

# STUDENT HANDBOOK ~~2019-2020~~ 2020-21

**Dear Students, Parents/Families, Community Partners and Visitors,**

Welcome to the 2020-21 school year and to what I believe is the best **upper elementary and** middle school in the state of New Mexico. 21st Century Public Academy is dedicated to providing outstanding educational opportunities for all our students and are proud to welcome you back to another school year. This year presents a challenging opportunity for our schools, students, parents, and community to work together for the success of our students. ~~The new building is finally complete and we are so excited about our adventure in our permanent space.~~ Our teachers, administrators and staff are dedicated to ensuring an inclusive and positive climate and culture at our school. We work diligently to provide an educational program for each and every student that is rigorous, challenging, engaging and supportive. Parents, students, family members and the school are partners in this journey to provide a quality education for our students. The 21st Century Student Handbook provides information about the rights, responsibilities, and expectations for our students. We hope you find it informative and helpful. Please visit our website, [www.21stcenturypa.com](http://www.21stcenturypa.com), for more information and current information and activities. We appreciate your involvement in your student's education, and you have our commitment to prepare our students to be productive, responsible citizens for the 21st century.

Sincerely,

Mary Tarango,  
Chief Executive Officer

Bianca Belmonte-Sapien  
Principal

## **Governance Council**

- Virginia Trujillo, President
- Art Silva, Vice President
- Kathy Webb, Secretary
- **Gary Boyd, Member**
- Evelyn Dow, Member
- ~~Elizabeth Piazza, Member~~
- **Daniel Kegler, Member**
- Victoria Tafoya, Member

### **Goal One: Academic Achievement**

21st Century will implement an academic plan aimed at improving achievement for all students with an intensified focus on closing the achievement gap. The Governance Council is committed to providing a safe, respectful, and nurturing environment for all members of the school community including students, staff, parents, community partners and visitors. This handbook is an official policy statement of the 21st Century Public Academy Governance Council. Students and parents should review and be familiar with this handbook, as well as the handbook given out at school with a shorter review of the policies. The Student Handbook will be reviewed by the Governance Council on an annual basis. Suggested changes should be submitted to the Principal (505-254-0280) at [bbelmontesapien@21stcenturypa.com](mailto:bbelmontesapien@21stcenturypa.com) by the end of the first semester for consideration for inclusion in the following year's handbook. A shorter version of this handbook will be made available to students during the first week of school or upon enrollment. It will also be posted on the website at [www.21stcenturypa.com](http://www.21stcenturypa.com).

### **Goal Two: Financial Stewardship**

21st Century Public Academy will maintain a transparent, sound, and responsible financial plan that focuses resources to the classroom and advances student achievement, supports family/community involvement, and promotes school safety.

### **Goal Three: Family & Community Involvement**

21st Century Public Academy will meaningfully engage families and enhance partnerships with the community to maximize student achievement.

### **Goal Four: School Environment**

21st Century Public Academy will provide a safe and supportive climate for learning and working that maximizes student achievement.

## **MISSION STATEMENT**

It is the mission of 21st Century Public Academy to continually search for positive learning experiences that enrich students and staff. Whenever possible, these lessons will take place in the arena in which they are practiced.

## **VISION STATEMENT**

21st Century Public Academy will provide experiences, situations, and opportunities for students to develop talents and to understand their role in the community. The body, mind, and spirit of each person will grow through lessons learned at school. Students will acquire a sense of personal responsibility, independence, and community interdependence.

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## **21st CENTURY PUBLIC ACADEMY STUDENT HANDBOOK**

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

### **NONDISCRIMINATION POLICY**

21<sup>st</sup> Century Public Academy affirms its' commitment to the rights of students, parents and employees, as set forth in Federal and State Statutes, for nondiscriminatory treatment in relation to disability, race, ethnicity, color, sex, sexual orientation, gender identity, national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law, in all its programs and activities. Nondiscrimination shall include freedom from harassment and retaliation based on disability, race, ethnicity, color, sex, sexual orientation; national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law.

### **School District Authority and Jurisdiction**

The provisions of the Student Handbook are in effect:

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

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

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

**EXPECTATIONS OF STUDENTS ATTENDANCE:** It is essential for students to attend school daily in order to acquire the knowledge, skills and confidence needed to become college and career ready. Regular student participation in daily classroom activities plays a significant role in a student's school success. Students are expected to attend school regularly and on time. State Law requires daily school attendance for those between the ages of 5 and 18, or until graduation from high school.

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

- Strive to fulfill their academic potential.
- Actively participate in the educational process.
- Actively participate in community activities.

**Social Responsibility:** Students are expected to be good members of the community. They are expected to:

- Model and promote the pillars of CHARACTER COUNTS! (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship)
- Respect authority, property, and the rights of others.
- Maintain a safe school environment and in their larger community.

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

- Attend school every day and be on time for every class.
- Resolve differences with others in a positive, non-violent way.
- Remain drug, alcohol and tobacco free.
- Adhere to the school dress code.
- Respect school property and the property of others.
- Respect fellow students and all school staff members.
- Comply with the standards of behavior for their classrooms and their school/district.

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

**Attendance** - Make sure your student(s) attend school, on time, every day.

**Achievement**

- Support your student in doing their homework and studying at home.
- Make learning a priority.
- Maintain regular communication with your children's teachers, school

administrators and other school staff members.

- Stay informed of your child's ongoing scholastic achievement and progress, and advocate for your child's learning needs.

### **Social Responsibility**

- Understand our school/district rules.
- Support school administrators in enforcing these rules.
- Support the school and the Governance Council in maintaining high expectations for all students.
- Keep the school informed of your current contact information by notifying the school of any change of address or phone numbers.

### **STUDENT RIGHTS AND RESPONSIBILITIES EDUCATIONAL OPPORTUNITY**

- A free public school education shall be available to every school-aged person, and each student who enrolls has a corresponding responsibility not to deny this right to any other student.
- 21st Century Public Academy affords all students equal educational opportunities, as well as, equal opportunities to participate in extracurricular activities.
- Policy prohibits discrimination and harassment on the basis of ethnic identity, religion, race, color, national origin, sex, sexual orientation, gender identity, mental or physical disability, marital status and pregnancy in any program or activity sponsored by the school district.
- The student government will establish reasonable standards for candidates for office.
- All students shall be allowed to vote in elections designed to promote careful consideration of the candidates and issues.
- The responsibilities of the student government shall be subject to the regulations of the Governance Council and shall include but not be limited to the following:
  - Involvement in the process of developing policies for revisions and additions to the curriculum, school rules and regulations.
  - Involvement in the formulation of guidelines for co-curricular activities.
  - Involvement in allocation of student funds, subject to established audit controls and the approval of the principal.

### **EXPRESSION AND ASSOCIATION**

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

## PUBLICATIONS

- Students shall be allowed to distribute political leaflets, newspapers, and other literature on school premises, at specified times and places. Such publications shall be submitted to the principal or designee for prior review.
- Student publications shall be submitted to the principal or designee for prior review.

## ORGANIZATIONS AND CLUBS

- Students may form clubs or organizations for any legal purpose.
- These organizations must be open to all students on an equal basis and must operate within procedural guidelines established by the student government, and with the approval of the school principal for **CONTROVERSIAL ISSUES**
- Students shall have the right to encounter diverse points of view.
- Students shall have opportunities to hear speakers and view presentations representing a wide range of views in classes, clubs and assemblies under guidelines established by the school/ district.

## DRESS CODE

- 21st Century Public Academy requires students to wear a uniform. The uniform consists of **tan, khaki, black or blue jean** colored pants, shorts, skirts, or overalls, a white, gray, or purple collared polo shirt with the school logo or the approved school t-shirts with the school logo. Uniform shirts, sweatshirts and hoodies must be purchased through **Ad it Up**. The address is 2432 Menaul Blvd. NE. Their phone number is 505-888-0007. Anything other than a heavy winter jacket must be purchased through ~~Simply One Stop~~ **Ad it Up**. Students may wear solid shirts underneath polos.
- Students must wear appropriately-fitted clothing. It cannot be excessively tight or revealing. When the arms are raised and the shirt reveals any skin, it is not to be worn. Undergarments may not be visible. Pants may not be excessively baggy.
- Skirts and shorts may be checked for appropriateness by placing arms at sides. If the item is shorter than the tips of the fingers, it is too short. Sagging or bagging clothing is prohibited including excessive bell bottoms (shoes must be visible at all times). **Leggings and athletic shorts or sweatpants cannot be worn.**
- As a matter of courtesy, hats/caps are not to be worn in the building except when there is specific safety, religious or medical reasons. Students may not wear wristbands, spiked jewelry, chains or spiked belts. Students may not have visible tattoos or piercings of any kind except one small hole in the ear for post earrings.

