

## **Performance Impact Analysis:**

### **Proposed Revisions to the Code of Conduct 2023-2024**

#### **I. Proposed Action.**

In June of 2023, the office of student relations will recommend to the TUSD school board revisions to the Code of Conduct for the 2023-2024 school year. Throughout the Spring of the 2023 school year 1,834 students participated in student forums where they discussed their recommendations for the revisions for the codes of conduct. Both staff and parents participated in 12 community forums and filled out surveys focused on recommended revisions. The office of student relations visited multiple school sites and departments throughout the district, including Mexican American and African American student services. Parent stakeholder voices totaled 3,356 and staff stakeholder voices totaled 4,452. Total stakeholder voices are 9,642.

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

The broad description of the proposed revisions to the Code of Conduct can be found below. Grade level specific changes can be found in the attachment to this PIA. Revisions address stakeholder input in the following ways:

**Revision 1:** The code of conduct would be broken up into separate sections. One for elementary, one for middle school and one for high school.

**Revision 2:** It is recommended that we extend the time students can be enrolled in DAPE.

**Revision 3:** It is recommended that hearing officers have the option to offer alternative education programs as an alternative or in partnership with a consequence when making decisions at a long-term suspension hearing.

**Revision 4:** Students will progress through grade level bands and action levels when determining a consequence progression.

**Revision 5:** In the example section of telecommunication device or other technology improper use level 2, we will add the language "audio -visual recording and photographs without prior consent."

**Revision 6:** A specific definition of defiance and disrespect will be created and it will be assigned a level consequence for progression when involving TUSD staff.

#### **Defiance and Disrespect:**

**Level 2 to level 3 when involving staff**

Revised description below:

Defiance: Engaging in socially rude interactions in which there is disrespect and resistance to a staff member's directive or request.

Disrespect: Engaging in intentional behavior with staff that insults one's race, appearance, professionalism, general insults, insults that involve curse words, throwing objects at the staff member, destroying classroom property belonging to the staff member.

**Revision 7:** A specific definition of threats and intimidation will be created, and it will be assigned a level consequence for progression when involving TUSD staff.

#### **Threats and Intimidation:**

**Level 3 to level 4 when involving staff**

Revised description below:

Indicating by words or conduct, the intent to cause physical injury to a TUSD employee or guest on TUSD property or serious damage to a TUSD employee's property or guest of the district's property or intentionally placing a TUSD employee or TUSD guest in reasonable apprehension of imminent physical injury. This may include, conduct that occurs through a telecommunication or digital device or online.

**Revision 8:** Level 4 School threat (verbal) be removed as it is redundant with the level 5 school threats violation. School threats are traditionally leveled for the option for expulsion which currently only applies to level 5 offenses.

[Recommended Revisions for the Code of Conduct 2023-2024](#)

## **II. Issues.**

The Code of Conduct has not been updated since 2019. Stakeholders have been asking for a change in the code of conduct since we returned to in person learning after the pandemic. Behaviors of adults and students have changed since the pandemic and the current code of conduct does not sufficiently provide what is needed for students and staff to feel safe and supported in our schools. Laws have changed in relation to Kindergarten students thru 4<sup>th</sup> grade students and we also have Title IX legal requirements that we must adhere to as well.

In addition to revising the Code of Conduct to address current stakeholder need, it is also critical to revise the levels of infractions and the violation chart to decrease variability in issuing consequences. When issuing consequences for level 3 offenses, administrators had a range of days to select from 1 to 10. In the new revisions for middle and high school, consequences are issued by offenses in a progressive manner. For each repeated offense a consequence is issued that has a limit on exclusion. This type of revision for middle and high school behaviors will decrease the variability of days of suspension and benefit all students.

Lastly, specific definitions did not exist for defiance and disrespect towards staff, variations between school threat (verbal) and other school threat, and threats and intimidation for staff. The lack of definitions for the above-mentioned items increased variability in how discipline was issued and increased variability provides more opportunity for implicit bias impacting ethnic minority students and the number of discipline incidents for defiance and disrespect.

