

# 2016-2017 STUDENT BEHAVIOR HANDBOOK

*Policy and Procedures*



*Code of Conduct*



Gallup McKinley County Schools

Hearing Authority Office

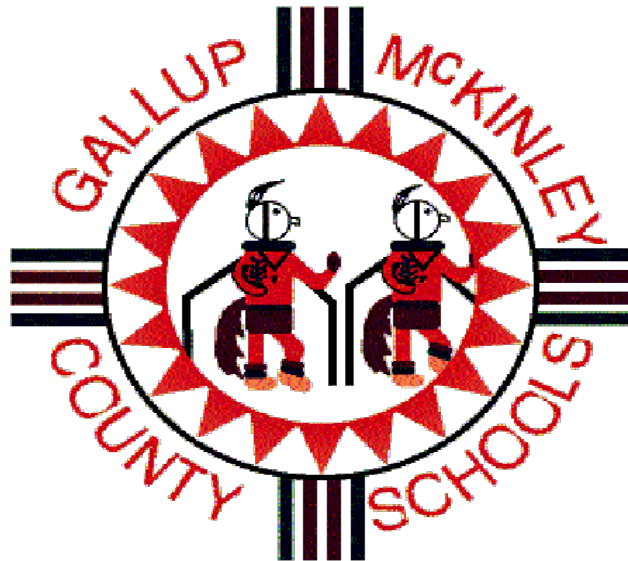
640 South Boardman Drive

Gallup, New Mexico 87301

505-721-1074

505-721- 1056 fax





### **Board of Education**

Vision: Growing students to be productive citizens in a multicultural society

Mission: The Board of Education will provide effective leadership and direction to achieve a quality education in a safe and healthy environment for our multi-cultural students

Members: President Priscilla Manuelito, Vice President Kevin Mitchell, Secretary TBD, Member Joe Menini, Member Lynn Huenemann

### **Superintendent Office**

Mission: GMCS will empower students through partnerships with parents, schools, and communities. GMCS will develop students who are self-directed lifelong learners  
GMCS will promote the essential skills and positive character traits  
GMCS will provide a safe and healthy environment.

Frank Chiapetti- Superintendent

Joan Nez – Secretary

Evelyn Barreras- Administrative Assistant

Gallup McKinley County Schools recognizes the diversity and worth of all individuals and groups and their roles in society. It is the policy of the Gallup McKinley County Schools Board of Education that there will be no discrimination or harassment of individuals or groups on the grounds of age, color, creed, disability, marital status, national origin, race, religion, sex or sexual orientation in any educational programs, activities or employment.

This document is not all-inclusive nor does it restrict the Gallup McKinley County School District and /or Board of Education's authority to take actions at any time that are appropriate to maintain a safe and orderly educational environment. This Code of Student Conduct provides definitions of behavioral offenses. Although some definitions include examples; the behaviors include, but are not limited to, the examples given. To access a copy of this handbook, visit GMCS district's web page.

[www.gmcs.k12.nm.us](http://www.gmcs.k12.nm.us)

**TABLE OF CONTENTS****PAGE**

<b>BEHAVIOR CHART AT A GLANCE</b>	<b>4</b>
Hearing Authority Mission Statement and Goals	5
Discipline Policy Summary	5
On/Off-Campus Student Behavior	5
Behavioral Expectations and Responsibilities	6
Discipline Philosophy	7
Administrator/student/parent Conference procedures	8
Hearing Authority Information	9-10
12.0 Firearms	11
12.1 Weapon Non-Firearms	11
12.2 Physical Attack (student to school personnel)	12
12.3 Physical Attack (student to student)	12
12.4 Sexual attack	12
12.5 Bullying (Form in Appendix page 25)	13
12.6 Disruptive/Dangerous tactics	14
12.7 Gang Activity	15
12.8 Fighting	16
12.9 Aggressive Confrontation	17
12.10 Abusive Language (student to school personnel)	17
12.11 Criminal Activity	18
12.12 Possession of Intoxicating Substance and Paraphernalia	19
12.13 Use of Intoxicating Substance	20
12.14 Distribution of Intoxicating Substance	20
12.15 Trafficking of Intoxicating Substance	21
12.16 Athletic and Activities Intoxicating Substance Policy	21
12.17 Tobacco	22
12.18 False Report	22
12.19 Electronics Devices	23
12.20 Multiple Misbehaviors	24
<hr/>	
14.1 Dress Code	25
14.2 Student suspension and expulsion	25
14.3 Appeals	26
14.4 Grade and Credits for student suspension/expulsion	26
14.9 Students with serious crimes	27
14.11 School Bus Discipline	27
14.12 Discipline Procedures for Special Education and Public Law 504	28
16.0 Search and Seizure	29
16.1 Search and Seizure rules	29
Appendix 1: McKinley County Counseling Agency's	30
Appendix 2: Alleged Bullying Form	31
Notes	32

BEHAVIOR AT A GLANCE		In-School Interventions (including in-school suspension)	Out-of-School Suspensions	Hearing
12.0	Firearms <b>Expulsion 365 days</b>			E/S
12.1	Weapon Non-Firearms	E/S	E/S	E/S E/S E/S-2
12.2	Physical Attack			E/S
12.3	Physical Attack (Student to Student)			E/S
12.4	Sexual Attack			E/S
12.5	Bullying	E S	E S	E-3 S-2
12.6	Disruptive / Dangerous Tactics	E S	E S	E-3 S-2
12.7	<b>Gang</b> Activity	E S	E S	S-3
12.8	<b>Fighting</b>	E S	E S	E-3 E-2
12.9	Aggressive Confrontation	E S	E S	E-4 E-3
12.1	Abusive Language	E S	E S	E-2 S-2
12.11	Criminal Activity	E S	E S	E/S
12.12	<b>Possession of Intoxication Substance</b>			<del>E/S</del>
12.13	<b>Use of Intoxication Substance</b>			E/S
12.14	<b>Distribution of Intoxication Substance</b>			E/S
12.15	<b>Trafficking of Intoxication Substance</b> <b>Expulsion 365 days</b>			E/S
12.16	Athletic and Activities Intoxication Substance Policy	E S		
12.17	Tobacco	E S	E S	E-3 S-3
12.18	<b>False Report</b>	E S	E S	E-2 S-2
12.19	Electronics Devices	E S	E S	
12.20	Multiple Misbehaviors	E S	E S	E-8 S-6

E = Elementary, if a number is behind the letter E (E-3) this means a Hearing is required on that specific violation. S = Secondary, if a number is behind the letter S (S-3) this means a Hearing is required on that specific violation.

Hearing Authority: Has the authority by BOE to Affirm, Reverse, Reduce, Dismiss or Modify the Proposed Imposition of Discipline and Implement the following: Behavior Contract with recommended volunteer counseling, alternative Education Placement, Long-term Suspension, or Expulsion upon a Student.

A Parent/Guardian/Student (legal age) may agree to waive the Hearing and Voluntarily comply with proposed Disciplinary Action by signing the NOTICE OF WAIVER section on the notice of waiver form.

## **MISSION**

The Hearing Authority Team will interpret and implement school discipline policy for Students, Parents, and School Administration through effective communication and positive interaction.

### **GOALS**

1. The hearing authority will enforce board policy in such a way that allows for safe & effective schools.
2. The hearing authority will collaborate with counseling agencies to provide students with the necessary services to be successful in school.
3. The hearing authority will collaborate with schools to ensure efficient operations in conducting hearings.

