# Student Behavior Handbook

# 2011-2012




ALBUQUERQUE PUBLIC SCHOOLS

# *STUDENT BEHAVIOR HANDBOOK*

## *2011-2012*

## APS Superintendent

Winston Brooks

## APS Board of Education (district)

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### Albuquerque Public Schools Goals

1. Develop and implement a 3-year academic plan that includes measurable targets.
2. Develop and implement a plan to change the perception and build confidence in APS.
3. Develop and implement a comprehensive internal and external communication plan with an evaluation component that includes all stakeholders in the district.
4. Provide Board of Education training that will focus on the role and responsibilities of effective school boards and superintendents.
5. Review, evaluate, enhance and publicize plans to upgrade and maintain facilities to support and enhance student achievement.
6. Review, modify and maintain a transparent, sound and effective financial stewardship with clearly defined, consistent and well documented processes throughout the district.
7. Study, modify and recommend a plan to transition APS from a site-based management to district-based management for equitable distribution of resources.
8. Review, evaluate, modify and enhance the school and district crisis plans, to include safety and prevention plans.

The Board of Education is committed to providing a safe, respectful and fear-free environment for all members of the school community including students, staff, parents, community partners, and visitors.

This handbook is an official policy statement of the APS Board of Education. Students and parents should review and be familiar with this handbook, as well as the handbook from the student's school.

The Student Behavior Handbook will be reviewed by the Board of Education at the end of each school year, at which time suggested amendments or additions submitted by administrators, teachers, students and/or other interested persons will be considered. Suggested amendments may be submitted throughout the school year by contacting the Student Service Center at **servicecenter@aps.edu**. (855-9040)

Copies of this handbook will be made available to students upon registration. It will also be posted on the district's web site at **www.aps.edu**. The district policy and administrative directives including such topics as "Bullying Prevention", "Student Acceptable Use of Personal Electronic Devices", "Release of Students During the Instructional Day", and so forth, are available on the district's web site.

# *STUDENT BEHAVIOR HANDBOOK*

## *2011-2012*

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ALBUQUERQUE PUBLIC SCHOOLS

# *ALBUQUERQUE PUBLIC SCHOOLS STUDENT BEHAVIOR HANDBOOK*

This Student Behavior Handbook states guidelines for student rights and responsibilities. It does not create any contractual rights, and the school district has the discretion to modify the provisions of this handbook at any time. Each school's handbook supplements the Student Behavior Handbook and should be referred to for more specific guidelines. If a provision of an individual school's handbook is inconsistent with this Student Behavior Handbook, this handbook will supersede.

**WHEN IS THE HANDBOOK IN FORCE?**

The provisions of the Student Behavior Handbook are in force:

- during regular school hours and/or on school property.
- during transportation of students.
- at times and places where appropriate school administrators and staff have jurisdiction including, but not limited to, school-sponsored events, field trips, athletic functions and other school-related activities.
- on the way to or from school or a school-related event.

The Extra-Curricular Substance Abuse and Tobacco Policy is in effect twenty-four hours a day, seven days a week, at all times/locations from the first day of fall sports practices to the end of the school year. Additional sanctions may apply above and beyond the minimum mandatory consequences of this policy for violations which occur when this handbook is in force (i.e.; on school property, during school time, or at school events).

Additionally, the principal, any public school official or designated chaperone is authorized to take administrative action when a student's misconduct away from school during a school activity may have a detrimental effect on the other students, staff or on the orderly educational process.

The principal has the responsibility to take discretionary action any time the educational process is threatened with disruption. Nothing in the following is intended to prevent a staff member, teacher, principal or other administrator from using his/her best judgment with respect to a particular situation.



**EXPECTATIONS**

ATTENDANCE
Students are expected to attend school regularly and on time. District policy and state law require daily school attendance for those between the ages of 5 and 18, or until graduation from high school.

ACHIEVEMENT
Students are expected to achieve academically. They are expected to:

- strive to fulfill their academic potential.
- actively participate in the educational process.
- actively participate in community activities.

CITIZENSHIP
Students are expected to be good citizens. They are expected to:

- model and promote the pillars of CHARACTER COUNTS! (Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship)
- respect authority, property, and the rights of others.
- avoid confrontation and any activity that has the potential to cause a verbal or physical conflict.
- maintain standards of integrity and responsibility.
- maintain a safe school environment.
- report any/all information/circumstances related to campus safety and problems (fights, weapons, or drugs on campus).

STUDENTS
Every student is responsible for helping maintain a safe, orderly and educationally efficient learning environment. Students are expected to:

- attend school every day and be on time for every class.
- resolve differences with others in a positive, non-violent way.
- remain drug, alcohol and tobacco free.
- follow the school dress code.
- respect school property and the property of others.
- respect fellow students and all school staff members.
- comply with the standards of behavior for their classrooms, their school, and our district.

PARENTS
School officials are partners with parents in the process of educating our children. Every parent, guardian and family member of the school community shares in the responsibility for educating children in a safe and productive environment. You share in this responsibility when you:

- get your students to school on time every day. (Punctuality and good attendance are family responsibilities.)
- provide a suitable time and place for your child to study at home.
- make learning a priority.
- maintain regular communication with your children's teachers, school administrators and other school staff members.
- stay informed of your child's ongoing scholastic achievement and progress, and advocate for your child's learning needs.
- understand our district rules and the rules at your child's school.
- support school administrators in enforcing these rules.
- support the school and the Board of Education as they maintain high standards of behavior for all students.
- keep the school informed of your current contact information by notifying the school of any change of address or phone numbers.

**STUDENT RIGHTS AND RESPONSIBILITIES**

EDUCATIONAL OPPORTUNITY

- A free public school education shall be available to every school-aged person, and each student who enrolls has a corresponding responsibility not to deny this right to any other student.
- To find the school(s) assigned to your address go to www.aps.edu and type your address in the "Find My school" link, or contact the Student Service Center at 855-9040.
- A transfer can be requested from a student's assigned school to another APS school of choice following APS transfer guidelines. Transfers are approved according to State and Federal laws, based on site capacity, program availability, and using a random selection process. Transfers can be requested through the Student, School and Community Service Center (855-9050 or 855-9040), or on line at www.aps.edu (type transfer in the search engine for links to transfer information and the application form).
- Albuquerque Public Schools affords all students equal educational opportunities as well as equal opportunities to participate in extracurricular activities.
- Policy prohibits discrimination and harassment on the basis of ethnic identity, religion, race, color, national origin, sex, sexual orientation, mental or physical disability, marital status and pregnancy in any program or activity of or sponsored by the school district.

STUDENT GOVERNMENT

- In each secondary school there will be established an elected student government with membership open to all students.
- The student government will establish reasonable standards for candidates for office.
- All students shall be allowed to vote in elections designed to promote careful consideration of the candidates and issues.
- Elementary school personnel are encouraged to introduce students to principles of student government through school and class activities.

The responsibilities of the student government shall be subject to the regulations of the School Board and shall include but not be limited to the following:

- Involvement in the process of developing policies for revisions and additions to the curriculum, school rules and regulations.
- Involvement in the formulation of guidelines for co-curricular activities.
- Involvement in allocation of student funds, subject to established audit controls and to the approval of the principal.
- Representatives selected by the student government shall meet regularly with the principal or his/her designee to exchange views and to share in the formulation of school student policies, and to consider revision to the school's curriculum.

EXPRESSION AND ASSOCIATION

- Students are protected in the exercise of the constitutional rights of free speech, press and assembly.
- The exercise of such rights, however, must be conducted in a manner that does not disrupt the educational process.

PUBLICATIONS

- Students shall be allowed to distribute political leaflets, newspapers and other literature on school premises, at specified times and places.
- Student publications are subject to prior restraint and censorship.

ORGANIZATIONS AND CLUBS

- Students may form clubs or organizations for any legal purpose.
- These organizations must be open to all students on an equal basis and must operate within procedural guidelines established by the student government, acting in concert with the principal.

