/guardians, and principals / assistant principals. Only those trained in formal conferences can facilitate a formal conference.
- *De-escalation:* students may take a short time (no more than 30 minutes or the remainder of one class period) to de-escalate if they feel angry, overwhelmed, or in need of a time-out. Students will complete a reflection form to help staff de-escalate the situation and assist in helping to restore the student back into the classroom or classroom setting.

Commented [TUSD9]: Stakeholder recommendation to use either "administrator" or "principals/APs" throughout the document for consistency

Positive Behavioral Interventions and Supports (PBIS)



PBIS is a proactive framework designed to prevent problem behavior while teaching socially appropriate behaviors. The focus of PBIS at TUSD is creating and sustaining safe and inclusive environments for all students to support appropriate behavior and redirect disruptive behavior.

How Does TUSD Implement PBIS?

TUSD strives to create safe, positive environments by: defining and teaching behavioral expectations; monitoring and acknowledging appropriate behavior; providing corrective, appropriate consequences; providing appropriate behavioral supports (including actions like mentoring, social skills groups, and daily monitoring); using a team-based approach; and using referral data for problem solving.

Who Is Responsible For Implementing Restorative Practices and PBIS?

Everyone. At every site. Under the direction of the campus principal and/or the Restorative and Positive Practices Facilitator (RPPF), staff members at every site must understand school rules; reinforce appropriate student behavior; and use constructive classroom management, positive behavioral interventions and supports, and/or restorative practices strategies, where appropriate, to promote safe, inclusive, and supportive learning environments for all students.

[RIGHT]
Exclusionary Consequences

What Are Exclusionary Consequences?



Exclusionary Disciplinary consequences that remove involve removal of a student from classroom instruction for longer than thirty minutes, or longer than one class period. These include positive alternatives to out-of-school suspension (see page 5, below) settings or programs, in-school suspension, out-of-school suspensions, and expulsions.

What Is TUSD’s Position On The Use Of Exclusionary Consequences?

TUSD is committed to ensuring that consequences that remove ~~students~~ ~~kids~~ from the classroom, where learning happens, are always used as a last resort and are only applied after classroom level interventions have been attempted and failed or the seriousness of the incident warrants an exclusionary consequence.

When Do Exclusionary Consequences Apply?

~~While prioritizing student, staff, and public safety, exclusionary consequences apply as follows:~~

If Exclusionary Consequences are imposed, students will have fair due process that includes an opportunity to appeal (see [information on due process below, pages 6-7](#)). For all offenses, disciplinary consequences must be paired with meaningful instruction and supportive guidance (e.g. constructive feedback and re-teaching) so students are offered an opportunity to learn from their behavior and, where possible, an opportunity to continue to participate in the school community. School Safety personnel will not participate in discipline decisions occurring after an incident. This in no way prohibits School Safety involvement during or immediately after an incident to protect ~~student, staff, or visitor campus~~ safety.



Commented [TUSD10]: M. Stegeman recommendation to eliminate specific reference to staff or public safety. The parties have agreed to a broad interpretation of the USP’s safety exception as evidenced in similar language in prior years’ GSRR versions that were reviewed and commented on by the Special Master and Plaintiffs with no party objecting to the use of the terms “student, staff, or visitor safety”

The committee recommends the term “campus safety” to convey any or all persons on a campus

[LEFT]

Positive Intervention Centers (PICs); Classroom Disruption

The District designed PICs so that a teacher can provide a student a short time (no more than 30 minutes or no more than the remainder of one class period) and a positive and supportive environment to de-escalate if they are feeling angry, overwhelmed or in need of a time-out. The teacher in the PIC will have the student fill out a reflection form to help identify the root cause of the feelings, de-escalate the situation, and assist in helping to restore the student back into the classroom or classroom setting. PICs are available at most middle schools, high schools, and large K-8 schools.

Teachers can send students to the PIC as needed through various protocols:

- Teachers may send no more than three students out in a period.
- Teachers may not send students in the first 15 minutes of class or at the end of class.
- Teachers may not send students until after they have attempted interventions.
- Teachers may not send the same student more than three times before sending them to a principal/assistant principal an administrator for review.
- Staff will document student names and the classes they come from, and will review the information regularly to ensure appropriate use of the PIC, monitor disparities, and determine if students need additional interventions.

Based on Arizona Revised Statute 15-841: A teacher may send a disruptive student out of the classroom for 30 minutes or the duration of the period provided such action is consistent with this Student Code and only where one of the following condition exists:

1. The teacher documented that the pupil student has repeatedly interfered with the teacher's ability to communicate effectively with the other students in the classroom or with the ability of the other students to learn; OR
2. The teacher has determined that the student's behavior is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with other students in the classroom or with the ability of the other students to learn.

Policy Regulation JK-R1: Principals may immediately remove a student whose presence poses a continuing clear and present danger to persons or property or an ongoing threat of disrupting the academic process.

Positive Alternatives to Out-Of-School Suspension

Principals are encouraged to utilize positive alternatives to suspension wherever practicable.

Abeyance Contracts (Regulation JK-R4)

An Abeyance Contract is a behavior contract that may be offered to a student who is facing a suspension. The Abeyance will shorten or eliminate the number of days a student is out of school suspension. The principal/assistant principal/administrator, parent/guardian, and student must agree to and sign the Abeyance Contract, with the understanding that if the student violates the contract with a suspendable violation, the remaining suspension days must be served.

ABEYANCE CONTRACTS MUST BE OFFERED BY PRINCIPALS/ASSISTANT PRINCIPALS ADMINISTRATORS WHEN A STUDENT HAS VIOLATED THE FOLLOWING INFRACTIONS: MUTUAL COMBAT (FIGHTING); POSSESSION OR USE OF DRUGS OR ALCOHOL.

In-School Intervention (ISI)

ISI is an alternative to short-term suspension where students will continue receiving classroom instruction from content-certified teachers in a classroom on campus (ISI is available at all middle schools, all high schools, and large K-8 schools).

In-School Suspension (ISS)

(Reassignment to a Different Class or Area)
ISS is an alternative to short-term suspension and is only used in schools that do not have ISI. Students in ISS may be supervised by a highly qualified teacher or other staff member, and will continue to receive their core curriculum in a supervised setting.