### **DISCIPLINE POLICY**

**The safety and security of all school children is our highest priority, and The Gallup McKinley County School District is committed to providing a safe learning environment.**

The Code of Student Conduct establishes policies, rules, and expectations for all school community members to learn, teach, and work together.

These are common sense expectations built on respect for each other as our common core values.

Therefore, students must refrain from violence against others, from bullying, harassment and carrying weapons.

Consequences for students who endanger school safety or disrupt the educational experience of others are listed in detail.

Families and guardians are critical to our school community. We ask that they please read and understand the Code of Student Conduct and School Student Handbook, and discuss them with their child.

We understand that families and guardians know best how to make sure that their child understands the expectations that will lead to a safe and orderly school community that is ready to learn.

### **ON CAMPUS STUDENT BEHAVIOR**

The Code of Student Conduct applies during school day and on the way to and from school, including, but not limited to, travel in School District vehicles, private transportation, District sponsored activities such as; ballgames, school plays, assemblies, graduation, and at all district facilities and property.

### **OFF-CAMPUS STUDENT BEHAVIOR**

All discipline policies and procedure may apply to those students whose conduct off-school grounds endanger the health or safety of the student population within the school district or creates a significant distraction or disruption to the educational process.

## **Behavioral Expectations and Responsibilities**

### **Responsibilities of Everyone**

- Respect all members of the school community.
- Maintain a positive school climate by being responsible, respectful, and cooperative.
- Communicate Code of Student Conduct expectations for students and staff.
- Motivate students to live up to the expectations through positive reinforcement.
- Use good judgment to prevent minor incidents from becoming major problems.

### **Responsibilities of Administrators**

- Respect all members of the school community.
- Implement the Code of Student Conduct and all disciplinary procedures in a fair and consistent manner.
- Provide students and parents whose first language is not English with translation and interpretation services free of charge.
- Inform all school personnel, parents, and students of discipline policies.
- Review and act upon allegations and requests from school personnel concerning violations.
- Use professional judgment to prevent minor incidents from becoming major problems.

### **Responsibilities of Teachers**

- Respect all members of the school community.
- Teach proper behavior and positively reinforce rules of conduct.
- Maintain a learning environment that provides for academic success.
- Hold students accountable for disorderly conduct in school and on school grounds.
- Address rule violations with multiple strategies.
- Use professional judgment to prevent minor incidents from becoming major problems.

### **Responsibilities of Students**

- Respect all members of the school community.
- Understand and comply with school rules and climate expectations, including the Code of Student Conduct and School Student Handbook.
- Comply with the School Districts attendance, dress code, unlawful harassment, and bullying policies.
- Behave in a manner that focuses on academic success.
- Be responsible and accountable for following rules.

### **Responsibilities of Parents / Guardians, and Advocates**

- Respect all members of the school community.
- Respect, understand, and support school rules and regulations.
- Respect, understand, and support the policies of Gallup McKinley County Schools
- Recognize and understand that school personnel must enforce school rules.
- Teach children to respect the rights of others and follow school rules.
- Emphasize the importance of being prepared for school and adhering to school rules to foster academic success.

## ***Discipline Philosophy of Gallup McKinley County Schools***

Discipline for all students in the Gallup McKinley County Schools shall be designed to promote behavioral changes enabling students to function successfully.

The Board is committed to a positive, respectful, inclusive climate in every school that promotes academic achievement, ensures safe and drug-free learning communities, provides positive behavior supports, ensures equitable outcomes in discipline, and maximizes the time students spend in school.

Corporal (physical) punishment which willfully intends to inflict pain on a student is prohibited. This prohibition includes strenuous exercises that cause physical pain when exercise is used as punishment. Teaching methods to help students control movement or action are not considered punishment.

In response to extreme and urgent circumstances, the use of reasonable physical force or restraint by school personnel to protect students or staff, put down disturbances, protect property or to help students get control of themselves is permitted. When reasonable force is used, it must be reported immediately to the principal or designee.

**Self-discipline** is the ultimate goal. Discipline should be directed toward developing skills necessary for young people to:

1. Solve problems successfully.
2. Develop positive relationships with others.
3. Become productive individuals.
4. Recognize when their actions are interfering with the rights of others.
5. Recognize their rights within the limits of society.
6. Respect the property rights of others.
7. Understand and appreciate other races and cultures.
8. Develop a sense of responsibility for their actions and an awareness of probable consequences.
9. Succeed in school.

**Due Process** see page 25 for procedures

All students are to be treated fairly and honestly.

Students have a right to be heard and tell *administrators their versions of events*.

If you (parent) believe your child is a victim you are encouraged to speak with the schools Administration.

### **Student Conference Procedures**

At conferences, students have the right to expect that school officials will:

1. Inform the student of the reason for a conference.
2. Give the student an opportunity to respond to allegation(s).
3. Discuss students' problem behavior and ways to correct it.
4. Inform the student of the corrective action and/or next steps to be taken.
5. Document the problem behavior and intervention.

### **Parent Conference Procedures**

At conferences, parents/guardians can expect that school administrators will see to it that the following protocol is followed: **(Parent/guardians are not a part of the school investigation. They are notified once investigation is completed).**

1. Documentation of a conference must be provided to the parent/guardian in writing and either hand-delivered to the home, sent by certified mail, faxed, emailed, or communicated by other reasonable means.
2. When a student is suspended, a parent/guardian conference must be held within three (3) days of the suspension.
3. At the conference, the parent/guardian may request to review their student's records.
4. School administrators will discuss the student's problem behavior and ways to correct it.
5. School administrators will inform the parent/guardian of any further disciplinary action such as: suspension and Notice of Hearing.



**HEARING AUTHORITY INFORMATION** When Hearing Authority is referenced, this is the GMCS District Hearing Authority.

At a hearing, the Hearing Authority may affirm, reverse, reduce, dismiss, or modify the proposed imposition of discipline, recommend volunteer participation in substance abuse/anger management counseling and implement the following: behavior contract, long-term suspension, or expulsion upon a student. The Hearing Authority reviews each case on the student's intent of the alleged violations, discipline, and academic history, and other factors like Student Assistance Team (SAT) plans, 504 and IEP documents. **Students who violate a Behavior contract or students who violates policy and warrants a hearing the last 2 weeks of school are subject to LTS or Expulsion, credit loss and/or a Hearing in the next school year.**

A parent/guardian/student may agree to waive the hearing and voluntarily comply with the proposed disciplinary action by the school administration by signing the waiver of right to Hearing.

A Hearing is scheduled every 15 minutes unless the hearing authority grants a delay. You may request a rescheduled hearing by calling the office at (505)-721-1074.

Placement in the GMCS alternative education program is not guaranteed in cases of long-term suspension or expulsion. Please refer to the IAES/AEP manual for eligibility requirement.

Elementary students are not eligible for the GMCS alternative education program.

**NOTICE OF HEARING/WAIVER OF HEARING**

The student/parent/guardian should appear at the scheduled hearing. A student, who is not under the supervision of a parent or guardian, may be represented by another person designated by the student at the discretion of hearing authority.

Failure to appear will not delay the hearing and may lead to the imposition of the proposed penalty by default and then appeal process is forfeited.

If a parent does not waive the right to a hearing by executing the waiver form, then be advised of the following:

The student has the right to be represented at the hearing by legal counsel, a parent/guardian, or some other representative designated in a written notice filed at Student Support center in the hearing office three school days before the hearing. Student/Parent has the right to call your own witnesses and present evidence, subject to reasonable requirements of substantiation and relevancy at the discretion of hearing authority. Student/Parent has the right to have a decision made based solely on the evidence presented at the hearing and the applicable rules governing student conduct.

