



POLICY: Student Discipline

Approved by Governing Board: February 11, 2026

I. PURPOSE

Siembra Leadership High School (Siembra) is committed to maintaining a safe, supportive, restorative, and trauma-responsive learning environment. This policy establishes a progressive discipline system that:

- Defines behavioral levels and corresponding interventions
- Assigns responsibility to teachers, advisors, administrators, and support staff
- Integrates the [Restorative Behavior Support Matrix](#)
- Ensures due process in accordance with applicable law
- Establishes investigative and hearing procedures

II. GUIDING PRINCIPLES

1. Restorative First: Harm should be addressed through relationship-repair, mediation, and teaching.
2. Progressive Response: Interventions escalate only when necessary and are never automatic.
3. Support-Oriented: Discipline includes access to support and interventions.
4. Equity Focused: Decisions account for disability status, trauma history, cultural context, and student needs.
5. Safety Driven: Staff protect student and staff safety before initiating disciplinary processes.
6. Due Process Protected: All students receive fair and lawful procedural protections.

III. MISCONDUCT, PROGRESSIVE BEHAVIOR LEVELS, AND STAFF ROLES

Any student who violates school policy or procedures by engaging in conduct that is in conflict with school policies or directives, who engages in behavior which disrupts or has the potential to disrupt the educational process, who refuses to cooperate with school personnel, and/or who engages in conduct which endangers or reasonably threatens to endanger the health and safety of students, school personnel, or others for whose safety the school is responsible, will be subject to disciplinary action.

Siembra shall impose discipline in accordance with applicable state regulations and shall exercise professional discretion in applying and referencing the four levels of behavioral responses, which are adapted from the APS discipline progression and aligned with the Siembra Restorative Behavior Support Matrix, for purposes of determining appropriate consequences. Each level includes defined staff roles, procedures, and examples.





Students whose presence poses a continuing danger to persons or property or an ongoing threat of interfering with the educational process may be immediately removed from school pursuant to the process outlined in “Suspension/Expulsion”, below.

All staff members are expected to adhere to Siembra’s Student Disciplinary Policies and Procedures and utilize any school-wide adopted classroom management model.

IV. ACTIONS SUBJECT TO DISCIPLINARY ACTION

Students may not disrupt the educational process, and disruption of the educational process is an infraction and is subject to disciplinary action. The following is a list of actions that disrupt the educational process. This list is not all-inclusive; acts of misconduct not specified herein shall also be subject to discretionary action by appropriate school personnel. This document does not attempt to set societal standards. The criterion used for defining unacceptable behavior is whether or not it has the potential to disrupt the educational process. These guidelines follow municipal and state guidelines. (Definitions of these terms are included in Appendix E.)

Disruption of the education process can include:

- Absences, Excessive
- Arson, Category I and II
- Battery Aggravated
- Battery/Fighting
- Cheating/Plagiarism
- Bomb Threat/False Alarm
- Continual Disruptive Conduct
- Controlled Substance Possession/Use
- Defiance of School Personnel or Authorities
- Firearm Possession Use: In compliance with the Federal Gun Free Schools Act, any student found to be in violation of this policy, due to possession of a firearm, shall at a minimum be expelled from school for a period of not less than one year (365 days).
- Assault/Bullying
- Assault, Aggravated
- General Disruptive Conduct
- Hazing
- Language, Profane/Abusive
- Materials, Obscene





- Paraphernalia Possession
- Robbery
- Sexual Harassment
- Theft
- Tobacco, Possession/Use
- Trespassing/Unauthorized presence
- Vandalism
- Weapon Possession/Use

V. RESTORATIVE BEHAVIOR SUPPORT MATRIX

LEVEL 1 — MINOR BEHAVIORS

Handled by Teachers. Teachers are expected to be fair, consistent, and respectful in their handling of discipline related matters.

Definition: Low-level behaviors that disrupt learning but do not pose a safety risk.

The following is a list of Minor Behaviors subject to disciplinary action. This list is not all-inclusive; acts of misconduct not specified herein shall be subject to discretionary action by appropriate school personnel.

Examples of Minor Behaviors can include:

- Off-task behavior
- Failure to follow directions
- Classroom disruption
- Tardiness or skipping class (first instance)
- Minor disrespect
- Cell phone or technology misuse
- Excessive time outside of project space (bathroom {non medical related}, walking the halls, etc)

Teacher Responsibilities:

- Redirect or reteach expectations
- Conduct brief restorative conversation
- Apply reasonable classroom consequences
- Contact parent or guardian when appropriate
- Document interventions

Escalate to Advisor when:

- Behavior is repeated





- Behaviors occur across multiple classrooms
- Teacher interventions are exhausted

LEVEL 2 — MODERATE BEHAVIORS

Handled by Student Support Team in collaboration with Advisor

Definition: Behaviors that persist despite Level 1 interventions or impact the broader learning environment.

Examples:

- Repeated defiance
- Verbal altercations
- Low-level bullying or harassment
- Misuse of property
- Cheating or plagiarism
- Leaving campus without permission

Student Support Team and Advisors Responsibilities:

- Conduct family meeting
- Facilitate restorative mediation
- Develop success plan or behavior contract
- Implement advisor-level consequences
- Refer to Student Support Team
- Coordinate monitoring and follow-up

Escalate to Administrator when:

- Safety concerns increase
- Behavior escalates
- Success plan is not followed

LEVEL 3 — SERIOUS BEHAVIORS

Handled by Administrators

Definition: Behaviors that require formal investigation or create significant safety concerns for students, staff, and community.

