

April 8, 2019

**Sent via e-mail and first-class mail**

Evan Daniels, Unit Chief Counsel  
Appeals & Constitutional Litigation Division  
Government Accountability Unit  
Office of the Arizona Attorney General  
2005 North Central Avenue, Phoenix AZ 85004

Re: Inquiry into March 1, 2019 Events at Perry High School

Dear Mr. Daniels:

This letter constitutes Chandler Unified School District's ("the District" or "CUSD") response to your letter dated March 5, 2019, in which you inquire into events at Perry High School ("the School" or "Perry HS") that occurred on March 1, 2019. In that letter, you ask the District to "demonstrate that [its] actions surrounding these circumstances were lawful and within the contours of what courts have held is appropriate for school policies."

Though the District will provide assurance via this letter that it understands and protects the First Amendment rights of students, the events of March 1, 2019 at Perry High School do not implicate First Amendment law because **no student was disciplined for speech-related activities**. Students at Perry HS have historically, including during the previous two years, been permitted to wear clothing and other items with political messages.<sup>1</sup>

**Factual Background**

**Party in the USA Day – March 1, 2019**

The week of February 25<sup>th</sup> through March 1<sup>st</sup> was spirit week on the Perry HS campus. It culminated on Friday with what the School called "Party in the USA" day during which students were asked to wear red, white, and blue.

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<sup>1</sup> Please see photographs taken from the 2017 Perry High School Year book depicting students in clothes that say "Trump" and of the students' trip to Washington D.C. for Close Up that year. (Tab 1).

Incident After Assembly:

Midday on March 1<sup>st</sup>, after lunch A (which ended at 10:21 a.m. on that day), Principal Dan Serrano received a call from Student D's mother asking whether he knew that "50 seniors" had surrounded an African-American student chanting Trump slogans. (See Decl. of Dan Serrano, ¶ 4, attached herein at Tab 2). She did not identify the student but stated that she had a video of the incident and was frustrated that Mr. Serrano was not aware of it. Mr. Serrano had spent the morning dealing with a bat infestation on campus, so he conferred with Dean of Students Clint Beauer, who was aware of heightened tensions among students after the assembly. Mr. Beauer understood that after the students left the assembly and were heading toward Lunch A, some students had been putting Trump flags in people's faces. (See Decl. of Clint Beauer, ¶ 3, attached herein at Tab 3). At around the same time, Assistant Principal Heather Patterson was coming back from the assembly and noticed that a young man (student B) was wearing a Trump flag as a cape. Ms. Patterson intended to direct Student B to put the flag away because the assembly was over, and students are not generally allowed to wear flags. (See Decl. of Heather Patterson, ¶ 3, attached herein at Tab 4). However, she lost him in the crowd. After some searching, Ms. Patterson located Student B still wearing the Trump flag, asked for his name (which he provided), and asked him to put the flag away, which he did with no argument. Ms. Patterson returned to her office.

Soon thereafter, Student C's mother called and spoke to Mr. Beauer to complain that there was a "Trump rally going on" at the campus and that there was a video going around that showed students arguing. (See Tab 3 at ¶ 4). Mr. Beauer and Ms. Patterson began interviewing students about these allegations, as is their responsibility as administrators to investigate possible safety problems. Student statements confirm that some students were chanting "Trump" and calling other students "pussy liberals." (See redacted Student Statements at Tab 5). While talking to these students, Mr. Beauer was able to view the video to which Parent C had referred.

In the meantime (prior to the completion of the investigation described in the preceding paragraph), Student D's mother had arrived on campus and told administration that she had given the video to Channel 3 news. She again asserted that there had been a Trump rally, but she refused to show administration the video. (See Tab 4 at ¶ 7). Later in the afternoon, Student D's father came to campus to speak to Mr. Beauer. Student D's father stated that they had just moved to Arizona from Chicago and asked Mr. Beauer if the incident that had occurred after the assembly was normal. He was concerned that Perry HS might not be a good fit for his student. (See Tab 3 at 8).

Based on their investigation into the incident (which included talking to parents, interviewing and obtaining student statements, and viewing the video), Mr. Beauer and Ms. Patterson determined that there were insufficient grounds to discipline any of the students who were alleged to have been chanting "Trump" and making offensive statements to other students (such as "pussy liberal").

Incident after School:

The description of the morning incident provides important context for understanding the events that occurred after school dismissed on March 1, 2019. It had been a difficult day for administrators, who had faced angry parents and concerned students who felt that “pro-Trump” students had been targeting students who were not wearing or displaying Trump gear.

Officer Jesse Allen, a sworn law enforcement officer employed by the Gilbert Police Department, serves as Perry HS’s SRO. Officer Allen was providing support during student release as he usually does and was standing on the Northeast corner of the E building. He saw a group of students who had a flag out and were taking pictures. Aware that there had been an earlier incident related to flags, Officer Allen called Ms. Patterson to ask whether he should disperse the students. Ms. Patterson agreed that he should direct students to leave campus. (See Tab 4 at ¶ 9). Neither Officer Allen nor Ms. Patterson determined that the students should leave because they had a **Trump** flag out, but rather they used their knowledge and experience as law enforcement and an educator to determine that, because that it had been a day filled with tensions amongst students and angry parents, students who had no reason to remain on campus (such as after school activities, etc.) should disperse and go home. In fact, it is routine for security and staff to direct students to leave campus if they are not either going to an extracurricular activity, tutoring, or the library. (See Tab 4 at ¶ 9). Unfortunately, these students showed no signs of preparing to leave. The students ignored the SRO’s direction, and Student A continued to take photographs. Officer Allen did not know the students’ identities, and therefore, he took a photo to be circulated among staff members for identification, which a common way that administrators on large campuses identify unknown students. (See Tab 4 at ¶ 10). When Officer Allen asked Student A to identify herself, she refused to do so. The students began walking toward the east parking lot. Officer Allen returned to the front office to deal with a drug incident that occurred that day. Officer Allen **did not** ask or direct any students to remove Trump clothing.

Ms. Patterson intended to address Student A’s refusal to identify herself to Officer Allen on Monday, but as Ms. Patterson approached the attendance office, she saw a group of students that included Student A (as she knew from the photo that Officer Allen sent her). (See Tab 4 at ¶ 10). Ms. Patterson asked Student A her name. Student A refused to identify herself to Ms. Patterson. (See Tab 4 at ¶ 11). Ms. Patterson reported the refusal to Principal Serrano, who went to Student A and asked for her name. Student A again refused to identify herself to Principal Serrano. (See Tab 2 at ¶ 7). Mr. Serrano advised Student A that refusing to identify herself would result in suspension. Student A continued to refuse to provide her name.

Student A’s mother arrived. Mr. Serrano explained that the suspension was due to Student A’s refusal to identify herself to three adults upon request and had nothing to do with Student A’s attire that day. (See Tab 2 at ¶ 8; Tab 4 at ¶ 13). No student was disciplined for wearing Trump attire and no students were told to remove any Trump clothing on that day or any other day.

### **Disciplinary Consequence on March 1, 2019**

Contrary to the false statements by students and parents to the media, only one student received a disciplinary consequence related to the events on March 1, 2019 and it was not for wearing clothing that expresses support for President Trump. That student was Student A, who refused to identify herself to at least two administrators and Perry HS's School Resource Officer ("SRO") on the afternoon of March 1, 2019 while she was on the property of Perry HS. Such behavior is an explicit violation of the District Governing Board Policy JIC, Student Conduct, which states in relevant part:

\*\*\*

Students shall not engage in improper behavior, including but not limited to the following:

\*\*\*

- Failure to comply with the lawful directions of District officials or any other law enforcement officers acting in performance of their duties, and failure to identify themselves to such officials or officers when lawfully requested to do so.

(Attached herein at Tab 6).

Student A received a three-day suspension. (See Student A Behavior Discipline Report at Tab 7). Students are aware that failing to identify themselves to school officials or law enforcement is a violation of school policy because they have access to and are trained on the Perry High School Student Handbook, which includes the Policy and a District Infraction and Consequence Chart that identifies "refusal to comply with reasonable requests of school personnel" as resulting in a range of consequences from conference to suspension. (See excerpts of the Handbook attached herein at Tab 8). Student A returned her signed acknowledgement of receipt of the Handbook (See Screenshot of document system indicated checkmark at Handbook Release, located at Tab 9).

Students must identify themselves to school officials and the SRO when asked because it is essential to maintaining safety and order on a campus of 3700 students. Perry HS has six (6) administrators and an SRO who are conscientious about getting to know as many students as possible, but it is simply impossible for each administrator and the SRO to be able to recognize and name all of the approximately 3700 students enrolled. If students believed they could refuse to identify themselves when asked by school staff, it would significantly compromise the ability of the District to provide without consequences "a safe, disciplined, and productive environment where students and adults are meaningfully engaged in learning" as stated in the District Mission Statement. (See Governing Board Policy A attached herein at Tab 10).

### **Application of First Amendment Law in the Educational Setting**

Though the disciplinary incident on March 1<sup>st</sup> had nothing to do with protected speech, the District affirms that it conscientiously adheres to First Amendment law as it has been applied to schools.

The District is aware of and implements the basic principles set out in *Tinker v. Des Moines Independent Community School District*, which holds, in essence, that though students do not shed their constitutional rights at the schoolhouse door, schools may regulate student expression if the speech causes, or is reasonably likely to cause, a material and substantial disruption or interferes with the rights of other. 393 U.S. 503, 513 (1969). Furthermore, the District does not engage in viewpoint discrimination even where it has created the limited public forum. *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829; *see also Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2230 (2015). For example, the District opens its facilities for public use in limited contexts pursuant to Governing Board Policy KF, Community Use of School Facilities, and so long as the entity, person, or organization that meets the requirements of Policy KF (for example, purchase of liability insurance), use is granted without regard to the speech or viewpoint of user.

