

JK

STUDENT DISCIPLINE

The District's policies and procedures for student discipline define conduct that may result in discipline of a student, set forth due-process procedures for various types of discipline, describe actions that may be taken as a result of excessive absences, and set forth other rights and responsibilities related to student conduct.

These policies and procedures will apply to all students traveling to, attending, and returning from school, and while visiting another school or at a school-sanctioned activity and may be imposed if the student's behavior affects the orderliness of the school.

The District reserves the right to hold students accountable for behavior that did not occur on District property or behavior that occurred in other school districts, including situations where the student was not a student in the District.

When suspension or expulsion is involved, notice, hearing, and appeal procedures shall conform to applicable legal requirements.

A.R.S [15-841](#)(G) requires Districts to expel students from school for a period of not less than one year a pupil who brings a firearm to school. This may be modified on a case-by-case basis.

For any other disciplinary infraction, a school district may out-of-school suspend or expel a pupil who is enrolled in kindergarten through fourth grade (K-4) only if all of the following apply:

- A. The pupil is seven (7) years of age or older.
- B. The pupil engaged in conduct on school grounds that meets one (1) of the following criteria:
 1. Involves the possession of a dangerous weapon without authorization from the school.
 2. Involves the possession, use or sale of a dangerous drug as defined in A.R.S [13-3401](#) or a narcotic drug as defined in A.R.S [13-3411](#).
 3. Immediately endangers the health and safety of others.
 4. The pupil's behavior is determined by the School District Governing Board to qualify as aggravating circumstances and that all of the following apply:
 - a. The pupil is engaged in persistent behavior that has been documented by the school and that prevents other pupils from learning or prevents the teacher from maintaining control of the classroom environment.
 - b. The pupil's ongoing behavior is unresponsive to targeted interventions as documented through an established intervention process that includes consultation with the school counselor, school psychologist, or other mental health professional or social worker if available within the School District or through a state-sponsored program.
 - c. The pupil's parent or legal guardian was notified and consulted about the ongoing behavior.

d. Before a long-term suspension or expulsion, the school provides the pupil with a disability screening and the screening finds that the behavioral issues were not the result of a disability.

C. Failing to remove the pupil from the school building would create a safety threat that cannot otherwise reasonably be addressed or qualifies as "aggravating circumstances."

D. Before suspending or expelling the pupil, the School District considers and, if feasible while maintaining the health and safety of others, in consultation with the pupil's parent or legal guardian to the extent possible, employs alternative behavioral and disciplinary interventions that are available to the District, that are appropriate to the circumstances and that are considerate of health and safety. The District shall document the alternative behavioral and disciplinary interventions it considers and employs.

E. The District, by policy, provides for both:

1. A readmission procedure for pupils who are in kindergarten through fourth grade (K-4) and who have served at least five (5) school days of a suspension that exceeds ten (10) school days to be considered for readmission on appeal of the pupil's parent or legal guardian.

2. A readmission procedure for pupils who are in kindergarten through fourth grade (K-4) and who are expelled from or subject to alternative reassignment at the school to be considered for readmission on appeal of the pupil's parent or legal guardian at least twenty (20) school days after the effective date of the expulsion or alternative reassignment.

"Aggravating circumstances" means the pupil is engaged in persistent behavior that:

A. Has been documented by the school.

B. Prevents other students from learning or prevents the teacher from maintaining control of the classroom environment.

C. Is unresponsive to targeted interventions as documented through an established intervention process.

The discipline, suspension, and expulsion of pupils shall not be based on their race, sex, (which includes a prohibition against sexual harassment as described in the District's policy concerning sexual harassment), sexual orientation, gender identity or expression, national origin, ethnicity, religion, creed, age, or disability.

The principal of each District school shall ensure that a copy of all rules pertaining to discipline, suspension, and expulsion and the provisions pertaining to confinement of pupils are distributed to each student's parents at the time the student enrolls in school each year.

Behavior Management and Discipline of Students with Special Needs

The Superintendent shall oversee a collaborative process for the identification, description, and monitoring of best practices for behavioral management and discipline of special needs students. The practices shall include, but not be limited to:

A. authorized and prohibited disciplinary methods,

B. recommended and required training for special education program teachers and aides, and

C. requirements for conveying notice of disciplinary measures taken.

Temporary Removal

Teachers are authorized to temporarily remove a student from a class. A teacher may temporarily remove a student to the principal, or to a person designated by the school administrator, in accord with:

A. Rules established for the referral of students.

B. The conditions of A.R.S. [15-841](#), when applicable.

The Superintendent shall establish such rules as are necessary to implement the temporary removal procedure.

Confinement

Under A.R.S. [15-841](#), the Superintendent shall ensure that disciplinary policies involving the confinement of pupils left alone in an enclosed space shall include the following:

A. A process for prior written parental notification that confinement may be used for disciplinary purposes that is included in the pupil's enrollment packet or admission form.