Updated Examples:

- Physical aggression or attempted physical harm *without injury*
- Bullying or repeated harassment
- Threats without a weapon





- Theft
- Vandalism
- Possession of drugs, tobacco, vape, or alcohol (not for distribution)
- Sexual misconduct not rising to sexual assault

Escalate to Level 4 when:

- The aggression escalates to an actual fight
- Injury occurs
- A dangerous object or weapon is involved
- Criminal conduct is suspected

LEVEL 4 — SEVERE OR HIGH-RISK BEHAVIORS

Handled by Administration, Executive Team, and Law Enforcement

Updated Examples:

- Fighting (mutual combat) resulting in injury or substantial risk of serious harm
- Assault causing injury
- Use or possession of a weapon
- Distribution or sale of drugs
- Arson or bomb threats
- Robbery
- Sexual assault
- Vandalism causing significant property damage (over \$1,000)

Consequences for Level 4 behaviors may include long-term suspension or expulsion following investigation and due process. Expulsion is not automatic and shall be determined on a case-by-case basis.

VI. INVESTIGATION REQUIREMENTS FOR LEVELS 3 AND 4

Administrators must:

- Ensure safety and separate involved students
- Collect student and witness statements
- Contact families
- Review video evidence
- Document injuries
- Review prior interventions and behavioral history
- Complete all required forms
- Maintain all investigative documents in the discipline file
- If needed, implement a preliminary hearing to determine immediate but not final consequences.





VII. CONSEQUENCES FOR MISCONDUCT

The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violation of school policy. Minimum mandatory consequences have been established and must be expected for any violations. Administrative response to unacceptable behavior may include a spectrum of actions such the responses listed in Section V. Restorative Behavior Support Matrix or those listed below. Administrators may impose consequences beyond those identified as minimum mandatory.

Administrators may consider:

- The student's intent
- Circumstances of the incident
- Trauma, disability, or other relevant factors
- Previous interventions provided
- Proportionality and fairness

REMOVAL FROM CLASS: A student may be removed from class or activity but remain at school pending a conference with appropriate school personnel. Student may be placed in an alternative setting which may include on-line courses taken at home. The authority of the school 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.

BEHAVIOR CONTRACTS: Students with disciplinary infractions will commit to more positive behavior in the form of a written contract. Students may be assigned school or community service. The terms of the contract will be determined by the Executive Director or designee.

REMOVAL TO AN ALTERNATIVE EDUCATIONAL SETTING: Siembra's goal is to maintain student engagement and continuity of instruction to the greatest extent possible. Siembra utilizes an Alternative Educational Setting ("AES") to ensure students continue to have access to curriculum and instructional support when they are temporarily prohibited from being on the main school campus. Time spent in the AES shall not be considered a short-term or long-term suspension. School administrators retain discretion to assign a student to the AES or, when warranted, to impose short-term or long-term suspension in accordance with applicable law and School policy.

SUSPENSION/EXPULSION: A suspension is the removal of a student from a class or classes and all school-related activities for any period of time. Suspension may include a range of responses from in-school suspension alternatives to long-term suspension or expulsion, as defined in this policy. The school administration





must notify each of a student's teachers and the student's parents within a reasonable time frame of imposing any form of suspension.

SHORT-TERM SUSPENSION: Short-term suspension is defined as any suspension of ten (10) days or less. Short-term suspension will be at the discretion of the school administrator and will address behaviors that disrupt the educational process. Any student who is suspended must be given the opportunity to make up missed work. The student has the same number of days to complete and turn in make-up work as he/she was suspended. Students who are suspended may continue working on their curriculum at home.

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. A student receiving a long-term suspension may lose credit for the semester. A student may be given the opportunity for a due process hearing prior to suspension. See "Due Process", below.

SUSPENSION OF ACTIVITY PRIVILEGES: Students may be removed, at the discretion of the principal, from any part or all extra-curricular privileges for time periods up to one (1) full calendar year. Participation in 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 activity privileges. Participation in activities is not a student right and suspension of such privileges does not require a due process hearing procedure.

DISENROLLMENT: Disenrollment is the permanent removal of a student from school for a period exceeding the remainder of the school year.

EXPULSION: Occurs pursuant to a recommendation of a Hearing Officer at a Disciplinary Due Process Hearing. Expulsion is the removal of a student for a period exceeding one (1) semester. In some cases, expulsion may be a permanent removal from the school system. A student receiving an expulsion will lose credit for the semester(s) in which the expulsion occurs. A student must be given a due process hearing prior to expulsion. See "Due Process", below.

REIMBURSEMENTS/RESTITUTION: Restitution will be sought from anyone for damage or theft of personal or school property. This includes damage to school facilities, i.e., bathrooms, lockers, desks, etc. – damage or loss of school textbooks materials, and supplies for which student and parents are responsible, damage to personal property of school employees or students. Such matters may be referred to the police or other legal authority for further action.



