

3.01 Equal Opportunity for Students

The Board of Education affirms that Springer Municipal School District is an Equal Opportunity School District and does not discriminate on the basis of race, color, national origin, sexual orientation, gender identity, religion, age, marital status, disability, or homelessness in the provision of services. This includes, but is not limited to, admissions, educational services, financial aid and employment. Inquiries concerning the application of Title VI and Title VII of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1975, and the New Mexico Human Rights Act, may be referred to the Superintendent of the Springer Municipal Schools and processed under the applicable grievance policy.

Adopted: April 13, 2006
Revised: March 10, 2008
Legal Reference:

3.02 Sexual Harassment of Students by Students

The effective education of our students requires a school environment in which students feel safe and secure. Sexual harassment of students by other students impairs the proper atmosphere for education, and often creates an inequitable climate for learning.

Nationwide survey information indicates that the problem is widespread. A majority of students--both boys and girls--reported that they have experienced some form of sexual harassment in school. Those students reported that their experiences had a variety of negative effects on themselves and their education. Some of the results reported were that students did not want to go to school or did not want to participate in class as much, found it harder to pay attention in class or to study, thought about changing schools, or wondered if they could graduate.

In addition to its negative effect upon education, sexual harassment negatively affects the characters of young people, both the harassers and the victims of harassment. That is particularly so in view of the special vulnerability of students at different stages of their personal development. It is clear that sexual harassment, whether verbal or by other conduct, can create stress and distraction, and upsetting feelings of fear, inferiority, or anger, which are detrimental to the education of young people. Toleration of sexual harassment also sends the wrong message regarding appropriate social conduct. Sexual harassment is inappropriate behavior in school because it is inappropriate behavior in society.

It is also illegal. Title IX of the federal Education Amendments of 1972 provides that schools must provide an educational program that offers equal educational benefits for boys and girls. Decisions of the United States Supreme Court and the United States Department of Education make clear that sexual harassment of students by other students may violate the law.

The Board of Education therefore forbids harassment of any student on the basis of sex. The Board will not tolerate sexual harassment of students by other students.

The intent of this policy regarding conduct among students requires some detailed discussion. Much of the conduct described in the detailed specification of this policy--including sexually-oriented name-calling, graffiti, teasing, etc.--clearly has no place in school, and would not be welcomed by anyone. Requests for dates or other age-appropriate expressions of interest or affection, however, are not inherently inappropriate, and can even contribute to the socialization process that is a large part of education. Accordingly, requests for dates and other age-appropriate expressions of interest between students is not sexual harassment unless the student to whom such requests or expressions are directed has indicated that they are unwelcome. **When a student has made reasonably clear that he or she does not welcome the requests or attention by the other student, it is sexual harassment for the other student to continue to make such requests or give such attention. In other words, you do have to take "No" for an answer.**

Nor shall this policy be construed to authorize students to engage in overt sexual activity on school property, even if consensual. Such conduct is addressed in the student handbook or conduct code.

DETAILED SPECIFICATION OF POLICY

A. Definitions and Standards of Conduct

Between students, sexual harassment is **unwelcome** conduct of a sexual nature. Specific definitions follow.

1. Conduct of a Sexual Nature

Conduct of a sexual nature may include, but is not limited to:

- verbal or physical sexual advances, including subtle pressure for sexual activity;
- verbal descriptions of sexual activity or soliciting or encouraging such description from students;
- repeated or persistent requests for dates, meetings, and other social interactions;
- initiating or repeating rumors, gossip or speculation about a student’s sexuality, sexual activity, sexual preference or orientation;
- sexually-oriented touching, pinching, patting, staring, pulling at or attempting to look under clothing, or intentionally brushing against another;
- showing or giving sexual pictures, photographs, illustrations, messages, or notes;
- using physical proximity or closeness as a physical or sexual advance;
- writing graffiti of a sexual nature on school property;
- comments or name-calling of a sexual nature to or about a student regarding alleged physical or personal characteristics, appearance, clothing or sexual preference or orientation;
- creating or circulating written material which is vulgar, derogatory or offensive, directed to a particular student or students such as “slam books” or the like;
- sexually-oriented kidding, teasing, “double-entendres”, and jokes; and
- use of sexually-oriented or nonverbal signs, sounds, facial expressions or gestures to convey sexual messages;
- any harassing conduct to which a student is subjected because of or regarding the student's sex.