**PROCEDURES FOR THE HEARING AND DECISION:**

The formal hearing is not a trial. Technical rules of evidence and procedure will not be applied. Each hearing is recorded. A copy can be requested. There is a 5-day turn around on request. The family may record the hearing on their own device.

The Hearing Authority will open the hearing with a statement indicating the purpose of the hearing, the violations, and a description of the procedure for conducting the hearing. School Administration will have the obligation of proving by a preponderance (majority) of the evidence that the student committed the violation.

The student, parent/guardian, and/or counsel will then present the case on behalf of the student; including any witness testimony or other evidence.

The Hearing Authority will announce a decision based upon the evidence presented at the hearing in accordance with the District policy.

### **SCHEDULING HEARINGS during the school year and end of school year procedures (last 2 weeks)**

1. School site- Input discipline violations in PowerSchool.
2. Call/email or use lynx: Hearing Authority office [505] 721-1074 to schedule a hearing date and time. Provide the following:
  - Student Name
  - Date of Birth
  - Violation Code number
  - Student Classification: General Education / Special Education / Section 504/SAT
3. Block scheduling: prior to providing the hearing information, the school may be given reserved appointments for hearings. It is the school's responsibility to contact the Hearing Authority within 24 hours with the student information to confirm.

### **CORRECT ORDER OF DOCUMENTATION FOR STUDENT HEARINGS**

Documentation must be turned in at least 24 hours prior to the student's hearing during the school year and documentation for behavior violations that occur the last 2 weeks of school must be submitted prior to end of May for a hearing in the next school year. All information needed for hearings must be current and completed in the order listed below. If the documentation is not done correctly, the hearing may be dismissed or rescheduled. If the school site administrator can't attend the hearing then the administrator may attend through video or audio conference call, or the hearing may proceed without the school site administrator if the parent/guardian agree.

#### **HEARING DOCUMENTATION**

1. School site- Input discipline violations in PowerSchool.
2. PowerSchool Notice of Hearing Form or Notice of waiver form: submit by email within 24 hours
3. Photo copy of supporting evidence (if applicable)
4. Manifestation Determination (MDR) SST and 504 documents (if applicable)

### **PROCEDURES/ PROCESS FOR A VIOLATION OF CONTRACT**

When a student is placed on a contract by the hearing authority and violates the contract, the student may lose all credits for the current semester and the schools have the authority to long-term suspend up to 90 days or expulsion from 90 to 365 days depending on seriousness of the violation. The student may be eligible for alternative education if space is available and the student qualifies according to policy.

#### **The School is responsible for:**

1. Powerschool- Notice of long-term suspension Violation of Contract form. Submit by email within 24 hours.
2. Notify the parent/guardian in writing if not confirmed at school site.

**IF THIS HAPPENS:**

**VIII. 12. 0 FIREARMS**

Possession/Use- This policy is enacted to implement the requirements of the Federal Gun Free Schools Act of 1994.

New Mexico law prohibits the possession of a firearm school premises are defined as: The buildings and grounds, including playgrounds, playing fields and parking areas and any school bus on a school related activities under the supervision of the District.

The New Mexico concealed handgun carry act does not allow a concealed handgun licensee to carry a concealed handgun on school premises

Firearm: a “firearm” is defined as any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any destructive device, not limited to handguns, rifles, bombs or other incendiary devices.

**THEN THIS HAPPENS**

**Elementary and Secondary**

Any Offense: Parental notification and notification to the appropriate law enforcement authorities and then refer the student to the Hearing Authority for expulsion for a minimum of 365 days.

**VIII. 12. 1 WEAPON (NON-FIREARM)**

Use/Threat/Possession of a non-firearm weapon

Use/Threat- a knife (any length), mace, pepper spray, brass knuckles, or other object, “look-a-like” even if manufactured for a nonviolent purpose that has potential for violent use.

Possession- a knife (3.0) inch or shorter), or other objects that has potential for violent use but with no intent to harm themselves or others.

**THEN THIS HAPPENS**

**Elementary and Secondary**

Any Offense for Use/Threat- Parental notification and notification to the appropriate law enforcement agency and may refer to Teen court, and referred to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

1st Offense for Possession- Parental notification and notification to the appropriate law enforcement agency at Principal’s discretion and suspension in/out of school up to 3 days or chosen alternative discipline.

2<sup>nd</sup> offense for Possession- Parental notification and notification to the appropriate law enforcement agency and may refer to Teen court (secondary only) and referred to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

## **IF THIS HAPPENS**

### **VIII. 12.2 PHYSICAL ATTACK** (Student to School Personnel/other persons)

- Inflicting injury of a serious nature. This would include using part of your person, including, but no limited to the following: fist, head, elbow, foot, knee, or teeth. Serious bodily injury involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, protracted loss or impairment of the function of a bodily member, organ, or body capability.
- This may include any form of intentionally restraining, restricting or clearly offensive physical contact upon or directed to the body of another.

## **THEN THIS HAPPENS**

### **Elementary and Secondary**

Any offense: Parental notification and notification to the appropriate law enforcement agency, and referred to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

## **IF THIS HAPPENS**

### **VIII. 12.3 PHYSICAL ATTACK** (Student to Student)

Inflicting injury of a serious nature. This would include using part of your person, including, but no limited to the following: fist, head, elbow, foot, knee, or teeth. Serious bodily injury involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, protracted loss or impairment of the function of a bodily member, organ, or body capability. This may include any form of intentionally restraining, restricting or clearly offensive physical contact upon or directed to the body of another.

## **THEN THIS HAPPENS**

### **Elementary and Secondary**

Any offense: Parental notification and notification of the appropriate law enforcement agency, student may be referred to Teen Court. Referral to the Hearing Authority, the student will be suspended for a minimum of five (5) days or until the scheduled hearing.

## **IF THIS HAPPENS**

### **VIII. 12.4 SEXUAL ATTACK** (Student to Student/School Personnel)

Sexual attack includes, but not limited to:

- Inappropriate physical contact of a sexual nature
- 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

## **THEN THIS HAPPENS**

### **Elementary and Secondary**

Any offense: Parental notification and notification of the appropriate law enforcement agency, student may be referred to Teen Court. Referral to the Hearing Authority, the student will be suspended for a minimum of five (5) days or until the scheduled hearing.

## IF THIS HAPPENS

### VIII. 12.5 GMCS ANTI-BULLYING POLICY [Student to Student, Student to Staff, Staff to Student]

“Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students. Bullying is any willful act done by a student, whether individually (instigating) or in concert with others, for the purpose of subjecting such individual(s) to hazing, harassment, humiliation, intimidation, physical abuse or threats of abuse, social ostracism, shame or disgrace, or menacing acts, and stalking which may, but not based on the student’s race, color, sex orientation, ethnicity, national origin, religion, and disability.

1. **Harassment**- knowingly pursuing a pattern of conduct [threats verbal or written] that is intended to disturb, alarm, irritates, and instills fear.
2. **Disability Harassment**- intimidation or abusive behavior toward a student with disabilities
3. **Racial Harassment**- any physical or verbal conduct relating to an individual’s race.
4. **Sexual Harassment**- any unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal, written, or physical conduct (indecent exposure) of a sexual nature.
5. **Hazing**- any act [initiations] which forces another student/person to be humiliated.
6. **Cyber Bullying**- any written, verbal, or pictorial communication conveyed through any form of electronic medium, including, but not limited to, desktop or laptop computers ,Internet, email, instant messaging, pagers, websites ,web-cameras, chat rooms ,blogs, you tube, cell phones, text messaging, photo and video sharing, as well as any new technology developed with similar capabilities.
7. **Menacing**- includes, but not limited to, any assault intended to place a school employee, student or third party in fear of imminent physical injury.
8. **Stalking**- willfully or maliciously engaging in a course of conduct that would cause a reasonable person to feel and /or cause the victim to feel terrorized or intimidated.