District policies regulating speech are designed to strike “the appropriate balance between allowing schools to act to protect their students from credible threats of violence while recognizing and protecting freedom of expression by students.” *Wynar v. Douglas Cty. Sch. Dist.*, 728 F.3d 1062, 1070 (9<sup>th</sup> Cir. 2013). For instance, Governing Board Policy JICA, Student Dress, constitutionally limits students’ clothing choices in narrow, limited ways to ensure safety and a harassment-free educational environment. JICA states, in relevant part:

The Board authorizes the Superintendent to develop and enforce school regulations prohibiting student dress or grooming practices that:

- Present a hazard to the health or safety of the student or to others in the school.
- Materially interfere with school work, create disorder, or disrupt the educational program.
- Cause excessive wear or damage to school property.
- Prevent students from achieving their educational objectives.
- Represent membership in a gang.

Obscene, lewd, or vulgar language or symbols, or symbols or language relating to or promoting of sex, drugs, tobacco, or alcohol on clothing are expressly prohibited.

(Attached herein at Tab 10). To reiterate, **no student on March 1<sup>st</sup> was told to remove any clothing that expressed support for President Trump.**

Governing Board Policy JICD, Student Conduct in School, and its implementing Regulation, JICD-R, set out the constitutionally permissible limitations on student on campus and at school events. (Policy and Regulation attached herein at Tab 12). In addition, Governing Board Policy JICEC, Freedom of Expression, protects students’ religious viewpoints. (Attached herein at Tab

13). District administrators implement these Policies and Regulations to ensure that the District maintains order and provides a safe and productive learning environment that honors and encourages different opinions and perspectives.

We hope that this letter resolves your inquiry into the events of March 1, 2019. If you have any additional questions, please contact me at the phone number or email address indicated on the letterhead. Thank you.

Thank you.

Sincerely,



Cathleen M. Dooley

CC via email:

Dr. Camille Casteel, Superintendent of Chandler Unified School District

5433808.2

# **Exhibit 1**









## **Exhibit 2**

### Declaration Made Under Penalty of Perjury

I, Dan Serrano, under penalty of perjury, do hereby swear and decree the following to be true:

1. I have been employed by the Chandler Unified School District as Principal at Perry High School since July 1, 2006, since one year prior to its opening. My duties at Perry High School include overall administrative supervision for all facets of school operations and attending to the health, safety, and welfare of all students.
2. The week of February 25, 2019 was spirit week, which culminated on Friday, March 1<sup>st</sup> with "Party in the USA" day.
3. On that day, my school day was primarily occupied by dealing with a bat infestation at the school.
4. After lunch A (which ended at 10:21 a.m. on that day), I received a call from Student D's mother asking whether he knew that "50 seniors" had surrounded an African-American student chanting Trump slogans. Parent D stated that she had a video and seemed frustrated that I did not have personal knowledge of the event she was describing. She told me that she was going to call the news and hung up on me. When Parent D ended the phone call, I conferred with Dean of Students Clint Beauer, who informed me that he was aware that there had been tensions among students immediately following the assembly.
5. Later, I became aware that another parent, Parent C, had spoken to Mr. Beauer and complained that a "Trump Rally" had taken place and that students were calling other students names and intimidating them. I was

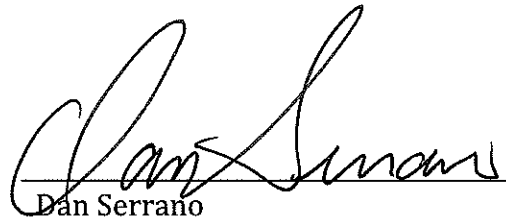
aware that Mr. Beauer and one of my Assistant Principals, Heather Patterson, were investigating the incident.

6. After the school day ended, Ms. Patterson informed me that a student had refused to identify herself to the School's School Resource Officer, Jesse Allen, and then had refused to identify herself to Ms. Patterson. Ms. Patterson informed me that the student was outside.
7. I went out to speak with the student who had refused to identify herself to Officer Allen and Ms. Patterson. I did not recognize her, so I asked for her name. She refused to provide it. I told her that she would be suspended if she didn't tell me her name. She refused again. I determined that her refusal was a violation of Governing Board Policy JIC, Student Conduct, and decided to short term suspend her for the violation.
8. I returned to my office. Soon thereafter, Parent A arrived in the front office. I joined a conversation that Ms. Patterson was having with Parent A and explained that Student A was being suspended for failure to identify herself to school officials and law enforcement. Parent A and Student A left the office.
9. Throughout my years at Perry High School, I have witnessed students wearing clothing and other items of a political nature, including items expressing support for President Trump. To my knowledge, no student at Perry High School has been ever been required to remove political clothing nor been disciplined for wearing it.

10. I am aware that students other than Student A have been short term suspended for defiance. In my years as an administrator at Perry High school, I am not aware of any student refusing to identify him/herself to a school administrator other than Student A on March 1, 2019.

I declare under penalty of perjury that the above statements are true and correct.

DATED: 4/5/19

  
Dan Serrano  
Principal, Perry High School

## **Exhibit 3**

### Declaration Made Under Penalty of Perjury

I, Clint Beauer, under penalty of perjury, do hereby swear and decree the following to be true:

1. I have been employed by the Chandler Unified School District as a teacher at Perry High School from 2007-2015, a counselor at Perry High School from 2015-2018 and Dean of Students at Perry High School since July of 2018. My duties at Perry High School include ninth grade discipline and attending to the health, safety, and welfare of all students.
2. Perry High School's student government planned a spirit week during the week of February 25, 2019. The spirit week culminated on Friday, March 1<sup>st</sup> with "Party in the USA" day, on which students were encouraged to wear red, white, and blue.
3. On March 1, 2019, I became aware that after the assembly and prior to Lunch A, there had been some tensions on campus involving students who were expressing support for President Trump. I was not yet aware of the details of the situation.
4. I received a telephone call from Parent C complaining that there was a verbal altercation between her student and a group of students regarding President Trump. The parent was concerned for her son's safety. I informed Assistant Principal Heather Patterson of the call and she and I initiated an investigation into the complaint.
5. Ms. Patterson and I interviewed seven students and had those students' complete statements. (See Student Statements (names redacted) attached as



Ex. C to Heather Patterson's Declaration). The student statements confirmed that students had exchanged angry words and that at least some students were chanting "Trump" and had called other students "pussy liberals." There was no Trump rally occurring on campus.

6. I viewed the video provided by a student during interviews and confirmed that at least one student had made the statement "pussy liberal" toward another student.
7. Ms. Patterson and I determined that there were insufficient grounds to discipline any of the students.
8. That afternoon, Student D's father arrived on campus and met with me. He stated that they had just moved to Arizona from a suburb of Chicago and he asked me if the incident that had occurred after the assembly was normal. He was concerned that Perry HS might not be a good fit for his daughter.
9. Throughout my years at Perry High School, I have witnessed students wearing clothing and other items of a political nature, including items expressing support for President Trump. To my knowledge, no student at Perry High School has been ever been required to remove political clothing nor been disciplined for wearing it.
10. I am aware that students other than Student A have been short term suspended for defiance. In my years as an administrator at Perry High school, I am not aware of any student refusing to identify him/herself to a school administrator other than Student A on March 1, 2019.

I declare under penalty of perjury that the above statements are true and correct.

DATED: 4/3/19



Clint Beauer  
Dean of Students, Perry High School

## **Exhibit 4**

## Declaration Made Under Penalty of Perjury

I, Heather Patterson, under penalty of perjury, do hereby swear and decree the following to be true:

1. I have been employed by the Chandler Unified School District as an Assistant Principal at Perry High School since 2009. My duties at Perry High School include discipline for the 11<sup>th</sup> grade class and attending to the health, safety, and welfare of all students.
2. Perry High School's student government planned a spirit week during the week of February 25, 2019. The spirit week culminated on Friday, March 1<sup>st</sup> with "Party in the USA" day, on which students were encouraged to wear red, white, and blue. (See Spirit Week flyer attached as Ex. A). Students attended a spirit assembly on March 1, 2019. (See Assembly Schedule attached as Ex. B).
3. On March 1, 2019, I was returning to the office from one of the assemblies and I noticed that young man (Student B) wearing a Trump flag as a cape. I intended to direct Student B to put the flag away because the assembly was over, and students are not generally allowed to wear flags. However, I lost sight of Student B in the crowd.
4. After some searching, the volleyball coach located Student B and alerted me. He was still wearing the Trump flag, so I pulled him aside, asked for his name (which he provided), and asked him to put the flag away. He did so with no argument, and I returned to my office. Clint Beauer, the Dean of Students, was with me when I spoke to Student B.

5. I returned to my office after speaking to Student B, and soon thereafter, Mr. Beauer alerted me that he had received a telephone call from Parent C complaining that there had been a verbal altercation between her student and another group of students on campus. I immediately began assisting him in investigating this complaint.
6. Mr. Beauer and I interviewed seven students and had them complete statements. (See Student Statements (names redacted) attached as Ex. C). The student statements confirmed that students had exchanged angry words and that at least some students were chanting "Trump" and had called other students "pussy liberals." There was no Trump rally occurring on campus.
7. In addition to the telephone call Mr. Beauer had received from Parent C, Parent D had called Dan Serrano, Principal, to complain that pro-Trump students were harassing other students. She was concerned for her daughter's safety at school. After she spoke with Mr. Serrano, Parent D arrived on campus and I spoke with her. Parent D also mentioned a video and though she did not share it with school administration, I was eventually able to view the video that Parent D referenced and confirmed that at least one student had made the statement "pussy liberal" toward another student.
8. Mr. Beauer and I determined that there were insufficient grounds to discipline any of the students.
9. School ended at 2:14 p.m. on March 1, 2019. After dismissal, the Perry High School School Resource Officer ("SRO") Jesse Allen called to advise me that a group of students were still on campus taking pictures with a Trump flag and

asked whether he should disperse the students. Because it is school procedure that students are to leave campus at dismissal if they are not going to an extracurricular activity, tutoring, or the library, and due to the heightened tensions of the morning, I agreed that he should direct students to leave campus.

