



**Apache Junction  
Unified School District**

**Code of Conduct  
2019-2020**

## Code of Conduct Signature Page

Our signatures below verify that we have received and have read a copy of the Apache Junction Unified School District #43 Code of Conduct. I understand that it is our responsibility to be familiar with and abide by the Code of conduct while attending Apache Junction Unified School District schools.

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Student's Printed Name

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School

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Student's Signature

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Date

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Parent's Printed Name

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School

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Parent's Signature

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Date

**Code of Conduct**  
**Apache Junction Unified School District**  
**2019-2020**

This Code of Conduct is designed to address disciplinary problems and the consequences that will result for student who do not follow the rules established by law and school policy. This Code of Conduct is intended as a general guide to offenses that may disrupt the school learning environment or interfere with individuals at school or their property. The Code of Conduct is not intended to be an exhaustive listing of all possible offenses, and the school administration will treat any violation of school policy based on the specific circumstances involved in a manner consistent with the approach in this code. In the event of conflict between this Code of Conduct and the district's policy manual, the policy manual shall govern. Possible penalties range from a verbal warning to expulsion, and penalties in that range include, but are not limited to written warnings, suspension from transportation or activities, and suspension from school.

All students are entitled to due process as provided by law. More detailed information concerning due process procedures is available in the School District's Policy Manual. And both students and their parents will receive a more detailed description of due process procedures in the event that a long term suspension or expulsion may result.

While some definitions of offenses in the Code of Conduct may refer to Arizona criminal laws, students and parents should be aware that a criminal conviction is not required prior to imposing school discipline for conduct which is, or may be, a criminal offense.

Student meeting certain requirements may participate in an Alternative to Suspension Program at the determination of the Superintendent. The Alternative to Suspension Program is one of social isolation. It is discipline intensive, requires academic work and may involve community service, grounds keeping and litter control. Parents will participate by providing support and supervision. Failure to meet the conditions required of the Alternative to Suspension Program will mean summary imposition of the remainder of the suspension. Additional punishment may be imposed pursuant to disciplinary policy and procedures of the District.

**Aggression**

**Verbal Provocation**

Use of language or gestures that may incite another person or other people to fight

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)

**Minor Aggressive Act**

Student engages in non-serious but inappropriate physical contact, i.e., hitting, poking, pulling or pushing. Other behaviors that may be considered under this violation are running in the building, hallways, or corridors, pulling a chair out from underneath another person, or other behaviors that demonstrate low level hostile behaviors.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Disorderly Conduct**

A. A person commits disorderly conduct if, with intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so, such person:

1. Engages in fighting, violent or seriously disruptive behavior; or

2. Makes unreasonable noise; or
3. Uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or
4. Makes any protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession; or
5. Refuses to obey a lawful order to disperse issued to maintain public safety in dangerous proximity to a fire, a hazard or any other emergency; or
6. Recklessly handles displays or discharges a deadly weapon or dangerous instrument. (Possession of a deadly weapon or dangerous instrument must also be reported as a weapon violation to ADE and to local law enforcement.)

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Recklessness**

Unintentional, careless behavior that may pose a safety or health risk for others

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Endangerment**

A. A person commits endangerment by recklessly endangering another person with a substantial risk of imminent death or physical injury.

B. Endangerment involving a substantial risk of imminent death is a class 6 felony. In all other cases, it is a class 1 misdemeanor.

<u>First Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion

**Fighting**

Mutual participation in an incident involving physical violence, where there is no major injury. Verbal confrontation alone does not constitute fighting.

<u>First Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion

**Assault**

A person commits assault by: 1. intentionally, knowingly or recklessly causing any physical injury to another person; or 2. intentionally placing another person in reasonable apprehension of imminent physical injury; or 3. knowingly touching another person with the intent to injure, insult or provoke such person.