VIII. DUE PROCESS:

1. **Short-Term Suspension:** A student facing in-school or out-of-school suspension for fewer than ten (10) days is not entitled to a formal hearing, but is entitled to notice and an opportunity to be heard as follows:
 - a. Before the student is placed on short-term suspension, the student shall meet with the Principal/Executive Director or designee and shall be informed of the charges against him or her and, if (s) he denies them, shall be told what evidence supports the charge(s). The student shall be given an opportunity to present his or her version of the facts and refute the charges in that meeting. The administrative authority is not required to divulge the identity of informants, although (s)he should not withhold such information without good cause. The Principal/Executive Director or designee shall disclose the substance of all evidence on which (s) he proposes to base a decision in the matter. The meeting may be an informal discussion and may follow immediately after the notice of charges is given.
 - b. If the student denies the charge(s), the Principal/Executive Director or designee may delay the suspension in order to conduct further investigation but is not required to. The discussion with the student may take place and a temporary suspension may be imposed within minutes after the alleged misconduct has occurred.
 - c. If the student's continued presence endangers persons or property or threatens disruption of the academic process, the student shall be immediately removed from school without notice and/or opportunity to be heard but shall be given such notice and opportunity to be heard in a meeting scheduled within one school day thereafter. If no such meeting has been or can be scheduled within that timeframe, the student shall be reinstated to school until such time as the meeting can occur.
 - d. The administrative authority is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charge(s), or to call witnesses to verify the student's version of the incident, but none of these is prohibited.
 - e. The school shall make reasonable efforts to inform the student's parent or guardian of the charges against the student and the possible or actual consequence as soon as practical. If the school has not communicated with the parent/guardian by telephone or in person by the end of the first full day of suspension, the school shall on that day mail a written notice with the required information to the parent/guardian's address of record.
 - f. Decisions to impose a short-term suspension may be appealed to the Governing Board by the student and/or his/her parent.





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HIGH SCHOOL

2. Long-Term Suspension or Expulsion: A student recommended for long-term suspension (more than ten (10) days) may, in writing, request a hearing before a third-party Hearing Officer designated by the Governing Board. A student may waive his or her right to a long-term suspension hearing, or the parent/guardian may choose to waive the student's right to a hearing before the Hearing Officer. Expulsion hearings are required and cannot be waived. (Hearing procedures are included below and in Appendix C.)

Students and guardians must receive:

1. Written notice of allegations
2. Summary of evidence
3. Opportunity to respond [STANDARDIZED ADMINISTRATOR SCRIPT](#)
4. A fair hearing before an impartial hearing authority
5. A written decision which will include a scheduled date for a re-entry family meeting
6. Opportunity to appeal

g. Hearing Officer and Transcript.

- i. The Hearing Officer is the person designated by the school Governing Board to hear recommendations for long-term suspensions and expulsions.
- ii. A transcript of the proceedings before the Hearing Officer shall be recorded and kept at the school for a period of one year, after which the transcript will be destroyed, except in cases of expulsion where records are kept for longer periods.

h. Hearing Officer Procedure.

- i. *Notice.* If a hearing is requested or required, school authorities shall prepare and serve the student and his/her parents or legal guardians with a written notice of the long-term suspension or expulsion, and the date, time, and place of the hearing thereon, hand-delivered or by certified mail, return receipt requested. The notice shall contain notice of the school rule(s) alleged to have been violated, a concise statement of the alleged acts of the student, a statement of the possible penalty, the date/time/place of the hearing, a statement that both student and parent are entitled and/or urged to be present, a clear statement that the hearing will take place as scheduled unless the Hearing Officer grants a delay, a clear and conspicuous warning that a failure to appear will not delay the hearing and may lead to the imposition of the proposed penalty by default, a statement that the student has the right to be represented at the hearing by legal counsel, a parent or some other representative designated in a written notice filed at least 72 hours before the hearing, a description of the procedures governing the hearing, the name/business



address/telephone number of a contact person through whom the student/parent/representative may request a delay or seek further information, and any other information/materials/instruction deemed appropriate by the administrative authority preparing the notice. The school shall provide copies of documents supporting its actions and a list of witnesses to the student and his/her parents/legal guardians at least two (2) working days in advance of the hearing.

ii. *Scheduling.* The hearing shall be scheduled no sooner than five (5) days and no later than ten (10) school days from the date of receipt of notice by the parents or legal guardians.

iii. *Burden of Proof.*

- The hearing is not a legal proceeding, and formal rules of evidence shall not govern the conduct of the hearing.
- The burden of proof of misconduct is on the school authorities.

iv. *Witness and Time Limits.*

- The student may, at his/her own expense, choose to be represented by an attorney during the hearing.
- The student or his/her counsel may present evidence and shall have the right to call witnesses on his/her behalf and to question witnesses against him/her.
- The school authorities including legal counsel, shall have the right to call witnesses and to question any witnesses who testify.
- The Hearing Officer must schedule adequate time to hear the matter but may impose reasonable time limits on the parties' presentations.

v. *Failure to Appear.* If no one has appeared on the student's behalf within a reasonable time after the announced time for the hearing, the Hearing Officer shall determine whether the student, through the parent, received notice of the hearing. If so, the Hearing Officer shall review the school's evidence to determine whether it is sufficient to support the charge(s) of misconduct.

i. Decision of Hearing Officer.

- i. The Hearing Officer shall determine first whether the alleged act(s) of misconduct have been proved by a preponderance of the evidence presented at the hearing. If the misconduct is so proved, the Hearing Officer then shall decide upon the appropriateness of the disciplinary action taken, or in the case of a proposed expulsion, whether expulsion is appropriate.
- ii. The Hearing Officer may request additional evidence from the parties and may receive that additional evidence after the formal hearing.