- This list is not all inclusive. The principal has the final authority to determine what may be excluded based on whether it is distracting, unsafe or inappropriate.
- Only naturally occurring hair color is allowed (For example, brunette, blonde or natural red). No distracting hairdos will be allowed (Mohawks, etching (shaving designs in hair), etc.) Tip dyeing can only be naturally occurring hair color (no purple, pink, green etc.). Parents will be given a deadline to correct the problem.
- If a violation is correctable at school, the student will make the necessary changes and deal with the appropriate consequences. The school will notify the parents of the violation if a student needs a change of clothing or if the problem persists.
- 21<sup>st</sup> Century Public Academy expects student dress and grooming to reflect high standards of personal conduct, so that each student's attire promotes a positive, safe, and healthy atmosphere within the school.
- Clothing may not have rips, tears or holes. Sagging or excessively baggy clothing is not allowed. Students need to be in their 21<sup>st</sup> Century PA uniform shirt for all school days unless otherwise specified. Students must remain in uniform/dress code while on campus including athletic programs.

#### OUT OF SCHOOL INSTRUCTION

Out of School Instruction (OSI) is an integral part of the educational experience for students and is required. An OSI is considered an instructional day and failure to attend is considered an absence and will be considered truancy without a proper written excuse. Students may not participate in Out of School Instruction (OSI) unless a parent permission form has been signed by the parent or guardian and returned to the school by the designated deadline.

#### SCHOOL/STUDENT DISCIPLINARY INVESTIGATIONS QUESTIONING A STUDENT

- If 21<sup>st</sup> Century Public Academy personnel or APD police authorities desire to question a student beyond a preliminary investigation on school premises regarding any alleged suspected criminal acts by the student, the school authorities shall attempt to contact the parent/legal guardian.
- A school administrator or designee must immediately make a good faith effort to notify the parent/ legal guardian of a student if the student has been removed from campus by law enforcement authorities.



## SEARCH OF PERSON

- Physical Searches - Search of a student's person or property may be conducted only where there is reasonable suspicion that the student being searched has committed a crime or a breach of the disciplinary code.
- Searches such as emptying of pockets, searches of student backpacks and purses, removal of hats, socks and shoes may be conducted by any certified school employee.
- Should school personnel determine a more intrusive search is necessary Albuquerque Police will be contacted.
- Outside School Instruction (OSI'S) - Approved chaperones of the same gender may assist in checking of luggage or personal items for activity/field trips.
- Transgender students may request which gender they prefer to conduct a search or in checking luggage or personal items for activity/field trips. The school administrator must make every effort to comply with this request.

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

21st Century Public Academy does not discriminate nor condone discrimination by students, employees, or third parties on the basis of ethnic identity, religion, race, color, national origin, sex, gender identity, sexual orientation, genetic information, mental or physical disability or serious medical condition, spousal affiliation or pregnancy in any program or activity of, or sponsored by the school/district. The following department has been designated to handle inquiries regarding the nondiscrimination policies:

Equal Opportunity Services and Title IX Section 504

8400 Uptown Blvd. NE, Suite 240 East

PO Box 25704 Albuquerque, New Mexico 87125-0704

(505) 855-9853 or (505) 855-9855 (505) 872-6815

4300 Cutler Ave. NE, Albuquerque, NM 87110 505-254-0280

## REPORTS

- Any report will be addressed in accordance with the appropriate procedures as specified in IDEA, Section 504, ADA, Title VI of the Civil Rights Act of 1964, Title

IX of the Educational Amendments of 1972, Age Discrimination Act of 1975, First Amendment, Fourteenth Amendment, New Mexico Human Rights Act, or with the State Board of Education Regulation 6 NMAC 1.4 and any amendments made to these regulations, which are incorporated within this policy statement.

## DENIAL OF RIGHTS

- Free public school education is a right guaranteed to a student.
- The courts have defined the basis on which the denial of that right is justified.
- That right may be denied in response to behavior that threatens the safety and security of the school population, is illegal, or has the potential to disrupt the educational process or compromises the safety and learning of the students and school at large.
- It is the intent of the Governance Council that every reasonable effort is made on behalf of the student's education, even in the case of suspension or expulsion.
- Special education students (other than those receiving "gifted" services only) must receive alternative educational services during suspension or expulsion.

## GRIEVANCE PROCEDURE

- It is the intent of the Governance Council that students and their parents/guardians be informed of the regulations regarding disciplinary and appeal procedures affecting students within the school.
- Faculty, parents/guardians, and students shall attempt resolution of problems affecting students and the education process by informal means.
- If any student or parent/guardian believes that the conditions of the school or decisions made by its staff are not fair or reasonable, a conference shall be held with the principal or designee to discuss the matter.
- If the student or parent/guardian is not satisfied with the results or handling of the conference, the student or parent shall have the opportunity to meet with the Governance Council and or the Governance Council President.

## VIOLATION OF STUDENT RIGHTS

- Students who believe that their rights have been violated should report concerns to their parents, school administrator, or other appropriate school personnel.
- If the appropriate school personnel do not resolve the concern, a report should be made to the ~~Student, Parent, Employee Service Center at (505) 855-9040~~ – **Principal 505-254-0280.**

## INTERNAL COMPLAINT PROCEDURES

- Students and parents/legal guardians are encouraged to resolve concerns

with the school administrator. If the administrator is unable to resolve their concern, they are encouraged to contact the **Student, Parent, Employee Service Center for assistance (855-9040) –Principal 505-254-0280.**

- Report gender or disability harassment and/or discrimination to the principal, either verbally or in writing.
- Students who have knowledge of inappropriate behavior and fail to contact appropriate personnel, will be subject to disciplinary action.
- Any knowledge of inappropriate behavior must be reported to the principal, assistant principal, teacher, or counselor.
- School personnel who receive reports of harassment and/or discrimination shall immediately inform the principal.
- Upon receipt of notification of sexual or disability harassment and/or discrimination, the principal may contact the Office of Equal Opportunity Services to report the incident.
- Any school personnel who fail to report incidents of harassment and/or discrimination will be subject to appropriate disciplinary action.

#### WHO MAY FILE A COMPLAINT

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

#### HOW TO FILE

- Contact the Office of Equal Opportunity Services and Title IX or Section 504 Coordinator, in any manner, to report inappropriate conduct.
- An internal complaint must be filed within one hundred eighty (180) calendar days from the last day of the alleged discrimination, unless the time for filing is extended by the Office of EOS for good cause (to be determined by the Office of EOS).
- All inquiries and internal complaints filed are confidential.
- Confidentiality also applies to the inquiry and investigative process of all investigations conducted by the Office of EOS and Title IX or Section 504.

#### RETALIATION

- No student will suffer retaliation or intimidation for participating in an inquiry or the internal complaint process.
- Retaliation against any student seeking assistance at his/her school, filing a complaint, or participating in the investigative process is grounds for a

subsequent retaliation complaint.

- 21st Century Public Academy will respect the privacy of the complainant, the respondent, and witnesses as much as possible, consistent with its legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

## WHERE TO FILE

- Complaints may be addressed with the following office:  
Equal Opportunity Services and Title IX Section 504  
US Department of Education

~~6400 Uptown Blvd NE, Suite 240 East~~

~~PO Box 25704 Albuquerque, NM 87110 505 872-6815~~

- 4300 Cutler NE, Albuquerque NM 87048 505-254-0280

## APPEAL PROCESS

- When the Office of Equal Opportunity Services (EOS) has completed an internal investigation, either the complainant or respondent may appeal the decision. This process is as follows:
- The EOS office informs the Principal of the determination.
- The determination will state whether the evidence gathered substantiates probable cause or no cause that the respondent violated 21st Century Public Academy policy.
- If the complainant or respondent is not in agreement with the determination of the EOS office, he or she will have ten (10) business days from the date of the determination to submit a written appeal to the Chief Executive Officer.
- The Chief Executive Officer will inform the complainant or respondent of the decision of the appeal, in writing, within fifteen (15) business days of the receipt of the appeal.

## HEARING PROCEDURE

- 21st Century Public Academy Governance Council has adopted a formal hearing procedure for students recommended for long-term suspension or expulsion.
- If a hearing is requested or required, school authorities shall prepare and provide the parents/legal guardians with a written notice of the hearing by the fifth day of suspension, either in person or by certified mail.
- The parent/guardian (student if emancipated or at least 18) may, at his/her own expense, choose to be represented by an attorney during any due process hearing. The parent/guardian must notify the hearing office that an attorney will represent the student as soon as possible to enable the school to also seek

representation if it so chooses. If either the parent's or school's attorney cannot accommodate the scheduled hearing date due to a scheduling conflict, a parent/guardian may either attend the originally scheduled hearing without legal representation or ask the District to change the hearing date in order to facilitate legal representation.

- The hearing shall be scheduled no sooner than five (5) and no later than ten (10) school days from the date of receipt of notice by the parents. As described above, the hearing may be extended by request of the parent/guardian in circumstances involving legal representation of the student.
- Schools will make available copies of documentary evidence, with the exception of police reports, that will be used at the hearing to families at least two (2) working days before the hearing. In cases where police reports are part of the documentary evidence, parents/guardians may contact the Albuquerque Police Department at 242-COPS to ask about obtaining a copy.
- The parent/guardian (student if emancipated or at least 18) may choose to waive the right to a hearing and accept the disciplinary consequences recommended by the school administrator.
- Expulsion hearings cannot be waived.