2. Standard of Conduct for Students: Unwelcome Conduct of a Sexual Nature
 - a. Verbal or physical conduct of a sexual nature by one student of another may constitute sexual harassment when the allegedly harassed student has indicated, by his or her conduct, that the conduct is unwelcome, or when the conduct, by its nature, is clearly unwelcome or inappropriate.
 - b. A student who has initially welcomed conduct of a sexual nature by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

B. Reporting, Investigation, and Sanctions

1. Reporting: It is the express policy of the Board to encourage students who feel they have been sexually harassed by another student or students to report such claims.
 - a. Reporting of Sexual Harassment by a Student or Students:

--Any student who believes he or she has been sexually harassed by another student or other students, may tell a teacher, counselor, or principal or assistant principal.

--If a student who believes he or she has been sexually harassed by another student or students, and who feels uncertain about who to tell, or feels uncomfortable telling any counselor, or principal, the student should tell his or her parent(s) about the problem, and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.
 - b. Reporting by Employees Mandatory: Any employee who receives **any** report of sexual harassment of a student, whether the report is given by a student, a parent, or another employee, or who himself or herself observes instances of sexual harassment **must** notify his or her immediate supervisor or the Superintendent, regardless of whether the employee receiving the report or observing the instance considers the matter credible or significant.
2. Investigation: All reports of sexual harassment of students will be appropriately and promptly investigated by the Superintendent or his or her designee. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.

3. Sanctions: Any student found to have engaged in sexual harassment of a student shall be subject to discipline, including, but not limited to, suspension or expulsion, subject to any applicable procedural requirements.

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3.03 Student Attendance

Regular, uninterrupted classroom instruction, classroom participation, and interaction with classmates are essential to the educational process. Preparation and training for subsequent study or employment includes the development of self-discipline through regular class attendance. For these reasons and others, state law requires that all children of appropriate age and condition attend classes regularly. *See* the Compulsory School Attendance Law, § 22-12-1 *et seq.* This policy implements state law.

The New Mexico Children's Code provides that if a child has more than ten unexcused absences per semester, the child's family may be designated a "family in need of services," or a "family in need of court-ordered supervision." N.M.Stat. Ann. §§ 32A-3A-2(A)(1) and 32A-3B-2(A). A child who is permitted by his or her parents to be chronically truant may also be a "neglected child." *Id.* § 32A-4-2(C)(2). State law requires the schools to report violations of the Compulsory School Attendance Law to the Probation Services Office of the judicial district in which the student resides for investigation to determine whether the student may be a neglected child or a child in a family in need of services, and thus subject to the provisions of the Children's Code. *Id.* § 22-12-7(C). Violations of the compulsory school attendance laws can subject parents to criminal sanctions as provided by New Mexico law. *Id.* § 22-12-7(D). In addition to any other disposition, the Children's Court may order the habitual truant's driving privileges to be suspended for a specified time not to exceed ninety days on the first finding of habitual truancy and not to exceed one year for a subsequent finding of habitual truancy. *Id.* § 22-12-7(C).

Maintaining regular school attendance is the joint responsibility of parents and educators. In keeping with that obligation, the following rules for school attendance shall be observed and enforced for Jr. High/Secondary students.

A. Definitions

1. Unexcused Absence: an absence for which no appropriate excuse has been provided by the student's parent or legal guardian within the time limits provided by this policy. Special family situations may be considered appropriate for excused absence when *prior* approval is received from the principal or his/her designee.
2. Truant: a student who has accumulated five unexcused absences within any twenty-day period.
3. Habitual Truant: a student who has accumulated ten or more unexcused absences within a school year.

B. Attendance Requirements

1. Parent Notification of Absence: parent or guardian shall notify the school each day his or her child will be absent from any class and the reason for the absence; or shall provide a written and signed verification of the reason for the student's absence, to be presented upon the first day a student returns to school from any absence. If a student has been absent for 4 or more consecutive days due to illness, the principal or his/her designee may require written verification from the student's professional health-care provider.
2. Prolonged Illnesses: In cases of chronic or prolonged illnesses expected to last 10 days or more, during which the student is able to do school work, the student's parent or guardian shall present written verification by the student's professional health care provider of the expected length of the illness and of the student's ability to do school work at home, and the student shall be placed on home-bound study until he or she can return to school.
3. Make Up of Work Missed; Grades: Following an excused absence, a student shall be given a reasonable time by his or her teacher within which to make up the work the student missed during the absence. A student shall not be provided the opportunity to make up the work missed during an unexcused absence.