10. Soon thereafter, I received a photograph from SRO Allen with the picture of a student whom he advised me had refused to disperse and refused to provide her name when he asked for it. I did not recognize the student, though I later learned she was Student A. I sent the picture out to faculty via an email blast asking if anyone could provide the name of this student. This is standard procedure when administrative staff need to identify a student and have a picture but no name. My intention was to further investigate the identify of Student A on Monday.
11. Soon therefore, I began walking toward the attendance office. I came upon a group of students in the back portion of the administration office and I recognized the face of the student (later identified as Student A) who had refused to identify herself to SRO Allen. I approached her and asked her name. She refused to identify herself.
12. I entered the office and informed Principal Serrano that a student had refused to identify herself to SRO Allen and then had refused to identify herself to me. I informed him that the student was outside.
13. Soon thereafter, Parent A arrived in the front office and I went out to meet her. I explained that Student A had refused to identify herself to the SRO and

later to me. Parent A advised me that she had told her daughter not to respond. Mr. Serrano joined the conversation and explained that Student A was being suspended for failure to identify herself to school officials and law enforcement. Parent A and Student A left the office.

14. Throughout my years at Perry High School, I have witnessed students wearing clothing and other items of a political nature, including items expressing support for President Trump. To my knowledge, no student at Perry High School has been ever been required to remove political clothing nor been disciplined for wearing it.
15. I am aware that students other than Student A have been short-term suspended for defiance. In my years as an administrator at Perry High school, I am not aware of any student refusing to identify him/herself to a school administrator other than Student A on March 1, 2019.

I declare under penalty of perjury that the above statements are true and correct.

DATED: 4.5.19



Heather Patterson  
Assistant Principal, Perry High School

## **Exhibit 5**



Spoke =  
mom

**WITNESS STATEMENT/INTERVIEW FORM**

**INSTRUCTIONS:** If statement is handwritten, please print, write legibly and use ink. Ensure accurate and complete responses. Include additional paper, if necessary.

Date statement written: \_\_\_\_\_  
Name: Student C ID Number: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Other: \_\_\_\_\_  
Grade: \_\_\_\_\_ School: \_\_\_\_\_

**DESCRIPTION OF INCIDENT**

Date of Incident: 3/1/19 Time of Incident: A LUNCH

Location of Incident: \_\_\_\_\_

Name(s) of others involved in the incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name(s) of others who observed the incident:  
Student H, Student G, Student E, Student D, Student L  
\_\_\_\_\_  
\_\_\_\_\_

Describe the incident (what did you see or hear, what happened):

I came back to the incident and I heard a kid yelling & shoving a girl and calling her names. I had said it's best just to not bring politics into school at the moment because of the climate of today's society. After I said that he began saying the same thing to me. I asked him why he was arguing with a freshman as a junior.

KID IN BOOT

\* middle area, after assembly <sup>called</sup> mom  
after-school  
for follow  
up 3.1.19

**WITNESS STATEMENT/INTERVIEW FORM**

INSTRUCTIONS: If statement is handwritten, please print, write legibly and use ink. Ensure accurate and complete responses. Include additional paper, if necessary.

Date statement written: \_\_\_\_\_  
Name: Student D ID Number: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Other: \_\_\_\_\_  
Grade: \_\_\_\_\_ School: \_\_\_\_\_

**DESCRIPTION OF INCIDENT**

Date of Incident: March, 1, 2019 Time of Incident: \_\_\_\_\_

Location of Incident: Lunchroom

Name(s) of others involved in the incident:  
\* Student H, Student F, Student C.

Name(s) of others who observed the incident:  
\_\_\_\_\_  
\_\_\_\_\_

Describe the incident (what did you see or hear, what happened):  
\* I was walking up to the lunchroom after the assembly and a group of boys were yelling at my friend after they became mad they started to trash trump and was upset flag was taken so decided to confront US. Then the boy who said pu... liberals kept getting close to me and yelling saying im nobody and so was my friend and that he has many flags of his own and another kid kept yelling and put his shirt in front of every one saying "you live my shirt" "you live my shirt" we tried to explain that was the time no r place and they just kept going until it was time to go in the lunchroom.

EMAIL

TALKED TO  
MOM

**WITNESS STATEMENT/INTERVIEW FORM**

INSTRUCTIONS: If statement is handwritten, please print, write legibly and use ink. Ensure accurate and complete responses. Include additional paper, if necessary.

Date statement written: March 1

\* Name: Student F ID Number: 172010

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Other: \_\_\_\_\_

Grade: 9<sup>th</sup> School: Perry High School

**DESCRIPTION OF INCIDENT**

\* Date of Incident: 3/1/19 Time of Incident: 12:23

Location of Incident: In front of the lunch room

Name(s) of others involved in the incident:

- o Student D
- o Student H
- o Student C

\* Name(s) of others who observed the incident:

- o Student M
- o Student L

\* Describe the incident (what did you see or hear, what happened):

I walked up to the lunch room and I heard Student H arguing with a group of juniors about Trump. Things went left and the language and some of the got out of hand. Student C stepped in and after Student C and the kid stopped arguing the group of boys started chanting Trump, J J

MESS 2 DAD

**WITNESS STATEMENT/INTERVIEW FORM**

INSTRUCTIONS: If statement is handwritten, please print, write legibly and use ink. Ensure accurate and complete responses. Include additional paper, if necessary.

Date statement written: \_\_\_\_\_  
Name: Student G ID Number: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Other: \_\_\_\_\_  
Grade: \_\_\_\_\_ School: \_\_\_\_\_

**DESCRIPTION OF INCIDENT**

Date of Incident: 3/1 Time of Incident: 9:42

Location of Incident: CAFE

Name(s) of others involved in the incident:  
Student D

Name(s) of others who observed the incident:

Describe the incident (what did you see or hear, what happened):  
TWO BOYS WERE CALLING Student C P\*SSY FOR BEING A LIBERAL AND SAYING THAT REPUBLICAN IS "RIGHT"  
BOY IS WEARING ORANGE PANTS, WHITE HOODIE, GLASSES, BOOT ON LEFT LEG.

\* LEFT MESS. \*

**WITNESS STATEMENT/INTERVIEW FORM**

INSTRUCTIONS: If statement is handwritten, please print, write legibly and use ink. Ensure accurate and complete responses. Include additional paper, if necessary.

Date statement written: 2  
Name: Student H ID Number: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Other: \_\_\_\_\_  
Grade: \_\_\_\_\_ School: \_\_\_\_\_

**DESCRIPTION OF INCIDENT**

Date of Incident: 3/1/19 Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Name(s) of others involved in the incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name(s) of others who observed the incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the incident (what did you see or hear, what happened):  
I was walking to lunch some kid said I was walking to slow then started calling me names - calling me a "fat ghetto white girl", "B\*tch" then I had stopped arguing with him then he started to yell at me again, the same kid (ask Student) if we wanted a trump flag and we said no so he then started to call us "fussy liberals"

\* App called  
Dad 3.1.19  
to let ~~him~~  
know about  
that.

**WITNESS STATEMENT/INTERVIEW FORM**

INSTRUCTIONS: If statement is handwritten, please print, write legibly and use ink. Ensure accurate and complete responses. Include additional paper, if necessary.

Date statement written: \_\_\_\_\_  
Name: Student I ID Number: 1  
Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Other: \_\_\_\_\_  
Grade: \_\_\_\_\_ School: \_\_\_\_\_

**DESCRIPTION OF INCIDENT**

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Name(s) of others involved in the incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name(s) of others who observed the incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the incident (what did you see or hear, what happened):

A young lady walked too slow a steel net "to walk faster" we kept talking back and forth then escalated and kept arguing man of said ass as a cuss word but everything else just arguing  
"go back to chamber, don't act like that there"

\* HP called mom  
on 3/1/19, talked  
in person on  
phone 3.

**WITNESS STATEMENT/INTERVIEW FORM**

INSTRUCTIONS: If statement is handwritten, please print, write legibly and use ink. Ensure accurate and complete responses. Include additional paper, if necessary.

Date statement written: \_\_\_\_\_

Name: Student J ID Number: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Other: \_\_\_\_\_

Grade: \_\_\_\_\_ School: \_\_\_\_\_

**DESCRIPTION OF INCIDENT**

Date of Incident: 3/1/19 Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Name(s) of others involved in the incident:  
2 Freshman but ~~some~~ I don't know there name. Some juniors.

Name(s) of others who observed the incident:  
Student N ; Student O and one of their friends were there and saw the argument

Describe the incident (what did you see or hear, what happened):  
I heard people arguing and fighting (verbally). A group of freshman were starting the argument with the juniors about trump. Only went on for a minute or two

## **Exhibit 6**



## **JIC STUDENT CONDUCT**

The Superintendent will establish regulations governing the conduct of students in school, traveling to and from school, at school functions, and while off campus and during nonschool hours if a student engages in alleged conduct that would cause continued attendance in school to be detrimental to the school environment. In establishing these regulations, the Superintendent may consult with student or staff committees. In addition to compliance with regulations established by the Superintendent, students are expected to obey all rules and regulations adopted by the Governing Board, and to obey any order given by a member of the faculty or staff relating to school activities or the school environment.

A student shall be defined as any person who is enrolled in an educational program provided by or approved by the District and carried on in premises owned or controlled by the District.