#### HEARING AUTHORITY AND RECORD

- The hearing authority is the appointed hearing officer or designee of the school/district.
- A record of the proceeding, including an audio recording, shall be kept at the School for a period of one year, after which the recording will be destroyed, except in cases of expulsion where records are kept for longer periods.
- The hearing is an administrative proceeding for the purpose of deciding issues of fact or law. Though formal rules of evidence will not direct the proceeding, evidence will be admitted and considered by the hearing officer.
- The burden of proving that the student violated a provision of this Student Behavior Handbook is on the school authorities.
- The student or his/her counsel shall have the right to call witnesses on his/her behalf and to question witnesses against him/her.
- The school authorities shall have the right to call witnesses and to question any witnesses who testify.

#### DECISION OF HEARING AUTHORITY

- The hearing authority shall decide first upon the innocence or guilt of the student with respect to the charges brought and second, upon the disciplinary action, if any, that should be taken.
- The hearing authority may request additional evidence from the parties.

- The student shall have the right to comment upon the evidence orally and/or in writing.
- The hearing authority shall provide its written decision to the parties, stating its findings, conclusions and implementations within five (5) school days after hearing the evidence.
- The hearing authority's decision shall take effect immediately upon notification of the parent/ guardian and shall continue in force during any subsequent review.
- The decision of the Hearing Authority will be a final determination.

#### TIME LIMITS

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

#### SCHOOL ATTENDANCE GUIDELINES

- Attending school regularly helps all students, whether receiving general or special education services, develop the skills and habits they will need to succeed as adults. 21st Century Public Academy understands that your child may need to miss an occasional day; however, students are expected to miss no more than 10 days, excused or unexcused, within any given school year. The Federal Every Student Succeeds Act requires that states, school districts and schools be held accountable for ensuring that student attendance is a critical component of the educational process. Please review the following information on how to notify your child's school of absences, what the school and the State of New Mexico considers to be an excused absence, and the steps the school will take to support families who are facing barriers that make it difficult for a student to attend school on time each day.

New Mexico law dictates that:

- Students between the ages of 5 and 18 years of age are mandated to attend public school, private school, home school or a state institution.
- Schools will provide intervention strategies that focus on keeping students in school.
- Habitual truants will be reported to appropriate authorities such as Juvenile Probation. It is understood that sometimes families may need support to help their child be successful. School staff can assist with locating possible resources within the school community.

#### ATTENDANCE POLICY

- In accordance with the notification procedure established by the school a

parent/guardian must notify the school that the student will be absent each day that a student is absent even if the student will be absent for multiple days.

- In accordance with the notification procedure established by the school a parent/guardian must notify the school each day that a student is signing out before the end of the instructional day,
- Teachers will take attendance by class period for each instructional day and record attendance in the district student information system.
- Parents/guardians should review their child's attendance record through Plus Portals online or at school.
- Absences may be excused for the following reasons with appropriate documentation:
  - Illness, that prevents a child from being at school (including chronic illness documented on a health plan, IEP or 504 plan)
  - Limited family emergencies, family deaths
  - Medical, health or legal appointments
  - Suspensions
  - Religious commitment
  - Deployment of a military parent as defined in the "Military Children" procedural directive
  - Limited extenuating circumstances as approved in advance by the school principal
- At least ten (10) days for students who provide documentation of the birth of the student's child and parentage. Additional excused absences to the student after the birth of the child if deemed medically necessary by the student's physician.
- All absences for other reasons are unexcused including:
  - Non-school sponsored activities or trips
  - Family vacations outside of the normally scheduled school breaks
- At 21st Century Public Academy, a student is considered "a student in need of early intervention" (truant) at five (5) unexcused absences and a habitual truant at ten (10) unexcused absences in a year.
- School staff will make an attempt to contact the parent/guardian if the school has not received notification of absences by a parent for three (3) consecutive days.
- Principals may request additional documentation for excessive excused absences.

#### MAKE-UP WORK

- Students may complete work for all excused and for up to 10 unexcused absences.
- Once a student is identified as a habitual truant (10 unexcused full day absences) make-up work may be provided for the student unless the principal and teacher determine otherwise based on the data provided.
- On the first day back to a class, students are responsible for requesting make-up

assignments. Failure to complete make-up work in the time allowed may place students at risk of not earning class credits.

- Students will have the opportunity to complete the work in a period of time equal to the number of days absent unless other arrangements have been mutually agreed upon by the student and the teacher.
- Teachers may need 24 hours from the time of the request to compile assignments.

## EXCESSIVE ABSENCES

- Schools will work collaboratively with parents/families to identify and provide intervention strategies for students with unexcused absences
- School-related activities taking students out of school are not included when evaluating excessive absences. A student is not allowed more than ten (10) school-related absences per class per semester
- State law requires schools to withdraw a student after ten (10) consecutive days of unexcused absences.
- School may not use out of school suspension or expulsion as punishment for truancy.
- Families will be contacted by a phone call if their child has 2 unexcused absences. This is to provide families with the opportunity to work with their child's school to begin interventions.
- Families will be contacted by a phone call if their child has 5 unexcused absences. Designated staff should make contact with the family and schedule an appointment to work with the parent on strategies and support.
- Families will receive a written letter if their child has 10 unexcused absences. Parents/guardians will need to meet with school staff to review prior strategies and develop a more intensive support plan.
- Students that receive more than 10 unexcused absences will be referred to Juvenile Probation
- Interventions for students with disabilities who have IEPs (other than students receiving "gifted services only") will involve consultation with the IEP team and/or performance of a Functional Behavior Assessment.

### Interventions for Students with Excessive Absences

- Unexcused Full Day Absences 2, 5, 10, 10+
- Parent/Guardian Contact
- School Interventions and Strategies
- Written Notice to Parents from School/District
- Phone Call to Parent from School/District
- Parent & Student Conference with School Staff



- Students who miss more than 1/2 of their school day are considered absent a full day.

## TARDY

- Consequences for being tardy will be determined by the school academic teams. Examples of consequences include time in an alternative academic or community service setting (i.e. lunch, recess, after school, Saturday school).
- Students who miss more than 50% of the class period are considered absent. If excused, parents must notify the school in accordance with the notification procedure established by the school.
- Students who come late to school will need to check in at the front office. Students must be walked into the office by a parent/guardian and signed in.

## STUDENT DROP OFF/PICK UP/VISITS

- It is not safe to drop children off more than 15 minutes before school or to leave them more than 15 minutes after the school day ends.
- Parents must not leave their children on a school campus longer than fifteen (15) minutes either before or after the school day.
- School grounds are not supervised except during the school day.
- If extenuating circumstances prevent a family from picking up a student on time, the school must be notified within fifteen minutes of the end of the school day. The student may be taken to the after-school program and charged a \$5 fee.
- If students are repeatedly left on campus outside of the school day hours, an administrator will attempt to contact the family to discuss and resolve the problem.
- If the problem continues, the student may be considered abandoned and the police will be notified. Such children may be subject to transportation to a designated state shelter.
- 21st Century Public Academy will do their best to abide by parenting plans provided to them but are not responsible to enforce specific pick-up days.
- Parents/guardians on campus during the school day need to check-in at the main office and wear a visitor or volunteer name tag at all times.

## DISRUPTION OF THE EDUCATIONAL PROCESS

School is a place to learn and to be a part of a community. If a student is behaving in a way that does not allow other children to learn, school staff will need to intervene with the child. Students, whether receiving general or special education services, may need to receive interventions for disruptive behavior.

Acts of misconduct are subject to disciplinary action by appropriate school personnel. Unacceptable conduct is defined as whether or not it disrupts or has the potential to

disrupt the educational process. Consequences will result for cases such as bullying, fighting, harassment, inappropriate use of cell phones or other electronic devices, use or possession of e-cigarettes and other forms of disrupting the educational process, or violation of laws, rules, and regulations. This handbook follows 21st Century Public Academy, **APS**, State, and Federal guidelines. See the Glossary of Terms at the back of this handbook for definitions of acts of misconduct.

## PHYSICAL MANAGEMENT GUIDELINES

In order to provide safe and effective management of students who are demonstrating dangerous behaviors, physical management may be necessary at times. See the Glossary for the definition of Physical Management. Physical management may be indicated when a student's behavior is dangerous to self or others or results in property damage likely to result in harm to self or others. Physical management is always a last resort, used only after all other less restrictive interventions have been exhausted or ruled out due to significant safety concerns. 21st Century Public Academy staff should follow all Policies and Procedures with regard to student safety. A hierarchy of non-physical interventions must be used prior to the initiation of physical management, except in emergency situations.

## CONSEQUENCES FOR UNACCEPTABLE CONDUCT

- The school is a community, and the rules and regulations of a school are the laws and expectations of that community. The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violation of school rules.
- Consequences have been established and must be expected for any violation.
- Schools must notify the parents or legal guardian of the student in any circumstances where the school's disciplinary response will exceed administrator/student contact.
- Administrative response to unacceptable behavior will follow the Student Handbook.