## THEN THIS HAPPENS

### Elementary

- 1<sup>st</sup> offense: Parental notification and mandatory conference ,and with principal discretion of notification to appropriate law enforcement agency, and then either up to three (3) day in or out of school suspension, or alternative discipline.
- 2<sup>nd</sup> offense: Parental notification and mandatory parent conference, and with principal discretion of notification to the appropriate law enforcement agency, and up to five (5) days in or out of school suspension, or alternative discipline. School site counseling required.
- 3<sup>rd</sup>+ offense(s): Parental notification and mandatory conference, notification of appropriate law enforcement agency. Referral to the Hearing Authority, the student will be suspended for a minimum of five (5) days or until the scheduled hearing.

### Secondary

- 1<sup>st</sup> offense: Parental notification and with principal discretion of notification to the appropriate law enforcement agency, and up to five (5) days suspension with a mandatory parent conference for re-entry. **If in the opinion of the principal**, the severity of the violation is of a violent or serious nature, then, the principal/designee would have the option of referring the student to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.
- 2<sup>nd</sup> offense: Parental notification and notification of the appropriate law enforcement agency, and referral to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

## **IF THIS HAPPENS**

### **VIII. 12.6 DISRUPTIVE AND DANGEROUS TACTICS**

Arson, playing with fire, calling in a bomb threat, explosion of fireworks and other explosives, riot, walk-outs, strikes, setting off fire alarms, discharging fire extinguishers and smuggling student(s) off-campus . Also, other acts (Instigating) that are equally as disruptive or dangerous might be charged as an offense in this policy, such as students obstructing school personnel from responding to a dangerous or potentially dangerous situation.

#### **Elementary**

- 1st offense: Parental notification and mandatory conference, notification of appropriate law enforcement agency, school mediation, SAT referral, and then either up to a three (3) day in or out of school suspension, or a chosen alternative form of discipline.
- 2nd offense: Parental notification and mandatory parent conference, and notification of the appropriate law enforcement agency, school mediation, and up to five (5) days in or out of school suspension, or a chosen alternative form of discipline.
- 3<sup>rd</sup> + offense(s): Parental notification and mandatory conference, notification of appropriate law enforcement Agency and then referral to the Hearing Authority the student will be suspended for a minimum of five (5) days or until the scheduled hearing.

#### **Secondary**

- 1<sup>st</sup> offense: Parental notification and notification of the appropriate law enforcement agency, student may be referred to Teen Court and school mediation and up to a five (5) days suspension with a mandatory parent conference for re-entry. **If in the opinion of the principal**, the violation is severe in nature, then the student may be referred to the District Hearing Authority. If the student is referred to the Hearing Authority, the student will be suspended for a minimum of five (5) days or until the scheduled hearing.
- 2<sup>nd</sup> offense: Parental notification and notification of the appropriate law enforcement agency, and referral to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

## **IF THIS HAPPENS**

### **VIII. 12.7 Gang Activity**

Definition:

For purposes of this policy a “gang” is any group of two or more persons who interact together to the exclusion of others, who claim a territory or area, have a name, and have rivals (enemies) and/or exhibit antisocial behavior. “Gang related activity” includes, but is not limited to, the prohibited conduct set forth below.

Prohibitions:

No student on or about school property or at any school activity shall:

1. Wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other items that evidences or reflects membership in, or affiliation with, any gang.
2. Engage in any act, either verbal or nonverbal, including gestures or handshakes, showing membership in, or affiliation with, any gang.
3. Engage in any act in furtherance of the interests of any gang or gang activity, including, but not limited to:
  - a.) Soliciting membership in, or affiliation with, any gang;
  - b.) Soliciting any person to pay for “protection,” or threatening any person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
  - c.) Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs, on school property;
  - d.) Engaging in violence, extortion, or any other illegal act or other violation of school policy;
  - e.) Soliciting any person to engage in physical violence against any other person.

## **THEN THIS HAPPENS**

### **Elementary**

- 1<sup>st</sup> offense: Principal-student conference, parent notification
- 2<sup>nd</sup> offense: Parental notification and mandatory conference, then either one (1) day in-school suspension or alternative discipline
- 3<sup>rd</sup> offense: Parental notification and mandatory conference, then either up to a three (3) day in-school suspension. Referred for school site counseling and to the Student Assistance Team
- 4<sup>th</sup> offense: Parental notification and suspension for up to five (5) days in or out of school, or alternative discipline with a mandatory parental conference for re-entry. Additional consequences may include placement in an alternative setting (school site) with SAT plan

### **Secondary**

- 1<sup>st</sup> offense: Principal-student conference and parental notification. **If in the opinion of the principal,** the violation is severe in nature, and then the student may be referred to the District Hearing Authority. If the student is referred to the Hearing Authority, the student will be suspended for a minimum of five (5) days or until the scheduled hearing.
- 2<sup>nd</sup> offense: Parental notification and mandatory conference, referral to the Student Assistance Team, and then either up to a three (3) day in or out of school suspension or alternative discipline.
- 3<sup>rd</sup> offense: Parental notification and referral to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

**IF THIS HAPPENS**

**VIII. 12.8 FIGHTING (Elementary & Secondary)**

Employing hostile contact (punches thrown) in which at least one student has contributed to a situation by bodily harm, but not of a serious nature.

**THEN THIS HAPPENS**

**Elementary**

- 1<sup>st</sup> offense: Parental notification with principal discretion in notifying appropriate law enforcement agency, and either a one (1) day in or out of school suspension with a mandatory parent conference.
- 2<sup>nd</sup> offense: Parental notification with principal discretion in notifying appropriate law enforcement agency, and either up to three (3) days in or out of school suspension with mandatory parent conference, or alternative discipline. Referred to the school site counselor and SAT.
- 3<sup>rd</sup> offense: Parental notification with principal discretion in notifying appropriate law enforcement agency, and referral to the Hearing Authority. The student shall be suspended a minimum of five (5) days or until the scheduled hearing.

**Secondary**

- 1<sup>st</sup> offense: Parental notification with principal discretion in notifying the appropriate law enforcement agency, student will be referred to SAT and/or Teen Court and school mediation and up to a five (5) days suspension with a mandatory parent conference for re-entry.
- 2<sup>nd</sup> offense: Parental notification with principal discretion in notifying the appropriate law enforcement agency, and referral to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.



**IF THIS HAPPENS**

**VIII. 12.9 AGGRESSIVE CONFRONTATION**

Verbally and/ or physically confronting another student in a disruptive manner. Shall include, but not be limited to; intentionally pushing, shoving, bumping, running into, tripping, or grabbing another student however no punches are thrown.

**THEN THIS HAPPENS**

**Elementary**

- 1<sup>st</sup> offense: Principal-Student conference, parent notification.
- 2<sup>nd</sup> offense: Parental notification and mandatory conference, and either one (1) day in-school suspension, or alternative discipline. School site counseling is required.
- 3<sup>rd</sup> offense: Parental notification and mandatory conference, and either up to a three (3) day in-school suspension, or alternative discipline. Referral to school site and SAT
- 4<sup>th</sup> + offense(s): Parent notification and mandatory conference, and either up to five (5) days in or out of school suspension, or alternative discipline.

