



State of Arizona  
Department of Education

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**Unsafe School Choice Option Policy  
Victims of Violent Crimes  
Adopted by the Arizona State Board of Education June 26, 2006**

Section 9532 of the No Child Left Behind Act requires that a student who is a victim of a violent criminal offense on school grounds be allowed to attend another school within the local education agency (LEA). LEAs are responsible for implementing individual transfer options for victims.

The definition of "violent criminal offense" and "victim" are based upon Title 13 of the Arizona Revised Statutes (ARS). A victim is an individual against whom the crime is committed as listed in a police report that is not unfounded or exceptionally cleared, or who is an immediate family member of a crime victim who has been killed or incapacitated, i.e., a sibling who attends the same school as the victim (based on ARS 13-4401).

Violent criminal offenses are listed on the second page of this document. These include any criminal act that results in death or physical injury or any criminal use of a deadly weapon or dangerous instrument (ARS 13-604.4). Crimes with extreme emotional impact on the victim or a high potential for serious injury or death are also included. In some cases qualifiers have been added to individual statutes. These qualifiers must apply for the crime to be considered violent. The qualifier descriptions are in parenthesis.

The following definitions from ARS 13-105 are helpful in understanding some of the statutes on the following page:

"Crime" means a misdemeanor or a felony.

"Dangerous instrument" means anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

"Deadly weapon" means anything designed for lethal use. The term includes a firearm.

"Physical injury" means the impairment of physical condition.

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<b>Violent Criminal Offenses</b>		
<b>ARS Title 13, Chapter 11 Homicide</b>	13-1102 13-1103 13-1104 13-1105 <i>These statutes would apply in the event the crime is an attempt and the victim does not die.</i>	Negligent Homicide F4 Manslaughter F2 Second Degree Murder F1 First Degree Murder F1
<b>ARS Title 13, Chapter 12 Assault and Related Offenses</b>	13-1201  13-1203 13-1204 13-1205  13-1209	Endangerment (with deadly weapon or dangerous instrument) F6 or M1 Assault (A)(1) (with physical injury) M1 Aggravated Assault F2-6 Unlawfully Administering Intoxicating Liquors, Narcotic Drug, or Dangerous Drug (with physical injury) F5 Drive by Shooting F2
<b>ARS Title 13, Chapter 13 Kidnapping and Related Offenses</b>	13-1304	Kidnapping (A)(3) F2
<b>ARS Title 13, Chapter 14 Sexual Offenses</b>	13-1406	Sexual Assault F2
<b>ARS Title 13, Chapter 17 Arson</b>	13-1704	Arson of an Occupied Structure F2
<b>ARS Title 13, Chapter 19 Robbery</b>	13-1902 13-1903 13-1904	Robbery F4 Aggravated Robbery F3 Armed Robbery F2
<b>ARS Title 13, Chapter 29 Offenses Against Public Order</b>	13-2904	Disorderly Conduct (A)(6) (Involving a deadly weapon or dangerous instrument) F6
<b>ARS Title 13, Chapter 31 Weapons and Explosives</b>	13-3102 13-3104 13-3110	Misconduct Involving Weapons (A)(9) F3 Depositing Explosives F4 Misconduct Involving Simulated Explosive Devices M1
<b>ARS Title 13, Chapter 37 Miscellaneous Offenses</b>	13-3704	Adding Poison or Other Harmful Substance to Food, Drink or Medicine F6

*F/ M and the number indicates felony or misdemeanor and the class*