## SUSPENSION

- A suspension is the removal of a student from a class or classes and all school-related activities for any period of time. Suspension may include in-school suspension alternatives to long-term removals from school of one year or longer.
- The school administration must provide notification of any form of suspension to the parent/ guardian and teachers of any student being suspended. The notification must be documented in writing and should occur on the same day, or as soon as possible if the parents cannot be contacted. Written notification

should follow upon parent request if the notification is made by phone or in person.

- The school administration must keep on file a copy of the notification for any suspension occurring during a school year,
- The principal of the school is responsible for notification, compliance and documentation.
- Copies of suspension notification will be discarded at the beginning of each academic year for prior year actions, except for any long-term suspensions or expulsions

### SHORT-TERM SUSPENSION

- Short-term suspension will be at the discretion of the school administrator and will address behaviors that disrupt the educational process. Administrators may impose consequences beyond minimum mandatory in order to maintain the safety and security of the school population.
- Short-term suspension will be limited to no more than five (5) days.

### LONG-TERM SUSPENSION (LTS)

- Long-term suspension is defined as the removal of a student from instruction and all school-related activities for more than ten (10) days and up to the balance of the semester, or longer as determined by the hearing officer in cases which are near the end of a given semester.
- A student receiving a long-term suspension will lose credit for the semester.
- A student must be given the opportunity for a due process hearing prior to the suspension.
- The student may, at his/her own expense, choose to be represented by an attorney at the hearing.
- At the principal's discretion, students may be suspended pending a due process hearing.

### EXPULSION

- Expulsion is the suspension of a student from **all regular schools in Albuquerque Public Schools and APS Charters 21<sup>st</sup> Century Public Academy** 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 in which the expulsion occurs.
- A student must be given a due process hearing prior to expulsion.
- The student may, at his/her own expense, choose to be represented by an attorney at the hearing.

## FIREARMS

- The Gun Free Schools Act provides for a mandatory expulsion of a period of not less than one year for a student who is determined to have brought or to have possessed a firearm at school or any setting that is under the control and supervision of school officials. All school related incidents of firearm possession must be reported to the Albuquerque Police Department. This includes
  - Possession, selling or otherwise furnishing a firearm.
  - Possession of any explosive device as defined in the Gun Free Schools Act.

## REFERRAL FOR LEGAL ACTION

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

## SUSPENSION OF EXTRA-CURRICULAR PRIVILEGES

- Students may be removed, at the discretion of the principal, from any part or all of extra-curricular privileges for time periods up to one (1) full calendar year.
- Participation in extracurricular activities is a privilege offered to and earned by students.
- Because participants are serving as representatives of their school and community, they are expected to exemplify high standards at all times.
- Participants are expected to adhere to higher standards of academics and conduct than established for the general school population in order to maintain their extra-curricular privileges.
- **Participation in extracurricular activities is not a student right, and suspension of such privileges does not require a due process hearing procedure.**

## DISTRICT WIDE SUBSTANCE ABUSE AND TOBACCO POLICY

Albuquerque Public Schools and Charters 21<sup>st</sup> Century Public Academy supports a safe and healthy learning environment for all students which is free from alcohol, tobacco, and drug use and abuse.

Substance Abuse Policy 21<sup>st</sup> Century Public Academy prohibits the sale, use, possession, transfer of, or being under the influence of alcohol, tobacco, e-cigs, narcotics,

hallucinogens, inhalants, or drugs, look-alikes or possession of drug paraphernalia on district property or at any district-sponsored activity. Any student found to be engaging in any of the above behaviors shall be subject to appropriate interventions and/or disciplinary measures. Students who are involved in extracurricular activities are subject to additional consequences for violating the Substance Abuse Policy.

## EXTRACURRICULAR SUBSTANCE ABUSE AND TOBACCO POLICY

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

The definition of alcohol and controlled illegal substance possession is extended to include circumstances where substances covered under the policy are nearby and available (i.e. parties, gatherings, etc.).

Criteria for application of sanctions would include, but not be limited to:

- Any Minor in Possession (MIP) or Offense by a Minor Citation.
- Written documentation from legitimate law enforcement/school/security reports.
- Personal acknowledgment by the student in question and/or their guardian.
- The following bullets apply to a Suspension of Extra-Curricular Privileges:
- The suspension applies to all school sanctioned athletic and non-athletic activities.
- Students will not be withdrawn from classes co-curricular with activities.
- A student serving a suspension cannot participate in a "try-out" during that suspension.
- Other disciplinary consequences may apply. This may include suspension of extra-curricular activities, including but not limited to attendance/participation in school activities such as athletic events, open campus, dances, clubs, and other privileged events (including promotion ceremonies), as determined by an administrator.

## SALE OR DISTRIBUTION OF CONTROLLED/ILLEGAL SUBSTANCE

- Student is ineligible to participate in school sanctioned extra-curricular activities

for the remainder of the academic year or longer under special circumstances.

- Participation in extracurricular activities is not a student right, and suspension of such privilege does not require a due process hearing. A grievance procedure is available under the provisions of this handbook in the section called "WHAT TO DO IF YOU BELIEVE THAT YOUR RIGHTS HAVE BEEN VIOLATED" (see Table of Contents). The Extra-Curricular Substance Abuse and Tobacco Policy is in effect twenty-four hours a day, seven days a week, at all times/locations from the first day of fall sports practices to the end of the school year. Additional sanctions may apply above and beyond the minimum mandatory consequences of this policy for violations that occur when this handbook is in force (i.e. on school property, during school time, or at school events).

### SCHOOL ALTERNATIVES FOR HANDLING UNACCEPTABLE CONDUCT

- 21st Century Public Academy develops its own set of methods appropriate to the student's age and level of development in dealing with unacceptable conduct. Some of the actions which may be used are listed below by categories.

### CONTRACTS

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

### REFERRALS

- Students may be referred to the school counselor, Student Assistance Team, School, or the Health and Wellness Team.
- Student and school authority may call parent/guardian to discuss problem and solution,
- Students may be referred to peer jury as designed by the school, but only upon student's waiver of educational records privacy rights.
- Student may be formally referred for legal action.
- A Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) may be used to identify and address behaviors that are impeding education.

### REMOVAL FROM CLASS

- Student may be removed from class or activity but remain at school pending

conference with appropriate school personnel and parents/guardians must be informed.

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

## BULLYING AND CYBERBULLYING

It is the policy of 21<sup>st</sup> Century Public Academy to provide a learning environment that is free from bullying and cyber-bullying. It is a violation of this policy for any student to engage in bullying or cyber-bullying, or for any employee of the 21<sup>st</sup> Century Public Academy to condone or fail to report acts of bullying or cyberbullying that they witness or become aware of (i) on school grounds and property immediately adjacent to school grounds; (ii) at school-sponsored or school-related activities, functions or programs, whether on or off school grounds; (iii) through the use of technology or an electronic device owned, leased or used by the school district.

It is also a violation of this policy for any student to engage in bullying or cyberbullying at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by the school district, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school, or materially and substantially disrupts the education process or orderly operation of the school, as determined by school administrators.

21<sup>st</sup> Century Public Academy will not tolerate retaliation against a person who reports bullying or cyber-bullying, provides information during an investigation of bullying or cyber-bullying, or witnesses or has reliable information about bullying or cyber-bullying.

**“Bullying”** is defined as the repeated use by one or more students of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school.

**“Cyber-bullying”** is defined as bullying through the use of technology or any electronic communication, which includes but is not limited to any transfer of signs,

signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by such things as electronic mail, internet communications, instant message, text message or facsimile. Cyber-bullying includes (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation is a violation under the law. Cyber-bullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting is a violation of the law.

It is the responsibility of every student, parent, and employee of the school district to recognize acts of bullying, cyber-bullying and retaliation. Any student who believes that he or she has been the victim of bullying, cyber-bullying or retaliation should report it immediately to his or her teacher or principal.

Students, parents and members of the school staff, including but not limited to educators, administrators, school nurses, coaches, advisors, advisors to an extracurricular activity, or paraprofessionals, who witness or become aware of bullying cyber-bullying or retaliation should immediately report it to the principal.

Reports of bullying or cyberbullying will be promptly investigated. If the school principal or designee determines that bullying or retaliation has occurred, the school principal or designee will (i) notify the police if the principal or designee believes that criminal charges may be pursued against the perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of the perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.

Any student who knowingly makes a false accusation of bullying or retaliation will be subject to disciplinary action including, but not limited to reprimand, detention, loss of privileges, and/or suspension. An educational component will be part of the actions taken. If the false accusations have civil and/or criminal elements then further actions may be taken by appropriate law enforcement agencies.

Any staff member, parent, and/or community member who knowingly engage in false accusations will be subject to appropriate consequences administered by the school system and/or law enforcement agencies.

Complaints of bullying or retaliation may be made anonymously; however, no disciplinary action shall be taken against a student, staff member, parent, or community member solely on the basis of an anonymous report.