QUESTIONING A STUDENT

- If APS personnel, school resource officers or APS police authorities desire to question a student beyond a preliminary investigation on school premises regarding any alleged suspected criminal acts by the student, the school authorities shall attempt to contact the parent.
- Except for a case of emergency, danger to the student or others, or flight risk, if outside police authorities, not assigned to an APS school, desire to question a student on school premises, the principal must contact the APS police department to verify the need to question the student on campus.
- School authorities must immediately make a good faith effort to notify the parent/legal guardian of a student if the student has been removed from campus by law enforcement authorities.

SCHOOL LOCKERS

- Lockers or other student storage facilities may be searched without student consent.
- Facilities assigned to students will not be opened by school authorities except for general housekeeping purposes and in instances when, in the judgment of the school administrator, the health, safety or general welfare of the student or school requires such action.
- Neither school nor the district can assume any responsibility for items stored in these facilities.

SEARCH OF PERSON OR VEHICLE

- Vehicle Searches – Search of a student's vehicle while parked on school property may be conducted only if a certified school employee, school security officer, campus security aide or school bus driver has reasonable suspicion that a crime or breach of the disciplinary code is being committed by the student.
- Physical Searches – Search of a student's person or property may be conducted only where there is individualized reasonable suspicion that the student being searched has committed a crime or a breach of the disciplinary code.
  - o Minimally Intrusive Searches – Searches such as emptying of pockets, searches of student backpacks and purses, removal of hats, socks and shoes may be conducted by any certified school employee, school security officer, or campus security aide.
  - o More Intrusive Searches – Searches such as pat downs and frisks may only be conducted by an authorized person of the same sex as the student being searched.
  - o Most Intrusive Searches - A strip search shall be conducted only upon individualized reasonable suspicion of a safety concern and shall be conducted by a school administrator, of the same sex of the student, and in the presence of another authorized person, of the same sex. Strip searches should only be conducted in life-threatening situations, or in situations that pose a danger to the school population. Administrators who conduct a student strip search will report the incident to their appropriate Associate Superintendent.
  - o More Intrusive or Most Intrusive searches can only be conducted where there is reason to believe that a student may be in possession of a firearm, a weapon, or a dangerous drug.

CONTROVERSIAL ISSUES

- Students shall have the right to encounter diverse points of view.
- Students shall have opportunities to hear speakers and view presentations representing a wide range of views in classes, clubs and assemblies under guidelines established by the school district.

DRESS CODE

- Student dress and grooming is to reflect high standards of personal conduct so that each student's attire promotes a positive, safe and healthy atmosphere within the school.
- Schools may customize their individual dress codes to address the needs and standards of their communities and neighborhoods through use of a process which ensures input from students, parents, faculty and staff of the school, and other interested community members.
- Students and their parents/guardians have the responsibility to be aware of the school specific dress codes and to conform to those requirements.
- The responsibility to interpret and enforce the dress code policy rests with each principal for that school.

**WHAT TO DO IF YOU BELIEVE THAT YOUR RIGHTS HAVE BEEN VIOLATED**

The Albuquerque Public School system does not discriminate nor condone discrimination by students, employees, or third parties on the basis of ethnic identity, religion, race, color, national origin, sex, gender identity, sexual orientation, HIV status, mental or physical disability, marital status or pregnancy in any program or activity of, or sponsored by, the school district. The following department has been designated to handle inquires regarding the nondiscrimination policies:

**Equal Opportunity Services**
6400 Uptown Blvd. NE Suite 560 West
Albuquerque, New Mexico 87110
855-9852

REPORTS

- Any report will be addressed in accordance with the appropriate procedures as specified in IDEA, Section 504, ADA, Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Age Discrimination Act of 1975, First Amendment, Fourteenth Amendment, New Mexico Human Rights Act, or with the State Board of Education Regulation 6 NMAC 1.4 and any amendments made to these regulations, which are incorporated within this policy statement.

VIOLATION OF STUDENT RIGHTS

- Students who believe that their rights have been violated should report concerns to their parents, school administrator, or other appropriate school personnel.
- If the concern is not resolved by the appropriate school personnel, a report should be made to the **Student, School and Community Service Center at 855-9040.**

DENIAL OF RIGHTS

- Free public school education is a right guaranteed to a student.
- The courts have defined the basis on which the denial of that right is justified.
- That right may be denied in response to behaviors that threaten the safety and security of the school population, are illegal, or have the potential to disrupt the educational process.
- It is the intent of the Board that every reasonable effort is made on behalf of the student's education, even in the case of suspension or expulsion.
- Special education students must have an alternative program provided during any long-term suspension or expulsion.

GRIEVANCE PROCEDURE

- It is the intent of the Board that students and their parents be informed of the regulations regarding disciplinary and appeal procedures affecting students within the school.
- Faculty, parents and students shall attempt resolution of problems affecting students and the education process by informal means.
- If any student or parent believes that the conditions of the school or decisions made by its staff are not fair or reasonable, a conference shall be afforded with the principal or designee to discuss the matter.
- **If the student or parent is not satisfied, the student or parent shall be afforded the opportunity to confer with the Service Center regarding the matter, at 855-9040.**

HEARING PROCEDURE

- The Board prescribes a formal hearing procedure for students recommended for long-term suspension or expulsion.
- The parent/guardian (student if emancipated or at least 18) may, at his/her own expense, choose to be represented by an attorney during any due process hearing.
- If a hearing is requested or required, school authorities shall prepare and serve the parents/legal guardians with a written notice of the hearing.
- The hearing shall be scheduled no sooner than five (5) and no later than ten (10) school days from the date of receipt of notice by the parents.

- Schools will make available copies of documentary evidence that will be used at the hearing to families at least two (2) working days in advance of the hearing.
- The parent/guardian (student if emancipated or at least 18) may choose to waive the right to a hearing and accept the disciplinary consequences recommended by the school.
- Expulsion hearings cannot be waived.

HEARING AUTHORITY AND RECORD
- The hearing authority is the appointed hearing officer or designee of the district.
- A record of the proceeding, including an audio recording, shall be kept at the District Hearing Office for a period of one year, after which the recording will be destroyed, except in cases of expulsion where records are kept for longer periods.

BURDEN OF PROOF
- The hearing is an administrative proceeding for the purpose of deciding issues of fact or law. Though formal rules of evidence will not govern the proceeding, evidence will be admitted and considered by the hearing officer, as he/she deems appropriate.
- The burden of proving that the student violated a provision of this Student Behavior Handbook is on the school authorities.
- The student or his/her counsel shall have the right to call witnesses on his/her behalf and to question witnesses against him/her.
- The school authorities shall have the right to call witnesses and to question any witnesses who testify.

DECISION OF HEARING AUTHORITY
- The hearing authority shall decide first upon the innocence or guilt of the student with respect to the charges brought and second, upon the disciplinary action, if any, that should be taken.
- The hearing authority may request additional evidence from the parties.
- The student shall have the right to comment upon the evidence orally and/or in writing.
- The hearing authority shall serve its written decision on the parties, stating its findings, conclusions and implementations, within five (5) school days after hearing the evidence.
- The hearing authority's decision shall take effect immediately upon notification of the parent/guardian and shall continue in force during any subsequent review.

APPEAL TO THE SUPERINTENDENT
- The student/parent may appeal the decision of the hearing officer by serving a written notice to the superintendent's designee at the Student Service Center within ten (10) school days after the decision has been served.
- The designee shall, within fifteen (15) working days after receipt of the appeal, review the record of the hearing and the decision in this case.
- The designee shall have discretion over whether to permit the aggrieved student and school authorities to submit additional written materials and/or to present their respective views in person at a conference or hearing
- The designee shall then serve on the parties, within ten (10) working days after the review is concluded, his/her decision affirming, overruling, or modifying the decision of the hearing officer.
- The severity of any sanction may not be increased.

TIME LIMITS
- Subject to applicable rules and upon agreement of the parent and hearing authority, the hearing authority shall have the option to extend the time limits after a showing of good cause.

