

## School – Based Class C Misdemeanors

**There was an incident at school. Can my child be charged with a crime?** Yes. Your student could be charged with a Class C misdemeanor punishable by a fine of up to \$500, plus court costs. Common school-based criminal offenses include Disorderly Conduct and Simple Assault.

**What is “Disorderly Conduct”?** The charge includes a wide range of behaviors, generally occurring in a public place such as a school. Behaviors include

- using profane or vulgar language or offensive gestures;
- abusing or threatening a person;
- fighting;
- displaying a firearm other deadly weapon in a manner calculated to alarm;
- exposing one's self in public;
- looking into a private areas such as restrooms or on private property;
- making an unreasonable amount of noise in a public place or near a private residence that the student has no right to occupy.

**Are there defenses to the charge of disorderly conduct?** Yes. Some defenses include:

- The disorderly behavior did not occur in a *public place*.
- The conduct was not likely to cause an *immediate* public disturbance.
- If conduct was language or gesture (even if vulgar or profane) it was not likely to cause an *immediate* breach of the peace.
- The conduct or behavior was not *both* intentional and knowing (both are requires to prove the charge). The student did not intend and was not aware that the conduct would cause a disturbance.
- The student was acting in self-defense or was significantly provoked.
- The student was younger than 12 years of age and the prohibited conduct occurred at a public school campus during regular school hours.

**What is “Simple Assault”?** Threats or physical contact that didn’t result in injury are often called simple assault or misdemeanor assault. The state must prove that the student intentionally or knowingly threatened another with *imminent* bodily injury or caused physical contact with another that the student knew (or should have reasonably believed) that the other person would find *offensive or provocative*.

**I received a citation/summons. What now?** Don’t ignore it. Ignoring a court summons can result in additional charges against the student, parent, or both. Your citation or summons will state the date and time to make your initial appearance (arraignment). If you don’t show, you could be charged with the separate offense of Failure to Appear.

**How can I prepare for the hearing?** Before your hearing date, ask for a copy of your court file – you are entitled to review it. Gather evidence for your defense, such as school records and statements from witnesses. You also ask the court to appoint an attorney for you. Go to [www.trla.org/youthrights](http://www.trla.org/youthrights) for more information and materials about what to do if you have a criminal charge.

**How should I plea?** The court will probably ask you to enter a plea. A plea of *guilty* or *no contest* waives your right to a trial and allows the court to enter a judgment of conviction, which may carry with it other serious consequences. A plea of *not guilty* means that you are contesting the charge. The prosecution will have to prove its case against you in a trial before a judge or a jury.

⇒ **TRLA may be able to help you defend your rights.** TRLA provides free legal assistance to individuals from low-income households in the TRLA service area. Go to [www.trla.org/youthrights](http://www.trla.org/youthrights) for an online application.