- iii. All parties shall have the right to comment in writing upon any additional evidence submitted. Any such commentary shall be submitted within five (5) days of submission of the additional evidence.
 - iv. The Hearing Officer shall serve its written decision on the parties stating its findings, conclusions and implementations, by certified mail, return receipt requested and/or by hand-delivery, within five (5) school days after hearing, receiving and considering all the evidence and arguments.
 - v. The Hearing Officer's decision shall take effect immediately upon notifying the student and his/her parent/guardian and shall continue in force during any subsequent appeal.
- j. Appeal to the Governing Board Due Process Committee.
- i. The student, parent, or guardian may appeal the decision of the Hearing Officer to the school Governing Board Due Process Committee by serving a written Notice of Appeal to the Council President or designee within five (5) days after the Hearing Officer's decision has been served.
 - ii. The Governing Board Due Process Committee shall be a three-member committee composed of and appointed by the members of the Governing Board to hear due process appeals in the long-term suspension/expulsion context.
 - iii. The Due Process Committee shall then review a summary of the transcript within ten (10) calendar days.
 - iv. No new information shall be considered in the appeal, unless the student persuades the Governing Board Due Process Committee that a finding of fact was arbitrary, capricious or unsupported by substantial evidence, or that new evidence which has come to light since the hearing, and which would not with reasonable diligence have been discovered in time for the hearing would manifestly change the factual determination. Upon any such finding, the Due Process Committee shall have the discretion to receive new evidence, reconsider evidence introduced at the hearing or conduct a de novo hearing. In the absence of such finding, the review shall be limited to an inquiry into the appropriateness of the penalty imposed.
 - v. After reviewing the record and all materials presented at the hearing before the Hearing Authority, the Due Process Committee shall render a decision within fifteen (15) school days after a student's written request for review is received, which affirms, overrules, or modifies the decision of the Hearing Authority.
 - vi. The severity of any sanction previously imposed may not be increased on appeal.
 - vii. The Due Process Committee decision is the final administrative action to which a student is entitled.





IX. GUN FREE SCHOOLS ACT

In accordance with Section 22-5-4.7 NMSA 1978, it is the policy of Siembra to recommend expulsion for a period of not less than one year (365 days) for any student determined to have knowingly brought a firearm to school. Expulsion shall occur only after a Disciplinary Due Process Hearing in accordance with Section VIII of this policy. The Governing Board or Executive Director may modify the expulsion requirement on a case-by-case basis as permitted by law. The special rule provisions of Subsection D of 6.11.2.11 NMAC apply to students with disabilities. All school-related incidents of firearm possession must be reported to local law enforcement.

X. REFERRAL FOR LEGAL ACTION

Any illegal action by a student taking place at school or a school-sponsored or school-related activity will be referred to the appropriate authorities and/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 property, the employee shall immediately report the child's actions to a law enforcement agency, to the Principal/Executive Director, and to the Children, Youth, and Families Department (CYFD).

XI. RESTRAINT & SECLUSION

Pursuant to NMSA 1978 §22-5-4.12

Use of restraint and seclusion; techniques; requirements.

1. Siembra may permit the use of restraint or seclusion techniques on any student only if both of the following apply:
 - a. the student's behavior presents an imminent danger of serious physical harm to the student or others
 - b. less restrictive interventions appear insufficient to mitigate the imminent danger of serious physical harm
2. If a restraint or seclusion technique is used on a student:
 - a. school employees will maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use
 - b. the restraint or seclusion technique will end when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others
 - c. the restraint or seclusion technique will only be utilized by school employees who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon those trained school employees
 - d. the restraint technique employed will not impede the student's ability to breathe or speak
 - e. the restraint technique will not be out of proportion to the student's age or physical condition





3. Siembra will establish procedures for the use of restraint and seclusion techniques in Siembra's safety plan, provided that:
 - f. the school safety plan shall not be specific to any individual student
 - g. the school safety plan will be drafted by a planning team that includes at least one special education expert on restraint and seclusion
4. Siembra will establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a student. The procedures will include the following provisions:
 - h. The Executive Director or their designee will provide the student's parent or guardian with written or oral notice on the same day that the incident occurred unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice will be given within twenty-four hours after the incident.
 - i. Within a reasonable time following the incident, the Executive Director or their designee will provide the student's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use
 - j. Siembra will review strategies used to address a student's dangerous behavior if use of restraint or seclusion techniques for an individual student has occurred two or more times during any thirty-calendar-day period. The review will include:
 - i. a review of the incidents in which restraint or seclusion techniques were used and an analysis of how future incidents may be avoided, including whether the student requires a functional behavioral assessment
 - ii. a meeting of the student's individualized education program team, behavioral intervention plan team, or student assistance team within two weeks after the second use of restraint or seclusion within a thirty-calendar-day period to provide recommendations for avoiding future incidents requiring the use of restraint or seclusion
3. If Siembra summons law enforcement instead of using a restraint or seclusion technique on a student, the school will utilize the reporting, documentation and review procedures established pursuant to Subsection 4 of this policy.
4. Siembra will support and provide strategies for school employees to successfully reintegrate a student who has been restrained or secluded back into the school or classroom environment.
7. The provisions of this policy will not be interpreted as addressing the conduct of law enforcement or first responders.
 - a. "first responder" means a person based outside of a school who functions within the emergency medical services system and who is dispatched to a school to provide initial emergency aid.
 - b. "mechanical restraint" means the use of any device or material attached or adjacent to the



- student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove, but "mechanical restraint" does not include mechanical supports or protective devices.
- c. "physical restraint" means the use of physical force without the use of any device or material that restricts the free movement of all or a portion of a student's body, but "physical restraint" does not include physical escort.
 - d. "restraint" when not otherwise modified means mechanical or physical restraint
 - e. "seclusion" means the involuntary confinement of a student alone in a room from which egress is prevented. "Seclusion" does not mean the use of a voluntary behavior management technique, including a timeout location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program that involves the student's separation from a larger group for purposes of calming.