Students shall not engage in improper behavior, including but not limited to the following:

- Any conduct intended to obstruct, disrupt, or interfere with teaching, research, service, administrative or disciplinary functions, or any activity sponsored or approved by the Board.
- Threatening an educational institution by interference with or disruption of the school per A.R.S. 13-2911 and 15-841.
- Physical abuse of or threat of harm to any person on District owned or controlled property or at District sponsored or supervised functions.
- Damage or threat of damage to property of the District, regardless of the location, or to property of a member of the community or a visitor to the school, when such property is located on District controlled premises.
- Theft, which includes the taking or attempted taking of property belonging to another person or the School District without the owner's permission.
- Forceful or unauthorized entry to or occupation of District facilities, including both buildings and grounds.
- Unlawful use, possession, distribution, or sale of tobacco, alcohol, drugs, imitations of illegal drugs, or other illegal contraband on District property or at school-sponsored functions.
- Conduct or speech that violates commonly accepted standards of the District and that, under the circumstances, has no redeeming social value.
- Failure to comply with the lawful directions of District officials or any other law enforcement officers acting in performance of their duties, and failure to identify themselves to such officials or officers when lawfully requested to do so.
- Alleged conduct off campus or during nonschool hours in which the student's continued attendance would negatively affect the school environment.
- Knowingly committing a violation of District rules and regulations. Proof that an alleged violator has a reasonable opportunity to become aware of such rules and regulations shall be sufficient proof that the violation was done knowingly.

- Engaging in any conduct constituting a breach of any federal, state, or city law or duly adopted policy of the Board.
- Carrying or possessing a weapon on school grounds.

In addition to the general rules set forth above, students shall be expected to obey all policies and regulations focusing on student conduct adopted by the Board. Students shall not engage in any activities prohibited herein, nor shall they refuse to obey any order given by a member of the faculty or staff who is attempting to maintain public order.

Any student who violates these policies and regulations may be subject to discipline up to expulsion, in addition to other civil and criminal prosecution. These punishments may be in addition to any customary discipline that the District presently dispenses. Such students may be removed from their respective attendance boundary schools and placed in alternative educational programs.

Local law enforcement shall be notified by the Superintendent regarding any suspected crime against a person or property that is a serious offense as defined in 15-341, involves a deadly weapon or dangerous instrument or that could pose a threat of death or serious injury to employees, students or others on school property.

The authority of the Superintendent to establish regulations covering students may be delegated to principals for their individual schools.

Adopted: September 14, 2016

**LEGAL REF.:**

A.R.S.

13-105

13-2911

15-341

15-507

15-521

15-841

15-842

15-843

**CROSS REF.:**

GBEB - Staff Conduct

JK - Student Discipline

JKA - Corporal Punishment

JKD - Student Suspension

JKE - Expulsion of Students

KFA - Public Conduct on School Property

## **Exhibit 7**

School: PMS Telephone: 2037

Chandler Unified School District  
Conduct Referral Report

Student Name: Student A ID# \_\_\_\_\_ Date of Birth \_\_\_\_\_ Grade: 9  
Date of Incident: 3.4.19 Time of Incident: 2:30pm Period, if applicable: \_\_\_\_\_  
Location of Incident: campus Referred by: HWP

Dear Parent/Guardian:

This is to inform you that your child was in violation of Chandler Unified School District student conduct as described below:

Student A was asked multiple times by 2 different school officials & she refused to give her name.

TEACHER/STAFF ACTION PRIOR TO REFERRAL

- Conference Date(s): \_\_\_\_\_
- Detention Date(s): \_\_\_\_\_
- Prior Referral(s) Date(s): \_\_\_\_\_
- Student Contract Date(s): \_\_\_\_\_
- Parent Contact Type: \_\_\_\_\_ Date(s): \_\_\_\_\_
- Counselor Consulted: Name(s): \_\_\_\_\_ Date(s): \_\_\_\_\_

ADMINISTRATIVE CONTACT

- Conference Date(s): \_\_\_\_\_
  - Parent Contact. Parent A Type: in person Date(s): \_\_\_\_\_
  - Police/SRO Contacted: Name(s): \_\_\_\_\_ Date(s): \_\_\_\_\_
  - Counselor Consulted: Name(s): \_\_\_\_\_ Date(s): \_\_\_\_\_
- W/ Mrs. Patterson (3/4/19)  
W/ Mrs. Senano (3/1/19)*

CUSD Discipline Code Infraction(s):  
Def

- DISPOSITION**
- Student Contract (Attach Copy)
  - Other amended: 3 days
  - Detention:  Lunch  After School Start Date: \_\_\_\_\_ through and including End Date: (3/4 - 3/6)
  - Suspension:  In-School  Off-Campus\* Start Date: 3/4/19 through and including End Date: 4/1/19

Total Number of Days Detention/Suspension: 3  Recommend I.T.S.  Recommend Expulsion  
Comments: homework ready on 3/6/19 Mrs. Montano will check out to parent

I understand the charges against me and I have been given the opportunity to tell my version of the incident.  
\* If I receive OCS (Off-Campus Suspension) I am not allowed on the school campus or at school events during the suspension without prior administrative approval. If so, trespassing charges may be filed.

Student Signature \_\_\_\_\_ Date \_\_\_\_\_  
Administrator's Signature [Signature] Date 3.4.19

### Behavior Detail Report

Name: Student A Grade: 09

2019 - PHS - REGULAR

Total Demerits/Points: 0

Alignment: Discipline  
 Date/Time: 03/01/2019 2:20 PM Submitted: 03/04/2019 1:30 PM  
 Damages: 0.00 Submitted By: Patterson, Heather  
 Location: Other Outside Area  
 Location Description:  
 Context: After School Hours  
 Context Description:  
 Incident Details: Other Violations of School Property

**Event 1:** DEFIANCE OR DISRESPECT TOWARDS AUTHORITY  
 Role: Offender Demerits/Points: 0  
 Injury: No Injury

Injury Description:

Medical Service Provided: No

Participant Details: On 3-1-19 A was asked multiple times by 3 different school officials and she refused to give her name.

**Resolution 1:** OUT OF SCHOOL SUSPENSION - SHORT TERM WITH SERVICE

Assign Date: 03/01/2019

Start Date: 03/04/2019

Start Time:

End Date: 03/06/2019

End Time:

Behavior Admin Staff Name: Patterson, Heather

Duration: 3.00 Days

Resolution Details: Student will have 3 days of OCS with services starting on 3-4-19 through and including 3-6-19.

**Resolution 2:** PARENT NOTIFICATION

Assign Date: 03/01/2019

Start Date: 03/04/2019

Start Time:

End Date: 03/06/2019

End Time:

Behavior Admin Staff Name: Patterson, Heather

Duration: 3.00 Days

Resolution Details: Parent was notified on 3-1-19. Spoke with mom, Heidi Jones, in person.

Parent/Guardian

Date

Student

Date

## **Exhibit 8**



## WELCOME TO PUMA NATION

### PERRY HIGH SCHOOL

EST. 2007

1919 E. Queen Creek Road  
Gilbert, Arizona 85297  
(480) 224-2800

Dan Serrano	Principal	224-2808
Joe Greene	Assistant Principal	224-2833
Heather Patterson	Assistant Principal	224-2832
Jennifer Burks	Assistant Principal /Athletics	224-2822
Kevin Ames	Assistant Principal/Activities	224-2829
Clint Beauer	Dean of Students	224-2809
Attendance Office		224-2803
Office of the Registrar		224-2824

#### GOVERNING BOARD

Amette Auxier, President  
Karen McGee, Vice President  
Barb Mozden, Member  
Bob Rice, Member  
David Evans, Member

#### SUPERINTENDENT

Camille Casteel, Ed. D.

#### CHANDLER UNIFIED SCHOOL DISTRICT

1525 W. Frye Road  
Chandler, Arizona 85224  
(480) 812-7000  
[www.cusd80.com](http://www.cusd80.com)

Colors: Cardinal Red & Navy

Mascot: Puma

Website: <http://www.cusd80.com>

### **Bookstore**

The school for the convenience of all students operates the bookstore. The store will be open on school days from 7:15 a.m. to 3:15 p.m. Students are not allowed to go to the bookstore during class time.

### **Change of Address and Telephone Number**

It is very important that all students notify the attendance office immediately of any change of address or telephone number at (480) 224-2803.

### **Cheating / Plagiarism**

Copying the work of another person and submitting it as your own, obtaining unauthorized or undocumented material from the Internet or other sources, or securing teacher materials or work in a dishonest or unauthorized way are all considered cheating. Allowing another student to copy your work is considered cheating.

**First Offense:** A zero on the assignment, a referral to the administration, possible ISS/OCS

**Second Offense:** The student will be dropped from the class with an "F".

### **Closed Campus**

**Students:** Students are to remain on campus from the time of arrival in the morning until after their last class of the day. If a student is off-campus without permission, this is an off-campus violation and may result in a suspension.

**Non-students:** For reasons of security, only those officially enrolled as students are permitted on campus during the school day. Parents and others wishing to conduct official business must report first to the administrative offices. All others may be deemed as trespassers and are subject to arrest (ARS Title 13).

### **Counseling Services**

Students are urged to contact counselors. Interview appointments can be made at the counseling office before school, during lunch or after school. Counselors are available at all times to answer questions and to discuss problems.

### **Daily Announcements**

Announcements are published on e-mail and posted on the web page. These are read each day over the P.A. system. All announcements must be turned in to the assistant principal's office or mailbox by 3:00 p.m. the day before that announcement is to be run.

### **Dances**

Students may invite guests to designated school dances. Prior approval must be secured from school administration. Students in grades 9-12 from other schools may be invited as guests, but are subject to the same dance and school regulations as District high school students. Guests must be 20 years of age or under and must bring a current photo ID with birth date. Junior high students are not permitted at high school dances. Guest passes must be submitted and approved by activities office prior to attending the dance. **NO APPROVALS ARE DONE AT THE DOOR.**

### **Distribution of Materials**

Information (announcements, pamphlets, newsletters, memos, etc.) will not be distributed to other students or staff on campus without prior authorization from administration.

### **Extra-Curricular Participation Policy**

Students who are absent from school are not allowed to participate in extra-curricular activities held on that day.

### **Fire Alarms / Evacuations**

When the FIRE ALARM sounds, students should evacuate the building in an orderly, quiet manner and follow the instructions of those in charge. Students should not stand on paved areas where emergency vehicles may need to pass. Students reporting and/or creating false fire alarms will be subject to disciplinary action from administration.

### **Food, Gum, Drinks**

No gum is permitted in the building. No food or drinks are permitted outside of the cafeteria.