<u>First Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)

Maximum      Expulsion

**Aggravated assault**

A person commits aggravated assault if the person commits assault as defined in section 13-1203 under any of the following circumstances: 1. If the person causes serious physical injury to another, 2. If the person uses a deadly weapon or dangerous instrument, 3. If the person commits the assault after entering the private home of another with the intent to commit the assault, 4. If the person is eighteen years of age or older and commits the assault upon a child the age of fifteen years or under, 5. If the person commits the assault knowing or having reason to know that the victim is a peace officer, or a person summoned and directed by the officer while engaged in the execution of any official duties, 6. If the person commits the assault knowing or having reason to know the victim is a teacher or other person employed by any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to the school or is in any part of a building or vehicle used for school purposes, or any 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.

<u>First Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Expulsion

**Alcohol, Tobacco, and Other Drugs**

**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.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion

**Drug Violation**

The 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. Category includes over-the-counter medications if abused by the student. This category does not include tobacco or alcohol.

**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.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Expulsion
	Maximum	Expulsion

**Tobacco Violation**

The possession, use, distribution or sale of tobacco products on school grounds, at school-sponsored events and on school-sponsored transportation. A person who knowingly sells, gives or furnishes cigars, cigarettes or cigarette papers, smoking or chewing tobacco, to a minor, and a minor who buys, or has in his possession or knowingly accepts or receives from any person, cigars, cigarettes or cigarette papers, smoking or chewing tobacco of any kind, is guilty of a petty offense.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

### **Arson**

#### **Arson of a structure or property**

A person commits arson of a structure or property by knowingly and unlawfully damaging a structure or property by knowingly causing a fire or explosion.

<u>First Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion

#### **Arson of an occupied structure**

A person commits arson of an occupied structure by knowingly and unlawfully damaging an occupied structure by knowingly causing a fire or explosion.

Occupied structure means any structure as defined in paragraph 4 in which one or more human beings either is or is likely to be present or so near as to be in equivalent danger at the time the fire or explosion occurs. The term includes any dwelling house, whether occupied, unoccupied or vacant.

<u>First Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion

### **Attendance Policy Violation: Violation of state, school district, or school policy relating to attendance**

#### **Tardy**

Arriving at school or class after the scheduled start time

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)

#### **Leaving School Grounds without permission**

Leaving school grounds or being in an “out-of-bounds” area during regular school hours without permission of the principal or principal designee. Students who leave without permission create a serious legal liability problem for the district.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)

#### **Unexcused Absence**

Defined by school district policy for discipline purposes. Unexcused absences are utilized in the calculation of truancy for federal reporting, but are obtained from SAIS for this purpose.

<u>First Occurrence</u>	Minimum	Student Conference
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	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)

**Truancy**

The state of Arizona requirement for school attendance and definitions for truancy are as follows:

A. It is unlawful for any child between six and sixteen years of age to fail to attend school during the hours school is in session, unless either:

1. The child is excused pursuant to A.R.S. §15-802, subsection D or A.R.S. §15-901, subsection A, paragraph 6, subdivision (c).
2. The child is accompanied by a parent or a person authorized by a parent.
3. The child is provided with instruction in a home school.

B. A child who is habitually truant or who has excessive absences may be adjudicated an incorrigible child. Absences may be considered excessive when the number of absent days exceeds 10% of the number of required attendance days.

C. As used in this section:

1. "Habitually truant" means a truant child who is truant for at least five school days within a school year.
2. "Truant" means an unexcused absence for at least one class period during the day.
3. "Truant child" means a child who is between six and sixteen years of age and who is not in attendance at a public or private school during the hours that school is in session, unless excused as provided by this section

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)

**Other Attendance Violation**

Defined by school district policy. Users can add other violations specific to their policies. For example, this line might be used to record truancy at the level that is required for county court referral.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)

**Harassment, Threat, and Intimidation**

**Harassment, Nonsexual**

A. A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person:

1. Anonymously or otherwise communicates or causes a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses.
2. Continues to follow another person in or about a public place for no legitimate purpose after being asked to desist.
3. Repeatedly commits an act or acts that harass another person.
4. Surveils or causes another person to surveil a person for no legitimate purpose.

5. On more than one occasion makes a false report to a law enforcement, credit or social service agency.
6. Interferes with the delivery of any public or regulated utility to a person.