District Alternative Education Program (DAEP)

DAEP is an alternative to long-term suspension. It is a voluntary program that provides 6th – 12th grade students with the opportunity to continue their education and reflect on the underlying behaviors and circumstances that led to the inappropriate behavior. DAEP assists students in learning appropriate behaviors and making better choices so they can be a successful student when they are restored to their home school.

Commented [TUSD11]: REVISED

Commented [TUSD12]: Mendoza recommendation to include data on race/ethnicity in the review of potential "overuse/misuse of PIC referrals"

Commented [TUSD13]: M. Stegeman recommendation to include the limitations on the exercise of the PIC option as stated in the response to a Fisher RFI

Commented [TUSD14]: R. Sedgwick and M. Stegeman recommendation to include language from ARS 15-841 into the Code.

Commented [TUSD15]: Stakeholder recommendation to change "pupil" to "student" for consistency

Commented [TUSD16]: M. Stegeman recommendation to state explicitly that a principal can send a student home immediately and temporarily, in the case of student safety concerns, prior to an official disciplinary finding

Commented [TUSD17]: M. Stegeman comment re clarifying who makes decisions on various placements

Commented [TUSD18]: Special Master / IC Member K. Langford comment that the abeyance contract doesn't shorten or eliminate suspension days

Commented [TUSD19]: REVISED

Commented [TUSD20]: Multiple stakeholder concerns about the terms "mutual combat" and "fighting"
Staff recommends the term "fighting"

Commented [TUSD21]: M. Stegeman recommendation to clarify the situations where ISI is more appropriate than ISS.

[RIGHT]

Basic Due Process (Suspension or Expulsion)

Any student facing a suspension or expulsion will be provided basic due process as a legal safeguard to protect the constitutional rights of the student and his or her parents/guardians.

Commented [TUSD22]: Plaintiff and M. Stegeman recommendation to remove the terms "basic" and "formal" due process in favor of just describing what happens at various stages

As soon as possible following an alleged violation, initiate basic due process

- The principal or designee investigates an allegation, provides notice to the student if the allegation is found to be valid, explains the evidence and gives the student a chance to present their side
- Principals may immediately remove a student whose presence poses a continuing clear and present danger to persons or property or **an ongoing threat of disrupting disruption of** the academic process

Conclude basic due process within 1-2 school days

- After reviewing the facts, principals may impose non-exclusionary discipline or a short-term suspension (1-10 school days) or, if warranted, may begin the process for a long term suspension (11-180 school days) or expulsion
- A principal must impose a "short-term pending long-term suspension" when they begin the process for a long-term suspension or expulsion

Short-Term Suspension Decision and Appeal Process

District policy provides the following protections for students facing a short-term suspension (including a short-term pending long-term suspension or expulsion).

Notice of suspension to parent on the first day; meet with parent/guardian if possible the first or second day

- The principal or designee calls the parent/guardian, gives the notice of suspension to the student, and sends a copy to the parent on the **1st day** of suspension
- Parents/guardians may meet with the principal within the **1st or 2nd day** of the suspension. The principal may offer an abeyance contract or parent/guardian may appeal the decision to the Assistant Superintendent within 3 school days
- If appealed, the Assistant Sup't or designee must review the decision within **3 school days**, affirm or reduce the discipline, and notify the parent/guardian/principal **as soon as possible**

[RIGHT]

Formal Due Process (Long-Term Suspension or Expulsion)

Principals/assistant principals/Administrators must impose a “short-term pending long-term suspension” if they are considering long-term suspension or expulsion, and must first comply with the basic due process described on page 5 (the short-term pending long-term suspension period will count towards the long-term suspension). Once a principal decides to impose a long term suspension or expulsion, the District shall provide more formal due process as a legal safeguard to protect the constitutional rights of students and parents/guardians.

Commented [TUSD23]: Plaintiff and M. Stegeman recommendation to remove the terms “basic” and “formal” due process in favor of just describing what happens at various stages

Commented [TUSD24]: REVISED

Student Rights

including the right to representation by a parent/guardian and/or legal counsel (parents can be present at all proceedings)

- Reasonable access to ~~nonprivileged~~ evidence and the student’s records at least two days prior to the hearing
- To be free from having to present evidence against themselves
- To present favorable evidence and witnesses; and to question ~~adverse~~ evidence and witnesses at the hearing
- To have the testimony presented and ~~saved~~ **preserved**
- To have an interpreter present, if one is necessary
- To waive any or all rights once they are made known

Long-Term Suspension Decision and Appeal Process

District policy provides protections for students facing a long-term suspension or expulsion. If a principal recommends expulsion, the District must follow procedures outlined in Regulation JK-R3.

Notice of suspension and hearing to parent/guardian by the third school day of the short-term suspension

- At the beginning of the process for a long term suspension, the principal/assistant principal must send the notice of suspension and hearing to the parent/guardian by the **third school day** of the short-term pending long-term suspension
- **On or before the day the notice is sent**, the principal/assistant principal must make a reasonable attempt to communicate verbally to the parent/guardian and student about the content of the notice

Hearing and appeal procedures and timelines

- Formal Hearing by the **10th school day** of the short-term pending long term suspension
- Principal **or designee** must send the decision within **3 school days**
- Parent/guardian may appeal within **3 school days** of receipt; Assistant Sup't or designee must review within **5 school days** and notify the parent/guardian/principal **as soon as possible**
- The parent/guardian may further appeal to the Governing Board within **5 school days** from receiving notice
- Board must decide within **10 days** after reviewing the record