At applicable grade levels, if an absence is unexcused, or if the student fails to make up the work missed during an excused absence within the time permitted, any work for which a grade was taken will be counted as a zero for such student in the teacher's grade book, and averaged into the student's grades for the relevant grading period.

4. Discipline: In addition to the other measures to be imposed according to this policy, students may receive detention, in-school suspension, or other discipline designed to keep the student in school and progressing academically, for each unexcused absence, at the discretion of the Principal or his/her designee. Out-of-school suspension and expulsion will not be used as punishment for truancy or unexcused absences.
5. Notice to Parents of Unexcused Absence: If a student is absent from school without a parent notification of absence, as required by paragraph B.1, above, the principal or his/her designee will, as soon as practicable, contact the parents or legal guardians by telephone or certified mail to give notice of the student's absence and to ascertain and document the reason for the absence.

6. Third Unexcused Absence--Parent Conference Required: Upon a student's accrual of a third unexcused absence, the school will provide written notice to the student's parent or legal guardian that the parent/guardian shall be required to meet with the Principal or his/her designee for the purpose of identifying the cause(s) of the unexcused absences, and to establish a plan to prevent future unexcused absences. The plan will be confirmed in writing and signed by the principal and the parent or legal guardian during the conference.
7. Fourth Unexcused Absence--Parent Conference and Notice to Probation Services Office: Upon the student's accrual of a fourth unexcused absence during the school year, the school shall notify the student's parent/guardian that he or she is required to attend a further conference to review the plan to prevent unexcused absences. Notice of the fourth unexcused absence will also be sent to the Probation Services Office for the judicial district in which the student resides for appropriate action, which may include investigation under the Children's Code.
8. Additional Unexcused Absences: Following notification of a student's fourth unexcused absence, the school will continue to provide written notification to the Probation Services Office of a student's accrual of additional unexcused absences.
9. Parent Failure to Meet: If a parent/guardian fails to arrange, or to appear for, a conference regarding unexcused absences within 10 days of notice from the school, the school will provide written notice to the Probation Services Office of such failure. School staff will cooperate with the Juvenile Probation Office or the District Attorney in enforcement actions.
10. Notice and Reports of Habitual Truancy: The school shall provide written notice of habitual truancy by certified mail to, or by personal service on, the parent/guardian of the student. If a student continues to accrue unexcused absences after written notice of habitual truancy has occurred, the student shall be reported to the Probation Services Office of the judicial district where the student resides for an investigation as to whether the student shall be considered to be a neglected child or a child in a family in need of services because of habitual truancy and thus subject to the provisions of the Children's Code.
11. Excessive and Pattern Absences: Habitual student absences shall be monitored for patterns (*i.e.*, every Monday or Friday), and reported as required herein.
12. Distribution of Policy; Acknowledgment of Receipt: A copy of this policy and an acknowledgment form will be issued to each student on the first day of school. The student shall return the acknowledgment form, signed

by his or her parent/guardian no later than the fifth day of school. A student who fails to return a signed form within that time may be subject to disciplinary action.

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3.04 Grading

The Springer Municipal Schools Board of Education believes students will respond more positively to the opportunity for success than to the threat of failure. The District will seek, therefore, in its instructional program to make progress and achievement both recognizable and possible for students. It will emphasize both in its processes of evaluating student performance.

The Board recognizes that any grading system, however effective, is subjective in nature. Therefore, there are several fundamental principles which must guide all instructors in the assignment of marks and achievement.

1. The mark or grade should represent the teacher's best estimate of whether or not an individual student is acquiring the desired outcomes for the lesson, subject, or course.
2. Teachers should provide developmentally appropriate assistance to all students as a result of their performance on achieving desired outcomes.
3. A variety of assessment measures should be used and accurate records should be kept to substantiate the grade given. The records and reports of individual students will be kept in a form that is understandable to parents as well as students and teachers.
4. Communication between teachers and parents is vitally important to the educational progress of each student. At the mid-point of each grading period teachers will be required to notify parents if their son/daughter is performing below a "C" average. At any point during a grading period, even after an initial Progress Report, parents must be notified if their child is not performing to expected levels.