**Note:** Bullying and Sexual Harassment are types of Harassment. Indicate harassment if the violation is not specifically Bullying or Sexual Harassment, or if the specific type of Harassment is not known.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)

**Bullying**

Bullying is repeated acts over time that involves a real or perceived imbalance of power with the more powerful child or group attacking those who are less powerful. Bullying can be physical in form (e.g., pushing, hitting, kicking, spitting, stealing); verbal (e.g., making threats, taunting, teasing, name-calling); or psychological (e.g., social exclusion, spreading rumors, manipulating social relationships).

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Threat or Intimidation**

When a person indicates by word or conduct the intent to cause physical injury or serious damage to a person or their property.

A person commits threatening or intimidating if the person threatens or intimidates by word or conduct:

1. To cause physical injury to another person or serious damage to the property of another; or
2. To cause, or in reckless disregard to causing, serious public inconvenience including, but not limited to, evacuation of a building, place of assembly or transportation facility; or
3. To cause physical injury to another person or damage to the property of another in order to promote, further or assist in the interests of or to cause, induce or solicit another person to participate in a criminal street gang, a criminal syndicate or a racketeering enterprise.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Hazing**

A. Violations of hazing prevention policies adopted pursuant to this section do not include either of the following:

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

B. For purposes of this section:

1. "Hazing" means any intentional, knowing or reckless act committed by a student, whether individually or in concert with other persons, against another student, and in which both of the following apply:
  - (a) The act was committed in connection with an initiation into, an affiliation with or the maintenance of membership in any organization that is affiliated with an educational institution.



(b) The act contributes to a substantial risk of potential physical injury, mental harm or degradation or causes physical injury, mental harm or personal degradation.

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

<u>First Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion

### **Lying, Cheating, Forgery or Plagiarism**

#### **Cheating**

1. to deprive of something valuable by the use of deceit or fraud
2. to influence or lead by deceit, trick, or artifice

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)

#### **Forgery**

Falsely and fraudulently making or altering a document.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)

#### **Lying**

1. to make an untrue statement with intent to deceive
2. to create a false or misleading impression

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension

#### **Plagiarism**

To steal and pass off the ideas or words of another as one's own

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)

### **School Policies, Other Violations of**

#### **Defiance, Disrespect toward Authority and Non-Compliance**

Student engages in refusal to follow directions, talks back, or delivers socially rude interactions

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Combustible**

Student is in possession of substance or object that is readily capable of causing bodily harm or property damage, i.e., matches, lighters, firecrackers, gasoline, and lighter fluid

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Contraband**

Items stated in school policy as prohibited because they may disrupt the learning environment.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Disruption**

Student engages in behavior causing an interruption in a class or activity. Disruption includes sustained loud talk, yelling or screaming; noise with materials; horseplay or roughhousing; or sustained out-of-seat behavior

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Dress Code Violation**

Student wears clothing that does not fit within the dress code guidelines stated by school or district policy

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Parent Notification
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)

**Gambling**

To play games of chance for money or to bet a sum of money

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Language, Inappropriate**

Student delivers verbal messages that include swearing, name calling, or use of words in an inappropriate way

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

### **Negative Group Affiliation**

Gangs that initiate, advocate, or promote activities that threaten the safety or well-being of persons or property on school grounds or disrupt the school environment are harmful to the educational process. The use of hand signals, graffiti, or the presence of any apparel, jewelry, accessory, or manner of dress or grooming that, by virtue of its color, arrangement, trademark, symbol, or any other attribute indicates or implies membership or affiliation with such a group is prohibited because of the disruption to educational activities that results from such activities or dress. It is the District's position that such activities and dress also present a clear and present danger to other District students and to District staff members.

Any activity involving an initiation, hazing, intimidation, assault, or other activity related to group affiliation that is likely to cause or does cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to students or others is prohibited.

Any student wearing, carrying, or displaying gang paraphernalia and/or exhibiting behavior or gestures that symbolize gang membership, or causing and/or participating in activities that intimidate or adversely affect the educational activities of another student, or the orderly operation of the schools, shall be subject to disciplinary action.