### **Hall Passes**

Students are expected to remain in class during the entire instructional period. Leaving class should be an extremely rare occurrence. When a student receives permission from a teacher to leave the class, they must be sure to obtain a pass from the teacher and be prepared to show this pass whenever requested by anyone in authority. A student with no pass will be considered to be out of class without permission. This may result in a disciplinary action.

### **Hats**



No hats of any kind shall be worn in the building except on special designated school spirit days. Hats are subject to confiscation if worn within the building.

#### **Health Services**

Please see the Health Services department on the district website [www.mychandler.schools.org](http://www.mychandler.schools.org) for specific information on Forms required from parents and doctors, Medication Administration policy, Health Protocols for student illness, Immunizations, Hearing and Vision Screening programs, and information on specific health conditions for school.

#### **Homework / Make-up work Policy**

Students are responsible for making arrangements with their teachers to complete make-up work for excused absences or suspensions. Make-up work must be completed with the same amount of time after returning as the class periods absent from class (for example, allow two class periods to complete make-up work for two class periods of absences).

*Work cannot be made-up for credit for unexcused absences.*

#### **Lost and Found**

Any found item should be taken to the Bookstore. Students should check in the Bookstore if they have lost anything.

#### **Lunch Hours**

Students are not permitted to be in the various classroom wings during any of the lunch hours without a pass and are not allowed to enter the classroom wings until the bell has signaled the end of the lunch period.

#### **National Honor Society Membership**

Sophomores, juniors and seniors with a 3.8 cumulative GPA are eligible for membership in the National Honor Society (NHS) as sophomores, juniors and seniors. To be a member in good standing, all eligible students must maintain a 3.8 GPA, attend required number of NHS yearly meetings, perform 30 hours of community service and uphold standards in character and leadership during the school year.

#### **Returned Check Policy - CUSD**

Checks are gladly accepted by CUSD. For any checks returned as unpaid to CUSD, the check writer's account may be electronically debited without further notice for the amount of the check, plus a \$25 returned check fee, as allowed by state law. Questions or issues regarding returned checks may be directed to CCM Enterprises at 1-888-423-8974.

#### **School Nurse and Illness**

The high school Health Office is staffed by a Nurse for emergency care, health consultation, and as a resource for students and parents. Specific procedures and permission forms are required for the School Health Office to administer any prescription medications; be aware that written orders from the prescribing physician are required if students are to receive such medications during school hours. If students become ill and must go home, a student leave permit must be obtained from the school Health Office and presented to the school Attendance Office before leaving campus.

#### **Sign Out Policy**

Students are not permitted to leave school without permission; Perry High School is a closed campus.

We do not accept phone calls or email requests for early dismissal of a student. If a student needs to leave campus before dismissal time, they must bring in a hand written note from the parent/legal guardian before school starts. Attendance will verify the note prior to the student being dismissed. If checking out a student in person, the parent/legal guardian must go to the Attendance Office and sign the student out of school. Parent/legal guardian must show picture ID in order to pick up a student. Emergency contacts are for medical emergencies only. Anyone other than the parent/legal guardian picking up a student will need a hand written note from the parent/legal guardian in order to check the student out of school.

#### **Student Parking**

The Parking fee is \$40.00 per semester or \$80.00 per year. \$5.00 will be charged for the replacement of a lost permit. The school's *Parking Policy (Parking Rules)*, *Application*, *Registration*, and *Payment* can be obtained in the Perry Bookstore. Students may not give or sell their parking permit to another student. For parking questions, please contact Mrs. Burks at 480-224-2823.

#### **Student Responsibilities**

1. Respecting the rights of others: Students have a right to an education without interference from others.
2. Attending school: Students have a responsibility to attend school daily and to be on time.
3. Completing work assignments: Students are responsible for completing all class work and homework on time. It is the students' responsibility to get homework or make-up work for absences.
4. Being prepared for class: Students have a responsibility to bring to class any necessary books and materials that may be required to actively participate in class assignments and/or activities.
5. Respecting public property: Students have a responsibility to respect and to protect all school property, materials and equipment.
6. Showing respect: Students have a responsibility to demonstrate respect for other students, faculty, staff, community members and themselves.
7. Obeying school rules: Students have a responsibility to know and to obey rules and regulations in order to provide a safe and positive learning environment.

- 8 Cooperate with School Staff: Students have a responsibility to cooperate with school staff, authorities, and peers

**Telephones**

The office and teacher telephones are business phones and are NOT AVAILABLE FOR PERSONAL CALLS. Students may use the RECEPTION AREA PHONE ONLY for calls that are emergency in nature. Students will not be called out of class to answer the phone except for emergency calls from parents. Inappropriate use of cell phones or other electronic devices may result in it being confiscated by school personnel. Cell phones and other electronic devices confiscated by school personnel may be retrieved from school administration and may result in disciplinary action.

**Withdrawal from School**

The faculty and administration encourage all students to remain in school. Students who are having problems are advised to see their counselor, teacher or principal for guidance. If a student is withdrawing, the following steps must be taken:

1. Contact the counselor.
2. Obtain parental written approval through parent conference.
3. Complete forms obtained from registrar's office.
4. Get withdrawal slip signed by teachers, nurse, athletics, librarian and bookstore clerk.
5. Return the form to registrar's office.

**NO RECORDS WILL BE TRANSFERRED UNTIL  
ALL DEBTS ARE PAID AND ALL BOOKS RETURNED.**

transfer method, funds may be withdrawn from the account as soon as the same day payment is made, and the check's writer will not receive his/her check back from the Financial institution. Any checks returned as unpaid to CUSD, the check writer's account may be electronically debited without further notice for the amount of the check, and a \$25 returned check fee, as allowed by state law. Questions or issues regarding returned checks may be directed to nextcheck at 1-800-639-2465.

### **DRESS CODE**

Each year parents ask for guidelines as they help students select appropriate attire for school. School pride, morale and image are influenced by the general appearance of students. CUSD wants to provide opportunities for students to express themselves within the set of parameters listed below:

#### **Brief and Revealing Clothing**

Students must recognize that brief and revealing clothing are not appropriate apparel in school. The following guidelines are examples and do not cover all situations.

Students shall not wear:

- Tank tops
- Halter-tops
- Garments with spaghetti straps
- Strapless garments
- Trench Coats

Garments that are "see-through," cut low, or expose one's midriff are not acceptable. Sleeveless garments must extend to the end of the shoulders and fit closely under the arms. Clothing should have adequate coverage to allow a full range of movement without skin or undergarments showing. Undergarments must not be visible. Clothing must cover the entire buttocks and extend a reasonable length to ensure modesty.

#### **Vulgar, Offensive Messages**

Students shall not wear clothing that display messages that are vulgar, offensive, obscene, or libelous; that demean others on the basis of race, color, religion, creed, national origin, gender, sexual orientation, or disability; that promote alcohol or drug use or violence; or that are otherwise contrary to the school's educational mission.

#### **Sagging Pants**

Students shall not wear pants that, when fastened, sag or fit below the waist. All pants must fit around the waist and be properly fastened.

#### **Gang-Related Attire**

Any attire or grooming deemed gang related is prohibited when such attire or grooming creates an atmosphere of threat, intimidation or undue pressure or disrupts the educational environment/process or interferes with curriculum goals/educational objectives.

#### **Footwear/Jewelry/Accessories**

- Shoes or sandals must be worn at all times on campus according to state law and for student safety.
- Body piercing that is a safety hazard and/or hinders performance in a classroom is not allowed.
- Wallet chains are not allowed.
- Students shall not wear hats or bandanas in district buildings except for a medical or religious purpose. Individual sites may have additional rules regarding footwear/jewelry/accessories. See your site handbook for specific information.
- Students cannot wear slippers on campus.

### **Student/Parent Responsibility**

Students and their parents/guardians have the responsibility to be aware of the school's dress code and conform to these requirements. Each school will meet the minimum guidelines of the district dress code but may add other restrictions if the school administration deems it necessary. If a student or parent has any questions about whether specific attire or accessories comply with the dress code, they should contact an Assistant Principal at their school site prior to wearing such attire or accessories to ensure compliance.

### **Administrator Discretion**

The school administration retains the final discretion to determine that the garment or accessory meets the dress code. Some exceptions may be made for uniforms, formal attire, and/or costumes.

### **Consequences**

Any student violating this policy is subject to disciplinary action including, but not limited to; warning, parent conference, after-school detention, community service, in-school suspension, or off-campus suspension. In addition, the student will remove the garment or accessory and replace it with an appropriate alternative provided by the school, student, or parent.

### **DUE PROCESS**

Students in Chandler Schools have rights. In disciplinary cases, students are entitled to due process. This means students:

1. Must be informed of the accusations against them.
  2. Must have an opportunity to accept or deny the accusations.
  3. Must have the factual basis for accusations explained to them.
  4. Must have a chance to present an alternative factual position if the accusations are denied.
- For student concerns, complaints and grievances, a student complaint form may be picked up from any administrative office.

### **STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES SCHOOL BOARD POLICY J-3611 JII-R SUMMARY**

***This Regulation sets forth the procedure to be followed when a student or a student's parent or legal guardian wishes to present a concern, complaint, grievance or appeal that falls within the scope of Policy JII.***

- ***Complaint form.*** The District shall make a Complaint form (JII-EA) available at each school and at the District Office. The form shall also be available in electronic format. Complainants are encouraged to utilize this form, but shall not be required to do so. In order to provide the District with the information necessary to properly address the matter, any written Complaint that is filed should contain the same information that is requested on JII-EA (at a minimum). The Complaint should be signed by the complainant. A school or District administrator shall assist an individual in completing the grievance form upon request.
- ***Timeframe for submission of complaint.*** In order to facilitate meaningful investigation of a complaint, a complainant should submit his/her complaint as soon as possible and no more than thirty (30) days following the event or action giving rise to the complaint.
- ***Personnel authorized to accept complaint.*** A complaint may be submitted to the Principal, Assistant Principal or Dean of Students at each school or to the District Superintendent. The authorized person to whom the complaint is submitted at the school level shall ensure that the Superintendent (or designee) is apprised of the complaint.