The responsibility for arriving at nine-week grades rests with the individual teacher, but the procedures for arriving at the grade will be fully explained to students and parents and conform to the following percentage scale:

A	90-100
B	80-89
C	70-79
D	60-69
F	59 and below

For purposes of conversion of grade points into letter grades, quality points will be rounded to the nearest whole number.

Junior High/Secondary

To pass a course a student must have two passing grades of the three used to determine a semester grade: the first nine weeks grade, which will count 2/5 of the total; the second nine weeks grade, which will count 2/5 of the total; and the semester test grade which will count 1/5 of the total. Computation of a semester grade for a student having two passing grades of the three will be based on a 4.0 scale as in the following example:

1st Nine Weeks	A (2/5) (4+4) 8 quality points
2nd Nine Weeks	B (2/5) (3 +3) =6 quality points
Semester Test	B (1/5) = 3 quality points

$8 + 6 + 3 = 17$ quality points, divided by 5 weighted grades

$17/5 = 3.4$ B Semester Grade

In regular courses student grade points are based on the numerical value of grades as follows:

A=4.0
B=3.0
C=2.0
D=1.0
F=0

Grades earned in Honor courses* (*and classes such as Trigonometry, Algebra II, Physics and any other classes as deemed appropriate by the Counselor, Teacher, Principal and Superintendent*) will have the numerical value as follows:

A=5.0
B=4.0
C=3.0
D=1.0
F=0

* Honor courses refers to courses; which use a college level syllabus or textbook as the course content and which are intended to prepare students to take an advanced placement test offered by the College Board.

Rank in class shall be determined for each full-time student in a regular education program and others as deemed appropriate by the administration. Rank in class will be based on a student's grade point average. Rank in class will be cumulative for grade 9, 10, 11, and 12. Numerical rank will be only reported after the first semester of the senior year. Numerical rank is available to students and parents/guardians at other times upon request.

Elementary (Grades 3-5)

Students in grades three through six will receive letter grades based upon the numerical categories outlined above. Report cards shall be prepared at the end of each nine-week period.

The letter grades signify:

A - Excellent: indicates the student is doing work in quality and quantity far in excess of the standard set for a satisfactory grade in the course.

B - Above Average: indicates the student is doing work in quality and quantity above the standards set forth for a satisfactory grade in the course.

C - Satisfactory: indicates the student is acquiring the necessary information and skills to proceed in the subject. He/she is meeting the standards set for a satisfactory grade in the course.

D - Poor: indicates the student is meeting the minimal standards for a passing grade in the course.

F - Failure: indicates insufficient progress in the subject to merit granting of credit in the course

INC - Incomplete: an interim grade used when a student is currently unable to complete course work because of circumstances beyond the student's control. Must be completed in a timely fashion.

Kindergarten through Second Grade

Students in grades kindergarten through second will receive grades according to the symbols listed on next page.

Symbols

E

S

N

-

Work Quality

Excels in this area

Satisfactory

Needs improvement in this area

Area has not been introduced at this time

Plus or minus notations may be affixed at teacher discretion to indicate directional progress for an S grade.

Report cards shall be prepared at the end of each nine-week period. Grades will reflect the level of student mastery as indicated in the curriculum guide and/or report card.

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3.05 Student Rights and Responsibilities

Student Rights and Responsibilities

NOTE: It is the responsibility of students and parents to inform themselves of current Board policies and of administrative and school rules regarding conduct that is subject to disciplinary action.

Statement of Policy

A primary responsibility of the Springer Schools (the District) and its professional staff shall be to instill in students an appreciation of our representative form of government, the rights and responsibilities of the individual, and the legal processes whereby necessary changes are brought about.

The school district is a community, and the rules and regulations of a school are the laws of that community. All persons enjoying the rights of citizenship are subject to the laws of their community. Each right carries with it a corresponding obligation.

The right to attend public school is not absolute. It is conditional on each student's acceptance of the obligation to abide by the lawful rules of the school community until and unless the rules are changed through established processes.