[LEFT]
Action Levels

GUIDANCE	<p>When considering actions, sites strive to implement Restorative Practices and to keep students in their classroom whenever possible. Disciplinary actions must be non-discriminatory, fair, age-appropriate, and correspond to the severity of the student's misbehavior. Principals may exercise reasonable discretion in deciding which violation occurred, <u>and may request an elevated consequence based on campus safety concerns.</u></p> <p>The chart below lists actions that may be taken by school administration as the result of a violation. The Action Level identifies <u>maximum a range of actions</u> for violations assigned to that level. Multiple actions may be applied to a single violation.</p> <p>Actions listed in bold are the minimum and mandatory action for that level of violation. For all violations, parent/guardian notification and student conference are mandatory.</p>			
LEVEL 1	<p><i>Before referring a matter to site administration, classroom teachers are expected to employ at least three classroom-level interventions every semester – with proper documentation – for a Level 1 offense.</i></p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> • Parent/Guardian Notification and Conference Request • Student Conference • Restorative Circle or Conference (<i>see page 23</i>) • Verbal/Written Apology • Reflective Essay • Warning </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> • Detention (before/after school; lunch) • Saturday School • Time Out (not to exceed 30 minutes) • Reassignment To Different Class • Suspended Privileges • Community Service (not work detail) • Restitution • Teen Court • Referred to Outside Agency </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> • Meeting With Counselor • Peer Mediation • Functional Behavioral Assessment • Behavior Contract • Behavior Intervention Group • Behavior Learning Packets • Behavior Intervention Plan • Other Action (consistent w/other Level 1 interventions). </td> </tr> </table> <p style="text-align: center;"><i>*Some actions may not be available at all sites</i></p>	<ul style="list-style-type: none"> • Parent/Guardian Notification and Conference Request • Student Conference • Restorative Circle or Conference (<i>see page 23</i>) • Verbal/Written Apology • Reflective Essay • Warning 	<ul style="list-style-type: none"> • Detention (before/after school; lunch) • Saturday School • Time Out (not to exceed 30 minutes) • Reassignment To Different Class • Suspended Privileges • Community Service (not work detail) • Restitution • Teen Court • Referred to Outside Agency 	<ul style="list-style-type: none"> • Meeting With Counselor • Peer Mediation • Functional Behavioral Assessment • Behavior Contract • Behavior Intervention Group • Behavior Learning Packets • Behavior Intervention Plan • Other Action (consistent w/other Level 1 interventions).
<ul style="list-style-type: none"> • Parent/Guardian Notification and Conference Request • Student Conference • Restorative Circle or Conference (<i>see page 23</i>) • Verbal/Written Apology • Reflective Essay • Warning 	<ul style="list-style-type: none"> • Detention (before/after school; lunch) • Saturday School • Time Out (not to exceed 30 minutes) • Reassignment To Different Class • Suspended Privileges • Community Service (not work detail) • Restitution • Teen Court • Referred to Outside Agency 	<ul style="list-style-type: none"> • Meeting With Counselor • Peer Mediation • Functional Behavioral Assessment • Behavior Contract • Behavior Intervention Group • Behavior Learning Packets • Behavior Intervention Plan • Other Action (consistent w/other Level 1 interventions). 		
LEVEL 2	<p>Any Action from the prior level(s) may also be imposed.</p> <ul style="list-style-type: none"> • Restorative Conference and/or Restorative Circle (<i>see page 23</i>) • Social Skills Groups and/or Mentoring may be facilitated by a counselor, social worker, or other qualified staff. 			
LEVEL 3	<p>Any Action from the prior level(s) may also be imposed.</p> <ul style="list-style-type: none"> • Restorative Conference and/or Restorative Circle (<i>see page 23</i>) • In School Suspension/Intervention or Out Of School Suspension and/or Abeyance (Short Term 1-10 Days) but only where student misbehavior is ongoing and escalating, and only after the site has first attempted and documented the types of intervention(s) used in PBIS or Restorative Practices). 			
LEVEL 4	<p>Any Action from the prior level(s) may also be imposed.</p> <ul style="list-style-type: none"> • Restorative Conference and/or Restorative Circle (upon re-entry to school) (<i>see page 23</i>) • Out of School Suspension and/or Abeyance – Long-Term (11-30 Days) (<i>except for violations listed below</i>) <p>*Mutual Combat Fighting. First offense: three day suspension with two days waived if student participates in mediation. Second offense: <u>eleven day suspension with eight days held in abeyance if student participates in mediation. six to nine day suspension with three days waived if student participates in mediation.</u></p> <p>*Possession or Use of Drugs or Alcohol. First offense: three day suspension with two days waived if student agrees to attend a substance abuse workshop and, upon return to school, an intake interview and to be searched for drugs or alcohol. Second offense: <u>eleven day suspension with eight days held in abeyance</u> if student agrees to attend a substance abuse workshop and, upon return to school, an intake interview, and to be searched for drugs or alcohol.</p>			
LEVEL 5	<p>Any Action from the prior level(s) may also be imposed.</p> <ul style="list-style-type: none"> • Out of School Suspension and/or Abeyance – Long-Term (11-180 Days) • Restorative Conference and/or Restorative Circle (upon re-entry to school) (<i>see page 23</i>) • Expulsion 			

Commented [TUSD25]: M. Stegeman recommendation to state explicitly that elevations can be based on student safety concerns under #3

Commented [TUSD26]: Multiple stakeholder concerns about the terms "mutual combat" and "fighting"
Staff recommends the term "fighting"

[RIGHT]

Guidelines for Applying Actions/Consequences

IMPORTANT INFORMATION

1. ~~Nothing in the Code shall prevent school personnel from protecting campus safety as appropriate.~~
2. Principals and assistant principals (APs) must communicate with the Discipline Review Team immediately to jointly review suspensions ~~(the Team will still review the use of ISI and abeyances).~~
3. Principals and APs at the elementary level (Pre-K-5th Grade) **shall consider** all violations, *with the exception of possession of firearms or any incidence of threat to an educational institution*, at one level lower than that of the actual violation ~~but may request an elevated consequence for safety concerns.~~
4. Principals and APs may apply an action that is one level higher than that listed, but only upon a showing of supporting documentation (e.g. prior interventions, attendance, etc.). Requests must be submitted to the Assistant Superintendent ~~for final approval and to jointly review for final approval,~~ ~~reviewed by with the Discipline Review Team to determine if teachers and/or principals/assistant principals administrators attempted to effectively implement interventions to address any underlying or unresolved issues.~~ A consequence may be elevated one level after three repeated violations in a ~~semester~~ (with attempted and documented interventions) ~~or to protect campus safety.~~
5. Principals and APs may request a waiver of mandatory actions for level 4 or 5 consequences through the appropriate Assistant Superintendent. Waivers may not be sought when the prescribed disciplinary action involves the possession of a firearm or the threatening of an educational institution. By state law in such a case, only the Governing Board may decide, on a case by case basis, whether to impose less than the mandatory penalty.
6. ~~Mutual Combat~~ (Fighting) and Drug/Alcohol Use or Possession are considered level 4 violations but are treated different than other Level 4 violations, including an automatic waiver of long term consequence for the first ~~and second~~ offense ~~(a second fight may result in a long-term suspension if approved by the Discipline Review Team and Assistant Superintendent).~~ Repeated occurrences of this violation may result in increased lengths of suspension.
7. A student who willingly assists or forces another student to commit a violation of these guidelines ~~will~~may be held equally accountable for the violation.
8. All parent/~~guardian~~ conferences will be made in a timely manner. Parents/guardians may participate in a conference via phone or another accessible mode of communication. Students will not be disciplined further merely because their parent/~~guardian~~ cannot participate in a conference.
9. Attempted violations, ~~including physical conflict,~~ may require Actions. Principals or APs will determine the appropriate level of action for attempted violations. Actions will generally be at a lower level than the actual violation.
10. When determining the appropriate level of action to take, Principals and APs shall consider a student's claim of self defense, defense of others or defense of property.
11. Law Enforcement Officers, School Resource Officers, School Safety Officers, and other security personnel shall not be involved in low-level student discipline (levels 1-3). **This in no way prohibits contacting School Safety during or immediately after an incident to protect student, staff, or visitor safety.** A ~~principal/assistant principal n administrator~~ must immediately notify an Assistant Superintendent and the Discipline Review Team when law enforcement is contacted. Law Enforcement may be contacted in cases of vandalism where the District is seeking restitution for damage to school property.