## DISCIPLINARY CONSIDERATIONS FOR STUDENTS WITH DISABILITIES UNDER the INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

- Students with disabilities receiving special education services are subject to the same expectations as students receiving general education services and are expected to follow the District's disciplinary process. While IDEA provides federal guidelines covering the discipline procedures to be followed for students with disabilities receiving special education services, consequences for behavior violations, including school removals of more than ten days, may still occur. Discipline safeguards, as covered under IDEA, do not apply to students identified under the eligibility of "gifted" unless such students also have a disability eligibility. 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 change in placement considerations must be addressed:
- When considering long-term suspension or expulsion, an Individualized Education Program (IEP) team must first determine whether the behavior of concern is a manifestation of the student's disability.
- To determine if the conduct in question is or is not a manifestation of the student's disability, the IEP Team must conduct a Manifestation Determination Review Meeting and then determine:
- if the conduct in question was a direct result of the Local Educational Agency's failure to implement the IEP; or if the conduct in question was caused by or had a direct and substantial relationship to the child's disability.
- If the IEP Team determines that the behavior is related to the student's disability, no further disciplinary proceedings shall occur unless weapons, guns/knives, illegal drugs or serious bodily injury offenses occur. (Refer to IAES below.) Recommendations: Review IEP, add services and supports, develop/update a Functional Behavior Assessment (FBA), Behavior Intervention Plan (BIP), and/or change services, if appropriate.
- If the IEP Team determines that the behavior is not a manifestation of the student's disability, disciplinary actions may be taken in accordance with the procedures in this handbook.
- Should the disciplinary procedures include long-term suspension or expulsion, the School/District must continue to provide educational services, including access to the general education curriculum and related services, as determined in the IEP.
- Any suspension that excludes a student from his/her IEP services must be counted when calculating the total number of suspension days (up to 10 cumulative days or beyond the 10 days may constitute a change of placement).

- The decision to change a student from his/her IEP placement to an AES or IAES due to imposition of discipline must be made by the IEP team and consider the students' individual needs on an individual basis. Interim Alternative Education Setting (IAES) is an off campus placement up to 45 school days for offenses which include:
  - Weapons: objects used to cause bodily harm and used in a threatening way,
  - Guns/knives (blade must be 2 1/2 inches or longer): possession/carrying,
  - Illegal drugs: possession/sale/distribution/solicitation (not to include alcohol or tobacco),
  - Serious bodily injury: student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function,
  - Placement in IAES for "special circumstances" may be no longer than 45 days. Removals may extend past the 45 school days only if the student has been long-term suspended or expelled through the **APS 21<sup>st</sup> Century Public Academy** Hearing Process because the conduct was not a manifestation of disability. During the IAES period for "special circumstances" in which the conduct was a manifestation, the IEP team is to meet to develop strategies and interventions to bring the student back into her/his typical placement as soon as appropriate. Alternative Educational Setting (AES). On campus AES refers to special education services provided on the campus where the student is currently enrolled for the duration of the suspension period of more than 10 days. Typically, on campus AES settings are for students suspended for violations that do not involve drugs/weapons/ serious bodily injury. The IEP team determines the student's AES. The IEP team is also responsible for ensuring completion of a Functional Behavior Assessment (FBA) and the development of a Behavior Intervention Plan (BIP). If one already exists, it would need to be updated.
  - 21st Century Public Academy will follow the federal guidelines regarding the continuation of educational services for suspended special education students with disabilities.
  - Procedural safeguards ensure that parental/guardianship due process rights are afforded.
  - Students with disabilities are entitled to a due process hearing.
  - A student with a disability should not be suspended for a period of time longer than a student without a disability would be suspended.

## **Discipline for Special Education Students**

**In accordance with the law, students with disabilities are treated differently when it**

comes to discipline. However, when IDEA 2004 was enacted "Congress removed a requirement that the IEP team meet within 10 days of a disciplinary removal to conduct a Functional Behavior Assessment (FBA) or review and modify any existing Behavior Intervention Plan (BIP), regardless of whether or not the behavior in question was a manifestation of the student's disability", (p. 25, Student Discipline for Students with Disabilities, a Technical Assistance Manual). Typically, however, if a student with a disability demonstrates a pattern of behavior that interferes with his/her learning or that of others, an IEP meeting will be called as soon as possible to address the issue, Although not required by law, the same may be true if a student should commit a single offense that significantly violates the school's code of conduct and for which suspension is appropriate. At this meeting, the school shall obtain consent from parent/guardian to conduct a Functional Behavioral Assessment. Depending on the information obtained from the FBA, the IEP team will determine the next step. In some cases, the IEP team may address the behavior through the addition of appropriate functional goals to the child's IEP. More often, however, a BIP will be developed and put into place along with relevant functional goals. The student's behavior will be monitored and data collected to determine if the BIP is sufficiently addressing the issue. Behavior Intervention Plans are reviewed every semester unless there are questions about their effectiveness in which case they will be reviewed and revised as soon as possible. If a student with a disability (that already has a BIP in place) commits offenses that result in suspension, the BIP may need to be reviewed as soon as possible and changes made if appropriate. Initiating the FBA process or reviewing an existing BIP is generally best practice in the above scenarios. However, there will always be exceptions to the rule.

ANY Special Ed. student can be suspended for up to 10 cumulative days in a school year. Because more than 10 days of suspension may be considered a change in placement, certain protections are triggered if another suspension is being considered. At this point in time, a Manifestation Determination Review (MDR) will be conducted within 10 days of the offense.

The MDR will typically involve members of the student's IEP team (including student's parents if they choose to attend), administration and any relevant persons that the parents choose to include. At the MDR, the team will make a decision as to whether or not the s was a manifestation of his/her disability. The MDR must answer two questions: "Was the conduct caused by, or did it have a direct and substantial relationship to, the student's disability?" and "Was the conduct in question the direct result of the district's failure to implement the student's IEP?" (p.32, Student Discipline for Students with Disabilities, a Technical Assistance Manual). If the answer to either of these questions is yes, the school may not initiate long-term suspension or expulsion. If the MDR decides that the behavior in question is NOT a manifestation of the student's disability

and NOT due to the failure of the district to implement the IEP, a due process hearing will be scheduled. If the school recommends long term suspension and the hearing officer agrees, an Interim Alternative Educational Setting (see following page) will be provided by the school so that the student continues to receive special education services.

## WHAT IS SECTION 504?

- Section 504 is a federal civil rights statute under the Rehabilitation Act of 1973. It provides protections against discrimination for individuals on the basis of a disability. Students in school settings fall under the protection of Section 504 which prohibits discrimination on the basis of disability from all school programs, benefits and activities. It may be a service option available to students with disabilities who have been evaluated and met Section 504 identification criteria. Section 504 is designed to provide equal access and fairness in general education to students with disabilities, thereby leveling the playing field for them through what is known as a Section 504 Accommodation Plan. It is NOT a plan designed to enhance a student's performance. Its purpose is to ensure equal access to the programs, benefits and activities that **APS 21<sup>st</sup> Century Public Academy** offers.

## WHAT DOES THIS MEAN FOR YOUR STUDENT IN SPECIAL EDUCATION?

- For students receiving special education services for a disability, Section 504 ensures these students are not subject to discrimination based on their disability. This means students with disabilities should have access to the education programs relevant and appropriate to that student. Please note:
- Students who qualify for Section 504 accommodations do not automatically qualify for special education under IDEA and students who qualify for special education under IDEA do not automatically qualify for Section 504 accommodations.

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

- For students not in special education but have an impairment that substantially limits major life activities such as caring for oneself, learning, seeing, hearing, speaking, breathing, and working, Section 504 ensures that upon request, a committee will determine your student's 504 Plan eligibility. If your student is determined to be eligible, accommodations can be provided to help the student access his/her educational program.

## HOW DOES THIS PROCESS WORK?

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

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

- If you believe that either part of Section you may make a report and request a resolution.
- Parents may request mediation between themselves and the school staff to resolve the situation informally. This request should be made to the principal.
- If parents are not satisfied with the informal resolution, they may request a due process hearing. That hearing is a formal process with the district appointed 504 Hearing Officer. The hearing will provide an opportunity for participation by the parent, students and their representative or legal counsel.

## DOES EVERY STUDENT WITH IMPAIRMENT REQUIRE A 504 PLAN?

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

with parent communication and agreement. Section 504 applies only if the impairment substantially limits a major life activity. **APS 21<sup>st</sup> Century Public Academy** encourages school personnel, parents and students to work cooperatively to avoid getting mired down in definitional disputes, and focus on ensuring that the student is able to equally access the programs, benefits and services that **APS 21<sup>st</sup> Century Public Academy** offers, regardless of whether through a health plan, behavior plan, Section 504 plan or other process.

#### WHERE DO I CALL TO ASK ABOUT A 504 PLAN?

- Questions about how to develop a 504 Plan for your student, or concerns you may wish to express about equitable treatment of a special education student, start with your child's principal and teacher. Your student's principal may refer you to the school counselor or to the chair of the Student Assistance Team (SAT) for immediate help.
- The principal may request that the District 504 Coordinator attend and participate in your child's 504 planning conference or to be involved in mediation. The 504 Coordinator is charged with ensuring that school staff understand the requirements of Section 504 and helps to ensure that these requirements are implemented. The District 504 Coordinator can serve as an impartial third party to help with planning or mediation. As a parent, you may request that the District 504 Coordinator attend a planning conference.