Teachers, administrators, and other school employees also have rights and duties. Teachers are required by law to maintain a suitable environment for learning in their classes and to assist in maintaining school order and discipline. Administrators are responsible for maintaining and facilitating the educational program by ensuring an orderly, safe environment in the public schools. In discharging their duties, all school employees have the right to be free from intimidation or abuse and to have their lawful requests and instructions followed by students.

The District has both the authority and responsibility to ensure that suitable rules of student conduct and appropriate disciplinary processes are established.

1. OBJECTIVE:

To provide a comprehensive framework within which the District can carry out their educational mission and exercise their authority and responsibility to provide a safe environment for student learning, and further to provide students and parents with an understanding of the basic rights and requirements necessary to effectively function in the educational community.

2. DEFINITIONS:

2.1 “Administrative authority” means the local school district superintendent, a principal, or a person authorized by either to act officially in a matter involving school discipline or the maintenance of order. The term may

- include school security officers, but only to the extent of their authority as established under written local school board policies.
- 2.2 “Criminal acts” are acts defined as criminal under federal and state law, and any applicable municipal or county criminal ordinances.
- 2.3 “Delinquent acts” are acts so defined in Section 32A-2-3A, NMSA 1978 of the Delinquency Act.
- 2.4 “Detention” means requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school.
- 2.5 “Disciplinarian” means a person or group authorized to impose punishment after the facts have been determined. Under these rules, the Hearing Authority shall also be the Disciplinarian unless otherwise provided for good cause by the Superintendent.
- 2.6 “Disruptive conduct” means willful conduct which:
- 2.6.1 Materially and in fact disrupts or interferes with the operation of the public schools or the orderly conduct of any public school activity, including individual classes; or
- 2.6.2 Leads an administrative authority reasonably to forecast that such disruption or interference is likely to occur unless preventive action is taken.
- 2.7 “Expulsion” means the removal of a student from attendance at all schools of the District, either permanently or for an indefinite time exceeding 10 school days.
- 2.8 “Gang related activity” means conduct prohibited by the District’s policy on Gang Related Activity, No. 3.06.
- 2.9 “Hearing Authority” means the person who presides at the formal hearing, hears the evidence, decides culpability, and determines punishment. The Superintendent, Associate Superintendent for Instruction, and Personnel Director shall served as Hearing Authority on a rotating or alternating basis in all formal hearings, except in instances in which the administrator who would otherwise serve as Hearing Authority was directly involved in, or witnessed, the incident(s) in question, has prejudged disputed facts, or is actually biased for or against any person who will actively participate in the hearing. In such cases, one of the other administrators eligible to serve as Hearing Authority shall do so.
- 2.10 “Immediate removal” means the removal of a student from school for one school day or less under emergency conditions and without a prior hearing.

- 2.11 “In-school suspension” means suspending a student from one or more regular classes while requiring the student to spend the time in a designated area at the same school or elsewhere.
- 2.12 “Legal limits” include the requirements of the federal and state constitutions and governing statutes, standards, and regulations, and also include the fundamental common-law requirement that rules of student conduct be reasonable exercises of the schools’ authority in pursuance of legitimate educational and related functions. There are special limitations arising from constitutional guarantees of protected free speech and expression, which must be balanced against the school’s need to foster an educational atmosphere free from undue disruptions to appropriate discipline.
- 2.13 "Long-term suspension" means the removal of a student from attendance at all schools of the district for a specified or indefinite period of time exceeding 10 school days.
- 2.14 “Parent” means the natural parent, a guardian, or other person or entity having custody and control of a student who is subject to the Compulsory School Attendance Law, Section 22-12-1, et seq., NMSA 1978, or the student if he/she is not subject to compulsory attendance.
- 2.15 “Public school” means the campus of and any building, facility, vehicle, or other item of property owned, operated, controlled by, or in the possession of a local school district. For purposes of student discipline, the term also includes any non-school premises being used for school-sponsored activities.
- 2.16 “Refusal to cooperate with school personnel” means a student’s willful refusal to obey the lawful instructions or orders of school personnel whose responsibilities include supervision of students.
- 2.17 “Refusal to identify self” means a person’s willful refusal, upon request from school personnel known or identified as such to the person, to identify him/herself accurately.
- 2.18 “Review authority” is a person or group authorized by the Board to review a disciplinarian’s final decision to impose a long-term suspension or expulsion. Under these rules, the Board of Education shall be the Review Authority unless the Board determines otherwise in specific cases.
- 2.19 “Sexual harassment,” regarding students, means conduct prohibited by the District’s Student Sexual Harassment Policy, No. 3.02.
- 2.20 “School personnel” means all members of the staff, faculty, and administration employed by the local school board. The term includes school security officers, school bus drivers and their aides, and also authorized agents of the schools, such as volunteers or chaperons whose responsibilities include supervision of students.
- 2.21 “Student” means a person who is enrolled in one or more classes at a public school or a person who was a student during the previous school year and is

participating in a school-sponsored activity connected with his or her prior status as a student.