**Secondary**

- 1<sup>st</sup> offense: Parental notification and up to three (3) days suspension with a mandatory parent conference for re-entry.
- 2<sup>nd</sup> offense: Parental notification and then up to five (5) days suspension with mandatory parental conference for re-entry. Referral to school site and SAT
- 3<sup>rd</sup> offense: Parental notification and a referral to the Hearing Authority and a suspension for a minimum of five (5) days or until the scheduled hearing

**IF THIS HAPPENS**

**VIII. 12.10 ABUSIVE LANGUAGE/GESTURE (Student to School Personnel)**

Language and or gesture which is crude, offensive, insulting, coarse to show contempt or disrespect.

**THEN THIS HAPPENS**

**Elementary and Secondary**

- 1<sup>st</sup> offense: Parental notification, referral for school counseling, and up to a three (3) day suspension with mandatory parental conference. At principal discretion appropriate law enforcement agency may be notified, and referral Student Assistance Team
- 2<sup>nd</sup> offense: Parental notification, at principal discretion appropriate law enforcement agency may be notified, and a referral to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

## **IF THIS HAPPENS**

### **VIII. 12.11 CRIMINAL ACTIVITY**

- a. **Larceny/Thievery** consists of stealing of anything of value, which belongs to the district, district personnel, or other individuals on district property or at a district function.
- b. **Burglary** consists of unauthorized entry of any vehicle, dwelling, or other structure, which belongs to the district, district personnel, or other individuals while on district property or at a district function with the intent to commit any felony or theft therein.
- c. **Extortion** consists of the illegal taking of money or property by using threat or using force.
- d. **Criminal damage** consists of intentionally damaging any district or personal property belonging to the district, district personnel or on district grounds.

**Note:** Any student who commits larceny, burglary, or criminal damage to district or private property shall be liable to the district or owner for full restitution of the property or for payment to the district or individual owner for an amount equal to the fair market value of the property, less any salvage value. In the event such a student shows financial inability to restore to the school or individual owner the fair market value less salvage (if any), an installment payment plan shall be established. If such a student does not meet a reasonable installment plan to restore the value of the property, the student may be referred to the hearing authority.

GMCS does not pay for or replace student property that is lost, stolen, or damaged at school. All items, including electronics, bicycles, and skateboards are brought to school at the owner's risk.

## **THEN THIS HAPPENS**

### **Elementary & Secondary**

Any Offense: Parental notification and at principal discretion, notification to appropriate law enforcement agency and either up to a three (3) day in or out of school suspension with a mandatory parent conference for re-entry **or if in the opinion of the principal**, the severity of the violation warrants a hearing, the student will be referred to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

## **SUBSTANCE ABUSE POLICY**

In accordance with HB 170aa, the Drug Free School Zone shall include areas up to 1,000 feet from school property.

GMCS District policy forbids any student from possessing, using, distributing, or being under the influence of drugs or alcohol, and from possessing, using or distributing drug paraphernalia while on school premises, and during any school-related activities, including transportation to or from school and all related activities. Any individualized, reasonable suspicion of violation of the district's substance abuse policy may result in search and seizure by school administrator or designee. GMCS recommends volunteer participation in a substance abuse program.

Prescription Drugs: prescribe by the students Physician consumed as directed by label on original container are exempt. A 504 plan is required.

### **IF THIS HAPPENS**

#### **VIII. 12.12 POSSESSION OF INTOXICATING SUBSTANCE/PARAPHERNALIA**

Possession shall mean that a student has on the student's person, in the student's belongings, or under the student's control by placement of and knowledge of the whereabouts of, alcohol, a drug, a look-alike substance and drug paraphernalia.

- Any liquor wine, beer or other substance containing alcohol.
- Any drug, including illegal drugs, marijuana, inhalants, legal prescriptions and over-the-counter drugs used or possessed or distributed for unauthorized purposes, and counterfeit (look-alike) substances. Look-alike is any substance capable of producing a change in behavior or altering a state of mind or feeling.
- Paraphernalia: Any equipment, products or materials used for packaging, ingesting, storing or transporting intoxicating substances, including roach clips, miniature cocaine spoons, bongs, pipes, rolling papers, scales, zip lock bags, etc...

### **THEN THIS HAPPENS**

#### **Elementary and Secondary**

1st offense: Parental notification and notification to the appropriate law enforcement agency, referral to the Hearing Authority. Student will be suspended a minimum of five (5) days or until the scheduled hearing. Student may be referred to Teen Court and Student Assistance Team (SAT).

2<sup>nd</sup> offense: Parental notification, notification to the appropriate law enforcement agency, and possible referral to a social service agency. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

- **Elementary** students are not eligible for the GMCS alternative education program.
- **Secondary** students who are long-term suspended are not guaranteed placement in the GMCS alternative education program. If no space is available in the alternative education program, students will not be allowed to attend any GMCS school.

## **IF THIS HAPPENS**

### **VIII. 12.13 USE OF INTOXICATING SUBSTANCE**

Use shall mean that a student is reasonably known to have ingested, smoked or otherwise assimilated alcohol, a drug, look-alike substance, or reasonably found to be under the influence of such a substance.

- Any liquor wine, beer or other substance containing alcohol.
- Any drug, including illegal drugs, marijuana, inhalants, legal prescriptions and over-the-counter drugs used or possessed or distributed for unauthorized purposes, and counterfeit (look-alike) substances. Look-alike is any substance capable of producing a change in behavior or altering a state of mind or feeling.

## **THEN THIS HAPPENS**

### **Elementary and Secondary**

1st offense: Parental notification and notification to the appropriate law enforcement agency, referral to the Hearing Authority. Student will be suspended a minimum of five (5) days or until the scheduled hearing. Student may be referred to Teen Court and Student Assistance Team (SAT).

2<sup>nd</sup> offense: Parental notification, notification to the appropriate law enforcement agency, and possible referral to a social service agency. The student will be suspended for a minimum of five (5) days or until the hearing.

- **Elementary** students are not eligible for the GMCS alternative education program.
- **Secondary** students who are long-term suspended are not guaranteed placement in the GMCS alternative education program. If no space is available in the alternative education program, students will not be allowed to attend any GMCS school.

## **IF THIS HAPPENS**

### **VIII.12.14 DISTRIBUTION OF INTOXICATING SUBSTANCE**

**Distribution:** Distributing excessive amounts of an intoxicating substance with intent to deliver to other students or persons while on school property or at a school activity without gaining compensation or other valuable consideration. Any student who distributes drugs that are subsequently consumed by a student resulting in an altered state or physical harm will be referred to the hearing authority.

## **THEN THIS HAPPENS**

### **Elementary and Secondary**

Any offense: Parental notification and notification to the appropriate law enforcement agency, and referred to the District Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing. The Student may be eligible for alternative education.

**IF THIS HAPPENS**

**VIII.12.15 TRAFFICKING OF INTOXICATING SUBSTANCE**

**Trafficking:** Sale of, or intent to sell, any intoxicating substance to other students or persons while on school property or at a school activity. This further includes purchasing any substance with an intoxicating effect on district property without having received the substance.

**THEN THIS HAPPENS**

**Elementary and Secondary**

Any offense: Parental notification and notification to the appropriate law enforcement agency, and referred to the Hearing Authority for one year (365 days) expulsion. Student will not be eligible for the alternative education program.