B. A process for written parental consent before confinement is allowed for any pupil in the School District. The policies shall provide for an exemption to prior written parental consent if a school principal or teacher determines that the pupil poses imminent physical harm to self or others. The school principal or teacher shall make reasonable attempts to notify the pupil's parent or guardian in writing by the end of the same day that confinement was used.

Restraint and Seclusion

The use of restraint and seclusion is not limited, by policy or practice, to students with disabilities.

A school may permit the use of restraint or seclusion techniques on any pupil if both of the following apply:

A. The pupil's behavior presents an imminent danger of bodily harm to the pupil or others.

B. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm.

If a restraint or seclusion technique is used on a pupil:

A. School personnel shall maintain continuous visual observation and monitoring of the pupil while the restraint or seclusion technique is in use.

B. The restraint or seclusion technique shall end when the pupil's behavior no longer presents an imminent danger to the pupil or others.

- C. The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel.
- D. The restraint technique employed may not impede the pupil's ability to breathe.
- E. The restraint technique may not be out of proportion to the pupil's age or physical condition.

Schools may establish policies and procedures for the use of restraint or seclusion techniques in a school safety or crisis intervention plan if the plan is not specific to any individual pupil.

Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:

- A. School personnel shall provide the pupil's parent or guardian with a written or oral notice on the same day that the incident occurred unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four (24) hours after the incident.
- B. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations, or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.
- C. Schools shall review strategies used to address a pupil's dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion techniques were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.

If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation, and review procedures established under the paragraph above. School resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.

Schools are not prohibited from adopting policies which include procedures for the reasonable use of physical force by certificated or support staff personnel in self-defense, defense of others, and defense of property (A.R.S. [15-843](#), subsection b, paragraph 3).

The District authorizes the use of these definitions which are included in A.R.S. [15-505](#):

- A. "Restraint" means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs, or head freely, including physical force or mechanical devices. Restraint does not include any of the following:
- B. Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and if applicable prescribed.
- C. The temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe

location.

D. The brief holding of a pupil by one (1) adult for the purpose of calming or comforting the pupil.

E. Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person.

F. "School" means a school district, a charter school, a public or private special education school that provides services to pupils placed by a public school, the Arizona State Schools for the Deaf and the Blind, and a private school.

G. "Seclusion" means the voluntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan, or individualized education program that involves the pupil's separation from a larger group for purposes of calming.

Threatened an Educational Institution

"Threatened an educational institution" means to interfere with or disrupt an educational institution as found in A.R.S. [15-841](#) and [13-2911](#). A student who is determined to have threatened an educational institution shall be expelled from school for at least one (1) year except that the District may modify this expulsion requirement for a pupil on a case-by-case basis and may reassign a pupil subject to expulsion to an alternative education program if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the results of the threat. The District may require the student's parent(s) to participate in mediation, community service, restitution, or other programs with the student as a condition to the reassignment of the pupil to an alternative education program.

Regulation Off-Campus Speech

While the District may regulate certain types of off-campus student speech, it must be mindful of student rights of expression under the First Amendment.

Circumstances that may implicate the District's off-campus regulatory interests include, but are not limited to:

- A. Serious or severe bullying or harassment targeting particular individuals.
- B. Threats aimed at teachers or other students.
- C. Failure to follow rules concerning:
 - 1. Lessons
 - 2. The writing of papers
 - 3. The use of computers
 - 4. Participation in other online school activities
- D. Breaches of school security devices

The District may take affirmative steps to work with the student, short of discipline, to engage in future respectful and accountable digital citizenship.

Information concerning a student's disciplinary record will be held in the strictest confidence.

Disciplinary actions taken will be recorded in an administrative log, and all types of suspensions or expulsions will be recorded in a separate file for each student.

Self-Reporting

Any student seeking help with substance abuse issues may self-report to the staff or administration without incurring discipline or law enforcement sanctions under the following conditions:

- A. Students must not be in possession of nor under the influence of illegal substances and may not have paraphernalia with them or in their vehicle.
- B. Students should not be under investigation by the administration for issues relating to illegal substances.

Adopted: September 14, 2021

LEGAL REF.:

A.R.S.

[13-403](#) *et seq.*

[13-2911](#)

[13-3401](#)

[13-3411](#)

[15-105](#)

[15-341](#)

[15-342](#)

[15-841](#)

[15-842](#)

[15-843](#)

[15-844](#)

CROSS REF.:

[GBEB](#) - Staff Conduct

[JIC](#) - Student Conduct

[JKA](#) - Corporal Punishment

[JKD](#) - Student Suspension

[JKE](#) - Expulsion of Students

[JLDB](#) - Restraint and Seclusion