XII. DISCIPLINARY CONSIDERATIONS FOR STUDENTS WITH DISABILITIES UNDER INDIVIDUALS WITH DISABILITIES ACT (IDEA)

Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other students in the program. However, public schools are required by state law and rule to meet the individual educational needs of students with disabilities to the extent that current educational expertise permits.

Disciplinary actions involving students with disabilities must comply with the Individuals with Disabilities Education Act (IDEA) and New Mexico's regulation on disciplinary removals of students with disabilities, 6.11.2.11 NMAC. Public school personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, consistent with the other requirements of 6.11.2.11 NMAC, is appropriate for a student with a disability who violates a code of conduct as provided in 34 CFR Sec. 300.530.

Immediate removal of students whose presence poses a continuing danger to persons or property or an ongoing threat of interfering with the educational process may be immediately removed from school pursuant to the process outlined in the "Suspension" section herein.

Temporary suspension (of not more than 10 consecutive school days) of students with disabilities may be imposed in accordance with the "Suspension" section herein, provided that the student is returned to the same educational placement after the temporary suspension, and unless a temporary suspension is prohibited pursuant to the student's IEP. Students may be suspended or removed to an appropriate interim alternative educational setting or another setting, for not more than 10 consecutive school days. Additional removals of not more than 10 consecutive school days may occur in the same school year for separate





incidents of misconduct, as long as those removals do not constitute a change in placement pursuant to 34 CFR Sec. 300.536.

Removal to Interim Alternative Educational Setting. In accordance with 34 CFR Sec. 300.530(g) and(i), school personnel can remove a student to an interim alternative educational setting for not more than 45 school days without regard to a manifestation determination (described below), if the student (1) carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function; (2) knowingly possesses or uses illegal drugs, or sells them at school; (3) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. The student's IEP team determines the interim alternative educational setting for services.

Long-term suspension/expulsion. 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 and whether his/her program is appropriate.
- If the IEP team determines both that the behavior is not a manifestation of the student's disability and that the student's program is appropriate, disciplinary actions may be taken in accordance with the procedures in this policy.
- Should the disciplinary procedures include long-term suspension or expulsion, Siembra must continue to provide the educational services defined in the IEP.
- If the IEP Team determines either that the behavior is related to the student's disability or that the student's program is not appropriate, and then the student may not be suspended and must receive an appropriate program.
- Any suspension that excludes a student from his/her IEP services must be counted when calculating the total number of suspension days (10 consecutive days or a series of suspensions that constitute a change in placement).
- The decision to remove a student from his/her IEP services must be made on an individual basis.

Procedural safeguards outlined in the New Mexico Department of Education Standards for Excellence in Compliance Manual ensure that parental due process rights are afforded. All federal guidelines regarding





the provision of education continuation services for suspended special education students will be adhered to. Special education students are entitled to a due process hearing.

Appeals

The parent of a student with a disability who disagrees with any decision regarding a disciplinary-related placement or the manifestation determination, may appeal the decision by requesting a hearing. If school administration believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, the school likewise may appeal the decision by requesting a hearing.

XIII. DISCIPLINE OF STUDENTS EXPERIENCING HOMELESSNESS

Pursuant to Subsection H of 6.11.2.10 NMAC, removal of a student experiencing homelessness from the educational setting shall be used only as a last resort. Any such decision must follow an individualized, case-by-case process that takes into account the student's specific circumstances, including but not limited to homelessness, foster care placement, and other adverse childhood experiences. All disciplinary actions involving students experiencing homelessness must comply with the requirements of the McKinney-Vento Homeless Assistance Act.

Prior to imposing any disciplinary consequence that would result in removal from the classroom or school environment, the school shall consider and, where appropriate, document the following:

1. The impact of the student's homelessness by engaging in discussion with the student and, as appropriate, relevant staff and family members before disciplinary action is taken;
2. Consultation with the school's behavior response team or other appropriate personnel to determine a disciplinary response that is proportionate and responsive to the behavior;
3. The use of alternatives to classroom removal, short-term or long-term suspension, or expulsion, to the extent practicable; and
4. Referral or connection to mental health or supportive services when such services may assist in addressing the underlying causes of the behavior.