**APS SCHOOL ATTENDANCE GUIDELINES**

Regular attendance is a key to school success. Albuquerque Public Schools students can learn only if they are on time and present in all classes daily. The Federal No Child Left Behind Act requires that states, school districts and schools be held accountable for ensuring that all students meet high academic standards. On time, daily attendance is a critical component of this educational process.

New Mexico law dictates that:

- Students between the ages of 5 and 18 years of age are mandated to attend public school, private school, home school or a state institution.
- Schools will provide intervention strategies that focus on keeping students in school.
- Habitual truants are reported to appropriate authorities such as the APS Attendance Office, CYFD staff, Juvenile Probation & Parole, District Attorney, Truancy Court, and the State of New Mexico.
- Consequences in New Mexico law include: license revocation, fines, and loss of New Mexico Works Program monetary assistance.
- Students receiving financial assistance from the New Mexico Works program must comply with school attendance requirements, or the student's financial assistance may be removed.

It is understood that sometimes families may need support to help their child be successful. School staff can assist with locating possible resources within the school community.

ATTENDANCE POLICY

- A parent/guardian must notify the school that the student will be absent in accordance with the notification procedure established by the school.
- A parent/guardian must notify the school each day that a student is signing out before the end of the instructional day in accordance with the notification procedure established by the school.
- Teachers will take attendance by class period for each instruction day.
- Absences may be excused for the following reasons with appropriate documentation:
  - Illness (including chronic illness documented on a health plan, IEP or 504 plan)
  - Limited family emergencies; family deaths
  - Medical, health or legal appointments
  - Suspensions
  - Religious commitment
  - College visit
  - Deployment of a military parent as defined in the "Military Children" procedural directive
  - Limited extenuating circumstances as approved in advance by the school principal
- All absences for other reasons are unexcused including:
  - Non-school sponsored activities or trips
  - Family vacations outside of the normally scheduled school breaks
- In APS, a student is considered **"a student in need of early intervention" (truant) at five (5) unexcused absences and a habitual truant at ten (10) unexcused absences** in a year.
- School staff will make an attempt to contact the parent/guardian if the school has not received notification of absences by a parent for three (3) consecutive days.
- Principals may request additional documentation for excessive excused absences.

MAKE-UP WORK

- Students may complete work for all excused and for up to 10 unexcused absences.
- Once a student is identified as a habitual truant (10 unexcused full day absences) make-up work may be provided for the student unless the principal and teacher determine otherwise based on the data provided.
- On the first day back to a class, students are responsible for requesting make-up assignments. Failure to complete make-up work in the time allowed may place students at risk of not earning class credits.
- Students will have the opportunity to complete the work in a period of time equal to the number of days absent unless other arrangements have been mutually agreed upon by the student and the teacher.
- Teachers may need 24 hours from the time of the request to compile assignments.
- It is expected that students will take semester finals on the days that they are scheduled. Students will be permitted to make up finals if they are missed due to an excused absence as listed in this handbook. Requesting permission to take a final exam early is discouraged. Approval of such a request will rest with the teacher in consultation with the principal.

EXCESSIVE ABSENCES

- Schools will identify and provide intervention strategies for students with unexcused absences.

- School-related activities taking students out of school are not included when evaluating excessive absences. A student is not allowed more than ten (10) school-related absences per class per semester.
- State law requires schools to withdraw a student after ten (10) consecutive days of absence, but only after the school has exhausted its efforts to keep the student in an educational setting through a variety of interventions.
- Schools may not use out of school suspension or expulsion as punishment for truancy.

Interventions for Students with Excessive Absences

| Unexcused Full Day Absences | 2 | 5 | 10 | 10+ |
|---|---|---|---|---|
| Parent/Guardian Contact | • | • | • | • |
| School Interventions and Strategies | • | • | • | • |
| Written Notice to Parents from District | | | • | |
| Phone Call to Parent from District | • | • | | |
| Parent & Student Conference with School Staff | | • | • | |
| Referral to District Attendance Office | | | • | • |
| Community Truancy Crisis Team Intervention | | | • | • |

Students who miss more than ½ of their school day are considered absent a full day.

TARDY

- Students who are tardy for class receive consequences according to district guidelines adopted by each school.
- Consequences for being tardy will be determined by the school administration. Examples of consequences include time in an alternative academic or community service setting (i.e. lunch, recess, after school, Saturday school)
- Secondary students who miss more than 50% of the class period are considered absent. If excused, parents must notify the school in accordance with the notification procedure established by the school.

ELEMENTARY SCHOOL STUDENT DROP OFF/PICK UP

- Parents must not leave their children on a school campus longer than fifteen (15) minutes either before or after the school day.
- School grounds are not supervised except during the school day.
- If extenuating circumstances prevent a family from picking up a student on time, the school must be notified within fifteen minutes of the end of the school day.
- If students are repeatedly left on campus outside of the school day hours, an administrator will attempt to contact the family to discuss the problem.
- If the problem continues, the student may be considered abandoned and the police will be notified. Such children may be subject to transportation to a designated state shelter.

**DISRUPTION OF THE EDUCATIONAL PROCESS**

Consequences will result for cases of bullying, fighting, harassment, inappropriate use of cell phones or other electronic devices, and other forms of disrupting the educational process, or violation of laws, rules and regulations. Acts of misconduct are subject to disciplinary action by appropriate school personnel. Unacceptable behavior is defined as whether or not it disrupts or has the potential to disrupt the educational process. This handbook follows APS, State, and Federal guidelines. **See the Glossary of Terms at the back of this handbook for definitions of acts of misconduct.**

CONSEQUENCES FOR UNACCEPTABLE BEHAVIOR

The school is a community, and the rules and regulations of a school are the laws of that community. The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violation of school rules.

- Minimum mandatory consequences have been established and must be expected for any violation.
- Schools must make a good faith effort to notify the parents or legal guardian of the student in any circumstances where the school's disciplinary response will exceed administrator/student contact.
- Administrative response to unacceptable behavior may vary as each administrator selects from a spectrum of actions such as those listed here and in each school's discipline handbook.
- **Administrators may impose consequences beyond those identified as minimum mandatory.**

SUSPENSION

A suspension is the removal of a student from a class or classes and all school-related activities for any period of time. Suspension will include a range of responses from in-school suspension alternatives to long-term removals of one year or longer.

- The school administration must provide written notification to each of a student's teachers and to the student's parents/legal guardians within one (1) school day of imposing any form of suspension.
- The school administration must keep on file a copy of the notification for any suspension occurring during a school year.
- The principal of the school is responsible for notification, compliance and documentation at his/her school.
- Copies of suspension notification may be discarded at the beginning of each academic year for prior year actions, except for any long-term suspensions or expulsions still in effect.

SHORT-TERM SUSPENSION

Short-term suspension will be at the discretion of the school administrator and will address behaviors that disrupt the educational process. Administrators may impose consequences beyond minimum mandatory in order to maintain the safety and security of the school population.

- Short-term suspension will be limited to no more than five (5) days.
- Each school will have its own method for developing alternative educational settings for students who have been short-term suspended.

LONG-TERM SUSPENSION

Long-term suspension is defined as the removal of a student from instruction and all school-related activities for more than ten (10) days and up to the balance of the semester, or longer as determined by the hearing officer in cases which are near the end of a given semester.

- A student receiving a long-term suspension may lose credit for the semester unless placed in an alternative school setting.
- A student must be given the opportunity for a due process hearing prior to the suspension.
- The student may, at his/her own expense, choose to be represented by an attorney at the hearing.
- At the principal's discretion, students may be suspended pending a due process hearing.
- Transfer students will have their transfer revoked for the school they are attending at the time of their Long Term Suspension for the remainder of the school year. The transfer revocation date for students assigned to an Alternative Educational Setting (AES or IAES), through a LTS hearing, will be determined by the IEP team in consultation with school and district administration. Upon completion of a long term suspension a student may return to his/her assigned school, apply for a transfer for the next school year, or explore alternative options.

EXPULSION

Expulsion is the suspension of a student from all regular schools in Albuquerque Public Schools for a period exceeding one (1) semester. In some cases, expulsion may be a permanent removal from this school system. When appropriate, a student who is expelled may be placed in an alternative

program.