- **Referral.** A referral will be made to the appropriate individual for investigation and response or take other appropriate action.
- **Acknowledgment of receipt of complaint.** The complainant will be provided with a written confirmation of the District's receipt of the complaint and contain the following information:
  - An assurance that the complaint will be handled as confidentially as possible.
  - Notice that the District prohibits retaliation against anyone who files a complaint or participates in a complaint investigation.
  - Informs the complainant that the District will endeavor to complete the investigation or resolution process in a timely manner, typically no more than thirty (30) calendar days of receipt of the complaint.
  - A request that the complainant provide any and all additional information or documentation relevant to the complaint.
  - Informs the complainant that he/she will be provided with a written report or letter at the conclusion of the process.
- **Investigation of complaint.** The assigned investigator will conduct an impartial and thorough investigation. The investigative process should include the following:
  - An interview with the complainant.
  - Interviews with other relevant individuals.
  - Follow up interviews as needed.
  - Review of relevant records or documents.
- **Notice of outcome of investigation.** The District will provide the complainant with written notice of the findings and conclusions of the investigation. The District will also provide notice of what, if any, action will be taken by the District in response to the investigation.
- **Maintenance of records.** The District will maintain a confidential record of each complaint made pursuant to Policy JII at the District office. The record shall include a copy of the complaint or grievance filed by a student, findings of the investigation, and the disposition of the matter.
- **Report to Superintendent.** Disposition of all complaints or grievances shall be reported to the Superintendent and the compliance officer for discrimination if other than the Superintendent. The Superintendent will make such reports and/or referrals to the Board as may be necessary.
- **Withdrawal of complaint.** A complaint or grievance may be withdrawn at any time.
- **False reports.** A student who knowingly submits a false report may be subject to discipline in accordance with relevant District policies.
- **Report of crimes.** When District officials have a reasonable belief or an investigation reveals that a crime or possible crime has been committed, the matter shall be reported to the appropriate law enforcement agency if a report has not already been made.

#### **ABUSE OF TEACHER OR SCHOOL EMPLOYEE IN SCHOOL**

Arizona State Statutes (ARS 15-507 states that a person who knowingly abuses a teacher or other school employee on school grounds or while the teacher or employee is engaged in the performance of his duties is guilty of a class 3 misdemeanor.

#### **ALTERNATIVE SCHOOL ASSIGNMENT**

Under Arizona law (A.R.S. 15-841 E and F) a school district may reassign a student to an alternative education program if the student refuses to comply with school rules, refuses to pursue the required course of study, or refuses to submit to the authority of teachers, administrators or the Governing Board. A student can also be reassigned if he/she threatens an educational institution as defined in A.R.S. 13-2911.

## **MANDATORY REPORTING OF CRIMINAL ACTIVITY TO LAW ENFORCEMENT**

Arizona State Statutes (ARS 13-3620) require schools and school employees to report criminal activity to local law enforcement. Schools are also required to report incidences of child abuse, neglect, and crimes against children to local law enforcement and department of child safety services.

Recent changes in the law require schools to report threats, or rumors of threats, made against schools, students and school personnel. Schools must also report all incidents of non-accidental injuries that might occur during altercations at school.

According to ARS, 15-341 staff members are to report any suspected crimes against persons or property and any incidents that could potentially threaten the safety and security of pupils, teachers, or administrators to local law enforcement.

## **BODY WORN CAMERAS (BWC'S)**

Increasingly, law enforcement agencies are utilizing BWC's in their law enforcement practices, including those agencies that collaborate with the District. We have requested and been provided with information concerning how these devices may be used. While each agency has adopted its own policy for the use of BWC's, we wanted to provide you with the following information below. Generally, BWC's will only be turned on when there is a "law enforcement action" taking place or when deemed appropriate by the officer. BWC's are typically NOT utilized in the following circumstances:

- Traditionally private settings (bathrooms, locker rooms, during medical exams, etc.) absent a compelling reason to do so.
- When the victim of a sexual assault requests that, a recording not be made.
- During casual interactions with individuals (i.e. when there is no law enforcement action), e.g., greeting and talking to students, when teaching law related classes, and when simply being a crime deterrent presence.
- When making a recording would be impossible, impractical, or unsafe.

All law enforcement agencies must comply with A.R.S. § 1-602(9), which requires, in pertinent part, written parent consent prior to making a video or voice recording, unless the video or voice recording is made by law enforcement officers during or as part of a law enforcement investigation, during or as part of an interview in a criminal or child safety services investigation or to be used solely for any of the following:

- Safety demonstrations, including the maintenance of order and discipline in the common areas of a school or on pupil transportation vehicles;
- A purpose related to a legitimate academic or extracurricular activity;
- A purpose related to regular classroom instruction;
- Security or surveillance of buildings or grounds; or
- A photo identification card.

## **CHANDLER UNIFIED SCHOOL DISTRICT STUDENT CONDUCT POLICY**

Arizona state law makes the school responsible for the conduct and well-being of students from the time they leave home in the morning until they reach home in the evening.

**The teacher is required by law to maintain a suitable environment for learning, and administrators have the responsibility for maintaining and facilitating the educational program. The administration is authorized to suspend students for cause.**

**Students shall not engage in improper behavior, including but not limited to the following:**

- Any conduct intended to obstruct, disrupt, or interfere with teaching, research, service, administrative or disciplinary functions, or any activity sponsored or approved by the Board.
- Threatening an educational institution by interference with or disruption of the school per A.R.S. 13-2911 and 15-841.
- Physical abuse of or threat of harm to any person on District owned or controlled property or at District sponsored or supervised functions.
- Damage or threat of damage to property of the District, regardless of the location, or to property of a member of the community or a visitor to the school, when such property is located on District controlled premises.
- Forceful or unauthorized entry to or occupation of District facilities, including both building and grounds.
- Unlawful use, possession, distribution, or sale of tobacco, alcohol, or drugs or other illegal contraband on District property or at school-sponsored functions.
- Conduct or speech that violates commonly accepted standards of the District and that, under the circumstances, has no redeeming social value.
- Failure to comply with the lawful directions of District officials or any other law enforcement officers acting in performance of their duties, and failure to identify themselves to such officials or officers when lawfully requested to do so.
- Alleged conduct off campus or during nonschool hours in which the student's continued attendance would negatively affect the school environment.
- Knowing violation of District rules and regulations. Proof that an alleged violator has a reasonable opportunity to become aware of such rules and regulations shall be sufficient proof that the violation was done knowingly.
- Any conduct constituting a breach of any federal, state, or city law or duly adopted policy of the Board.
- Carrying or possessing a weapon on school grounds.

In addition to the general rules set forth above, students shall be expected to obey all policies and regulations focusing on student conduct adopted by the Board. Students shall not engage in any activities prohibited herein, nor shall they refuse to obey any order given by a member of the faculty or staff who is attempting to maintain public order.

Any student who violates these policies and regulations may be subject to discipline up to expulsion, in addition to other civil and criminal prosecution. These punishments may be in addition to any customary discipline that the District presently dispenses. Such students may be removed from their respective attendance boundary schools and placed in alternative educational programs.

Local law enforcement shall be notified by the Superintendent regarding any suspected crime against a person or property that is a serious offense, involves a deadly weapon or dangerous instrument or that could pose a threat of death or serious injury to employees, students or others on school property. The authority of the Superintendent to establish regulations covering students may be delegated to principals for their individual schools. (Policy JIC - Student Conduct)

**STUDENTS ARE SUBJECT TO DISCIPLINE IF INFRACTIONS OCCUR:**

1. At any high school activity/athletic event (home or away, day or night)
2. To and from school or school activities, including bus stops
3. In classrooms
4. **On campus**
5. On any District property

**DANGEROUS ITEMS AND DEADLY WEAPONS**  
**BOARD POLICY JICI**

A student will be recommended for suspension/expulsion if using, displaying or carrying any dangerous instruments or deadly weapons or facsimiles on district property or at district functions. This also applies to students who assist another student in displaying, carrying or possessing dangerous instruments or deadly weapons. Any student aware of a dangerous instrument or weapon on campus should immediately make a report to security staff or administration.

For the purposes of this policy:

- Weapon means any of the following: A firearm, a destructive device, a dangerous instrument.
- Simulated weapon means an instrument displayed or represented as a weapon.
- Firearm means any of the following: Any loaded or unloaded gun that will, that is designed to, or that may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such firearm; any firearm muffler or silencer; any explosive, incendiary, poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive charge of more than one-fourth ounce, mine, or similar device; any combination of parts that could be readily assembled to form a firearm.
- Destructive device means any device other than a firearm that will, is designed to, or may be readily converted to expel a projectile by any means of propulsion, such as a BB/pellet gun, slingshot, bow, or crossbow; any collection of parts that could be readily assembled to form a destructive device.
- Dangerous instrument means anything other than a firearm or destructive device that is carried, possessed, used, threatened to be used, or distributed by a student with the intent to intimidate or harm another person or property or with reckless disregard for the safety of others.
- School premises means the school, school grounds, school buses, or any premises, grounds, or vehicles used for school purposes and includes premises where school-sponsored events (for example, athletic games and competitions, music competitions, etc.) are held away from District property.
- Deadly weapon means any weapon designed for lethal use, including a firearm.