For the purpose of District policy, a gang is a group of three (3) or more people who:

- Interact together to the exclusion of others
- Claim a territory or area
- Have a name
- Have rivals/enemies
- Exhibit antisocial behavior – often associated with crime or a threat to the community

The type of dress, apparel, activities, apparel, activities, acts, behavior or manner, or grooming displayed, reflected, or participated in by the student shall not:

- Lead school officials to believe that such behavior, apparel, activities, acts, or other attributes are gang related or would disrupt or interfere with the school environment or activity and/or educational objectives
- Present a physical safety hazard to self, students, staff members, or other employees
- Create an atmosphere in which the well-being of a student, staff member, or other person is hindered by undue pressure, behavior, intimidation, overt gesture, or threat of violence
- Imply gang membership or affiliation by written communication, marks, drawing, painting, design, or emblem upon any school or personal property or on one's person

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)

### **Public Display of Affection**

Holding hands, kissing, sexual touching or other displays of affection in violation of school policy

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)

### **Other Violation of School Policy** (Defined by school district policy)

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

## School Threat (Threat of destruction or harm) or Interference with or Disruption of an Educational Institution

Any threat (verbal, written, or electronic) by a person to bomb or use other substances or devices for the purpose of exploding, burning, causing damage to a school building or school property, or to harm students or staff.

"Interference with or disruption of" includes any act that might reasonably lead to the evacuation or closure of any property of the **educational institution** or the postponement, cancellation or suspension of any class or other school activity. For the purposes of this paragraph, an actual evacuation, closure, postponement, cancellation or suspension is not required for the act to be considered an interference or disruption."

### **Bomb Threat**

Threatening to cause harm using a bomb, dynamite, explosive, or arson-causing device

<u>First Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion

### **Chemical or Biological Threat**

Threatening to cause harm using dangerous chemicals or biological agents

<u>First Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion

### **Fire Alarm Misuse**

Intentionally ringing fire alarm when there is no fire

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

### **Other School Threat**

The incident cannot be coded in one of the above categories but did involve a school threat

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

## Sexual Offenses

**Note:** Consider age and developmentally appropriate behavior before using this category.

### **Pornography**

Pornography is the sexually explicit depiction of persons, in words or images, created with the primary, proximate aim, and reasonable hope, of eliciting significant sexual arousal on the part of the consumer of such materials.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Indecent Exposure or Public Sexual Indecency**

A. A person commits indecent exposure if he or she exposes his or her genitals or anus or she exposes the areola or nipple of her breast or breasts and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act.

B. Indecent exposure does not include an act of breast-feeding by a mother.

- a) A person commits public sexual indecency by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:
  1. An act of sexual contact.
  2. An act of oral sexual contact.
  3. An act of sexual intercourse.
  4. An act of bestiality.
- b) A person commits public sexual indecency to a minor if the person intentionally or knowingly engages in any of the acts listed in subsection A and such person is reckless about whether a minor under the age of fifteen years is present.

<u>First Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Expulsion
	Maximum	Expulsion

**Harassment, Sexual**

Sexual harassment is unwelcome conduct of a sexual nature that denies or limits a student’s ability to participate in or to receive benefits, services, or opportunities in the school’s program. It can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

Does not include legitimate nonsexual touching or other nonsexual conduct, for example, a high school athletic coach hugging a student who made a goal or a kindergarten teacher’s consoling hug for a child with a skinned knee.

Relevant factors in determining whether behavior rises to the level of sexual harassment include:

- The degree to which the conduct affected one or more students’ education
- The type, frequency and duration of the conduct
- The identity of and relationship between the alleged harasser and the subject or subjects of the harassment
- The number of individuals involved
- The age and sex of the alleged harasser and the subject or subjects of the harassment
- The size of the school, location of the incidents, and the context in which they occurred
- Other incidents at the school

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Harassment, Sexual with Contact**

Sexual harassment that includes unwanted physical contact of non-sexual body parts

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)

## **Technology, Improper use of**

### **Computer**

Defined by school district policy

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)

### **Network Infraction**

Defined by school district policy

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

### **Telecommunication Device**

Defined by school district policy

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

### **Other Technology**

Defined by school district policy

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

## **Theft**

(Indicate whether School Property or Non-School Property; dollar amount is recorded on the incident description page).