- 2.22 “Temporary suspension” means the removal of a student from school for a specified period of 10 school days or less after a rudimentary hearing.

3. GENERAL PROVISIONS:

- 3.1 *Jurisdiction Over Students.* All officials, employees, and authorized agents of the District whose responsibilities include supervision of students shall have comprehensive authority within the limits of the law to maintain order and discipline in school. In exercising this authority, such officials, employees, and authorized agents of the public schools may exercise such powers of control, supervision, and correction over students as may be reasonably necessary to enable them to properly perform their duties and accomplish the purposes of education. This authority applies whenever students are lawfully subject to the school’s control, regardless of place. During such periods, public school authorities shall have the right to supervise and control the conduct of students, and students shall have the duty to submit to the school’s authority.

The foregoing is intended to reflect the common law regarding the rights, duties, and liabilities of public school authorities in supervising, controlling, and disciplining students. Nothing herein shall be construed as enlarging the liability of public school authorities beyond that imposed by statute, common law, or State Board of Education regulation.

- 3.2 *School Authority Over Non-Students.* In furtherance of the District’s compelling interest in the orderly operation of the public schools and school activities, school officials have the following forms of authority over non-students whose actions adversely affect school operations or activities.

- 3.2.1 *On School Property.* School officials may prohibit entry to and provide for the removal from any public school building or grounds any person who refuses to identify him/herself and state a lawful purpose for entering. Any person who refuses may be removed by school authorities, who may use reasonable physical force to accomplish the removal. Alternately, a person who refuses a lawful request to leave school premises may be subject to arrest by law officers for criminal offenses including but not limited to criminal trespass, interference with the educational process, or disorderly conduct. A person who does identify him/herself and states a lawful purpose may nevertheless be subject to removal by school officials for engaging in activities prohibited by this regulation. The person may also be subject to arrest by law officers if he/she is committing any crime.

- 3.2.2 *Off School Property.* Public school authorities have indirect and limited authority over the activities of non-students off school property. To the extent that non-students’ conduct at or near schools or school-sponsored activities may constitute a criminal offense, including the crimes of interference with the educational process, disorderly conduct, or criminal

trespass (after refusing a lawful request to leave), school authorities may request law enforcement agencies to arrest the offenders.

- 3.3 *Statement of Policy.* A primary responsibility of the Board and its professional staff shall be to instill in students an appreciation of our representative form of government, the rights and responsibilities of the individual or group, and the legal processes whereby necessary changes are affected.

The school is a community and the rules and regulations of a school are the laws of that community. All persons enjoying the rights of citizenship are subject to the laws of their community. Each carries with it a corresponding obligation.

The right to attend public school is not absolute. It is conditioned on each student's acceptance of the obligation to abide by the lawful rules of the school community until and unless the rules are changed through lawful processes.

Teachers, administrators, and other school employees also have rights and duties. Teachers are required by law to maintain a suitable environment for learning in their classes and to assist in maintaining school order and discipline. Administrators are responsible for maintaining and facilitating the educational program by ensuring an orderly, safe environment in the public schools. In discharging their duties, all school employees have the right to be free from intimidation or abuse and to have their lawful requests and instructions followed.

Nothing in this regulation shall be held to affect the due process rights of school employees or their use of any local school district grievance procedure. This regulation does not address employment disputes.

- 3.4 *Severability.* Any part of this regulation found by adjudication before a competent tribunal to be contrary to law shall be stricken without effect to the remainder.

4. RULES OF CONDUCT:

The acts specified in Paragraph 4.1 below are prohibited in all schools of the District.

- 4.1 *Prohibited Activities.* The commission of, or participation in, the activities designated below is prohibited at school and whenever students are subject to school control.