- A student receiving an expulsion will lose credit for the semester in which the expulsion occurs, unless the student is engaged in an alternative program.
- A student must be given a due process hearing prior to expulsion.
- The student may, at his/her own expense, choose to be represented by an attorney at the hearing.
- Transfer students will have their transfer revoked for the school they are attending at the time of their expulsion for the remainder of the school year. Students assigned to an Alternative Educational Setting, through a LTS hearing, will have their transfer revoked at the completion of their expulsion. Upon completion of an Expulsion a student may return to his/her assigned school, apply for a transfer for the next school year, or explore alternative options.

FIREARMS

- Possession, selling or otherwise furnishing a firearm.
- Possession of any explosive device as defined in the Gun Free Schools Act.

The Gun Free Schools Act provides for a mandatory expulsion of a period of not less than one year for a student who is determined to have brought or to have possessed a firearm at school or any setting that is under the control and supervision of school officials. Only the Superintendent may modify in writing the one-year expulsion requirement on a case-by-case basis. All school related incidents of firearm possession must be reported to the APS Police Department.

REFERRAL FOR LEGAL ACTION

- Communication of any illegal act or action by a student will be forwarded to the appropriate authority or law enforcement agency.
- New Mexico law requires that, if any school employee has reasonable cause to believe that a child is or has been in possession of a firearm on school premises, the employee shall immediately report the child's actions to a law enforcement agency and the Children, Youth and Families Department.

SUSPENSION OF EXTRA-CURRICULAR PRIVILEGES

Students may be removed, at the discretion of the principal, from any part or all of extra-curricular privileges for time periods up to one (1) full calendar year.

- Participation in extra-curricular activities is a privilege offered to and earned by students.
- Because participants are serving as representatives of their school and community, their conduct is expected to exemplify high standards at all times.
- Participants are expected to adhere to higher standards of academics and conduct than established for the general school population in order to maintain their extra-curricular privileges.
- **Participation in extra-curricular activities is not a student right, and suspension of such privileges does not require a due process hearing procedure.**

EXTRA-CURRICULAR SUBSTANCE ABUSE AND TOBACCO POLICY

Extra-curricular activities are an integral part of the educational process, providing students with opportunities to further develop their unique capabilities, interests and needs beyond the classroom. Participation in extra-curricular activities is a PRIVILEGE offered to and earned by students. Because participants are representatives of their school and community, their conduct is expected to exemplify high standards at all times. The Extra-Curricular Substance Abuse and Tobacco Policy is in effect twenty-four hours a day, seven days a week, at all times/locations from the first day of fall sports practices to the end of the school year.

The definition of alcohol and controlled/illegal substance possession is extended to include circumstances where substances covered under the policy are proximal and available (i.e. parties, gatherings, etc.). Criteria for application of sanctions would include, but not be limited to:

- Any Minor in Possession (MIP) or Offense by a Minor Citation
- Written documentation from legitimate law enforcement/school/security reports
- Personal acknowledgment by the student in question and/or their guardian

The following bullets apply to a Suspension of Extra-Curricular Privileges:

- The suspension applies to all NMAA sanctioned athletic and non-athletic activities.
- Students will not be withdrawn from classes co-curricular with activities.

**This chart lists unacceptable behaviors and describes Minimum Mandatory Consequences.**

**Administrators may impose consequences beyond minimum mandatory.**

Incidents of misbehavior which do not reach the level of administrative attention will continue to be resolved by the classroom teacher or staff member.

* see Glossary for possible programs

** Civil Rights incidents, including Sexual Harassment, must be reported to EOS (see page 19, Internal Complaint Procedures)

| Occurrence | Behavior Violation | Staff/Student Contact | Administrative/Parent Contact | Admin./Student/Parent Conference | *Tobacco Cessation Program | Parent Involvement Program | Referral | Short-term Suspension | Long-term Suspension | Expulsion | Seek Restitution | Referral for Legal Action | Suspension of Extracurricular |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Minimum Mandatory Consequence | | | | | | | | | | | |
| Any Offense | Arson I less than $200 damage | • | | • | | | • | | | • | | | |
| Any Offense | Arson II $200 to $999 damage | • | • | | | | | • | | • | | | |
| Any Offense | Arson III $1000 damage or more | • | • | | | | | | • | • | • | • | |
| 1st Offense | Assault/Bullying | • | • | | | | | | | | | | |
| 2nd Offense | | • | • | | | | | | | | | | |
| 1st Offense | Assault, Aggravated | • | | • | | | • | | | | • | | |
| 2nd Offense | | • | • | | | | | • | | | • | • | |
| Any Offense | Battery/Fighting | • | | • | | | • | | | | | | |
| Any Offense | Bomb Threats and/or False Alarms | • | • | | | | | • | | | • | • | |
| Any Offense | Bus Disruption | • | • | | | | | | | | | | |
| Any Offense | Controlled Substance Possession (& Paraphernalia) | • | | • | • | | • | | | | • | • | |
| Any Offense | Controlled Substance Sale or Distribution | • | • | | • | | | • | | | • | • | |
| Any Offense | Controlled Substance Use or Under the Influence | • | | • | • | | • | | | | • | • | |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1st Offense | Extortion | • | | • | | | | | | • | | |
| 2nd Offense | | • | | • | | | • | | | • | | |
| Any Offense | False Accusations | • | • | | | | | | | | | |
| Any Offense | Firearm Possession | • | • | | | | | | • | | • | |
| Any Offense | Gang Related Activity | • | • | | | | | | | | | |
| 1st Offense | General Disruptive Conduct and/or Defiance | • | | | | | | | | | | |
| 2nd Offense | | • | • | | | | | | | | | |
| 1st Offense | Language, Profane and/or Abusive | • | • | | | | | | | | | |
| 2nd Offense | | • | • | | | | | | | | | |
| 1st Offense | Materials, Obscene | • | • | | | | | | | | | |
| 2nd Offense | | • | • | | | | | | | | | |
| 1st Offense | Robbery | • | | • | | | • | | | • | • | |
| 2nd Offense | | • | • | | | | | • | | • | • | • |
| 1st Offense | Harassment** | • | • | | | | | | | | | |
| 2nd Offense | | • | | • | | | • | | | | | |
| 1st Offense | Theft | • | • | | | | | | | • | | |
| 2nd Offense | | • | | • | | | • | | | • | | |
| 1st Offense | Tobacco, Possession or Use | • | | | | | | | | | | |
| 2nd Offense | | • | • | | | • | | | | | | |
| Any Offense | Trespassing/Unauthorized Presence | • | • | | | | | | | | | |
| Any Offense | Vandalism I less than $200 damage | • | | • | | | • | | | • | | |
| Any Offense | Vandalism II $200 to $999 damage | • | • | | | | | • | | • | | |
| Any Offense | Vandalism III $1000 damage or more | • | • | | | | | | • | • | • | • |
| 1st Offense | Weapon Possession | • | | • | | | • | | | | • | |
| 2nd Offense | | • | • | | | | | • | | | • | • |
| Any Offense | Weapon Use | • | • | | | | | • | | | • | • |

- A student serving a suspension cannot participate in a "try-out" during that suspension.
- Suspensions can carry over from one school year to the next for underclassmen.
- Participation in summer programs for students on suspension will be interpreted in the same way as scholastic eligibility for athletics in the summer (i.e., students may participate in on-campus/ intramural activities only).

USE AND/OR POSSESSION OF CONTROLLED/ILLEGAL SUBSTANCES AND TOBACCO PRODUCTS
All students will be subject to suspension and other consequences as listed on the discipline matrix.

- **First Offense** – Student's loss of all NMAA sanctioned extra-curricular privileges and eligibility (including practice and competition) for 45 school days (not including summer school) from the date determined by a site administrator. Students will be required to complete the Parent Involvement Program, Tobacco Cessation Program or other appropriate intervention programs approved by the site administrator.
- **Second Offense** – Student is ineligible to participate in NMAA sanctioned extra-curricular activities for the remainder of the academic year or longer under special circumstances.