XIV. RE-ENTRY PROCEDURES

Upon return from suspension or long-term exclusion:

- A re-entry meeting is required
- Expectations and safety plans are reviewed
- Supports from Social Work, Community Engagement, or Learning by Doing may be assigned





- Ongoing monitoring occurs as designated in the support plan

XV. ADMISSION AFTER EXPULSION/SUSPENSION FROM PREVIOUS SCHOOL: If a new or transferring student is ineligible to return to his/her current school (public or private) as a consequence of that student's expulsion or long-term suspension (longer than ten school days), the student shall be denied enrollment to Siembra until the expiration of the expulsion or long-term suspension. The Executive Director's decision shall be based on the records obtained from the transferring school and any additional information he/she deems relevant. NMSA 1978, §22-8B-5(G); 6.29.1.9(F)(3) NMAC. The student may appeal the Executive Director's decision to the Governing Board by submitting a written request by email to review the Executive Director's decision to the Governing Board President. The Governing Board shall consider the student's appeal during a closed session at its next regularly scheduled meeting. During the closed session, the Executive Director shall present his/her reasons for denying admission. The student/parent or guardian shall have an opportunity to present a rebuttal to the Executive Director's decision. The Governing Board's decision is final.

XVI. DOCUMENTATION AND RECORD KEEPING

All notice letters, hearing documentation, investigation files, statements, decisions, and re-entry plans must be retained in accordance with Siembra's Records Retention Policy.

XVII. STAFF RESPONSIBILITIES

Teachers:

- Manage Level 1 behaviors
- Report patterns to Advisors
- Immediately report any safety threats

Advisors and Student Support/Social Work Team:

- Manage Level 2 behaviors
- Lead family meetings
- Facilitate restorative practices
- Coordinate success planning

Administrators:

- Manage Level 3 and 4 incidents
- Complete investigations
- Conduct hearings
- Ensure due process





Social Work Team:

- Crisis response
- Facilitation of restorative circles
- Attendance supports
- Re-entry support

Executive Director:

- Provides oversight and ensures compliance

XVIII. RACIALIZED AGGRESSION POLICY

Racialized Aggression – Overt and intentional acts of racism involving students or staff is strictly prohibited. (***Racialized Aggression*** is broadly defined as hostile, aggressive, derogatory, or negative attitudes and/or actions toward stigmatized or culturally marginalized groups.)

***Note:** There is not a definition in the statute of “racialized aggression”. This is a definition gleaned from several different resources/websites that provides a statement to meet the intent of the statute.*

Filing a Report: Staff, students, families, and community members can report school-based incidents of racism to the Anti-Racism, Anti-Oppression Portal by filling out the online form <https://newmexicoped.my.site.com/ARAO/s/login/SelfRegister>. The Anti-Racism/Anti Oppression (ARAO) Portal is a resource created by the Black Education Act (House Bill 43) that is available for staff, students, families, community members, and other stakeholders to report school-based incidents of racism or racial discrimination against anyone.

FROM: 22-5-4.3 (D) NMSA 1978 All school discipline policies shall define and include a specific prohibition against racialized aggression involving a student or school personnel. Every school district and every charter school shall provide links to the statewide hotline to report racially charged incidents or racialized aggression.

XIX. NO SCHOOL DISCRIMINATION FOR RACE/RELIGION/CULTURE/HAIR POLICY

In accordance with the No School Discrimination for Hair Act, NMSA 1978 §22-5-4.3 (A) requires that existing anti-discrimination policies, student discipline, dress code policies be added with the following language:

Siembra shall not discriminate against a student, discipline a student, or impose disparate treatment of a student, because of a student's race, religion, or culture or because of a





student's use of protective hairstyles or cultural or religious headdresses, as defined in New Mexico statute, NMSA 1978 §22-5- 4.3 (A)&(I) and §22-8B-4(A)&(U).

- (1) “Cultural or religious headdresses” includes hijabs, head wraps or other headdresses used as part of an individual's personal cultural or religious beliefs.
- (2) “protective hairstyles” includes such hairstyles as braids, locks, twists, tight coils or curls, cornrows, bantu knots, afros, weaves, wigs, or head wraps; and
- (3) “race” includes traits historically associated with race, including hair texture, length of hair, protective hairstyles or cultural or religious headdresses. *NMSA 1978 §22-5-4.3 (I) and §22-8B-4(U)*

APPENDIX A

[DISCIPLINARY INCIDENT DOCUMENTATION FORM](#)

APPENDIX B

[RESTORATIVE BEHAVIOR SUPPORT MATRIX](#)

APPENDIX C

[Growth and Success Plan Tracking Form](#)

APPENDIX D

[Standardized Administrator’s Script -provides information for families to understand their options](#)

APPENDIX E

GLOSSARY OF TERMS

This matrix aligns interventions across four behavioral categories. It is used in conjunction with the Progressive Discipline Levels.

SUBSTANCE USE OR POSSESSION

- Step 1: Student brought into private space.
- Step 2: Admin/student support call home; student sent home for the remainder of the day.
- Step 3: Family meeting arranged as soon as the next day by grade-level social worker (advisor joins if possible).





- Step 4: Family meeting held with advisor and student support team to discuss safety, accountability, and support needs.
- Step 5: Student returns to school and continues with established support plan.

CONFLICT AT RISK OF ESCALATION

- Step 1: Students brought into separate spaces.
- Step 2: Admin/student support call home; student sent home for the remainder of the day.
- Step 3: Family meeting scheduled within one to two days after the incident (social worker leads; advisor attends if possible).
- Step 4: Family meeting held; social worker prepares students for restorative circle or process.
- Step 5: Restorative circle or mediation facilitated by social workers; students return to school with a plan.