Commented [TUSD27]: M. Stegeman recommendation to "incorporate or edit" information from page 9 into the main sections. The committee reviewed this recommendation and did not adopt it for the following reasons:

1. incorporating these rules into various other sections throughout the document would not be consistent with the direction to simplify the document...such incorporation would likely add more language, more pages, and cause more confusion

2. principals, staff, and teachers appreciate the current format of having the rules on one page, followed by the guidelines and exceptions immediately on the following page

Commented [TUSD28]: This section title is revised to align with the title on the previous page, "Action Levels"

Commented [TUSD29]: M. Stegeman recommendation to state explicitly that elevations can be based on student safety concerns under #3

Commented [TUSD30]: REVISED

Commented [TUSD31]: M. Stegeman recommendation to allow the Asst Supt to review all elevation requests, with subsequent review from the the Discipline Review Team

Commented [TUSD32]: M. Stegeman recommendation to "state explicitly that principals can elevate discipline levels as appropriate to protect student safety"

Commented [TUSD33]: M. Stegeman recommended allowing elevation by one or two levels.

Staff recommends eliminating this option as it is extremely rare and, with the added provision to protect campus safety, it is unlikely that there will be a need to elevate twice in situations not involving safety

Commented [TUSD34]: R. Sedgwick recommendation to clarify that an intent to fight may result in a consequence

Commented [TUSD35]: REVISED

[LEFT]
Violation Charts

AGGRESSION		
	<i>Violation</i>	<i>Action Level</i>
	Provocation (verbal or nonverbal) Using language or gestures that may incite another person or people to fight.	1
	Recklessness Engaging in unintentional, careless behavior that may pose a safety or health risk for yourself or for others.	1
	Minor Aggressive Act Engaging in intentional, non-serious but inappropriate physical contact such as, but not limited to: hitting, poking, pulling, pushing, tripping, pulling a chair out from underneath another person, or other behaviors that demonstrate low level hostile conduct.	2
	Endangerment Recklessly putting self 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, running down a hallway, riding a bike on campus, etc.	3
PHYSICAL CONFLICT		
Other Aggression Using other acts of aggression not specifically listed within the Aggression section including, but not limited to, intentional, serious and inappropriate physical contact including, but not limited to, any example listed under "Minor Aggressive Act" that may result in a serious physical injury.	Mutual Combat (Fighting) A fight is defined as a physical altercation in which both parties are willing participants where a preponderance of evidence notes that both parties who had one or more opportunities to de-escalate the situation, leave the situation, or notify a school official of the potential fight prior to making the decision to participate in the physical altercation/fight, and where the circumstances present a threat to safety because of the number of participants or the intensity and violence of the conduct.	Assault Intentionally, knowingly or recklessly causing any physical injury to another person; knowingly touching another person with the intent to injure, insult or provoke such person.
3	4*	4
Involves serious and inappropriate physical contact. Includes "fighting" where the circumstances do not present a threat to safety. Similar conduct not meeting the definition of Other Aggression shall be treated as the level 2 offense of "Minor Aggressive Act."	*Due to the mutual involvement of participants, principals/assistant principals administrators will be granted an automatic waiver of the mandatory minimum, eleven-day long-term suspension normally used at this level for a first offense. See specific guidelines for fighting consequences on page 8, Level 4, above. Similar conduct not meeting the definition of Fighting shall be treated as the level 3 offense of "Other Aggression."	Involves one person acting against another. Similar conduct between mutual participants shall be treated as the level 4* offense of "Fighting."
Aggravated Assault 1. Causing serious physical injury to another. 2. Using a deadly weapon or dangerous instrument. 3. Committing 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. Committing the assault while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired. 5. Committing assault and the person is in violation of an order of protection. 6. Committing the assault knowing or having reason to know that the victim is any of the following: <u>teacher or any school employee on school grounds</u> , 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.		5 Mandatory report to law enforcement

Commented [TUSD36]: DOJ recommended two levels of fighting for an earlier draft.
Staff discussed this with the DOJ and explained that two levels already exist: Other Aggression captures "low-level fights" as a level 3 offense, and Fighting captures fights that implicate safety as a Level 4* offense.
DOJ then recommended we clarify "the specific and narrow factual scenarios in which the discipline offenses of "Other Aggression," "Mutual Combat (Fighting)," and "Assault" are to be applied
This revised format is in response to the DOJ recommendation

Commented [TUSD40]: R. Sedgwick recommendation to provide some natural language about what assault means, particularly as compared to fighting

Commented [TUSD37]: REVISED

Commented [TUSD38]: DOJ recommendation to change "be granted" to "grant"

Commented [TUSD39]: DOJ recommendation to add a sentence to the draft "Mutual Combat (Fighting)" offense about any conduct not meeting the definition of that offense being treated as the level three offense of "Other Aggression."