If a student is in violation of this policy at a time in which the handbook is in force (see page 2), other disciplinary consequences may apply. This may include suspension of extra-curricular activities, including but not limited to attendance/participation in school activities such as athletic events, open campus, dances, clubs, and other privileged events (including commencement exercises), as determined by a site administrator.

Senior students who receive consequences under this policy during the last quarter of the school year may receive community service, to be served prior to participation in privileged events such as commencement exercises. Community service will be assigned by the site administrator.

SALE OR DISTRIBUTION OF CONTROLLED/ILLEGAL SUBSTANCE

- Student is ineligible to participate in NMAA sanctioned extra-curricular activities for the remainder of the academic year or longer under special circumstances.

**Participation in extra-curricular activities is <u>not</u> a student right, and suspension of such privilege does not require a due process hearing.** A grievance procedure is available under the provisions of this handbook in the section called "WHAT TO DO IF YOU BELIEVE THAT YOUR RIGHTS HAVE BEEN VIOLATED" (see Table of Contents).

SCHOOL ALTERNATIVES FOR HANDLING UNACCEPTABLE BEHAVIOR
Each school develops its own set of methods appropriate to the student's age and level of development in dealing with problem behavior. Some of the actions which may be used are listed below by categories. These and others may be specified in each school's own discipline handbook.

CONTRACTS

- Student commits to more positive behavior in the form of a written contract.
- Student may be assigned school or community service.
- Terms of the contract will be determined by the principal or designee.
- Students may be taken to a long-term suspension hearing for contract violation.

REFERRALS

- Each school has a Health and Wellness Team (H/WT) whose goal is to help reduce students' barriers to learning and provide integrated health/mental health supports to students and their families. Referrals may be made by parents or staff members. Parents not wanting their child to receive support from the school's H/WT should submit a written request to the school principal to convey that information.
- Students may be referred to the school counselor, Student Assistance Team, School Health and Wellness Team, or the School Safety Team.
- Student and school authority may call parent/guardian to discuss problem and solution.

- Student may be referred to peer jury as designed by the school, but only upon student's waiver of educational records privacy rights.
- Student and parents may be referred to and required to attend the Parent Involvement Program (PIP), Crossroads Program, the Tobacco Cessation Program or other appropriate intervention programs as an alternative to suspension.
- Student may be formally referred for legal action.
- Student may be referred to the Student Safety Team (SST) to address concerns regarding threats and to make informed decisions on how to manage threats and ensure safety of all students and staff. Each school's SST may include members of the Health and Wellness Team, an administrator, and staff member who has information about the student. Situations that may warrant conducting a SST meeting include verbal and/or physical threats to do harm, threats of use or involvement with weapons or explosives, and any other concerns to be determined at the discretion of the administrator.
- A Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) may be used to identify and address behaviors that are impeding education.

REMOVAL FROM CLASS

- Student may be removed from class or activity but remains at school pending conference with appropriate school personnel.
- Student may be placed in an alternative educational setting until satisfactory resolution is reached.
- The authority of the schools is to supervise and control the conduct of students and includes the authority to impose reasonable periods of detention during the day or outside normal school hours, as disciplinary measures.
- Reasonable periods of detention may be imposed with the procedures for temporary suspension.

BUS MISCONDUCT

Suspension from the bus does not mean that a student is suspended from school. Instead, the parent/guardian will be responsible for transporting the student to and from school. Driver, bus assistant or administrator may select a different consequence in handling an incident. This depends on the seriousness of the infraction.

- First Offense – A warning to the student with a report to the parent/guardian will be issued. It is expected that the parent/guardian will help to prevent a recurrence.
- Second Offense – Disciplinary action will be taken at the discretion of the school administrator, depending on the seriousness of the infraction. It is recommended that the student be placed on probation with a report to parent/guardian.
- Third Offense – Suspension of riding privileges may result. The length of suspension will depend on the seriousness of the infraction. There will be parent/guardian conference.
- Severe Disruption – The following inappropriate and dangerous behavior will result in automatic suspension of transportation privileges:
  - o Physical harm to other students
  - o Physical harm to the driver and/or bus assistant
  - o Physical damage to the bus

**DISCIPLINARY CONSIDERATIONS FOR STUDENTS WITH DISABILITIES UNDER INDIVIDUALS WITH DISABILITIES EDUCATIONAL ACT (IDEA)**

Special education students are not immune from the district's disciplinary process once placement procedures are properly followed. Since the exclusion of a student with a disability from his/her education program for more than a total of ten (10) days during a school year may constitute a significant change in placement, the following considerations must be addressed:

- When considering long-term suspension or expulsion, an Individualized Education Program (IEP) Team must first determine whether the behavior of concern is a manifestation of the student's disability.
- To determine if the conduct in question is or is not a manifestation of the student's disability, the IEP Team must determine:

- o if the conduct in question was a direct result of the local educational agency's failure to implement the IEP; or
- o if the conduct in question was caused by, or had a direct and substantial relationship to the child's disability.

- If the IEP Team determines that the behavior is related to the student's disability then no further disciplinary proceeding shall occur. Recommendations: Review IEP, add services and support, develop/update Functional Behavior Assessment (FBA), Behavior Intervention Plan (BIP), and/or change services if appropriate.
- If the IEP Team determines that the behavior is not a manifestation of the student's disability, disciplinary actions may be taken in accordance with the procedures in this handbook.
- Should the disciplinary procedures include long-term suspension or expulsion, the district must continue to provide educational services, including access to the general education academic curriculum, as determined in the IEP.
- Any suspension that excludes a student from his/her IEP services must be counted when calculating the total number of suspension days (up to 10 cumulative days or beyond the 10 days may constitute a change of placement).
- The decision to change a student from his/her IEP placement must be made on an individual basis (IAES, AES).

  **Interim Alternative Education Setting (IAES)** is an off campus placement up to 45 school days for offenses which include:
  - o Weapons: objects used to cause bodily harm and used in a threatening way,
  - o Guns/knives (blade must be 2½ inches or longer): possession/carrying,
  - o Illegal drugs: possession/sale/distribution/solicitation (not to include alcohol or tobacco),
  - o Serious bodily injury: student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function,
  - o Student is considered highly dangerous (requires expedited due process hearing with the State Department appointed hearing officer). IAES is a campus safety process, and this process applies only when the student's behavior is deemed to be a manifestation of the student's disability.

  **Alternative Educational Setting (AES)** is a placement which may result after it has been determined that the student's behavior was **NOT** a manifestation of the student's disability and the student is long term suspended or expelled.
- APS will follow the federal guidelines regarding the provision of educational continuation services for suspended special education students.
- Procedural safeguards outlined in the New Mexico Department of Education Standards for Excellence in the Compliance Manual, insure that parental due process rights are afforded.
- Special education students are entitled to a due process hearing.

BUS DISRUPTION

- Driver, bus assistant or administrator may select a different consequence in handling an incident depending on the seriousness of the infraction and student's exceptionality.
- If bus suspension results in the student's being unable to have the IEP implemented, special considerations will apply.

**DISCIPLINARY CONSIDERATIONS FOR STUDENTS UNDER SECTION 504**

Students with 504 accommodations are not immune from the district's disciplinary process once identification and placement procedures are properly followed. Students with 504 accommodations being considered for removal from school for 10 or more days must receive a manifestation determination review prior to action. The committee must determine if the conduct in question was caused by or had a direct and substantial relationship to the student's disability. If yes, was the conduct in question the direct result of the school's failure to implement the student's 504 plan? If the behavior is a manifestation of the disability, any disciplinary recommendation for a change of placement should be withdrawn. If the behavior is not a manifestation of the disability, the student may be disciplined in the same manner as non-disabled students.

**WHAT IS SECTION 504?**

Section 504 is a civil rights statute that provides certain protections to special education and general education students, employees, parents and community members with disabilities. Section 504 is part of the Rehabilitation Act of 1973 (29 USC Sec. 706(8) and is written to ensure that individuals with disabilities are not discriminated against because of their disability. The act also provides for certain accommodations for individuals who have an impairment but cannot receive services under IDEA. These students may be eligible for a 504 Accommodation Plan (504 Plan).