ATTENDANCE OR PRESENCE IN CLASS

- Step 1: Advisor holds a one-on-one meeting with student and documents conversation
- Step 2: Advisor brings concern to staffing; grade-level team creates support plan.
- Step 3: Follow plan with social worker involvement; weekly follow-up.
- Step 4: Social workers call, send letters, and conduct home visits for absent students.
- Step 5: Family meeting held to create a formal attendance support plan.

OTHER LOW-RISK CONCERNS

- Step 1: Advisor meets one-on-one with student and documents conversation.
- Step 2: Advisor brings concern to staffing; support plan is created.
- Step 3: Follow plan with social worker support; weekly check-ins.
- Step 4: Family meeting held with advisor and social worker.
- Step 5: Additional restorative support or planning as needed.

Supporting Documents Referenced:

- [Student Agreement for Growth and Success](#)
- [Family Meeting Template](#)
- [Restorative Circles Guide](#)
- [Late Return From Lunch SOP](#)
- [Vape Incident Protocol](#)
- [Safety Protocol for Intoxicated Students](#)
- [DISCIPLINARY INCIDENT DOCUMENTATION FORM](#)





APPENDIX C

PROCEDURES FOR CONDUCTING AN EXPULSION HEARING AND ISSUING A DECISION

This appendix includes the full document drafted by legal counsel on December 11, 2025. The school adopts these procedures in full. The document covers:

- Notice requirements
- Hearing authority
- Rights of students and families
- Order of proceedings
- Evidence rules
- Standards of proof
- Decision requirements
- Appeal rights

Procedures for Conducting an Expulsion Hearing and Issuing a Decision

(Based on 6.11.2.12(G)(4)(l) NMAC)

(Adopted from School Legal Counsel)

These procedures are designed to help the school's administrators, the hearing authority, and staff conduct an expulsion hearing in an orderly and legally compliant manner. An expulsion hearing is not a trial. It is an administrative hearing focused on determining whether serious misconduct occurred and whether long-term discipline is warranted.

1. Purpose of the Hearing

- The hearing allows an impartial hearing authority to review the facts of an alleged incident involving serious misconduct.
- Technical rules of evidence and procedure do not apply.
- The goal is to ensure a fair, organized, and respectful process.

2. Burden of Proof

- The school bears the responsibility to prove that misconduct occurred.
- The applicable standard is "preponderance of the evidence," meaning more likely than not.

3. Rights of the Student and Parent(s)

During the hearing, the student and parent(s) have the right to:





Legal Representation

- The student may be represented by an attorney or another chosen representative.
- The school is not required to provide or pay for representation.

Present Evidence

- The student may present evidence, subject to reasonable substantiation requirements.
- The hearing authority may exclude irrelevant, repetitive, or unreliable evidence.

Question Witnesses

- The student may confront and cross-examine adverse witnesses, subject to reasonable limitations.

Receive a Decision Based Solely on the Hearing Record

- The hearing authority's decision must be based only on evidence presented during the hearing and school rules.

4. Hearing Officer's Determination

The hearing authority shall determine whether the alleged misconduct has been proven by a preponderance of the evidence presented at a hearing at which the student or a designated representative has appeared.

5. Attendance and Proceeding Without the Student

If the Student Appears:

- The hearing proceeds as scheduled.

If the Student Does Not Appear:

The hearing authority determines whether the student received notice of the hearing.

If notice was given:

- The hearing authority reviews only the school's evidence.
- The hearing authority decides whether the evidence is sufficient to support the allegations.

6. Conduct of the Hearing

Opening:

The hearing authority explains:

- The purpose of the hearing
- The rules of procedure
- The rights of the student and parents



**Presentation of Evidence:**

- The school presents its case first.
- The student presents their case next.
- The student may question adverse witnesses.
- The hearing authority may ask clarifying questions at any time.

Closing Statements:

- Both parties may summarize their positions.

7. Role of the Hearing Authority

If the hearing authority is also the disciplinarian:

- They determine whether misconduct is proven.
- They impose or recommend sanctions, including expulsion.

If the hearing authority is not the disciplinarian:

- They must report findings and recommend a sanction to the disciplinarian promptly after the hearing.

8. Record of the Hearing

- The administrative authority arranging the hearing must ensure an audio recording or written minutes are created.
- A verbatim transcript is not required.
- Minutes or records must reflect the substance of the evidence presented.

9. Attendance of the Disciplinarian

If the disciplinarian is not the hearing authority:

- They may observe the hearing but may not participate.
- If present, and if the hearing authority announces a decision immediately, the disciplinarian may announce the disciplinary decision at that time.

10. Announcement of the Decision

- The hearing authority may announce a finding regarding whether the allegations were proven at the close of the hearing.
- If the hearing authority is also the disciplinarian, they may also announce the disciplinary consequence.



11. Written Decision (Required)

A written decision must be mailed or delivered to the parent(s) within five working days after the hearing.

The written decision must include:

- Summary of evidence relied upon
- Findings of fact
- Conclusions
- For a hearing authority who is also the disciplinarian, a statement of the penalty and reasons for the chosen penalty

If the hearing authority is not the disciplinarian:

- They must forward their written decision to the disciplinarian
- The disciplinarian prepares and delivers their own written decision within five working days

Disqualification: No person shall act as hearing authority, disciplinarian, or review authority in a case where the person was directly involved in or witnessed the incident(s) in question, or if the person is prejudged, has disputed facts, or is biased for or against any person who will actively participate in the proceedings.