Commented [TUSD41]: R. Sedgwick recommendation to highlight this category

[RIGHT]

ALCOHOL, TOBACCO AND OTHER DRUG VIOLATIONS	
<i>Definitions</i>	
<p>Drug Violation: Unlawful use, cultivation, manufacture, distribution, sale, purchase, possession, transportation or importation of any controlled drug or narcotic substance or equipment and devices used for preparing or taking drugs or narcotics. 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.</p> <p>Possession: knowing exercise of dominion or control over an item. Use: the act of using or being under the influence. 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.</p> <p>*Administrators/Principals/assistant principals will be granted an automatic waiver of the mandatory, minimum eleven-day long-term suspension normally used at this level for first time offenders for possession or use of drugs or alcohol. See specific guidelines for appropriate consequences on page 8, Level 4, above.</p>	
<i>Violation</i>	<i>Action Level</i>
<p>Inappropriate use of Over the Counter Drugs 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.</p> <p>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, <u>vapes or vape pens</u>, and hookah sticks), at school-sponsored events and on school-sponsored transportation.</p> <p>Possession of 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.</p>	<p>Possession or Use 2</p> <p>Sale or Share 3</p>
<p>Alcohol Violation The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of intoxicating alcoholic beverages or substances represented as alcohol. This includes being intoxicated at school, school-sponsored events and on school-sponsored transportation.</p> <p>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.</p> <p>Unknown Drug (if a drug is identified, after an investigation, a different violation may be identified)</p> <p>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.</p>	<p>Possession or Use 4*</p> <p>Sale or Share 5</p>
<p>Inappropriate use of Prescription Drugs Medicines obtained with the lawful prescription of a health care professional. Inappropriate use includes any use other than that described by the prescription.</p> <p>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.</p>	<p>Mandatory report to law enforcement</p> <p>Possession or Use 4*</p> <p>Sale or Share 5</p>

Commented [TUSD42]: Fisher Plaintiffs concerned that students do not cultivate or manufacture drugs on campus.

Staff recommends eliminating these from the definition of "drug violation" because they are not included as violations in the Student Code.

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ATTENDANCE POLICY VIOLATION (Out of school suspension is not permitted)	
<i>Violation</i>	<i>Action Level</i>
Other Attendance Violations 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.	1
Tardy Arriving at school or class after the scheduled start time.	1
Unexcused Absence Missing school for an entire day with no acceptable excuse.	1
Leaving School Grounds without Permission Leaving school grounds or being in an "out-of-bounds" area during regular school hours without principal or designee permission	1
Truancy Having an unexcused absence for at least one class period during the day (applies to students aged 6-16).	1

OTHER VIOLATIONS OF SCHOOL POLICIES	
<i>Violation</i>	<i>Action Level</i>
Dress Code Violation Wearing clothing that violates dress code guidelines stated by school or district policy.	1
Parking Lot Violation Displaying 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 persons space/area, parking in two or more parking spaces with one vehicle, excessive audio or radio sound, blocking driveway or access, and/or littering.	1
Public Display of Affection Kissing or other inappropriate displays of affection.	1
Other Violation of School Policies and Regulations Committing some other violation of school or district policy or regulation.	1
Inappropriate Language (verbal or nonverbal) Delivering verbal or nonverbal messages that include swearing, name calling, or use of words or gestures in an inappropriate way. <u>A principal/assistant principal/administrator may treat a student swearing at a staff member as a Level 3 consequence where the circumstances demonstrate a lack of respect towards authority (rather than just the use of a curse word or words).</u>	2
Defiance or Disrespect Towards Authority and Non Compliance Engaging in repeated behavior including, but not limited to, refusing to follow directions, or, talking back, or <u>swearing at a staff member or delivers engaging in socially rude interactions.</u>	2
Contraband Possessing items stated in school policy as prohibited because they may disrupt the learning environment.	2
Combustible Possessing a substance or object that is readily capable of causing bodily harm or property damage. (e.g. matches, lighters)	2
Disruption Engaging 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.	2
Gambling Playing games of chance for money <u>(or thing of value)</u> or betting a sum of money <u>(or thing of value).</u>	2
Negative Group Affiliation / Illegal Organization Engaging as a member or potential member of an anti-social organization, secret society, criminal street gang, or other set of individuals that are 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.	3

Commented [TUSD44]: REVISED

Commented [TUSD45]: M. Stegeman, R. Sedgwick, and Fisher Plaintiffs support the first part of the sentence; M. Hicks does not support it;

Mendoza Plaintiffs have concerns over it (but don't object); K. Foster comments that this is not just about the swearing, but it is more about circumstances that display disrespect.

Staff added the second part of the sentence to address the Mendoza's, Ms. Foster's, and M. Hick's concerns by limiting the "elevation" to instances of swearing AND disrespect (a principal/assistant principal should not elevate just because a curse word was used, but only where it is used in a context of disrespect or defiance). Mendoza Plaintiffs support this revision.

Commented [TUSD46]: Clarified to remove "swearing at a staff member" as that situation is addressed in the revision to Inappropriate Language

Commented [TUSD47]: Stakeholder recommendation to include "thing of value"

[RIGHT]

DISHONESTY	
<i>Violation</i>	<i>Action Level</i>
Cheating Sharing with another, or taking from another, intellectual property for the purpose of deceit or fraud, or taking or stealing intellectual property from another with or without their knowledge and presenting it as the student's own.	2
Forgery Falsely and fraudulently making or altering a document, including hall passes and parent/guardian signatures.	2
Lying Making an untrue statement with the intention to deceive or to create a false or misleading impression.	2
Plagiarism Stealing and passing off the ideas or words of another as one's own, including material obtained online.	2

TECHNOLOGY, IMPROPER USE OF	
<i>Violation</i>	<i>Action Level</i>
<p>Telecommunication Device or Other Technology</p> <p>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) they are to be kept out of view in a student's locker, pocket, or a carrying bag; (2) they 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 <u>principal/assistant principal administrator</u> in accordance with the <u>Student Code of Conduct</u>. (see Policy JICJ) <i>NOTE: may be elevated to a Level 3 violation but cannot result in out of school suspension.</i></p> <p>Examples: use of telecommunication devices (cell phones, pagers, etc.) or other technology (gaming systems, iPods, iPads, Tablets, etc) for a non-instructional purpose.</p>	2
<p>Computer or Network Violation <i>NOTE: may not be elevated to Level 4.</i></p> <p>Examples (Computer): Using 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 a <u>principal/assistant principal or a district administrator</u>, vandalism of computers or computer equipment.</p> <p>Examples (Network): Posting videos of fights onto social media, 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.</p>	3