4.1.1 Prohibited Conduct:

1. Criminal or delinquent acts;
2. Gang related activity as described in the District's Policy on Gang Related Activity;

3. Sexual harassment;
4. Disruptive conduct;
5. Refusal to identify self; and
6. Refusal to cooperate with school personnel.

4.2 *Regulated Activities.* Beyond those activities designated above as prohibited, all other areas of student conduct may be regulated within legal limits by local school boards as they deem appropriate to local conditions. Conduct by non-students; which affects school operations may be regulated within legal limits pursuant to any of the forms of authority described in Paragraph 3.2 above.

4.2.1 Students are also subject to Board policies and administrative rules, including, but not limited to those pertaining to:

4.2.1.1 School attendance;

4.2.1.2 Use of and access to the public premises, including:

4.2.1.2.1. Restrictions or conditions upon the bringing of vehicles onto school property;

4.2.1.2.2. Prohibition of or conditions on the presence of non-school persons on school premises while school is in session; and

4.2.1.2.3. Reasonable standards of conduct for all persons attending school-sponsored activities or other activities on school property;

4.2.1.3 Students' dress and personal appearance.

4.2.1.4 Use of controlled substance, alcohol, or tobacco on school premises or during school sponsored activities;

4.2.1.5 Speech and assembly within the public schools;

4.2.1.6 Publications distributed in the public schools;

4.2.1.7 The existence, scope, and conditions of availability of student privileges, including extracurricular activities and rules governing participation;

4.2.1.8 Possession or custody of a weapon on school premises or at a school sponsored activity, in violation of the District's Weapons Policy or N.M. Stat. Ann. § 22-5-4.7. The Special Rule provisions of Paragraph 11.4 apply to students with disabilities;

4.2.1.9 The discipline of students for out-of-school conduct having a direct and immediate effect on school discipline or the general safety and welfare of the school.

5. ENFORCING RULES OF CONDUCT:

5.1 *Enforcing Attendance Requirements.* Formal enforcement action under the District's Attendance Policy, No. 3.03 the Compulsory Attendance Law, or the Family in Need of Services Act, shall be initiated whenever a student's absences indicate that law or policy is being violated. An administrative authority who has reason to believe a student is violating the Board's Attendance Policy may take whatever further action is deemed appropriate under such policy.

5.2 *Search and Seizure.* The Board of Education, in recognition of the necessity of conducting searches and seizures of employees and students from time to time in order to enforce school policies and discipline, adopts the following policy regarding searches and seizures. School property assigned to a student and a student's person or property while under the authority of the public schools are subject to search, and items found are subject to seizure, in accordance with the requirements below.

5.2.1 *Definition:* As used in this policy "contraband" means any substance, material or object prohibited from school pursuant to school policy or state or federal law, including drugs, alcohol, fireworks, or weapons.

5.2.2 *Notice of Search Policy.* Students shall be provided a copy of the policy at the beginning of each school year or upon admission for students entering during the school year.

5.2.3 *Rules Regarding Searches and Seizures:* With respect to both employees and students, the District reserve the right to search persons, personal effects, and vehicles as follows:

5.2.3.1 A pat-down search of a person may be conducted on the basis of a reasonable, individualized suspicion that such person is in possession of contraband. Any such search shall be conducted in private by an authorized school official of the same sex as the person to be searched and in the presence of a witness of the same sex. Strip searches are not permitted.

5.2.3.2 Lockers, desks, and similar storage facilities are school property and remain at all times under the control of the school; however, persons using such facilities are expected to assume full responsibility for the security of their lockers and desks and similar facilities. Periodic general inspections of lockers, desks and similar facilities may be conducted by school officials for any reason, at any time, without notice and without consent.

5.2.3.3 Persons are permitted to park on school premises as a matter of privilege, not of right. The district retains the authority to conduct routine patrols of school parking lots and inspections of the exteriors of automobiles on school property. Such patrols and inspections may be conducted without notice and without consent. The interiors of vehicles on school property may be inspected whenever a school official has a reasonable suspicion that contraband is within such a vehicle.