### **III. Objectives.**

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

1. **Objective:** Decrease the variability in issuing exclusionary consequences for all students with an emphasis on decreasing variability in exclusionary practice for African American and Mexican American students by creating a progressive discipline model for all grade bands.
  - **Why:** As the district continues to monitor discipline incident risk ratios for all student ethnicities, it is critical that African American and Mexican American students receive proportional consequences to their white/Anglo peers as part of the revisions in the code of conduct.
  - **Measurable:** This will be measured by the continued monitoring of the risk ratios for African American students and Mexican American. Risk ratios are measured by comparing the number of incidents a student of a certain ethnicity is involved in, within the context of the number of students in the district of that ethnicity compared to Anglo/White students and the number of the incidents White/Anglo students are involved in the context of how many students there are district wide who are White/Anglo.
2. **Objective:** Create consistent consequences for the violation of fights, illicit drugs, Tobacco, and alcohol that utilizes a progress model of discipline that will more heavily utilize in school suspension versus out of school suspension.
  - **Why:** Upon returning from the pandemic incidents involving aggression and drug use have consistently impacted school sites throughout TUSD. Moving forward it is critical that the district continues to support the decrease in fights and use of tobacco, alcohol, and illicit drugs on campus and promote our students to stay on our campuses to get the support they need.
  - **Measurable:** Monthly suspension rates will be monitored for violations of aggression, illicit drugs, tobacco, and alcohol to determine district wide impact.
3. **Objective:** Increase safety and security on campuses by creating specific language and supporting the movement of levels that addresses defiance and disrespect, threats, and intimidation, and school threats (verbal).
  - **Why:** It is critical to support the safety of staff and students on school campuses. In being deliberate with language for previously vaguely stated violations we both, decrease implicit bias in assigning consequences for ethnic minorities and support safe campuses.
  - **Measurable:** Requests for elevation of discipline will be monitored for the above-mentioned violations.

### **IV. USP Program Background.**

Section VI. A of the Unitary Status Plan, entered by the Court in 2013, called upon the district to create an inclusive and supportive environment in its schools, keep students in classroom settings as

often as practicable, and reduce discipline disparities by race/ethnicity. The bulk of the district's student disciplinary policy and practice was embedded within the student handbook, "Guidelines for Student Rights and Responsibilities" (GSRR). The GSRR design and format originally was introduced in the 2008-09 school year.

The district drafted and approved a new student code of conduct for SY2018-19. The development process included soliciting input from multiple stakeholders, including a working group made up of staff, community members, and other participants. In June 2018, the Governing Board held a town hall meeting to facilitate a dialogue with the community and approved the revised code of conduct on June 26, 2018. Like the GSRR before it, the new Student Code of Conduct was incorporated by reference into District Policy.

The district worked with various stakeholders, including the Special Master and Plaintiffs, for more than half the school year in SY2018-19 to develop a revised Code which focused the district's approach to the five violations that lead to the most incidents of exclusionary discipline, particularly for African American students: fighting, drug possession, drug use, alcohol possession, and alcohol use. Rather than looking to suspend students as punishment for these violations, the district expanded their focus on prevention and rehabilitation by providing mediation as an alternative to suspension for fighting, and substance abuse workshops as an alternative to suspension for drug or alcohol use or possession.

The new Code developed for SY2019-20 included several changes designed specifically to reduce exclusionary discipline for all students, but particularly for African American students who experienced the greatest levels of disproportionality.

From SY2019-2020 to SY2022-23, the district continued to implement the Student Code of Conduct. In October 2020, Student Relations began a Code review process for a possible revision for SY2021-22 and finalized in the Fall of SY2022 that a Code of Conduct Committee would be formed to start an official process to improve the Code of Conduct based on stakeholder input, which would include surveys and public forums.

## **VI. Impact Analysis: Impact on Protected Classes.**

### **A. Impact on Effectiveness of USP Program or Activity**

The anticipated impact of the revisions to the code of conduct should be positive in decreasing variability in how consequences are issued, create a consistent discipline practices district wide and promote a safe and productive learning environment in our schools.