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TRESPASSING; VANDALISM OR CRIMINAL DAMAGE	
<i>Definitions</i>	
<p>Criminal damage: Willful destruction or defacement of school property, commercial property located on school property, or personal property of another person, so as to substantially impair its function or value in an amount of five thousand dollars or more. <u>Administrators/Principals/assistant principals</u> may consider acts of vandalism that result in damages exceeding \$5,000 in value at a Level 4.</p> <p>Example: Substantial destruction of copy machines, vehicles, science or computer equipment.</p>	
<i>Violation</i>	<i>Action Level</i>
<p>Trespassing</p> <p>Entering or remaining on a public school campus or school board facility without authorization or invitation and with no lawful purpose for entry. This includes 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 the <u>principal/assistant principal chief administrator</u> or designee of the facility, campus or function.</p>	2
<p>Graffiti or Tagging Writing on walls; drawings or words painted or sprayed on walls or other surfaces that can be easily removed with soap or cleaner.</p>	2
<p>Vandalism of Personal property Destroying or defacing personal property.</p>	3
<p>Vandalism of School Property Destroying or defacing school property.</p> <p>Examples: Destroying school computer records, carving initials or words in desk top, spray painting on walls, damaging vehicles.</p>	3

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SEXUAL OFFENSES	
<i>Violation</i>	<i>Action Level</i>
Harassment, Sexual Making 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.	3
Pornography Possessing or providing sexually explicit and obscene depictions of persons, in words or images. 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.	3
Harassment, Sexual with contact Committing sexual harassment that includes physical contact.	4
Indecent Exposure or Public Sexual Indecency Engaging in sexual acts or public sexual indecency. 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.	4
Sexual Assault or Rape Intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.	5 Mandatory report to law enforcement

ARSON	
<i>Definitions</i>	
Structure: a building or place with sides and a floor used for lodging, business, transportation, recreation, or storage 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. Property: anything other than a structure that is owned and has value of any kind (e.g., a backpack, school book, clothing, etc.). Damage: as used here, means a tangible or visible impairment to a surface. Reckless Burning: recklessly causing a fire or explosion resulting in damage to a structure, wild land, or property. (see A.R.S. § 13-1702);	
<i>Violation</i>	<i>Action Level</i>
Arson of a Structure or Property Knowingly and unlawfully damaging a structure or property by knowingly causing a fire or explosion. <i>Burning one's own property is not arson, except for burning one's own property with the knowledge that it will ignite another's property or a structure (but may, where appropriate, be considered reckless burning).</i>	4
Arson of an Occupied Structure Knowingly and unlawfully damaging an occupied structure by knowingly causing a fire or explosion.	5 Mandatory report to law enforcement and Fire Dept.
<i>NOTE: Administrators/Principals/assistant principals may consider acts of arson that are only reckless (as opposed to knowing or intentional), or that damage property with a value under \$100, at Level 3. Please see the definition of Reckless Burning above.</i>	

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HARASSMENT AND THREAT, INTIMIDATION	
<i>Violation</i>	<i>Action Level</i>
Threat or Intimidation Indicating, 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.	3
Bullying Intimidating students by the real or threatened infliction of repeated 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).	3
Harassment, nonsexual 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. 5. Stalking-Following another person in or about a public place for no legitimate purpose after being asked to desist. <i>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.</i>	3
Hazing Committing an act against another student, 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 (athletic team, association, club or other similar group that is affiliated with the school and whose membership consists primarily of students enrolled at the school that is affiliated with an educational institution) affiliated with an educational institution. 2. The act contributes a substantial risk of potential physical injury, mental harm or degradation or causes physical injury, mental harm or personal degradation. <i>*Administrators/Principals/assistant principals may treat incidents of hazing at a Level 4 in consultation with the Discipline Review Team.</i>	3

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SCHOOL THREAT OR INTERFERENCE	
<i>Definitions</i>	
A School Threat occurs where a student uses words or actions to place students, staff, or school property guests in apprehension of harm, or to interfere with or disrupt an educational institution.	
<i>Violation</i>	<i>Action Level</i>
Fire Alarm Misuse Intentionally ringing fire alarm when there is no fire.	4
Other School Threat (Verbal) Making a verbal School Threat.	4
Bomb Threat Threatening to cause harm by using or threatening to use a bomb, or arson-causing device.	5 Expulsion required by law
Chemical or Biological Threat Threatening to cause harm using dangerous chemicals or biological agents.	
Other School Threat Making a School Threat that might reasonably lead to the evacuation or closure of a school 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).	

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THEFT	
<i>Violation</i>	<i>Action Level</i>
Petty Theft Stealing cash, or property, valued under \$100.	2
Theft – School Property or Non-School Property Knowingly: b. Controls property of another with the intent to deprive the other person of such property; or c. 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; or d. Obtains services or property of another by means of any material misrepresentation with intent to deprive the other person of such property or services; or e. 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; or f. Controls property of another knowing or having reason to know that the property was stolen; or g. 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.	3
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.	4
Extortion 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. 8. Cause anyone to part with any property.	4
Robbery Taking any property of another from their person or immediate presence and against their will; 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.	4
Armed Robbery 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.	5 Mandatory report to law enforcement
Burglary (First Degree) Entering or remaining 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) and knowingly possessing explosives, a deadly weapon or a dangerous instrument in the course of committing any theft or any felony.	5 Mandatory report to law enforcement

[RIGHT]

WEAPONS AND DANGEROUS ITEMS (POSSESSION OF)

See Policy JICI for more details on Weapons in School

<i>Violation</i>	<i>Action Level</i>
<p>Dangerous Items</p> <p>Possessing a 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).</p> <p>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.</p>	3
<p>Simulated Firearm</p> <p>Possessing a simulated firearm made of plastic, wood, metal or any other material which is a replica, facsimile, or toy version of a firearm.</p> <p>If the simulated firearm is used to threaten or intimidate, the violation will be considered a level 4.</p>	3
<p>Other Weapons</p> <p>Possessing a billy club, brass knuckles, knife with a blade length of at least 2.5 inches, nunchakus.</p> <p>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.</p>	4
<p>Firearms</p> <p>No student shall knowingly carry or possess on their person, within their immediate control, or in or on a means of transportation a firearm without authorization by a school principal/assistant principal/administrator.</p> <p>"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.</p> <p>"Other Firearms" –Firearms other than handguns, rifles or shotguns including:–any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of 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 immediately preceding examples, and from which a destructive device may be readily assembled. ()</p> <p><i>NOTE: This definition does not apply to items such as toy guns, colorful plastic water guns, cap guns, bb guns, and pellet guns)</i></p>	<p>5</p> <p>Expulsion required by law</p> <p>Mandatory report to law enforcement</p>

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GOVERNING BOARD POLICIES

TUSD Governing Board Policies are available upon request at all school sites, family centers, central offices (1010 E. Tenth Street, 85719), and online at <http://govboard.tusd1.org/Policies-and-Regulations>

Commented [TUSD54]: M. Hicks recommendation to add all Governing Board policies that pertain to students.