**VIII. 12.16 ATHLETIC/ACTIVITY SUBSTANCE ABUSE POLICY**

(Use/Possession/Distribution/Trafficking)

**PHILOSOPHY:** Participation in extra-curricular activities is a privilege (not a student right). Suspension of such privileges does not require a due process hearing. Participants are representatives of their school and community, their conduct is expected to exemplify high standards. The following policy applies when students, who are members of the District’s extra-curricular/activity programs, are in violation of the use, possession, distribution or trafficking of an intoxicating substance. This applies to participants during each extra-curricular activity’s season and requires twenty-four (24) hour compliance, on and off campus.

**THEN THIS HAPPENS**

**Elementary and Secondary**

- 1<sup>st</sup> offense: Parent-participant-coach/sponsor-administrator conference.
- Forfeiture of privilege of participation for the duration of the current sport/activity season or thirty (30) school day period, whichever is longer. Forfeiture of eligibility for all relevant awards, honors, or letters.
- 2<sup>nd</sup> offense: Parent-participant-coach/sponsor-administrator conference.
- Forfeiture of participation in all extracurricular programs for a period of one (1) year from the date of the second offense. Forfeiture of eligibility for all relevant awards, honors, or letters.

**IF THIS HAPPENS**

**VIII. 12. 17 TOBACCO**

The use and/or possession of tobacco/nicotine products are prohibited

**Elementary and Secondary**

- 1<sup>st</sup> offense: Parental notification and mandatory conference and either up to three (3) days in-or-out of school suspension or alternative discipline.
- 2<sup>nd</sup> offense: Parental notification and conference, and either up to a five (5) days in-or-out of school suspension, or alternative discipline.
- 3<sup>rd</sup> Offense: Referral to hearing authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

**IF THIS HAPPENS**

**VIII. 12. 18 FALSE REPORTS (Student to School Personnel, Student to Student]**

Falsely reporting crimes or purposely giving false information to a school administrator or other investigator during the process of an investigation

**THEN THIS HAPPENS**

**Elementary and Secondary**

- 1<sup>st</sup> offense: Parental notification, and up to a three (3) day suspension with mandatory parental conference. At principal discretion appropriate law enforcement agency may be notified. Referral for school counseling and may include Student Support Team referral.
- 2<sup>nd</sup> offense: Parental notification, at principal discretion appropriate law enforcement agency may be notified, and a referral to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

## **IF THIS HAPPENS**

### **VIII. 12. 19 ELECTRONIC DEVICES**

The use of any and all electronic devices by **Elementary** and **Secondary** students during the school day, whether on-campus or during a school-sponsored event, is strictly prohibited. The “school day” shall mean the normal hours of operation of the school. While Elementary and Secondary students are not prohibited from possessing Electronic Devices, unless otherwise prohibited by law or District policies, rules or procedures, the Electronic Devices must be turned “off” and stored in a student’s backpack, clothing, purse, locker, or vehicle. This Policy does not apply to the sanctioned use of Electronic Devices by teachers, or students under the direct supervision of their teacher, for educational purposes. This policy does not prohibit the use of electronic devices on school buses or extracurricular activity buses unless otherwise restricted by District staff responsible for the activity.

Use of electronic devices in violation of this policy shall result in the confiscation of the electronic device. Electronic devices that are not recovered at the end of the school year may be disposed of by the District. The District will not investigate or be liable or responsible for the loss of, or damage to, any electronic device confiscated from a student pursuant to this policy.

**Each school site: labels and secures the collected electronic devices. Example: name of student, date collected, and item description.**

The use of electronic devices during a LOCK DOWN is strictly prohibited for the safety of all students and staff. (Schools who do not have effective intercom systems may use cell phones as a way of communication).

## **THEN THIS HAPPENS**

If it is determined that the use of the electronic device is a violation of the Anti-Bullying policy, refer to section Anti-Bullying Policy

### **Elementary**

1<sup>st</sup> offense: cell phone is taken by teacher and given to principal, the phone will be returned to the student at the end of school day

2<sup>nd</sup> offense: cell phone is taken by teacher and given to principal; parents are called to pick up the phone.

3<sup>rd</sup> offense: cell phone is taken by teacher and given to principal; parents are called to pick up the phone. Student loses privilege of having a cell phone at school for the remainder of school year.

### **Secondary**

1st Offense: The Parents/Guardian of the student must come to school and sign for the electronic device in order for it to be returned.

2nd Offense: The parents will be able to pick up the electronic device at the end of the semester.

Continued Offense(s): Student will receive a charge of misbehavior.

## IF THIS HAPPENS

### VIII. 12.20 MISBEHAVIOR in determining the offense number, all student discipline policy violations

(12.0 – 12.20) may be considered misbehaviors. Willful Conduct which interferes with the educational process. Misbehavior may include repetitive disruptions for which the classroom teacher has exhausted classroom consequences, including parent notification. The misbehavior may occur on school property, school bus/vehicle, at a bus stop, or at a district activity, or athletic event. Misbehaviors include, but are not restricted to the following definitions:

1. The use of profane/vile language or gestures, not directed at school personnel.
2. The willful refusal to identify one's self upon request from school personnel.
3. The failure to disperse or leave any school facility or school event after being requested.
4. The refusal to follow a reasonable direction issued by school personnel.
5. The theft of minor items such as school supplies.
6. Clothing which is disruptive to the educational process (district/school dress code).
7. Inappropriate display of affection.
8. Gambling: playing cards or dice and betting for money.
9. Misuse of technology: any action that breaks the technology contract.
10. Willful refusal to attend class after having arrived at school (ditching).
11. Habitual unexcused tardiness (5+ = 1 referral).
12. Plagiarism/cheating: use of created production without crediting the source.
13. Forgery: falsifying a person's name, or altering/fraudulent school documents.

**Note:** In cases of on-going persistent offenses: that begin on the third offense, Student Assistance Team (SAT) is required at school site. They are required to address the inappropriate behavior(s) through a Functional Behavioral Assessment (FBA) and a Behavioral Intervention Plan (BIP). At least one plan is required from the SAT committee with supporting documentation before a student can be referred to the Hearing Authority.

## THEN THIS HAPPENS

### Elementary

- 1<sup>st</sup> offense: Principal-student conference. Parent notification
- 2<sup>nd</sup> offense: Parental notification, one (1) day in-school suspension or alternative discipline.
- 3<sup>rd</sup> offense: Parental notification and mandatory conference, up to a three (3) day in-school suspension or alternative discipline. The student will also be referred for counseling and to the Student Assistance Team.
- 4<sup>th</sup> -7<sup>th</sup> offense: Parental notification and mandatory conference and referral to the Student Assistance Team (SAT) and up to a five (5) day in-or-out of school suspension, or alternative discipline.
- 8th offense: Parental notification and referral to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.

### Secondary

- 1<sup>st</sup> offense: Principal-student conference. Parent notification
- 2<sup>nd</sup> offense: Parental notification, then either one (1) day in-or-out of school suspension or alternative discipline.
- 3<sup>rd</sup> offense: Parental notification and mandatory conference, and then either up to a three (3) day in-or-out of school suspension or alternative discipline. The student will also be referred for counseling and to the Student Assistance Team.
- 4<sup>th</sup> – 5<sup>th</sup> offense: Parental notification, mandatory parental conference or alternative discipline, and referral to the Student Assistance Team, and then up to five (5) days in-or-out of school suspension.
- 6<sup>th</sup> offense: Parental notification and referral to the Hearing Authority. The student will be suspended for a minimum of five (5) days or until the scheduled hearing.