**Hazing** = There shall be no hazing, solicitation to engage in hazing, or aiding and abetting another who is engaged in hazing, of any person enrolled, accepted for or promoted to enrollment, or intending to enroll or be promoted to District schools within twelve calendar months. For purposes of this policy a person, as specified above, shall be considered a "student" until graduation, transfer, promotion or withdrawal from the District school. "Hazing" means any intentional, knowing, or reckless act committed by a student, whether individually or in concert with other persons, against another student and which both of the following apply:

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



## *District Infraction and Consequence Chart*

<b>PROBLEM AREA</b>	<b>DEFINITION</b>	<b>SCOPE/CONSEQUENCE</b>
<b>ABSENCE WITHOUT PERMISSION</b>	Absence from class without parental permission, leaving school grounds without permission, unexcused absences, truancy. Parent must contact school within 24 hours of absence in order for it to be excused. Truancy laws apply.	Conference – Contact CUSD Truancy Officer – Referral to Chandler Justice Court – Alternative Placement – Suspension
<b>ALCOHOL (Distribution, Possession, Use, Sale)</b>	(Liquor law violations; distribution, possession, use and sale) The violation of laws or ordinances prohibiting the manufacture, sale, distribution, purchase, transportation, possession, or use of intoxicating alcoholic beverages or substances represented as alcohol. This would include being intoxicated at school, school-sponsored events and on school-sponsored transportation.	Suspension – Expulsion  Police Report
<b>ARSON</b>	Knowingly and unlawfully damaging a structure or personal property by knowingly causing a fire or explosion.	Restitution and: Suspension – Expulsion Police Report (Occupied Structure)
<b>ASSAULT</b>	A physical attack includes an actual and intentional touching or striking of another person against his or her will or the intentional causing of physical injury to an individual. This includes situations in which one person or group of persons physically attacks or "beats up on" another person who does not wish to engage in the conflict.	Suspension – Expulsion Police Report
<b>BULLYING</b>	Bullying occurs over an extended period of time, and may include, but is not limited to, verbal, written/printed or graphic exposure to derogatory comments, extortion, exploitation, name calling, or rumor spreading either directly through another person or group or through cyberbullying; exposure to social exclusion or ostracism; physical contact including but not limited to pushing, hitting, kicking, shoving, or spitting; damage to or theft of personal property.	Conference – Suspension – Expulsion Police Report
<b>BUS MISUSE</b>	Not following designated bus rules.	Refer to CUSD Bus Infractions
<b>CHEATING/ PLAGIARISM</b>	Copying the work of others and submitting it as your own, obtaining unauthorized and undocumented material from the Internet, use of cell phone for transmitting test items or other secured information, or securing teacher material or work in a dishonest or unauthorized way.	Conference – Removal from Class Refer to School Policy
<b>CYBERBULLYING</b>	Any act of bullying committed by use of electronic technology or electronic communication devices; telephonic devices, social networking, Internet on school computers, networks, forums and mailing lists, or other District-owned property, and by means of an individual's personal electronic media and equipment.	Conference – Suspension – Expulsion Police Report

<b>PROBLEM AREA</b>	<b>DEFINITION</b>	<b>SCOPE/CONSEQUENCE</b>
<b>DANGEROUS ITEM</b> (Distribution, Possession, Use and Sale)	A dangerous item used to cause bodily injury to, threaten, or intimidate another person may be classified as a dangerous instrument. This includes, but is not limited to B.B. Gun, Paintball Gun, Pellet Gun, Knife less than 2.5 inches, Taser or Stun Gun.	Suspension – Expulsion Police Report
<b>DEFIANCE/DIS-RESPECT OF AUTHORITY</b>	Refusal to comply with reasonable requests of school personnel or refusal to obey classroom and school rules.	Conference – Suspension
<b>DESTRUCTIVE DEVICES</b> (Distribution, Possession, Use) (Other than Firearms)	Possession, use or distribution of any device that is designed to (or may readily be converted to) expel a projectile by the action of an explosive. This includes starter gun, bombs, grenades, mines, rockets, missiles, pipe bombs, combustible or poisonous gases or similar devices that explode and are capable of causing bodily harm or property damage.	Suspension – Expulsion  Police Report
<b>DISRUPTIVE BEHAVIOR</b>	The act of being involved in behavior, which disrupts the educational process of other students on the campus or disregarding the suggestions and corrective efforts of the teacher or other school personnel. This includes swearing and vulgar language/behavior.	Conference – Suspension
<b>DRESS CODE VIOLATION</b>	Dressing in a manner that may result in a distraction or disruption of a safe environment. Attire that suggests involvement in gang activity or any apparel that is suggestive, obscene, lewd, shows vulgar language or symbols, or shows symbols or language relating to or promoting sex, drugs, tobacco, or alcohol on clothing are expressly prohibited. Schools may have more restrictive guidelines.	Conference requesting change of clothes – Suspension
<b>DRUGS</b> (Distribution, Possession, Use and Sale)	(includes illegal drug possession, sale, use, distribution, being under the influence) The unlawful use, cultivation, manufacture, distribution, sale, purchase, possession, transportation, or importation of any controlled drug, imitation of an illegal drug, or narcotic substance prohibited by law, or equipment and devices used for preparing or taking drugs or narcotics. Includes being under the influence of drugs at school, or imitation of illegal drugs at school, school-sponsored events and on school-sponsored transportation. "Drugs" shall include but are not limited to: all dangerous controlled substances prohibited by law, hallucinogenic substances and inhalants, and any prescription or over-the-counter drug if abused by the student, except those for which permission to use in school has been granted pursuant to Board policy. Category does not include tobacco and alcohol.	Suspension – Expulsion Police Report
<b>ELECTRONIC DEVICES</b>	Misuse, abuse of electronic devices to photograph, film, videotape or digitally record or by any other device images of students and staff and/or distribute or publish any of the above without the consent of the person depicted and/or without the person's knowledge. In addition, this includes the misuse, abuse, or blatant disregard of CUSD ETS guidelines and procedures. While it is becoming increasingly popular for students to post material on web sites such as Facebook and Twitter, please be aware that if material posted, either at home or at school, is viewed as inappropriate, harassment or disruptive to the educational environment, students will be subject to disciplinary action.	Conference – Expulsion

## **DISCIPLINARY ACTION**

Students who violate behavior rules and expectations will be subject to disciplinary actions. Depending upon the behavior problem of the student, and prior discipline history, one or more of the following actions will be taken by the school officials.

### **Conference**

A formal conference is held between the student and one or more school officials. During this conference, the student must agree to correct the inappropriate behavior.

### **Parent Conference**

Parents are notified of this conference by telephone, personal contact, letter or certified letter. A conference is held with the student, the parents, appropriate school personnel and/or any other individuals concerned.

### **Behavioral Contract**

Following the parent conference, a behavioral contract is established which needs to be signed by both the parent and the student.

### **Other Disciplinary Actions**

Community Service  
Evening School  
Lunch Detention  
Saturday School

### **Removal from Classes**

The student is removed from one or more classes, but remains at school in an assigned study hall during these class periods. The student is expected to complete class assignments while in the study hall.

### **After-School Detention**

Teachers may assign after-school detention and are responsible for monitoring students in the after-school detention. Teachers will follow the procedures listed below before referring a student for not attending after-school school detention:

1. Parent contact.
2. Teacher conference with student.
3. Other appropriate follow-up actions.

The administration may assign after-school detention to study hall or the in-school detention/suspension room.

### **Suspensions**

#### **In-School Suspension**

This is the temporary removal of students from all regular classes for violation of school rules. Students are then assigned to the in-school suspension program for the entire day or any part thereof where they will spend their time studying, doing homework or class work. Failure to report as assigned will be considered insubordination and will result in further disciplinary action. While serving an in-school suspension, the student will not participate in any school day activities. Students may participate in extra-curricular activities if the infraction does not violate team/program policies. The student will receive credit for class work completed and submitted that day

### Short-term Suspension (10 days or less)

Students who violate school rules may receive off-campus suspension from administration for their rule violation. Students are removed from classes and assigned to a parent/guardian for the period of time specified by school administration. While serving an off-campus suspension, the student will not participate in any school activities, including athletic competition and practice, will not be permitted on campus, and must have a meeting with a site administrator prior to returning to campus. Student will receive credit for class work completed and submitted by the due date as determined by an administrator. Short-term suspensions cannot be appealed. (Policy JKD)

### Long-term Suspension (Over ten days)

As directed by Governing Board policy, school administrators may recommend long-term suspension for serious discipline issues. This recommendation is forwarded to the appropriate District Director. Students who receive a long-term suspension will not be permitted to make up class work while on suspension.

### Expulsion

The student is informed immediately that he/she is subject to expulsion. Due process procedure is explained. The student's parent/legal guardian is notified by telephone and certified letter that the student is subject to expulsion. Notification includes clear instructions regarding due process procedures. The expulsion does not become effective until the due process procedure has been completed.

## **ELECTRONIC INFORMATION SERVICES USER AGREEMENT**

### **I. General Terms and Conditions**

Each user will be required to sign an EIS user's agreement. When the signed agreement is returned to the school, the user may be permitted use of the electronic information services (EIS) resources. Electronic information services include anything attached to, or delivered through our network (Local Access, Wide Area, Internet), any computer accessible sources of information (hard drives, tapes, CDs, floppy disks, or other electronic sources), and the School District phone system.

Each user must:

- Use the EIS to support personal educational objectives consistent with the educational goals and objectives of the District.
- Not use the EIS for commercial purposes. No commercial business ventures may be advertised using our EIS (either via e-mail, electronic bulletin board or other electronic messaging system).
- Follow the District's code of conduct.
- Take responsibility for assigned District accounts, including password protection.
- Take all responsible precautions, including password maintenance, file, and directory protection measures, to prevent the use of District accounts and files by unauthorized persons.
- Report any misuse of the EIS to the administration or system administrator, as appropriate.
- Understand that many services and products are available for a fee and *acknowledge the responsibility for any expenses incurred without District authorization.*
- Understand that inappropriate use may result in cancellation of permission to use the EIS and appropriate disciplinary action, up to and including expulsion for students and dismissal for employees.