WHAT DOES THIS MEAN FOR YOUR STUDENT IN SPECIAL EDUCATION?

For students receiving special education services for a disability, Section 504 ensures these students are not subject to discrimination based on their disability. This means students with disabilities should have access to the education programs relevant and appropriate to that student.

WHAT DOES THIS MEAN IF YOUR STUDENT HAS A DISABILITY BUT IS NOT IN SPECIAL EDUCATION?

For students not in special education but who have an impairment that does limit activities of daily living (which includes school and learning) Section 504 ensures, that upon request, a committee will determine your student's 504 Plan eligibility. If your student is determined to be eligible, accommodations can be provided to help the student access his/her educational program.

HOW DOES THIS PROCESS WORK?

- Parents or the school staff may request a 504 planning conference.
- Parents are notified in writing of the date, time and place of the 504 planning conference.
- Information is gathered for review at the conference to determine eligibility. Parents may wish to bring information.
- The conference participants review the information and determine if the student meets the 504 plan eligibility criteria.
- If the student is eligible, a written 504 Plan is completed with input from the parent(s), school staff and where appropriate, the student.
- If the student is found not to be eligible for a 504 Plan the student may be referred to the school's Student Assistance Team (SAT).
- The SAT may work with your child's teacher, nurse or other staff to create a school health plan, a behavior plan or an academic improvement plan that will help to ensure your child is successful in accessing the educational program at the school.
- If a 504 Plan is developed for your student, that plan will be reviewed at least annually to ensure that your student still needs the plan or that the plan is meeting your student's needs.
- If, at any time, your student's condition changes or you believe a change is needed in the plan, you may request a new planning conference.

WHAT HAPPENS IF PARENTS BELIEVE SOME PART OF SECTION 504 IS NOT BEING FOLLOWED?

If you believe that either part of Section 504 is not being followed you may make a report and request a resolution.

- Parents may request mediation between themselves and the school staff to resolve the situation informally. This request should be made to the principal.
- If parents are not satisfied with the informal resolution, they may request a due process hearing. That hearing is a formal process with the district appointed 504 Hearing Officer. The hearing will provide opportunity for participation by the parent, students and their representative or legal counsel.
- Parents may also file a complaint directly with the Office of Civil Rights.

DOES EVERY STUDENT WITH IMPAIRMENT REQUIRE A 504 PLAN?

No. Many students have a health plan or a behavior plan instead of a 504 Plan. These plans are written documents describing what accommodations will be provided by teachers, nurses, counselors or other school staff. These plans are reviewed periodically and may be updated or changed if at any time the parents, students or staff believes other accommodations are required. These plans are developed with parents and students, and changes are only made with parent communication and agreement.

WHERE DO I CALL TO ASK ABOUT A 504 PLAN?
Questions about how to develop a 504 Plan for your student, or concerns you may wish to express about equitable treatment of a special education student, start with your child's principal and teacher. Your student's principal may refer you to the school counselor or to the chair of the Student Assistance Team (SAT) for help right away.

The principal may request that the District 504 Coordinator attend and participate in your child's 504 planning conference or to be involved in mediation. The 504 Coordinator is charged with ensuring that school staffs understand the requirements of Section 504 and helps to ensure that these requirements are implemented. The District 504 Coordinator can serve as an impartial third party to help with planning or mediation. As a parent, you may request that the District 504 Coordinator attend a planning conference.

If you feel that the staff at your child's school has not adequately responded to your request you may contact the APS Service Center at 855-9040. The Service Center will give direction on how to address your concerns or will connect you with the District 504 Coordinator for support.

DISABILITY HARASSMENT/DISCRIMINATION
Numerous situations may constitute disability harassment or discrimination. Mocking, taunting, ridiculing, criticizing or punishing a disabled student because of his/her disability are a few examples of what may constitute disability harassment or discrimination. Examples of circumstances that may constitute disability harassment include:

- Making remarks out loud during class that a student with dyslexia is "retarded" or "deaf and dumb" and does not belong in the class.
- Repeatedly placing classroom furniture or other objects in the path of classmates who use wheelchairs, impeding the student's mobility.
- Habitually subjecting a student to inappropriate physical restraint because of conduct related to his disability.
- Repeatedly denying a student with a disability access to lunch, field trips, assemblies, and extra-curricular activities as punishment for taking time off from school for required services related to the student's disability.
- Repeatedly belittling and criticizing a student for using accommodations in class.
- Taunting and belittling a student with mental retardation by mocking and intimidation.

School personnel who become aware of disability harassment shall promptly and effectively act to end the harassment and prevent it from recurring and, where appropriate, remedy the effects on the student who was harassed. Remedial measures will generally include counseling both persons who have been harmed by harassment and person(s) who have been responsible for the harassment of others and implementing monitoring programs to follow up on resolved issues of disability harassment.

**TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

GENDER DISCRIMINATION
Albuquerque Public Schools and federal law prohibit discrimination on the basis of gender.

- If students are treated differently based upon their gender, in academia or extracurricular activities, this treatment may be considered gender discrimination.
- Gender discrimination may include: academic programs, discipline, classroom assignment, physical education, grading and/or athletics.

SEXUAL HARASSMENT
Sexual harassment is a form of gender discrimination as defined in Title IX of the Education Amendments of 1972. Sexual harassment:

- is a violation of Federal Law, APS Board Policy, District Procedural Directives and School Policy.
- is illegal under state human rights statutes and may be considered a criminal offense under state and local assault and child abuse laws.
- includes sexual advances, requests for sexual favors, and written or verbal conduct of a sexual nature.

If behavior toward another student makes him or her feel intimidated, uncomfortable or if the student feels threatened, it may be considered sexual harassment even if the harasser did not intend for his or her actions to be offensive.

SEXUAL HARASSMENT IS CONSIDERED TO HAVE OCCURRED WHEN:

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of the academic status of a student or obtaining an education.
- submission to or rejection of that conduct or communication by an individual is used as a factor, which affects the academic standing or education of a student.
- that conduct or communication has the purpose or effect of substantially or unreasonably interfering with the education of a student, or creates an intimidating, hostile or offensive educational environment.

SEXUAL MISCONDUCT

Sexual misconduct includes, but is not limited to:

- physical acts of aggression.
- force or threat against another student.
- threatening to force or coerce sexual acts.
- touching of private/intimate parts of the body
- coercing, forcing or attempting to coerce or force sexual intercourse.

These acts should be reported to the APS Police Department or the Albuquerque Police Department.

PREGNANCY

Regulations promulgated pursuant to Title IX of the Education Amendments of 1972 prohibit discrimination against pregnant or parenting teens. Pregnant teens:

- may voluntarily elect to stay at their home school during their pregnancy.
- may enroll at New Futures School.

- are to receive a comparable curriculum and academic opportunities as they would at their home school.
- are allowed to retain their enrollment status at New Futures and participate in extra-curricular activities at their home school.
- retain their academic standing, which cannot be altered due to their "medical condition".

INTERNAL COMPLAINT PROCEDURES

Students and parents/legal guardians are encouraged to resolve concerns with the school site administrator. If the site administrator is unable to resolve their concern, they are encouraged to contact the Student Service Center for assistance (855-9040).

- Report gender harassment and/or discrimination to the principal, either verbally or in writing.
- Students who have knowledge of inappropriate behavior and fail to contact appropriate personnel, will be subject to disciplinary action.
- Any knowledge of inappropriate behavior must be reported to the principal, assistant principal, teacher, or counselor.
- School personnel who receive reports of harassment and/or discrimination shall immediately inform the principal.
- Upon receipt of notification of sexual harassment and/or discrimination, the principal or the appropriate associate superintendent must contact the Office of Equal Opportunity Services within 72 hours, to report the incident.
- Any school personnel who fail to report incidents of harassment and/or discrimination will be subject to appropriate disciplinary action.
- Fraud, Waste and Abuse Hot line (Silent Whistle): 1 (877) 874-8416 or abq.silentwhistle.com

WHO MAY FILE A COMPLAINT

- Any APS student, parent or legal guardian, on behalf of his or her student, who believes he or she has been discriminated against on the basis of sex, gender, race, national origin or disability.
- These procedures do not deny any student or parent/legal guardian the right to pursue other avenues of recourse.