### **Petty Theft**

Arizona law does not differentiate between petty and grand theft but school administrators may want to consider thefts under \$100 as petty.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)

### **Theft**

Taking or attempting to take money or property belonging to another person or the school with the intent to permanently deprive the victim of his or her possessions.

ARS §13-1802. Theft: classification

- A. A person commits theft if, without lawful authority, the person knowingly:
1. Controls property of another with the intent to deprive the other person of such property; or

2. Converts for an unauthorized term or use services or property of another entrusted to the defendant or placed in the defendant's possession for a limited, authorized term or use; or
3. Obtains services or property of another by means of any material misrepresentation with intent to deprive the other person of such property or services; or
4. Comes into control with 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
5. Controls property of another knowing or having reason to know that the property was stolen; or
6. Obtains services known to the defendant to be available only for compensation without paying or an agreement to pay the compensation or diverts another's services to the person's own or another's benefit without authority to do so.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Burglary or Breaking and Entering (Second or Third Degree)**

A. A person commits burglary in the second degree by entering or remaining unlawfully in or on a residential structure with the intent to commit any theft or any felony therein.

B. Burglary in the second degree is a class 3 felony.

a) A person commits burglary in the third degree by:

1. Entering or remaining unlawfully in or on a nonresidential structure or in a fenced commercial or residential yard with the intent to commit any theft or any felony therein.
2. Making entry into any part of a motor vehicle by means of a manipulation key or master key, with the intent to commit any theft or felony in the motor vehicle.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Expulsion

**Burglary (First Degree)**

A. A person commits burglary in the first degree if such person or an accomplice violates the provisions of either section and knowingly possesses explosives, a deadly weapon or a **dangerous instrument** in the course of committing any theft or any felony.

B. Burglary in the first degree of a nonresidential structure or a fenced commercial or residential yard is a class 3 felony. It is a class 2 felony if committed in a residential structure.

<u>First Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Expulsion

**Extortion**

A. A person commits theft by extortion by knowingly obtaining or seeking to obtain property or services by means of a threat to do in the future any of the following:

1. Cause physical injury to anyone by means of a deadly weapon or dangerous instrument
2. Cause physical injury to anyone except as provided in paragraph 1 of this subsection

3. Cause damage to property
4. Engage in other conduct constituting an offense
5. Accuse anyone of a crime or bring criminal charges against anyone
6. Expose a secret or an asserted fact, whether true or false, tending to subject anyone to hatred, contempt or ridicule or to impair the person's credit or business
7. Take or withhold action as a public servant or cause a public servant to take or withhold action
8. Cause anyone to part with any property

<u>First Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion

### **Trespassing**

To enter or remain on a public school campus or school board facility without authorization or invitation and with no lawful purpose for entry. 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 chief administrator or designee of the facility, campus or function.

Criminal trespass in the second degree: A person commits criminal trespass in the second degree by knowingly entering or remaining unlawfully in or on any nonresidential structure or in any fenced commercial yard.

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Short Term Suspension (1-10 days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)

### **Vandalism or Criminal Damage**

#### **Vandalism**

Willful destruction or defacement of school or personal property.

#### **Criminal damage**

A person commits criminal damage by recklessly:

1. Defacing or damaging property of another person
2. Tampering with property of another person so as substantially to impair its function or value
3. Parking any vehicle in such a manner as to deprive livestock of access to the only reasonably available water
4. Drawing or inscribing a message, slogan, sign or symbol that is made on any public or private building, structure or surface, except the ground, and that is made without permission of the owner

Examples: Destroying school computer records, carving initials or words in desk top, spray painting on walls, or damaging vehicles.