This section replaces the former section that included only "discipline-related" policies

POLICY TITLE	POLICY CODE	POLICY TITLE	POLICY CODE
STUDENT ABSENCES AND EXCUSES	JH	REPORTING CHILD ABUSE / CHILD PROTECTION	JLF
STUDENT ATTENDANCE	JE	RIGHTS AND RESPONSIBILITIES	JI
BEHAVIOR MANAGEMENT AND STUDENT DISCIPLINE	JKA	STUDENT INTERVIEWS, SEARCHES, AND ARRESTS	JIH
BUSES / TRANSPORTATION	EEA & EEAE	SCHOOL VIOLENCE, BULLYING, HARASSMENT, INTIMIDATION	JICK
CARE OF SCHOOL PROPERTY BY STUDENTS	JICB	SEXUAL HARASSMENT	ACA
CELL PHONES AND OTHER ELECTRONIC DEVICES	JICJ	STUDENT DISCIPLINE	JK
DRUG AND ALCOHOL USE BY STUDENTS	JICH	STUDENT DRESS	JICA
EQUAL EDUCATIONAL OPPORTUNITY AND ANTI-HARASSMENT	JB	STUDENT FUNDRAISING ACTIVITIES	JJE
EXTRACURRICULAR ACTIVITY ELIGIBILITY	JJJ	TECHNOLOGY RESOURCES	IJNDB
HAZING	JICFA	TOBACCO USE BY STUDENTS	JICG
NON-DISCRIMINATION & IMMIGRATION ANTI-DISCRIMINATION	AC & ACB	TRUANCY	JHB
PUBLIC CONDUCT ON SCHOOL PROPERTY	KFA	WEAPONS IN SCHOOL	JICI

BUS RULES (~~EEA~~)

Riding is a privilege; parents/guardians and students should discuss and make sure they know the rules. 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.

These rules apply while students are being transported on a school bus or vehicle used for school purposes.

Commented [TUSD55]: M. Hicks recommendation to highlight transportation rules

Rules	Safety Precautions
Always comply with bus driver's/monitor's directions	Know the correct bus route # and route to/from the bus stop; ALWAYS board/depart the correct stop known by parent/guardian Discuss what to do if the bus is late in the morning or no one is home in the afternoon
Remain seated; keep hands, feet, and head inside bus	
Keep unauthorized materials and substances off bus	
Use classroom voice (no profanity/loud noises/intimidation)	
All personal possessions must be under control at all times	
No eating or drinking on the bus	

[RIGHT]

REGULATIONS RELATED TO DUE PROCESS (SUSPENSION/EXPULSION)

TUSD Governing Board Regulations are available upon request at all school sites, family centers, central offices (1010 E. Tenth Street, 85719), and online at <http://govboard.tusd1.org/Policies-and-Regulations>

Commented [TUSD56]: This is the same language as previous versions, reformatted to match the sub-sections above

REGULATION TITLE	REGULATION CODE	DESCRIPTION
SHORT TERM SUSPENSION	JK-R1	This regulation explains the process for short-term suspensions (1 – 10 Days).
LONG TERM SUSPENSION	JK-R2	This regulation explains the process for long-term suspensions (11 – 180 Days).
EXPULSION	JK-R3	This regulation explains the process for expulsions.
SUSPENSION ABEYANCE CONTRACT REGULATION	JK-R4	<p><u>Principals/assistant principals</u> may offer to hold a suspension in “abeyance” (to not instantly enforce the suspension) if (1) the <u>principal / assistant principal</u> believes it is in the best interests of the student and the school community,</p> <p>(2) the student and parent/<u>guardian</u> agree to certain conditions, and</p> <p>(3) the student and parent/<u>guardian</u> signs an abeyance contract agreeing to certain conditions.</p> <p>This regulation explains the abeyance contract process and requirements.</p>

Commented [TUSD57]: REVISED

DUE PROCESS FOR STUDENTS WITH AN IEP OR 504 PLAN

Information about IDEA, IEPs, and 504 Plans is at www.tusd1.org/Departments/Exceptional-Education

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 by the 10th prior to the 11th day of suspension, but should happen as soon as possible based on parent/guardian/staff availability.

Commented [TUSD58]: This is the same language as previous versions, reformatted to match the sub-sections above

If the manifestation determination 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~~ a hearing officer may impose whatever long-term suspension or expulsion policy allows. The District has no obligation to continue to provide educational services to a 504 student pursuant to the 504 accomodation plan during the period of a long-term suspension or expulsion. However, the District must continue to provide educational services for students eligible under IDEA. A student with a disability under IDEA may be referred to an Interim Alternative Educational Setting in circumstances involving the use or possession of drugs, weapons, or serious bodily injury.

Commented [TUSD59]: Revisions to address Fisher Plaintiffs' concerns re manifestation hearings

[LEFT]

ARIZONA REVISED STATUTES

To access Arizona Revised Statutes, please go to <https://www.azleg.gov/arstitle/>

The statutes and references listed are reflective of those most commonly referred to with regard to student behavior and school disciplinary procedures and are by no means inclusive of all state and federal laws or all District [procedures](#).