HOW TO FILE

Contact the Office of Equal Opportunity Services, in any manner, to report inappropriate conduct.

- An internal complaint must be filed within one hundred eighty (180) calendar days from the last day of the alleged discrimination, unless the time for filing is extended by the Office of EOS for good cause (to be determined by the Office of EOS).
- All inquiries and internal complaints filed with the Office of EOS are confidential.
- Confidentiality also applies to the inquiry and investigative process of all investigations conducted by the Office of EOS.

RETALIATION

No student will suffer retaliation or intimidation for participating in an inquiry or the internal complaint process.

- Retaliation against any student seeking assistance at his/her school, filing a complaint, or participating in the investigative process is grounds for a subsequent retaliation complaint.
- APS will respect the privacy of the complainant, the respondent, and the witnesses as much as possible, consistent with its legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

WHERE TO FILE

Complaints may be addressed with the following offices:

Equal Opportunity Services
6400 Uptown Blvd. NE Suite 560 West
Albuquerque, New Mexico 87110
855-9852

US Department of Education
Federal Office Building
1244 Speer Blvd., Suite #310
Denver, Colorado 80204-3582
(303)844-5695

APPEAL PROCESS

When the Office of Equal Opportunity Services (EOS) has completed an internal investigation, the decision may be appealed by either the complainant or respondent. This process is as follows:

- The EOS office informs the Superintendent of the determination.
- The determination will state whether the evidence gathered substantiates probable cause or no cause that the respondent violated APS policy and district procedural directives.
- If the complainant or respondent is not in agreement with the determination of the EOS office, he or she will have ten (10) business days from the date of the determination, to submit a written appeal to the Superintendent.
- The Superintendent will inform the complainant or respondent of the decision of the appeal, in writing, within fifteen (15) business days of the receipt of the appeal.

**STUDENT RECORDS**

Student records kept by the Albuquerque Public Schools will be open to review by parent/guardians and/or students and will be treated in a confidential manner, as prescribed by local Board policy, New Mexico State Board of Education Regulations and the Family Educational Records and Privacy Act of 1974. This policy is implemented by an Instructional Procedural Directive that is on file in all offices.

APS maintains the following education records directly related to students:

- Academic records.
- Personal information records.
- Disciplinary records.
- Attendance records.
- Health records.
- Progress records.
- Standardized testing records.

Access to education records is limited to:

- Parents of students under 18.
- Parents of students over 18 if such student is a dependent as defined in the Internal Revenue Code.
- Students.
- Officials of this school district who have a legitimate educational interest.
- State and local officials to whom information is required to be reported.
- Certain testing organizations.
- Accrediting organizations.
- Appropriate persons in connection with an emergency.
- Pursuant to subpoena or court order.
- Any person with the written consent of the parent of students under 18 or the student over 18.
- A school or schools in which a student seeks or intends to enroll.

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act (FERPA) specifies rights related to educational records. This act gives the parent or guardian the right to:

- inspect and review his/her child's educational records.
- make copies of these records.
- receive a list of all individuals having access to those records.
- ask for an explanation of any item in the records.
- ask for an amendment to any report on the grounds that it is inaccurate, misleading or violates the child's rights.
- a hearing on the issue if the school refuses to make the amendment.

THE PROTECTION OF PUPIL RIGHTS AMENDMENT

The Albuquerque Public Schools will be developing and adopting policies implementing the Protection of Pupil Rights Amendment (PPRA) to the Family Educational Rights and Privacy Act (FERPA). The PPRA:

- requires APS to obtain parental consent to requiring students to participate in certain types of surveys, analyses, or evaluations that require the disclosure of private information.
- allows parents the right to inspect certain survey and curriculum information.
- provides parents the opportunity to opt their child out of certain activities involving the collection, disclosure, or use of personal information, the administration of certain surveys, and non-emergency, invasive physical examinations or screenings.

These policies, and a more comprehensive version of this notice, will be made available for review on the APS website or upon request from the APS Service Center.

APS POLICY REGARDING RECORDS

- Educational records are to be kept to an essential and relevant minimum.
- Records are reviewed at the end of each school year and non-essential or irrelevant material is deleted.
- Access to records is limited to the persons and under the circumstances listed in the Records section.
- Copies are to be made available to persons entitled to copies at the cost of twenty-five (25) cents per page.
- Individuals have the right to challenge the contents of the records.
- If records contain information on more than one student, the right to inspect relates only to that portion of the records concerning the particular student in question.

CHILD CUSTODY ISSUES

Parents and the courts will establish the terms and conditions of custody of the children. Custody terms will generally fall into the categories of Joint Custody, Primary Physical Custody, and Sole Custody. In any of these custody arrangements, unless parental rights have been legally waived, both parents retain full parental rights regarding access to school records, grades, parent-teacher conferences, IEP meetings, and so forth. APS will remain neutral in custody cases and will rely on parental agreement or court documents in honoring parental requests. Any changes to the status quo must be agreed to by both parents or through a Court Order.

RELEASE OF STUDENTS DURING THE INSTRUCTIONAL DAY

Principals shall only authorize the removal of a student during the instructional day under the conditions of the procedural directive "Release of Students During the Instructional Day." The directive includes provisions for removal by law enforcement officers, parents/guardians, and others with the permission of the parent/guardian.

STUDENT DIRECTORY INFORMATION

Student directory information may be released without prior consent unless the parent or student informs the principal within a reasonable period of time that any or all of the information should not be released. **Parents may choose to have their high school student's name and directory information removed from any of the following: military recruiter lists, college/university lists, or other requested lists.** Disclosure Exemption forms can be picked up at the school site and should be returned to the school upon completion.

**GLOSSARY OF TERMS**

1. **Absences, Excessive**
   Attendance which falls below 95% in a grading period.
2. **Alternative Educational Setting (AES)**
   The setting in which a special education student receives services required by his/her IEP for the duration of a suspension period of more than 10 days. Typically this suspension is for violations of the student behavior code other than weapon/drug/serious bodily injury offences.
3. **Arson**
   Maliciously, willfully and/or neglectfully starting, by any means, a fire or causing an explosion on school property or at any school-related activity. Arson I: less than $200 damage; Arson II: $200 to $999 damage; Arson III: $1000 damage or more.
4. **Assault/Bullying**
   Using power aggressively in which a person is subjected to intentional, unwanted and unprovoked hurtful verbal and/or physical actions. The aggression can include either: physical, verbal, emotional, racial, sexual, written, electronic, damage to property, social exclusion, and intimidation.
5. **Assault, Aggravated**
   Intending or performing assault and battery with a weapon, instrument or any means of force likely to produce bodily injury. Assaults on staff members are included in this definition. This category includes sexual assault and/or offenses.
6. **Battery, Aggravated**
   Employing hostile contact with any kind of weapon or causing great bodily harm.
7. **Battery/Fighting**
   Employing hostile contact in which at least one party has contributed to a situation by verbal action and/or bodily harm.
8. **Behavior Intervention Plan (BIP)**
   The documentation of interventions, methods and strategies that are used in the school environment to address the behavior issues impacting a student's school success.
9. **Bomb Threat and/or False Alarm**
   Bomb Threat – Falsely and maliciously stating to another that a bomb or other explosive has been placed in such a position that a person or property are likely to be injured or destroyed.
   False Alarm – Interfering with the proper functioning of a fire alarm system or giving a false alarm, whether by means of a fire alarm or otherwise.
10. **Bus Disruption**
    Deliberately or inadvertently interfering with the safe operation of a school bus which is stopped or moving; behaving in a manner adversely affecting an individual or any property on or near the bus itself, at bus stops or at pick-up areas.
11. ***Controlled Substance, Paraphernalia Possession*****
    Possessing any paraphernalia, such as but not limited to rolling paper, pipes or bongs.
12. ***Controlled Substance, Possession*****
    Possessing any substance capable of producing a change in behavior or altering a state of mind or feeling; having a "look-alike,"**a substance that looks like a controlled substance.
13. ***Controlled Substance, Sale or Distribution**

Selling or distributing a substance capable of producing a change in behavior or altering a state of mind or feeling; including a "look-alike,"** or an item sold as a controlled substance.