**Note:** When using this code record the cost of repairing or replacing the damaged property under "Cost."



## **Graffiti or Tagging**

Writing on walls, drawings or words that are scratched, painted, or sprayed on walls or other surfaces in public places

<u>First Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Student Conference
	Maximum	Long Term Suspension (11 or more days)

## **Vandalism of personal property**

<u>First Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Long Term Suspension (11 or more days)

## **Weapons and Dangerous Items**

A. In this chapter, unless the context otherwise requires:

1. "**Deadly weapon**" means anything that is designed for lethal use. The term includes a firearm.
2. "**Explosive**" means any dynamite, nitroglycerine, black powder or other similar explosive material, including plastic explosives. Explosive does not include ammunition or ammunition components such as primers, percussion caps, smokeless powder, black powder and black powder substitutes used for hand loading purposes.
3. "**Simulated weapon**" means, but does not include fireworks imported, distributed or used in compliance with state laws or local ordinances, any propellant, propellant actuated devices or propellant actuated industrial tools that are manufactured, imported or distributed for their intended purposes or a device that is commercially manufactured primarily for the purpose of illumination, including any of the following:
  - (a) Explosive, incendiary or poison gas:
    - (i) Bomb
    - (ii) Grenade
    - (iii) Rocket having a propellant charge of more than four ounces
    - (iv) Mine
  - (b) Device that is designed made or adapted to muffle the report of a firearm.
  - (c) Firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger.
  - (d) Rifle with a barrel length of less than sixteen inches, or shotgun with a barrel length of less than eighteen inches, or any firearm that is made from a rifle or shotgun and that, as modified, has an overall length of less than twenty-six inches.
  - (e) Instrument, including a nunchaku, that consists of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain, in the design of a weapon used in connection with the practice of a system of self-defense.
  - (f) Breakable container that contains a flammable liquid with a flash point of one hundred fifty degrees Fahrenheit or less and that has a wick or similar device capable of being ignited.
  - (g) Chemical or combination of chemicals, compounds or materials, including dry ice, that is placed in a sealed or unsealed container for the purpose of generating a gas to cause a mechanical failure, rupture or bursting of the container.

(h) Combination of parts or materials that is designed and intended for use in making or converting a device into an item set forth in subdivision (a) or (f) of this paragraph.

**Firearm (Including Destructive Devices)**

Minors prohibited from carrying or possessing firearms; exceptions; seizure and forfeiture; penalties; classification

A. Except as provided in subsection B, an un-emancipated person who is under eighteen years of age and who is unaccompanied by a parent, grandparent or guardian, or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the un-emancipated person's parent or guardian, shall not knowingly carry or possess on his person, within his immediate control, or in or on a means of transportation a firearm in any place that is open to the public or on any street or highway or on any private property except private property owned or leased by the minor or the minor's parent, grandparent or guardian.

**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.

Any weapon, including a starter gun, which will be or is designed to or may be readily converted to expel a projectile by the action of an explosive. This includes the frame or receiver of any such weapon, any firearm muffler or silencer or any destructive device. This definition does not include antique firearms.

**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 ounces
  - 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

(This definition does not apply to items such as toy guns, cap guns, bb guns, and pellet guns.)

**Destructive Device:** A category of firearm that includes an explosive, combustible or poisonous gas. This includes bombs, grenades, mines and rockets. Any type of weapon (other than a shotgun or a shotgun shell which is generally recognized as particularly suitable for sporting purposes) 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, and any combination of parts either designed or intended for use in converting any device into a destructive device or from which a destructive device may be readily assembled. The term “destructive device” shall not include any device which is designed or redesigned for use as a weapon.

**Dangerous instrument:** 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.

<u>First Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Long Term Suspension (11 or more days)
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion

**Firearms**

Handgun or Pistol
Shotgun or Rifle
Starter Gun
Destructive Device (Including Bombs and Grenade
Other Firearm or Destructive Device

**Other Weapons**

Billy Club
Brass Knuckles
Knife
Nunchakus

**Dangerous Instruments**

Air Soft Gun
B.B. Gun
Laser Pointer
Letter Opener
Mace
Paintball Gun
Pellet Gun
Razor Blade or Box Cutter
Simulated Knife
Taser or Stun Gun
Tear Gas
Other Dangerous item

**Simulated Firearm**

Any simulated firearm made of plastic, wood, metal or any other material which is a replica, facsimile, or toy version of a firearm or any object such as a stick or finger concealed under clothing and is being portrayed as a firearm.

<u>First Occurrence</u>	Minimum	Short Term Suspension (1-10 days)
	Maximum	Expulsion
<u>Repeated Occurrence</u>	Minimum	Long Term Suspension (11 or more days)
	Maximum	Expulsion