### **VIII 14.1 DRESS CODE (Non Compliance with the specific school dress code)**

#### **Personal appearance must not disrupt or detract from the educational environment**

The school dress code has been established to promote discipline, respect and responsibility among all students and to maintain an appropriate school environment conducive to learning and free from unnecessary distractions and disruptive influences. School personnel determine whether a student's appearance is detrimental to the educational process and submit referrals to School Administration.

### **VIII. 14.2 PROCEDURES FOR STUDENT SUSPENSION AND EXPULSION:**

Student suspensions for discipline problems occur at the end of the progressive discipline procedures. Suspensions are generally viewed as the last resort when all other discipline procedures have been explored or the severity of the discipline problem warrants a student a student being removed from the school setting. Student suspensions occur in the following categories by definition:

1. **"Short-Term Suspension"** means the removal of a student from attendance at all schools of the district for a period of not more than ten (10) consecutive school days.
2. **"Long-Term Suspension" (LTS)** means the removal of a student from attendance at all schools of the district from 11 days to 90 days. (The student may qualify for possible placement in Alternative Education program).
3. **"Expulsion"** means the removal of a student from attendance at all GMCS District Schools for a minimum of 90 days and to a maximum of 365 days. The Superintendent must approve expulsion beyond 365 days or permanent expulsion from GMCS.

#### **B. Procedures: Short-Term Suspension**

A short-term suspension may be imposed upon any student subject to this policy on the basis of the decision of such student's principal following a informal interview (**due process**) at which the student is notified of the violations against them, and given an informal opportunity to respond. The principal shall notify the student's parent or guardian of a short-term suspension in a conference and/or in writing. In cases in which a short-term suspension is imposed by school administration and recommending a district Hearing, the notice of hearing form must be reviewed and signed and then submitted to hearing office for a formal hearing.

#### **C. Procedures: Expulsion or Long-Term Suspension (LTS)**

Principals who recommend expulsion or LTS to the Hearing Authority shall follow the same due process procedures used in cases of short-term suspension. The parents or guardian of a student recommended for expulsion or LTS shall be provided written notice of such recommendation by mail or by personal delivery by a school employee.

Disciplinary actions may continue into the following semester or school year.

A student who is expelled or long-term suspended from a Gallup-McKinley County School (GMCS) is not eligible to attend any GMCS School during the period of expulsion or long-term suspension. Retention of students in grades K-8 who have been expelled or long-term suspended from a GMCS School will be determined through the SAT process. Students who have been expelled from other school districts are not "qualified students" in the Gallup-McKinley County Public School District during the period of expulsion or long-term suspension as set by their previous school district. (See Open Enrollment Policy)

### **VIII 14.3 APPEAL PROCESS**

Upon request to the Superintendent, the student and parents or guardian may appeal the penalty imposed by the school administrator or the Hearing Authority. Superintendent review will be granted only if a written request to the Superintendent is submitted within five (5) school days of the issuance of a written decision by the school administrator or Hearing Authority. If such an appeal is granted, the Superintendent will review statements presented by the school administrator or Hearing Authority, and the student or parent/guardian. If legal counsel is desired for the appeal, the Superintendent must be notified three (3) working days prior to the appeal. The Superintendent may increase, decrease, or let stand the penalty imposed by the school administrator or Hearing Authority. The Superintendent has fifteen (15) days from the date of submission of the appeal to render a written decision.

### **VIII. 14.4 GRADES/CREDIT FOR STUDENTS EXPELLED/SUSPENDED FROM SCHOOL**

The Board of Education notes that NMPED Regulations do not require that a student who has been suspended or expelled in accordance with state and local procedure be provided any educational services from his or her school during the period of exclusion from school, unless the local school board agrees, at its option, to provide alternative education arrangements. This allowance is offered only to those students whose long-term suspension was not the result of 12.0, 12.1, 12.2, 12.4, and 12.5.

The Board further notes that federal law pertaining to special education student requires continuation of educational services to expelled, suspended, or removed special education students under certain circumstances. Accordingly, the policy of the Board with regard to continuation of educational services is as follows:

#### **A. General Education Students**

A general education student who has been placed on long-term suspension, and re-admitted on a contract for violation of School District policies, shall be entitled to continued educational services, or to earn credits or grades for educational activities performed by the student during that student's long-term suspension.

School assignments missed because of short-term suspension may be made up within a reasonable period of time. Students wishing to make up work must contact the teacher(s) for make-up assignments. School assignments missed because of expulsion or long-term suspension may not be made up.

#### **B. Special Education Students**

Pursuant to federal law, students determined to be in need of special education services who are expelled, suspended long term, or removed from their current educational placements for more than ten (10) school days in a school year due to misconduct, are entitled to continuation of educational services "to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student IEP." See 34 CFR § 300.121(a)(2)

#### **C. In deference to the requirements of federal law regarding special education students:**

The District will provide services to expelled, suspended, and removed special education students necessary to enable appropriate progress in the general curriculum and with regard to the goals of such students' IEP's;

Special education students who demonstrate progress in the general curriculum during removal, suspension, or expulsion will receive credit for work successfully completed;

Progress in the general curriculum will be measured by individual teacher assessment or standardized testing. Progress on IEP goals and credit for work performed under the IEP during removal, suspension, and expulsion will be measured in a manner consistent with the IEP.

### **VIII. 14.9 EDUCATIONAL SERVICES FOR STUDENTS CHARGED WITH SERIOUS CRIMES**

Note: Schools do have the authority to discipline students when speech articulated or behavior committed off-campus results in a clear disruption of the school environment.

1. Any student charged with or convicted of a serious crime unrelated to his or her status as a student who wishes to continue his or her education may do so only according to the terms and conditions, and under the circumstances, provided herein;
2. Any such student who wishes to continue his or her education during the pendency of his or her criminal proceedings must submit a written request to do so to the building principal;
3. Upon receipt of such a request, the building principal shall develop and submit to the Superintendent or designee for approval a plan to provide continued educational services to the student: on campus, off-campus, homebound, or other alternative basis;
4. Upon such approval by the Superintendent or designee, the student shall be limited to the alternative educational plan until: (a) he or she is acquitted of the charge or charges; or (b) he or she is removed from or leaves the District.
5. The terms of this policy shall also be applied to any new student validly seeking to be enrolled in the District.

### **VIII. 14.11 SCHOOL BUS DISCIPLINE**

Student transportation is a privilege, not a right, extended to qualified students. Students who do not obey regulations may have their transportation privileges revoked by district officials. The school bus driver is exclusively in full charge of all students when they are riding the bus. Drivers shall report all serious discipline cases to the building principal.

The bus driver shall have the authority to suspend a student's transportation privilege. The transportation department shall notify the parents by phone, or in person, and in writing of suspension of transportation privileges. Parents will be notified of suspension of transportation privileges prior to suspension. Disciplinary action for problems caused by students will be handled according to the discipline policy.

The permanent suspension of the student shall be the joint decision of the principal and the school bus driver. Permanent suspension from school buses may be appealed to the Superintendent.

## **VII. 14.12 DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES**

### **A. Disciplinary Considerations:**

1. Students with disabilities can generally be disciplined in accordance with the Student Behavior Handbook except when the consequences for a student's behavior constitute a change in placement. The exclusion of a student with disabilities from his/her education program for more than a total of ten (10) days during a school year may constitute a change in placement.
2. Students with disabilities may never receive more severe consequences for their behaviors than their non-disabled peers receive.
3. Students who are in the process of being tested for special education, and students whose parents have requested special education testing are to be provided the same procedural safeguards as students with disabilities, until such time as an eligibility determination has been made.
4. IDEA, Section 504 of the ADA, or NMAC. Supersede GMCS student behavior handbook.