#### DISABILITY HARASSMENT/DISCRIMINATION

- Numerous situations may constitute disability harassment or discrimination. Mocking, taunting, ridiculing, criticizing, or punishing a disabled student because of his/her disability are a few examples of what may constitute disability harassment or discrimination. Examples of circumstances that may constitute disability harassment include:
  - Making remarks out loud during class that a student with dyslexia is "retarded" or "deaf and dumb" and does not belong in the class.
  - Repeatedly placing classroom furniture or other objects in the path of classmates who use wheelchairs, impeding the student's mobility.
  - Habitually subjecting a student to inappropriate physical restraint because of conduct related to his disability.
  - Repeatedly denying a student with a disability access to lunch, field trips, assemblies, and extracurricular activities as punishment for taking time off from school for required services related to the student's disability.
  - Repeatedly belittling and criticizing a student for using accommodations in class.
  - Taunting and belittling a student with mental retardation by mocking and

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

#### DISCIPLINARY CONSIDERATIONS FOR STUDENTS UNDER SECTION 504

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

#### TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 GENDER DISCRIMINATION

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

#### SEXUAL HARASSMENT

- Sexual harassment is a form of gender discrimination as defined in Title IX of the Education Amendments of 1972. Sexual harassment:
- Is a violation of Federal Law, ~~APS Policy, and School~~ and 21<sup>st</sup> Century Public Academy policy.
- Is illegal under state human rights statutes and may be considered a criminal offense under state and local assault and child abuse laws.
- Includes sexual advances, requests for sexual favors, and written or verbal conduct of a sexual nature.
- Extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. If behavior toward

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

#### SEXUAL HARASSMENT IS CONSIDERED TO HAVE OCCURRED WHEN:

- conduct or communication is made a term or condition, either explicitly or implicitly, of the academic status of a student or obtaining an education,
- submission to or rejection of that conduct or communication by an individual is used as a factor, which affects the academic standing or education of a student.
- That conduct or communication has the purpose or effect of substantially or unreasonably interfering with the education of a student, or creates an intimidating, hostile or offensive educational environment.
- there is an intentional and persistent refusal to respect a person's gender identity (name, pronoun, dress, etc.).

#### SEXUAL MISCONDUCT

- Sexual misconduct includes, but is not limited to:
- Physical acts of aggression.
- Force or threat against another student.
- Threatening to force or coerce sexual acts.
- Touching of private/intimate parts of the body
- Coercing, forcing or attempting to coerce or force sexual intercourse. These acts should be reported to the Albuquerque Police Department.
- Retain their academic standing, which cannot be altered due to their "medical condition".

#### VIOLATION OF STUDENT RIGHTS

- Students who believe that their rights have been violated should report concerns to their parents, school administrator, or other appropriate school personnel.
- If the appropriate school personnel do not resolve the concern, a report should be made to the **Principal 505-254-0280**. ~~Student, Parent, Employee Service Center at (505) 855-9040~~. For additional information please see "What to do if you believe that your rights have been violated" on page 6.

#### STUDENT RECORDS

- Student records kept by 21st Century Public Academy will be open to review by parent/guardians and/or students and will be treated in a confidential manner prescribed by local Governance Council policy, New Mexico State Board of



Education Regulations and the Family Educational Records and Privacy Act of 1974. 21st Century Public Academy maintains the following education records directly related to students:

- Academic records.
- Personal information records.
- Disciplinary records.
- Attendance records.
- Health records.
- Progress records.
- Standardized testing records.
- Access to education records is limited to:
  - Parents of students under 18.
  - Students.
  - Officials of this school district who have a legitimate educational interest.
  - State and local officials to whom information is required to be reported.
  - Certain testing organizations.
  - Accrediting organizations.
  - Appropriate persons in connection with an emergency.
  - Pursuant to subpoena or court order.
  - A school in which a student seeks or intends to enroll.
  - Any person with verifiable written consent of the parent/guardian of students under 18 or the student over 18.

#### THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

- The Family Educational Rights and Privacy Act (FERPA) specifies rights related to educational records. This act gives the parent or guardian the right to:
  - Inspect and review his/her child's educational records.
  - Make copies of these records.
  - Receive a list of all individuals having access to those records.
  - Ask for an explanation of any item in the records.
  - Ask for an amendment to any report on the grounds that it is inaccurate, misleading or violates the child's rights.
  - A hearing on the issue if the school refuses to make the amendment.

#### THE PROTECTION OF PUPIL RIGHTS AMENDMENT

- Twenty First Century Public Academy will be developing and adopting policies implementing the Protection of Pupil Rights Amendment (PPRA) to the Family Educational Rights and Privacy Act (FERPA). The PPRA:
  - Requires 21st Century Public Academy to obtain parental consent as a

condition for students to participate in certain types of surveys, analyses, or evaluations that require the disclosure of private information.

- Allows parents the right to inspect certain survey and curriculum information.
- Provides parents the opportunity to opt their child out of certain activities involving the collection, disclosure, or use of personal information, the administration of certain surveys, and non-emergency, invasive physical examinations or screenings.

## POLICY REGARDING RECORDS

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

## CHILD CUSTODY ISSUES

- Parents and the courts will establish the terms and conditions of custody of the children. Custody terms will generally fall into the categories of Joint Custody, Primary Physical Custody, and Sole Custody. In any of these custody arrangements, unless parental rights have been legally waived, both parents retain full parental rights regarding access to school records, grades, parent-teacher conferences, IEP meetings, and so forth. 21st Century Public Academy will remain neutral in custody cases and will rely on parental agreement or court documents in honoring parental requests. Any changes to the status quo must be agreed to by both parents or through a Court Order. 21st Century Public Academy will do their best to abide by parenting plans provided to them but are not responsible to enforce specific pick-up days.

## RELIGIOUS INSTRUCTION

- 21<sup>st</sup> Century Public Academy shall strive to maintain a neutral stance in matters involving religion. 21<sup>st</sup> Century Public Academy shall adhere to the following guidelines regarding religion and the instructional day:
- The school year calendar shall be planned to avoid conflict with religious holidays.

- In case of conflict, students shall be allowed excused absences to observe religious holidays.
- The sacred literature of all faiths may be studied only for its historical, artistic, cultural, literary or other secular importance
- Religious exhibits, music or display of religious objects or symbols may be permissible only if they are used as learning materials in these studies.
- School facilities may be used by religious groups outside of instructional hours or when such use will not conflict or interfere with the school program in accordance with Board of Education policy and administrative procedural directive.
- 21<sup>st</sup> Century Public Academy shall not conduct any invocations, benedictions, or formal prayers at any district-sponsored activities but will respect outside **entities** **entities'** moments of reflection as long as it does not interfere with the scheduled activities.

#### USE OF VIDEO FOR INSTRUCTIONAL PURPOSES

- 21<sup>st</sup> Century Public Academy will utilize video of classes in session during the regular school day for purposes of improving and assessing instructional practices and for teacher evaluation.

#### BUS MISCONDUCT

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

- First Offense – A warning to the student with a report to the parent/guardian will be issued. It is expected that the parent/guardian will help to prevent a recurrence.
- Second Offense – Depending on the seriousness of the behavior disciplinary action will be taken at the discretion of the school administrator. It is recommended that the student be placed on probation and receive written documentation of the offense to take to his/her parent/guardian.
- Third Offense – Suspension of riding privileges may result. The length of suspension will depend on the seriousness of the infraction. There will be parent/guardian conference.
- Severe Disruption – The following inappropriate and dangerous behavior will result in automatic suspension of transportation privileges:

A. Physical harm to other students

B. Physical harm to the driver and/or bus assistant

C. Physical damage to the bus

- For students who have IEPs that include behavior needs, the IEP team shall provide relevant information to the bus company.

- To determine if the conduct in question is or is not a manifestation of the student's disability, the IEP team must conduct a Manifestation Determination Review Meeting.

- The driver, bus assistant or administrator has discretion in handling day to day minor infractions for students receiving special education services. For circumstances in which the school is considering suspension from transportation services that exceeds 10 days, the matter will be reported and referred to the student's IEP Team.