14. ***Controlled Substance, Use**
    Absorbing a substance capable of producing a change in behavior or altering a state of mind or feeling, including a "look-alike,"** or an item sold as a controlled substance.
15. **Dress Code Violation**
    Non-compliance with specific school dress codes.
16. **Expulsion**
    The removal of a student from all regular schools in APS for a period exceeding one (1) semester. In some cases expulsion may be a permanent removal from this school system.
17. **Extortion**
    Using intimidation or the threat of violence to obtain money, information or anything else of value from another person.
18. **False Accusations**
    False Accusations are defined in accordance with New Mexico Criminal Code Statute; falsely reporting crimes or purposely giving false information to a School administrator or other investigator during the process of an investigation.
19. **Firearm, Possession/Use*****
    Possession or use of any weapon which will propel a projectile by the action of an explosive, and other weapons as defined in the United States Code: Title 18, Section 921. This definition does not apply to items such as toy guns, cap guns, bb guns, and pellet guns, but does include bombs, grenades and some explosives. (Also see weapon possession.)
20. **Functional Behavior Assessment (FBA)**
    A procedure by which problematic behavior is examined to determine the cause, consequences and nature of the behavior, in order to develop effective interventions to address that behavior.
21. **Gang-Related Activity**
    Gang-related activity can be intimidating to students, faculty and staff and is disruptive to the educational process. Although this list is not all-inclusive, examples of inappropriate and unacceptable behaviors are such things as gang graffiti on school property, intimidation of others, gang fights and/or initiation rituals, wearing gang attire or "colors." A "gang" can be any group of students and/or non-students whose group behavior is threatening, delinquent or criminal. Since gang behavior, markers and colors are variable and subject to rapid change, school administrators and staff must exercise judgment and their individual discretion based upon current circumstances in their neighborhood schools when evaluating gang-related activity. Gang-related indicators which will be considered should include:
    - The student associating with admitted or known gang members.
    - The student wearing attire consistent with gang dress.
    - The student displaying gang logos, graffiti and/or symbols on personal possessions.
    - The student displaying gang hand signs or signals to others.
    - The student talking about gang activities to others.
    - Hostile contact with others in which two or more students have contributed to a situation causing bodily harm on another.
22. **General Disruptive Conduct and/or Defiance**
    Willful conduct which materially and in fact disrupts or interferes with the operation of the public schools and the orderly conduct of any public school activity, including individual classes; or leads an administrative authority reasonably to forecast that such an interruption or interference is likely to occur unless preventive action is taken. Refusing to comply with any reasonable demand or request by any school official or sponsor at places and times where school personnel have jurisdiction.

    For example: use of cell phone during instructional time; misuse of cell phones and other forms of technology (see the Board Policy and Procedural Directive, "Student Acceptable Use of Personal Electronic Devices", for more information); failure to provide school identification upon request; dress code violation; inappropriate display of affection; making false accusations regarding staff or students; and so forth.

Note: It is the responsibility of the parent/legal guardian of the student to retrieve confiscated cell phones or other electronic devices according to the school procedures. Items may be kept by the school for extended periods of time for repeat offenses.

**23. Harassment**

Any gesture or written, verbal or physical act that is reasonably perceived as being motivated by any actual or perceived characteristic, such as race, religion, national origin, sex, gender identity, sexual orientation or disability; which has the effect of harming a student, damaging his/her property, placing the student in reasonable fear, or has the effect of causing a disruption to the educational process.

- Disability: Conduct including but not limited to the following: mocking, taunting, intimidating, criticizing, or punishing a student with a disability because of his/her disability. (see Section 504 and the Americans with Disabilities Act).
- Sexual: Gender discrimination as defined in Title IX of the Education Amendments of 1972. Examples include but are not limited to the following: sexual assault, unwanted touching, inappropriate comments or conversation, certain non-verbal behaviors and gestures which threaten or belittle others on the basis of gender. (see Title IX, Students' Rights) The school principal or designee should report incidents to the APS Equal Opportunity Services (EOS).

**24. Language, Profane and/or Abusive**

Using language which is crude, offensive, insulting or irreverent; use of coarse words to show contempt or disrespect; swearing.

**25. Materials, Obscene**

Displaying material which is indecent and has the potential of being disruptive.

**26. Restitution**

Compensation for loss or damage.

**27. Robbery**

Taking of property of another through means of force of fear.

**28. Search, Minimally Intrusive**

Emptying of pockets, searches of student backpacks and purses, removal of hats, socks and shoes, conducted by any certified school employee, school security officer, campus security aide.

**29. Search, More Intrusive**

Pat downs and/or frisks, conducted by an authorized person of the same sex as the student being searched.

**30. Search, Most Intrusive**

A strip search shall be conducted only upon individualized reasonable suspicion of a serious crime or a safety concern and shall be conducted by a school administrator or designee of the same sex and in the presence of another authorized person of the same sex.

**31. Student in Need of Early Intervention** (Truant)

A student who has accumulated five unexcused absences within a school year.

**32. Suspension, Long Term**

The removal of a student from instruction and all school-related activities for more than ten (10) days and up to the balance of the semester.

**33. Suspension, Short Term**

A suspension, not to exceed five school days, which is at the discretion of the administrator and will address behaviors that disrupt the educational process.

**34. Tardy, Excessive**

Student is not in the class or assigned activity when it is scheduled to begin.

**35. Theft**

Unauthorized possession and/or sale of property of another without consent of owner.

**36. Tobacco Possession*****

Possession of tobacco anywhere on a school campus or at a school related event is prohibited. In addition, students found in possession of tobacco products are subject to the provisions of the Substance Abuse and Tobacco Policy. Cessation Programs available: Tobacco Education Program (TEG), Brief Intervention Motivational Interviewing (BIMI), Tobacco Cessation Program Referral (TAP), Parent Involvement Program (PIP). Contact Health and Wellness for information.

**37. Tobacco Use**
Using ANY form of tobacco is prohibited. In addition, students using any form of tobacco are subject to the provisions of the Substance Abuse and Tobacco Policy.

**38. Trespassing/Unauthorized Presence**
Entering or being on school grounds or in a school building without authorization.

**39. Vandalism**
Deliberately or maliciously destroying, damaging and/or defacing school property or the property of another individual. Vandalism I: less than $200 damage; Vandalism II: $200 to $999 damage; Vandalism III: $1000 damage or more.

**40. Weapon Possession*****
Possessing a weapon such as but not limited to: a firearm, any type of gun, knife, club, fire cracker, explosive, spiked wrist band, chains or other item that may cause or is intended to cause injury or death. This specifically includes "look-alike" guns and knives, such as toys. (Weapons covered by the Gun-Free Schools Act are defined under Firearm, Possession/Use.)

**41. Weapon Use**
Use of any weapon to threaten, intimidate, attack, injure or kill any person.

* Any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind.

** "Look-alikes" are specifically included whether or not they are capable of producing a change in behavior or altering a state of mind.

*** "Possession," as used herein, includes not only possession on one's physical person, but also custody and control. Thus, a student may be found in possession of any item if the item is in the student's backpack, locker, car or elsewhere, if subject to the student's custody and control.

## APS Student, School & Community Service Center

**6400 Uptown Blvd. NE Suite 100 West, Albuquerque, NM 87110**

HOT LINE: 855-9040

FAX: 855-9051

servicecenter@aps.edu

The Student, School & Community Service Center (Student Service Center) assists the APS and Albuquerque community by providing information, policy explanation, problem-solving support, and related student services in a collaborative and cooperative manner which promotes student success.

ALBUQUERQUE
PUBLIC SCHOOLS

**Student Behavior Handbook**

# English Version

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