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

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

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

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

Risk ratios for African American students have not increased significantly from the school year 2021-2022 compared to 2022-2023. The risk ratio for African American students is significantly less than the national average, three times less in fact. It is also still significantly lower than the risk ratio from previous years. The current difference in risk ratio for African American students is less than .60 from their White/Anglo peers. The intention with the progressive discipline model is to decrease variability when issuing consequences and therefore, eliminating any disproportionality for African American students.

### **Impact #2: Increasing In-School Suspension versus Out- of School Suspension.**

In using a progressive disciplinary model ISS should be used more consistently as they are the initial options for level 1 and 2 offenses and an option for all level 3 suspensions. The following attachment shows the percentage of exclusionary consequences utilized over a 3-year period.

#### **[Discipline Data for Three School Years](#)**

The data shows us that over a three-year period the number of students Out of school suspended versus in school suspended was much larger. Often times more than 100 students were issued out of school suspension versus In school suspension.

The desired impact would be that in the 2023-2024 school year we begin to close the gap in the number of in school suspensions versus out of school suspensions. This will benefit all students and in particular, our African American and Mexican American students for whom the large gap between in school suspension and out of school suspension exists along with the overall district trend.

### **Impact #3: In our monthly violation report, we anticipate showing a trend in which the length of out of school suspension for incidents coded Aggression, Illicit drugs, alcohol, and tobacco use decreases.**

This will positively impact our African American students. As seen in the risk ratio report in Impact #1, aggression and the use of tobacco, alcohol and illicit drugs are in the top 3 violations district wide and for African American students.

This report shows the percentage students for each ethnicity for the violations of illicit drugs, alcohol and tobacco and aggression and threats and intimidation. [Violations By Month](#)

In creating a progression of discipline and creating consistent levels for these violations across grade bands we hope to see a positive impact on students by seeing the decrease in out of school suspension.

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

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

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

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

4. Admin/Certified staff: The recommended revisions should positively impact retention and recruitment because specific revisions specifically support a respectful school climate for staff and students. The definitions for defiance and disrespect and threats and intimidation have been changed to specify the students' behaviors that can impact staff. Both defiance and disrespect and threats intimidation have also moved leveled violations with increased inclusionary consequences for students who engage these behaviors. If staff feel safe and supported in challenging interactions with student's, it can be easier to retain staff. If the impression of future TUSD Educators is that we promote a safe and supportive learning environment for teachers and students, it can be easier to recruit staff as well.

5. Quality of Education: The revisions in the Code of Conduct should positively impact student's access to Advanced learning opportunities, GATE programs and Advanced Academic courses. Through the discipline progression model, students are issued exclusionary consequences in more limited time frames than the current 1–10-day window of suspension available for level 3 offenses. ISS is also utilized more frequently in the recommended revision. If consequences are issued for students enrolled in our advanced learning opportunities, the amount of time students are impacted by exclusionary practice will decrease. This improves the quality of education for the student's receiving consequences. Students who have had frequent exclusionary consequences (out of school suspension) missed out on academic learning which impacts their ability to qualify for Advanced learning opportunities, GATE and advanced academic courses. By limiting the time students are out of school suspended we increase a student's ability to qualify for these programs.

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

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

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

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

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

### **C. Data Sources.**

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

[Steering Committee Voting Results \(Elementary\)](#)

[Steering Committee Voting Results \(Middle\)](#)

[Steering Committee Voting Results \(High\)](#)

[Student Forum Feedback](#)

[Risk Ratios by Ethnicity by Month](#)

#### **D. Assumptions.**

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

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

#### **E. Research Based Sources**

##### **Code of Conduct Links:**

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

[Kyrene School District](#)

[Phoenix Elementary District #1](#)

[Mica Mountain High School](#)

[Amphitheater School District](#)

[Sunnyside School District](#)

[Phoenix Union](#)

[Higley School District](#)

[Round Valley School District](#)

[Prescott Unified School District](#)

##### **Code of Conduct Data:**

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

[Students Code of Conduct: Background](#)

##### **Equity in Education:**

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

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

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

## **VI. Conclusion.**

Date: 5/25/23

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Reviewed and Approved: \_\_\_\_\_