Hearing authority and disciplinarian: The same person or group may perform the functions of hearing authority and disciplinarian. Where the functions are divided, the hearing authority's determination of the facts shall be conclusive to the disciplinarian, but the disciplinarian may reject any consequence(s) recommended by the hearing authority.

12. Effect of the Disciplinarian's Decision

- The disciplinarian's decision takes effect immediately upon initial notification to the parent(s), either at the close of the hearing or upon receipt of the written decision.
- If the decision is mailed, it is presumed received on the fifth calendar day after mailing unless certified mail indicates a different date.
- The disciplinary action remains in effect during any subsequent review.
- If no allegations are proven, or if the disciplinarian declines to impose a penalty, the matter is closed.



APPENDIX E

GLOSSARY OF TERMS

- **Absences, Excessive** - Attendance which falls below 95% in a grading period.
- **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.
 - Category I – Deliberately, or with reckless disregard, starting a fire with resulting expense under \$100.00.
 - Category II – Deliberately, or with reckless disregard, starting a fire resulting in damage over \$100.00 to property or resulting in injury to a person.
- **Assault/Bullying** - Threatening physical harm to another, causing a present fear of imminent danger to the person; included are threats, gestures and verbal assaults.
- **Assault, Aggravated** - Intending or performing assault and battery with a weapon, instrument or any means of force likely to produce bodily injury. This category includes sexual assault and/or offenses.
- **Battery, Aggravated** - Employing hostile contact with any kind of weapon or causing great bodily harm.
- **Battery/Fighting** - Employing hostile contact in which at least one party has contributed to a situation by verbal action and/or bodily harm.
- **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 person/s 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.
- **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.
- **Continued Disruptive Conduct** - Administrators may consider the behavioral pattern or history of a student when enforcing consequences. It is the duty of the administrator to protect the educational process for all students.
- **Controlled Substance, Paraphernalia Possession** - Possessing any paraphernalia, such as but not limited to rolling paper, pipes or bongs.
- **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.



- o Controlled substances include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant or 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.
- o “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.
- **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.
- **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 used as a controlled substance.
- **Defiance of School Personnel/Authorities** - Refusing to comply with any reasonable demand or request by any school official or sponsor at places and times where school personnel have jurisdiction.
- **Expulsion** - The removal of a student from school for a period exceeding one (1) semester. In some cases expulsion may be a permanent removal.
- **Extortion** - Using intimidation or the threat of violence to obtain money, information or anything else of value from another person.
- **Firearm, Possession** - Possession of any weapon which will propel a projectile by the action of an explosive.
- **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:
 - o The student associating with admitted or known gang members.
 - o The student wearing attire consistent with gang dress.
 - o The student displaying gang logos, graffiti and/or symbols on personal possessions.
 - o The student displaying gang hand signs or signals to others.
 - o The student talking about gang activities to others.





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- **General Disruptive Conduct** - Willful conduct which materially and in fact disrupts or interferes with the operation of the public schools and the orderly conduct of any 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. Level of intervention is subject to staff discretion. For example:
 - Failing to provide/surrender school identification to any school personnel upon demand.
 - Knowingly and deliberately failing to comply with any legal and/or official rule or regulation designed by or provided by a teacher, principal, faculty member or other school official at any time, whether the rule is designed for the classroom, the campus in general or any other location or facility involving a school-related activity.
 - Inappropriate display of affection, i.e. a display of affection which has the potential to disrupt the educational process.
 - Cheating.
- **Hazing** - Committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization, or for any other purpose.
- **Language, Profane and/or Abusive** - Using language which is crude, offensive, insulting or irreverent; use of coarse words to show contempt or disrespect; swearing.
- **Materials, Obscene** - Displaying material which is indecent and has the potential of being disruptive.
- **Restitution** - Compensation for loss or damage.
- **Robbery** - Taking of property of another through means of force or fear.
- **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, or school bus driver.
- **Search, More Intrusive** - Pat downs and/or frisks, conducted by an authorized person of the same sex as the student being searched.
- **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.
- **Tardy, Excessive** - Student is not in the class or assigned activity when it is scheduled to begin.
- **Theft** - Unauthorized possession and/or sale of property of another without consent of owner.
- **Tobacco or E-Cig Possession** - Possession of tobacco anywhere on the school campus or at a school related event is prohibited.
- **Tobacco or E-Cig Use** - Using any form of tobacco is prohibited.
- **Trespassing/Unauthorized Presence** - Entering or being on school grounds, in a school building, or in any other person's car or building without authorization.
- **Vandalism** - Deliberately or maliciously destroying, damaging and/or defacing school property





or the property of another individual.

- **Weapon Possession** - Possessing a weapon such as but not limited to: a firearm, any type of gun, knife, club, 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
- **Weapon Use** - Use of any weapon (firearm, knife, explosive, or other object, even if manufactured for a nonviolent purpose, that has a potentially violent use, or any look-alike” object that resembles an object that has a potentially violent use) to threaten, intimidate, attack, injure or kill any person.

Related Documents

- [Siembra Student & Family Handbook](#) – includes student-facing expectations and disciplinary information.
- [Siembra Staff Handbook](#) – includes staff-facing responsibilities around supervision, reporting, and safety.
- Appendix A - [DISCIPLINARY INCIDENT DOCUMENTATION FORM](#)