Commented [TUSD60]: M. Hicks recommendation to include relevant state statutes using as an example the Higley Unified School District (HUSD) code. Track changes reflect modifications to the HUSD version – particularly where there was an Education Code statute (Chapter 15) that was more relevant than the Criminal Code statute (Chapter 13), or where the Criminal Code makes no specific reference to “schools” or “pupils”

Commented [TUSD61]: ADDED THIS SENTENCE

STATUTE SUBJECT	STATUTE REFERENCE
<u>ABSENCE FROM SCHOOL; NOTIFICATION OF PARENT OR GUARDIAN</u>	<u>A.R.S. § 15-807</u>
<u>BULLYING, HARASSMENT, INTIMIDATION</u>	A.R.S. § 15-341(36)(a-j) 13-1202
<u>CLASSROOM DISRUPTION</u>	<u>A.R.S. § 15-841</u>
<u>COMPUTER TAMPERING</u>	<u>A.R.S. § 13-2316</u>
DISORDERLY CONDUCT; INTERFERENCE WITH OR DISRUPTION OF AN EDUCATIONAL INSTITUTION	A.R.S. § 13-2904 and A.R.S. § 13-2911
<u>LOITERING (IN OR ABOUT A SCHOOL)</u>	A.R.S. § 13-2905(A)(4)
SCHOOL DAY	A.R.S. § 15-341, 15-901, and ADOT R17-9-104
<u>DISCIPLINE; SUSPENSION; EXPULSION</u>	A.R.S. § 15-843 and 15-841 through 15-844
<u>TOBACCO</u>	<u>A.R.S. § 36-798</u>
VERBAL ABUSE OF A TEACHER OR SCHOOL EMPLOYEE IN SCHOOL	A.R.S. § 15-507

Commented [TUSD62]: Disorderly conduct has been removed from the Student Code

Commented [TUSD63]: This refers to “Minimum Standards for School Bus Operation”

Commented [TUSD64]: This is a definition statute and does not add value to the Student Code

[RIGHT]
Rights and Responsibilities

<i>STUDENT RIGHTS</i>	<i>STUDENT RESPONSIBILITIES</i>
<ul style="list-style-type: none"> • Learn in a safe, clean, orderly and positive climate that is unbiased, nonjudgmental, and free from prejudice, discrimination, verbal or physical threats and abuse. • Receive appropriate accommodations to meet individual needs. (as supported by documentation) • Be treated with respect and in a fair and equitable manner by teachers and administrators. • Due process of law. • Have school rules that are enforced in a consistent, fair and reasonable manner. • Be free from retaliation, from fear of retaliation, and from sex discrimination and sexual harassment at school, including dating abuse. • Have teachers and administrators who will follow all District policies related to known allegations of discrimination, harassment, hazing, bullying, and incidents that require mandatory reporting. Such known allegations/incidents must be reported to site administration immediately. • Receive a copy of this Code. • Have access to school assignments/homework while serving a disciplinary suspension and have options for alternative instructional opportunities for any long term suspension. 	<ul style="list-style-type: none"> • Attend school daily according to school district adopted calendar, arrive on time, bring appropriate materials, and be prepared to participate in class and complete assignments. • Make positive contributions to an environment that allows fellow students to be free from discrimination, harassment, hazing and bullying. • Make up work resulting from an absence. • Respect the rights, feelings, and property of fellow students, parents/<u>guardians</u>, school staff, visitors, guests, and school neighbors. • Conduct themselves in an appropriate and respectful manner while on school grounds, school buses, at bus stops, at any school-related activity, and in the classroom, so as not to interfere with the rights of another student to learn and to contribute to a safe and orderly environment that is conducive to learning. • Display behavior that does not compromise the safety of other students and/or staff. • Follow discipline guidelines adopted by the school and District. • Protect and take care of the school's property. • Read and ask questions to understand the information in the Code of Conduct.

<i>PARENT & GUARDIAN RIGHTS</i>	<i>PARENT & GUARDIANS RESPONSIBILITIES</i>
<ul style="list-style-type: none"> • Request and be granted conferences with teachers, counselors and/or the principal. • Receive explanations from teachers about their student's grades and disciplinary procedures. • Access and review school records pertaining to their student. • Receive a copy of this Code. • Receive immediately an oral and a written notification anytime a student receives in-school suspension, or is sent home for any safety and/or disciplinary reason. (including suspensions) • Request an interpreter or translator at any step of the disciplinary process. • Request a review of all disciplinary actions relating to their student. • Direct their student's education, upbringing and moral/religious training. • Be notified promptly if an employee of this state, any political subdivision of this state, any other governmental entity or any other institution suspects that a criminal offense has been committed against the minor child by someone other than a parent/<u>guardian</u>, unless the incident has first been reported to law enforcement and notification of the parent/<u>guardian</u> would impede a law enforcement or a Department of Child Safety (DCS) investigation. This paragraph does not create any new obligation for TUSD to report misconduct between students at school, such as fighting or aggressive play, that are routinely addressed as student disciplinary matters by the school. • Be treated in a manner that is respectful of and responsive to their cultural traditions. 	<ul style="list-style-type: none"> • Attend school daily according to school district adopted Communicate and collaborate with teachers to support student achievement. • Attempt to participate and be active at their student's school. • Be partners with school staff by sharing appropriate ideas for improving student learning and by helping to prevent and/or resolve student discipline problems. • Provide supervision of the student's health, physical and emotional well being, and assume responsibility for the student's timely regular attendance. • Promptly provide the school with explanations for student absences or tardiness. • Ensure student compliance with school and district policies and regulations. • Read and ask questions to understand the information in this Code. • Reinforce the importance of students' adherence to values and behaviors described in this Code.

[LEFT]
Annual Notifications

<p>ANNUAL NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)</p> <p>PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These rights transfer from the parents to a student who is 18 yrs. old, or an emancipated minor under State law, and include the right to:</p> <p>(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 Educ. (ED)</p> <ol style="list-style-type: none"> 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 (like 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. <p>(2) Receive notice and an opportunity to opt a student out of –</p> <ol style="list-style-type: none"> 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; 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. <p>(3) Inspect, upon request and before administration or use –</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> •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. <p>Parents who believe their rights have been violated may file a complaint with:</p> <p style="text-align: center;">Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 2020</p>	<p>TUSD ANNUAL NOTIFICATION OF PRIVACY RIGHTS OF PARENTS AND STUDENTS</p> <p>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:</p> <p>(1) The right to inspect and review the student's education records within 45 days from the day TUSD receives a request.</p> <p>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.</p> <p>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.</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>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.</p> <p>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.</p> <p>(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.</p> <p>Any complaints arising from an alleged violation of these rights may be submitted to the Superior Court of Pima County, Arizona, or to:</p> <p style="text-align: center;">The Family Policy Compliance Office, U.S. Dep't of Education 400 Maryland Avenue, SW, Washington, D.C. 20202 (202) 260-3887</p>
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Directory Information

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 Regulation 5130). 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 274, prior to October 1st. TUSD has designated the following information as directory information:

Name, address, parent or guardian telephone listing, date and place of birth, 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 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 274, prior to October 1st. If Form 274 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.