## Discipline for Special Education Students

In accordance with the law, students with disabilities are treated differently when it comes to discipline. However, when IDEA 2004 was enacted "Congress removed a requirement that the IEP team meet within 10 days of a disciplinary removal to conduct a Functional Behavior Assessment (FBA) or review and modify any existing Behavior Intervention Plan (BIP), regardless of whether or not the behavior in question was a manifestation of the student's disability", (p. 25, Student Discipline for Students with Disabilities, a Technical Assistance Manual). Typically, however, if a student with a disability demonstrates a pattern of behavior that interferes with his/her learning or that of others, an IEP meeting will be called as soon as possible to address the issue. Although not required by law, the same may be true if a student should commit a single offense that significantly violates the school's code of conduct and for which suspension is appropriate. At this meeting, the school shall obtain consent from parent/guardian to conduct a Functional Behavioral Assessment. Depending on the information obtained from the FBA, the IEP team will determine the next step. In some cases, the IEP team may address the behavior through the addition of appropriate functional goals to the child's IEP. More often, however, a BIP will be developed and put into place along with relevant functional goals. The student's behavior will be monitored and data collected to determine if the BIP is sufficiently addressing the issue. Behavior Intervention Plans are reviewed every semester unless there are questions about their effectiveness in which case they will be reviewed and revised as soon as possible. If a student with a disability (that already has a BIP in place) commits offenses that result in suspension, the BIP

may need to be reviewed as soon as possible and changes made if appropriate. Initiating the FBA process or reviewing an existing BIP is generally best practice in the above scenarios. However, there will always be exceptions to the rule.

ANY Special Ed. student can be suspended for up to 10 cumulative days in a school year. Because more than 10 days of suspension may be considered a change in placement, certain protections are triggered if another suspension is being considered. At this point in time, a Manifestation Determination Review (MDR) will be conducted within 10 days of the offense.

The MDR will typically involve members of the student's IEP team (including student's parents if they choose to attend), administration and any relevant persons that the parents choose to include. At the MDR, the team will make a decision as to whether or not the s was a manifestation of his/her disability. The MDR must answer two questions: "Was the conduct caused by, or did it have a direct and substantial relationship to, the student's disability?" and "Was the conduct in question the direct result of the district's failure to implement the student's IEP?" (p.32, Student Discipline for Students with Disabilities, a Technical Assistance Manual). If the answer to either of these questions is yes, the school may not initiate long-term suspension or expulsion. If the MDR decides that the behavior in question is NOT a manifestation of the student's disability and NOT due to the failure of the district to implement the IEP, a due process hearing will be scheduled. If the school recommends long-term suspension and the hearing officer agrees, an Interim Alternative Educational Setting (see following page) will be provided by the school so that the student continues to receive special education services.

#### **ADMINISTRATION OF MEDICATIONS AT SCHOOL (Consistent with the policies and procedures of the Contracted Medical Provided for Nursing Services.)**

The American Academy of Pediatrics Committee on School Health States that children are often able to attend regular school programs as a result of the effectiveness of medications in the treatment of illnesses and chronic disabilities. It has also been proven that students who are able to be medicated at school attain more regular attendance and increase their ability to achieve their optimum educational and social potential.

**DEFINITION:** a medication is any substance that is ingested, injected, inhaled or used topically in the diagnosis, treatment and/or the prevention of disease. This includes prescription drugs, over-the-counter and non-prescription drugs.

Medications may be authorized by health care providers who are licensed by the state of New Mexico to prescribe drugs. Medication authorizations are acceptable from

licensed Medical Doctors, Nurse Practitioners, Osteopathic Physicians, Physician Assistants.

Therefore, the following procedures will be followed when it is absolutely necessary for a student to take medications during school hours.

#### Policy and Procedure of Administration of Medications at School

- The physician and the parent/legal guardian shall submit written authorization for the medication to be given during school hours. The information provided in the written authorization should match the labeling information on the medication container. This will help ensure that the medication actually being taken is consistent with that authorized.
- The parent/legal guardian and physician will submit written consent for a student to self-administer his/her own medication with supervision. A licensed school nurse will administer medication to those students who do not have consent or who are unable to administer their own medication.
- A Charter School Nurse contractor/designated health assistant will NOT assist with medication administration without a completed "Authorization to Administer Medication" form. If a request to administer medication is sent to school without such authorization the following must be done:
  - The licensed school nurse will be notified immediately of the situation
  - If the licensed school nurse is unavailable, call Nursing Services for assistance.
  - Only a licensed school nurse may telephone the physician for a (temporary) verbal medication order.
  - Such verbal authorization is valid for five (5) days.
  - The nurse requests that the doctor send a written authorization to the school.
  - The parent/legal guardian may come to school and give medication until a verbal or written authorization can be secured by the licensed school nurse.
- In life-threatening emergency situations such as an anaphylactic episode, severe asthma reaction or a diabetic reaction, a non-medically licensed school employee may administer certain oral, inhalation or parenteral (injectable) medication to the student. This person will be trained by a licensed school nurse. A signed Parental Indemnity Agreement document (Asthma Action Plan, Allergy Action Plan, etc.) will be requested from the parent/guardian.
- Non-medically licensed school employees shall be trained to follow a specific procedure for assisted self-administration of medication that assures students receive their prescribed medication in a safe manner. This training will be provided by the licensed school nurse.

- Students will be carefully instructed on how to take their medication at school. The methods and plan of administration will be a coordinated effort between the student/parent/legal guardian, licensed school nurse and other school employees who will assist and supervise in the self-administration of medication.
- Each student will be required to have each medication in a pharmacy labeled container. Note: the pharmacy label does not serve as a physician's authorization. The information provided on the written authorization must match the pharmacy label.
- Medications will be stored within a locked medication cabinet in the health office. Exceptions to this rule will be noted on the medication authorization form and the Health Management Plan and will pertain to medication that must be stored in a refrigerator or those carried by the student.
- The Nursing Department will determine the procedure for recording the time and date the medication is to be given for longer than ten (10) school days. A copy will be filed with the health record, in the medication log, given and discussed with the parent and the appropriate school staff.
- The site principal/administration is responsible to provide the equipment and materials necessary for the safe administration and documentation of these procedures.

## GLOSSARY OF TERMS

- 1. Absences, Excessive - Attendance, which falls below 95% in a grading period.
- 2. Alternative Educational Setting (On Campus AES) - On campus AES refers to special education services provided on the campus where the student is currently enrolled for the duration of a suspension period of more than 10 days. Typically, on campus AES settings are for students suspended for violations that do not involve drugs, weapons, or serious bodily injury.
- 3. Arson - Maliciously, willfully and/or neglectfully starting, by any means, a fire or causing an explosion on school property or at any school-related activity. Arson I: less than \$200 damage; Arson II: \$200 to \$999 damage; Arson III: \$1000 damage or more.
- 4. Assault - A verbal threat or physical attempt of bodily harm.
- 5. Assault, Aggravated - Unlawfully assaulting or attempting to strike at another person with a weapon, instrument or any means of force likely to produce bodily injury. Assaults on staff members are included in this definition.
- 6. Battery, Aggravated - An actual and intentional touching or striking of another person against his or her will with the use of a weapon or intentionally causing bodily harm to an individual.
- 7. Battery/Fighting - Unlawful, intentional touching or application of force to another person, when done in a rude, disrespectful or angry manner.
- 8. Behavior Intervention Plan (BIP) - The documentation of interventions, methods and strategies that are used in the school environment to address the behavior issues impacting a student's school success.
- 9. Bomb Threat and/or False Alarm - Bomb Threat - Falsely and maliciously stating to another that a bomb or other explosive has been placed in such a position that a person or property is likely to be injured or destroyed. False Alarm - Interfering with the proper functioning of a fire alarm system or giving a false alarm, whether by means of a fire alarm or otherwise.
- 10. Bullying - Using power aggressively in which a person/group is subjected to intentional, unwanted and unprovoked hurtful verbal and/or physical actions. The aggression is repeated on more than one occasion and can include either: physical, verbal, emotional, racial, sexual, written, electronic, damage to property, social exclusion, and intimidation. Cyberbullying is defined as electronic communication that targets a specific student/group with intent to harm; is published with the intention that the communication be seen or disclosed to the targeted student/group; is in fact seen or disclosed to the targeted student/group, and creates or is certain to create a hostile



environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student's/group's educational benefits, opportunities or performance. Those who encourage bullying in a digital or cyber environment may be subject to corrective action on any occasion.