## **Exhibit 9**



Student A

Grade 09 DOB Gender F Counselor Uyeshiro, Scott

Summary Profile Enrollments Schedule Attendance Fla  
Behavior Transportation Graduation IEP 504 ICS

Save Delete All

### OLR1819

Annual Update HouseholdID

104226

Emergency Transportation

Homeless

N

Refugee Status

Media Release

Y

Inhaler

N

Internet Release

Y

ConfinementRelease

Y

Do Not Release Name(s)

Annual Updated On

Jul 20 2018

Handbook Release

Housing Situation2

N

Tribal Enrollment

Tylenol

Y

Epipen

N

Residency  
Affirmation  
Acknowledgeme

Y

Do Not Release  
Name(s)

## **Exhibit 10**

## A DISTRICT MISSION AND VISION STATEMENT

### **Mission Statement**

The mission of the Chandler Unified School District is to provide students with the knowledge, skills, and attitudes necessary to be lifelong learners and responsible citizens.

### **School District Vision**

Chandler Unified School District is a safe, disciplined, and productive environment where students and adults are meaningfully engaged in learning. Our culturally diverse population is viewed as a strength, and a spirit of equity, cooperation, and respect permeates our school communities. Our curriculum design and instructional practices enhance our ability to connect academic learning to applied learning in the workplace. The Chandler Schools are equipped with the necessary technology, human resources, and materials for academic success.

- Our graduates experience success and are academically prepared to take advantage of choices in a changing society. They work collaboratively, are technologically literate, and have a passion for lifelong learning.
- Our parents experience satisfaction due to the progress of their children. They work cooperatively with school personnel to establish goals and priorities. They feel welcomed and valued as partners in the educational process.
- Our staff experiences a sense of accomplishment and is held in high esteem. They work collaboratively and are competent, effective, and committed to professional growth. They are positive role models to our youth.
- Our community takes pride in Chandler Unified School District as an organization where everyone is committed to quality education for all students. We are acknowledged as a premier educational system, and the community readily partners with us in a spirit of respect and support.

Adopted: date of manual adoption



## **Exhibit 11**

## JICA STUDENT DRESS

The Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance except when their choices affect the educational program of the schools or the health and safety of others.

The Board authorizes the Superintendent to develop and enforce school regulations prohibiting student dress or grooming practices that:

- Present a hazard to the health or safety of the student or to others in the school.
- Materially interfere with school work, create disorder, or disrupt the educational program.
- Cause excessive wear or damage to school property.
- Prevent students from achieving their educational objectives.
- Represent membership in a gang.

Obscene, lewd, or vulgar language or symbols, or symbols or language relating to or promoting of sex, drugs, tobacco, or alcohol on clothing are expressly prohibited.

### **Uniform Dress Code**

To assist in creating a positive educational environment, a dress code that includes uniform dress may be used by schools in the District. Based upon careful and extensive research and community input, the Board supports uniform dress for schools who want uniform dress for the following reasons:

*Climate for learning.* Uniform dress helps students focus on learning. It helps set the tone of the proper work attitude in the classroom, reducing behavior problems and improving performance.

*Campus safety and security.* Uniform dress will help make the campus safer and more secure by eliminating the wearing of gang clothing, which can also be used to intimidate or to conceal contraband. Moreover, outsiders or nonstudents can be easily recognized on campus.

*School unity and pride.* Attractive student uniform dress promotes school spirit, good self-image, and school unity. Just as an athletic team's uniforms promote unity and spirit, so can school uniform dress.

*Label competition.* Uniform dress eliminates "label competition" and the peer pressure to wear expensive clothing. Uniform dress allows the students' attention to be directed towards learning.

*Economy and simplicity.* Uniform dress is economical. Comparisons show that uniform dress costs significantly less than what most parents pay for unregulated school clothing. Durability, reusability, and the year-to-year consistency cut costs. Student dress options are simplified, thus reducing the tug-of-war between students and parents over what to wear.

*Upholding the modesty standards.* Uniform dress meets widely accepted standards of modesty, thus eliminating the conflicting interpretations of dress codes and the embarrassment that often is associated with "violations" of dress codes.

No student will be denied an education for inability to afford uniform dress. In situations of economic need, the District will work with parents and students to resolve any family's financial inability to purchase student uniform dress items.

For students who do not wish to follow the dress code, the District will provide information for alternative enrollment in another district school.

Adopted: date of manual adoption

LEGAL REF.:

A.R.S.

15-341

CROSS REF.:

JICF - Secret Societies/Gang Activity

## **Exhibit 12**

**JICD**  
**STUDENT CONDUCT IN SCHOOL**  
**(Student Speech)**

Students are entitled to certain rights of freedom of speech and written expression in public schools. These rights, however, are not automatically coextensive with the rights of adults in other settings, as this freedom must be applied in light of the special characteristics of the school environment. This policy is intended to provide notice to students on the parameters of student freedom of speech in the District, and the schools' ability, in accordance with current law, to exercise control over such speech and written expression in the educational environment.

Adopted: date of manual adoption

**LEGAL REF.:**

*Tinker v. Des Moines Independent School Dist.*, 393 U.S. 503 (1969)

*Bethel School District v. Fraser*, 478 U.S. 675 (1986)

*Hazelwood School Dist. v. Kuhlmeier*, 484 U.S. 260 (1988)

*Chandler v. McMinnville School District*, 978 F.2d 529 (9th Cir. 1992)

## JICD-R

### REGULATION

### STUDENT CONDUCT IN SCHOOL

#### (Student Speech)

The term *speech* additionally includes other forms of student expressions, which may include use of written expression or symbols.

#### **Prohibited Speech or Written Expression**

The following types of student speech and written expression are prohibited:

- Speech or written expression that for any reason causes or is likely to cause a material and substantial disruption or interference with teaching, the learning environment, or the orderly operation and discipline of the school or school activities.
- Speech or written expression that is vulgar, lewd, suggestive, obscene, or plainly offensive.
- Speech or written expression that is slanderous or libelous.
- Speech or written expression that advertises or promotes alcohol, tobacco, illegal drugs, illicit sex and actions, or any other product or service harmful to minors and not permitted to minors by law.
- "Fighting words" (words that by their very utterance inflict injury or tend to incite an immediate breach of the peace).
- Threats of violence.

#### **Restrictions on Student Speech or Written Expression**

In addition to the prohibitions on speech or written expression listed above, the District may additionally regulate other types of student speech or written expression in the following manner:

- *Time, place, and manner restrictions:*
  - School officials may impose reasonable time, place, and manner restrictions on student speech or written expression as long as such restrictions are content and viewpoint neutral and uniformly applied.
- *School-sponsored speech or written expression:*
  - *School-sponsored speech* is defined as speech or written expression that represents or appears to represent the school. It includes student speech or written expression that occurs during activities that are supervised by faculty members and designed to impart particular knowledge or skills to student

participants and audiences, whether or not these activities occur in the classroom. It additionally includes student speech during other expressive activities that students, parents, and/or members of the public might reasonably perceive to be school sponsored.

- School officials may exercise editorial control over the content of school-sponsored speech as long as the actions are reasonably related to legitimate educational concerns.
  - School-sponsored speech and written expression may include, but is not limited to, speech and written expression that occurs during and in classroom instruction and activities, extracurricular activities, school publications, school productions, school government elections and activities, graduations, and school assemblies.
- *Consequences:*
    - Students who do not abide by valid restrictions on student speech or written expression as set forth in this regulation shall be subject to disciplinary consequences, which may range from informal conferences to suspension from school or expulsion from the District, and may include involvement with their parents in school or District counseling sessions. Repeated violations shall result in more severe disciplinary action by school administrators, District administrators, or the Governing Board.

# **Exhibit 13**



## **JCEC © FREEDOM OF EXPRESSION**

Students possess inalienable rights to develop, believe, and follow personal viewpoints and beliefs to the extent their viewpoints and beliefs do not infringe upon nor denigrate the same rights of others.

The District shall not discriminate against students or parents on the basis of a religious viewpoint or religious expression. If a student includes in an assignment a viewpoint expression, an evaluation of the student's work shall be based on ordinary standards of substance and relevance to the course curriculum or requirements of the coursework or assignment, and shall not penalize or reward the student on the basis of religious content or viewpoint.

Students are to be permitted to pray or engage in religious activities or expression in the same manner and to the same extent as students are permitted to engage in nonreligious activities or expression, before, during, and after the school day.

To the extent and in the manner that other types of clothing, accessories, and jewelry displaying messages or symbols are permitted, students are permitted to wear clothing, accessories, and jewelry that display religious messages or symbols.

Acknowledging and permitting the above freedoms is not to be interpreted to mean the District is requiring any person to participate in prayer or other religious activities nor attempting to violate the constitutional rights of any person.

The District does retain its rights to:

- Maintain order and discipline on District property in a content and viewpoint neutral manner.
- Protect the safety of students, employees, and visitors on District property.
- Adopt and enforce policies and regulations concerning student speech while on District property in a manner that does not violate a student's state and federal constitutional rights.
- ◆ Adopt and enforce policies and regulations that ban student clothing, accessories, and jewelry worn to convey affiliation with a criminal street gang.

A student or a student's parent is barred by statute from initiating legal action to enforce the student rights set out in this policy unless the student or the parent has:

- ◆ Submitted to the school principal a written complaint containing specific facts of the alleged violation.
  - The principal shall investigate the complaint and provide a written response within fifteen (15) days of receiving the complaint describing any action taken by the principal to resolve the complaint.

If the principal's actions do not resolve the complaint, the student or the student's parent shall:

- Submit written complaint containing specific facts of the alleged violation to the Superintendent or other designated administrator.

- The Superintendent or other designated administrator shall investigate the complaint and provide a written response within twenty-five (25) days of receiving the complaint describing any action taken by the Superintendent or other designated administrator to resolve the complaint.

If the action taken by the Superintendent or other designated administrator does not resolve the complaint the student or the student's parent may pursue legal action to enforce this policy.

Adopted: December 16, 2009

**LEGAL REF.:**

A.R.S.

13-105

15-110

15-341

15-720

15-841

15-843

15-844

20 U.S.C. 4071 *et seq.* Equal Access Act, (Section 801)

**CROSS REF.:**

J - Student Rights and Responsibilities

JII - Student Concerns, Complaints, and Grievances

JJAB - Limited Open/Closed Forum

JK - Student Discipline