### **Suspension Considerations:**

Suspensions (in or out of school) totaling ten (10) or more school days (consecutive or non-consecutive) during a school year, or expulsions of disabled students for disciplinary reasons, may be imposed only if the student's conduct is determined not to be related to his or her disability in a manifestation determination, or if the offense involved is for drugs, weapons or serious bodily injury in which case a student may be removed from the educational placement for up to 45 school days even if the behavior is known to be manifestation of the disability. A disabled student charged with a drug, weapons or serious bodily injury offense may not receive a harsher punishment than a similarly charged non-disabled peer.

1. For disabled students with recurrent (two or more) discipline violations of a particular type, functional assessments of behavior and behavior interventions plans must be conducted and implemented before a student is removed from the educational placement for more than ten days
2. For further guidance, please refer to the procedural safeguards for policies regarding students with disabilities (<http://www.ped.state.nm.us/seo/library/parentrights.pdf>).

### **Continuation of Educational Service**

1. Special education students who are expelled, suspended long term, or removed from their current educational placements for more than ten (10) school days in a school year are entitled to continuation of educational services "to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP." See 34 CFR § 300.121(a) (2)
  - a. The District will provide alternative education to expelled and suspended students to enable academic progress in the general curriculum and with regard to the students IEP goals.
  - b. Special education students who demonstrate progress in the general curriculum during suspension, expulsion or alternative education will receive credit for work completed.
  - c. Individual teacher assessment or standardized testing will measure progress in the general curriculum.

### **504 Plan Considerations**

1. Students eligible for 504 Plans can generally be disciplined in accordance with the Student Behavior Handbook except when the consequences for a student's behavior constitute a change in placement. The exclusion of a student with a 504 Plan from his/her education program for more than a total of ten (10) days during a school year may constitute a change in placement.
2. Students with 504 Plans may never receive more severe consequences for their behaviors than their non-disabled peers receive.
3. Suspensions (in or out of school) totaling ten (10) or more school days (consecutive or non-consecutive) during a school year, or expulsions of students with 504 Plans for disciplinary reasons, may be imposed only if the student's conduct is determined not to be related to his or her disability in a manifestation determination.

### **VIII. 16.0 SEARCH AND SEIZURE**

Student searches and seizure are subject to GMCS Board Policy J-3400; New Mexico Public Education Department Regulation 6.11.2.10[B]: Article 2, 10 of the New Mexico Constitution and the Fourth Amendment of the U.S. Constitution. Generally, a school administrator may conduct a student search and seizure only if the school official has “Individualized Reasonable Suspicion” that a student is in possession of contraband in violation of school rules or the law. [11:20:09]As used in this policy “contraband” means any substance, material, or object prohibited from school pursuant to school policy or state or federal law, including drugs, alcohol, fireworks, or weapons.

### **VIII. 16.2 RULES REGARDING SEARCHES AND SEIZURES:**

With respect to both employees and students, the district reserves the right to search persons, personal effects and vehicles when a reasonable, individualized suspicion based upon objective, observable facts exists:

- A. A pat-down search of a person may be conducted on the basis of a reasonable, individualized suspicion that such person is in possession of contraband. Any such search shall be conducted in private by an authorized school official of the same sex as the person to be searched and in presence of a witness of the same sex. Strip searches are not permitted.
- B. Lockers, desks and similar storage facilities are school property and remain at all times under the control of the school; however, persons using such facilities are expected to assume full responsibility for the security of their lockers and desks and similar facilities. Periodic general inspections of lockers, desks, and similar facilities may be conducted by school officials for any reason, at any time, without notice and without consent.
- C. Persons are permitted to park on school premises as matter of privilege, not of right. The district retains the authority to conduct routine patrols of school parking lots and inspections of the exteriors of automobiles on school property. Such patrols and inspections may be conducted without notice and without consent. The interiors of vehicles on school property may be inspected whenever a school official has an individual reasonable suspicion that contraband is within such a vehicle.
- D. In any of the foregoing enforcement actions, the administration is authorized to use dogs whose reliability and accuracy for sniffing and detecting contraband has been established. The dogs will be accompanied by a qualified and authorized dog trainer-handler who will be responsible for the dog’s actions. Any indication by the dog that an illegal or unauthorized substance or object is present on school property or in a vehicle on school property shall be reasonable cause for a search by school officials.

**LOCAL AGENCY COUNSELING SERVICES**

**La Familia**

210 East Aztec Gallup, NM 87301 505-863-6667

**Connections**

102 E. Aztec; Gallup, NM 87301 (505) 863-3377

**Western NM Counseling Medical Services**

2025 E. Aztec; Gallup, NM 87301 (505) 863-3828

**Western NM Counseling Medical Services**

15 Navarre Blvd.; Thoreau, NM 87323 (505) 862-7417

**New Directions** John Michael Stewart

702 W. Mesa Gallup, NM 87301 (505) 870-6344

**Counseling & Therapy Practice of Gallup (Donna Tarro)**

213 W. Mesa; Gallup, NM 87301 (505) 722-4828

**Alliance of Gallup**

208 E. Nizhoni Gallup, NM (505) 722-9596; 1-800-327-9596

**Rehoboth McKinley Christian Hospital**

Behavioral Health Services Mental Health Outpatient

650 Vandenbosch Dr.; Gallup, NM (505) 726-6932

**McKinley County Juvenile Services**

Juvenile Substance Abuse Crisis Center

109 Hasler Valley Rd; Gallup, NM (505) 726-8249

**Indian Health Service**

Zuni Mental Health (505)782-7312

Tohatchi Clinic (505)733-2825

Crownpoint IHS (505)786-2111

**Gallup Indian Medical Center**

Nizhoni Blvd.

Substance Abuse (505) 722-1597/1571

Anger Management Gallup (505)722-1736

**Dawn of Recovery**

PO Box 1490; Ft Defiance, AZ 86504 (928)729-4012

**Navajo Area IHS Behavioral Health Dept.**

Ft Defiance-PHS (928)729-8500 (929)729-8508

**Crownpoint Healthcare Facility**

New Horizons (505)786-6232

**Navajo Treatment Centers**

Ft. Defiance (928) 729-4059

Window Rock (928) 871-6818

**ACTS** Jerry Eastridge (505) 733-2449

United Pentecostal Church

Tohatchi, NM

# GMCS Harassment, Intimidation, Bullying, or Hazing Incident Reporting Form

(Student to Student, Student to Staff, Staff to Student, Staff to Staff)

Alleged Incident Information		
School	Date	
Name	Are you target of behavior? Yes <input type="checkbox"/> No <input type="checkbox"/> Are you reporting incident? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Grade	Phone Number	Home Address
Allegation Filed Against		
Name	Grade (or position if not a student)	
Name	Grade (or position if not a student)	
Alleged Incident		
Date	Time	Location
Is this the first time this has happened? YES <input type="checkbox"/> NO <input type="checkbox"/>		Is this the first time you are reporting this? YES <input type="checkbox"/> NO <input type="checkbox"/>
If no, when and to whom was this previously reported to?		
Description (provide as much detail as possible- may use back of page)		
Witnesses (if applicable)		
Name	Grade/position	Phone number
Name	Grade/position	Phone number
Report Information		
Did anyone help you fill out this form? Yes <input type="checkbox"/> No <input type="checkbox"/>		If someone helped you fill out form, who is person?
Name of person who took reporting form		Signature of person filing this report (reports may be anonymous)