- 11. Controlled Substance, Paraphernalia Possession - Possessing any paraphernalia, such as but not limited to rolling paper, pipes or bongs.
- 12. \*Controlled Substance, Possession\*\*\* - Possessing any substance capable of producing a change in behavior or altering a state of mind or feeling; having a "look-alike,"\*\*\*a substance that looks like a controlled substance.
- 13. Controlled Substance, Sale or Distribution Selling or distributing a substance capable of producing a change in behavior or altering a state of mind or feeling: including a "look-alike,"\*\*\* or an item sold as a controlled substance.
- 14. \*Controlled Substance, Use - Absorbing a substance capable of producing a change in behavior or altering a state of mind or feeling, including a "look-alike,"\*\*\* or an item sold as a controlled substance.
- 15. Dress Code Violation - Non-compliance with specific school dress codes.
- 16. Expulsion - The removal of a student from all regular schools for a period exceeding one (1) semester. In some cases expulsion may be a permanent removal from this school system.
- 17. Extortion - Using intimidation or the threat of violence to obtain money, information or anything else of value from another person.
- 18. False Accusations - False Accusations are defined in accordance with New Mexico Criminal Code Statute; falsely reporting crimes or purposely giving false information to a School administrator or other investigator during the process of an investigation.
- 19. Firearm, Possession/Use\*\*\* - Possession or use of any weapon which will propel a projectile by the action of an explosive, and other weapons as defined in the United States Code: Title 18, Section 921. This definition does not apply to items such as toy guns, cap guns, bb guns, and pellet guns, but does include bombs, grenades and some explosives. (Also see weapon possession.)
- 20. Functional Behavior Assessment (FBA) - A procedure by which problematic behavior is examined to determine the cause, consequences and nature of the behavior, in order to develop effective interventions to address that behavior.
- 21. Gang-Related Activity - Gang-related activity can be intimidating to students, faculty and staff and is disruptive to the educational process. Although this list is not all-inclusive, examples of inappropriate and unacceptable behaviors are such things as gang graffiti on school property, intimidation of others, gang fights and/or initiation rituals, wearing gang attire or "colors." A "gang" can be any group of students and/or non-students whose

group behavior is threatening, delinquent or criminal. Since gang behavior, markers and colors are variable and subject to rapid change, school administrators and staff must exercise judgment and their individual discretion based upon current circumstances in their neighborhood schools when evaluating gang-related activity. Gang-related indicators that will be considered should include:

- The student associating with admitted or known gang members.
  - The student wearing attire consistent with gang dress.
  - The student displaying gang logos, graffiti and/or symbols on personal possessions.
  - The student displaying gang hand signs or signals to others.
  - The student talking about gang activities to others.
  - Hostile contact with others in which two or more students have contributed to a situation causing bodily harm on another.
- 22. General Disruptive Conduct and/or Defiance - Any behavior or conduct that disrupts or operation of the public schools, including individual classes. This can also be behavior that leads a school authority to reasonably forecast that such an interruption or interference is likely to occur unless preventive action is taken. Refusing to comply with any reasonable demand or request by any school official or sponsor at places and times where school personnel have jurisdiction is included in this definition. For example: use of cell phone during instructional time; misuse of cell phones and other forms of technology (see the Governance Council Policy and Procedural Directive, "Student Acceptable Use of Personal Electronic Devices"); failure to provide school identification upon request; dress code violation; inappropriate display of affection; making false accusations regarding staff or students, and so forth. Note: It is the responsibility of the parent/legal guardian of the student to retrieve confiscated cell phones or other electronic devices according to the school procedures. The school may keep items for extended periods of time for repeat offenses.
  - 23. Harassment - Any gesture or written, verbal or physical act that is reasonably perceived as being motivated by any actual or perceived characteristic, such as race, religion, national origin, sex, gender identity, sexual orientation or disability, which has the effect of harming another individual/group, damaging his/her/their property, placing the individual/group in reasonable fear, or has the effect of causing a disruption to the educational process.
    - Disability: Conduct including but not limited to the following: mocking, taunting, intimidating, criticizing, or punishing a student group with a disability because of his/her/their disability. (see Section 504 and the Americans with Disabilities Act).

- Sexual: Gender discrimination as defined in Title IX of the Education Amendments of 1972. Examples include but are not limited to the following: sexual assault, unwanted touching, inappropriate comments or conversation, certain non-verbal behaviors and gestures which threaten or belittle others on the basis of gender. (see Title IX, Students' Rights) The school principal or designee should report incidents to the **APS 21<sup>st</sup> Century Public Academy** Equal Opportunity Services (EOS).
- 24. Interim Alternative Educational Setting (Off Campus IAES) - Off campus IAES options are for students with disabilities whose continued presence on campus poses a safety risk. Off campus IAES settings are typically used when a student with a disability carries a dangerous weapon; uses, or is in possession of illegal drugs, or sells or solicits the sale of controlled substances (not including alcohol or tobacco); or has inflicted serious bodily injury upon another person.
- 25. Language, Profane and/or Abusive - Using language that is crude, offensive, insulting or irreverent; use of coarse words to show contempt or disrespect; swearing.
- 26. Materials, Obscene - Displaying material that is indecent and has the potential of being disruptive.
- 27. Physical Management - Physical management is defined as any means of attempting to control, touch or otherwise manage a student through the restriction of movement. It does not include the use of touch for guidance or instructional purposes.
- 28. Restitution - Compensation for loss or damage
- 29. Robbery - Taking of property of another through means of force or fear.
- 30. 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.
- 31. Search, Most Intrusive - A strip search shall be conducted only upon reasonable suspicion of a serious crime or a safety concern and shall be conducted by **Albuquerque Public Police** **the City of Albuquerque Police Department**.
- 32. Student in Need of Early Intervention (Truant) - A student who has accumulated five unexcused absences within a school year.
- 33. Suspension, Long Term - The removal of a student from instruction and all school-related activities for more than ten (10) days and up to the balance of the semester.
- 34. Suspension, Short Term - A suspension, not to exceed five school days, which is at the discretion of the administrator and will address behaviors that disrupt the educational process.

- 35. Tardy - Student is not in the class or assigned activity when it is scheduled to begin.
- 36. Theft - Unauthorized possession and/or sale of property of another without consent of owner.
- 37. Tobacco Possession\*\*\* - Possession of tobacco, including e-cigarettes, anywhere on a school campus or at a school related event is prohibited. In addition, students found in possession of tobacco products are subject to the provisions of the Substance Abuse and Tobacco Policy.
- 38. Tobacco Use - Using ANY form of tobacco is prohibited. Students using any form of tobacco are subject to the provisions of the Substance Abuse and Tobacco Policy. "Tobacco" means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. Among other products, e-cigarettes are included in this category.
- 39. Trespassing/Unauthorized Presence - Entering or being on school grounds or in a school building without authorization.
- 40. Vandalism - Deliberately or maliciously destroying, damaging and/or defacing school property or the property of another individual. Vandalism I: less than \$200 damage; Vandalism II: \$200 to \$999 damage; Vandalism III: \$1000 damage or more.
- 41. Weapon Possession\*\*\* - Possessing a weapon such as but not limited to: a firearm, any type of gun, knife, club, firecracker, explosive, spiked wristband, chains or other item that may cause or is intended to cause injury or death. This specifically includes "look-alike" guns and knives, such as toys. (Weapons covered by the Gun-Free Schools Act are defined under Firearm, Possession/Use.)
- 42. Weapon Use - Use of any weapon to threaten, intimidate, attack, injure or kill any person.

\* Any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind. \*\* "Look-alikes" are specifically included whether or not they are capable of producing a change in behavior or altering a state of mind. \*\* "Possession." as used herein, includes not only possession on one's physical person, but also custody and control. Thus, a student may be found in possession of any item if the item is in the student's backpack, locker, or elsewhere, if subject to the student's custody and control.

**The Matrix lists unacceptable behaviors and Minimum Mandatory Consequences.**

Administrators may impose consequences beyond minimum mandatory, when there is documented evidence of prior infraction and/or previous discipline, or in the context of restorative conversations as determined by the principal. In using a progressive discipline approach, consequences may vary from student to student. Consequences may also vary when a student is referred by provisions of RIA (individuals with Disabilities Education Act).

Violations of behavior when do not reach the level of documented or official will continue to be tracked by the classroom teacher's number.

Principal's report about Sexual Harassment or Discrimination Complaints to the Office of Equal Opportunity Services (OEOS) within 72 hours.

\* See the Glossary for possible Parent Involvement or Tobacco Cessation Programs. They are increased when programs are available.

Students are suspended from Extracurricular Activities during the timeframe of any suspension. The policy for suspension from Extracurricular activities extends beyond the school suspension in cases involving tobacco or controlled/drug substances.

\* Tobacco Cessation Program Referral  
 \*\* Parent Involvement Program Referral  
 Administrator/Student/Parent Contact  
 Administrator/Parent Contact  
 Staff/Student Contact  
 Long-term Suspension  
 Short-term Suspension  
 Suspension of Extracurricular  
 Referral for Legal Action  
 Seek Restitution  
 Expulsion

OCCURRENCE		BEHAVIOR VIOLATION		MINIMUM CONSEQUENCE	
Any	Arson I (damage of less than \$200)	Any	Arson I (damage of less than \$200)	•	•
Any	Arson II (damage of \$200 - \$999)	Any	Arson II (damage of \$200 - \$999)	•	•
Any	Arson III (damage of \$1000 damage or more)	Any	Arson III (damage of \$1000 damage or more) if greater than \$10,000	•	•
Any	Assault	Any	Assault	•	•
1 <sup>st</sup>	Assault, Aggravated	Any	Assault, Aggravated	•	•
2 <sup>nd</sup>	Battery, Aggravated	Any	Battery, Aggravated	•	•
Any	Battery, Fighting	Any	Battery, Fighting	•	•
Any	Bomb Threats and/or False Alarms	Any	Bomb Threats and/or False Alarms	•	•
1 <sup>st</sup>	Bullying/Cyberbullying	Any	Bullying/Cyberbullying	•	•
2 <sup>nd</sup>	Bus Disruption	Any	Bus Disruption	•	•
Any	Controlled Substance Possession (or Paraphernalia)	Any	Controlled Substance Possession (or Paraphernalia)	•	•
Any	Controlled Substance Sale or Distribution	Any	Controlled Substance Sale or Distribution	•	•