Persons are permitted to park on school premises as a matter of privilege, not of right. Every student who wishes to drive or park vehicles on school premises shall obtain a parking permit from the District, and shall display such permits on the vehicle. Application for a parking permit shall constitute express permission by the student and parent that the vehicle may be searched by, or at the direction of, authorized school officials at any time it is on school premises, and a waiver of any and all claims arising from any such searches. The District also retains the authority to conduct routine patrols of school parking lots and inspections of the exteriors of automobiles on school property. Such patrols and inspections may be conducted without notice and without consent.]

5.2.3.4 In any of the foregoing enforcement actions, the administration is authorized to use dogs whose reliability and accuracy for sniffing and detecting contraband has been established. The dogs will be accompanied by a qualified and authorized dog trainer-handler who will be responsible for the dog's actions. Any indication by the dog that an illegal or unauthorized substance or object is present on school property or in a vehicle on school property shall be reasonable cause for a search by school officials.

5.2.4 Implementation of searches and seizures shall be governed by administrative guidelines promulgated by the Superintendent.

5.2.5 *Seizure of Items.* Illegal items, legal items which threaten the safety or security of others, and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parent or returned to the student when and if the administrative authority deems appropriate.

5.2.6 *Notification of Law Enforcement Authorities.* Unless a local school board policy provides otherwise, an administrative authority shall have discretion to notify the local Children's Court attorney, district attorney, or other law enforcement officers when a search discloses

illegally possessed contraband material or evidence of some other crime or delinquent act.

5.3 *Bases for Disciplinary Action.* A student may appropriately be disciplined by administrative authorities in the following circumstances:

5.3.1 For committing any act which endangers the health or safety of students, school personnel, or others for whose safety the public school is responsible, or for conduct which reasonably appears to threaten such dangers if not restrained, regardless of whether an established rule of conduct has been violated;

5.3.2 For violating valid rules of student conduct established by the Board or by an administrative authority, when the student knew or should have known of the rule in question or that the conduct was prohibited; or

5.3.3 For committing acts prohibited by this policy, when the student knew or should have known that the conduct was prohibited.

5.4 *Selection of Disciplinary Sanctions.* Administrative authorities shall impose appropriate sanctions for student misconduct.

5.4.1 *School Discipline and Criminal Charges.* Appropriate disciplinary actions may be taken against students regardless of whether criminal charges are also filed in connection with an incident.

5.4.2 *Nondiscriminatory Enforcement.* School rules shall be imposed and enforced on without regard to the race, religion, color, national origin, ancestry, sex, or disability of any student, *provided however*, that different disciplinary actions may be imposed upon different students for violations of the same rule or for the same type of misconduct on the basis of differences in the manner, severity, duration, or impact of the violation or misconduct, or upon any similarly pertinent factors or considerations.

5.4.3 *Individual Culpability:* Students may not be punished as a group for the acts of individuals, even when the individuals guilty of misconduct within the group cannot otherwise be identified.

5.5 Corporal punishment prohibited: Physical mistreatment by any employee of any student, including the administration of corporal punishment by any employee upon any student, is prohibited. Employees are prohibited from physically mistreating students themselves and from directing or suggesting physical mistreatment of a student by another student.

5.6 *Detention, Suspension, and Expulsion.*

Where detention, suspension, and/or expulsion is determined to be the appropriate penalty, it may be imposed only in accordance with procedures that provide at least the minimum safeguards prescribed in Paragraph 7

below. Suspensions or expulsions of students with disabilities shall be subject to the further requirements of Paragraph 5.7 and Paragraph 6 below.

5.7 *Discipline of Students with Disabilities:*

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

5.7.1 Long-Term Suspensions or Expulsions of students with disabilities shall be governed by the procedures set forth in Paragraph 6 below.

5.7.2 Temporary Suspensions of students with disabilities may be imposed in accordance with the normal procedures prescribed in Paragraph 6.4 below, provided that the student is returned to the same educational placement after the temporary suspension and unless a temporary suspension is prohibited under the provisions of Paragraph 5.7.3 below.

5.7.3 *Program Prescriptions.* A student with a disability's individualized education program (IEP) need not affirmatively authorize disciplinary actions which are not otherwise in conflict with the regulation. However, the IEP Committee may prescribe or prohibit specified disciplinary measures for an individual student with a disability by including appropriate provisions in the student's IEP. Administrative authorities shall adhere to any such provisions contained in a student with a disability's IEP, except that an IEP Committee may not prohibit the initiation of proceedings for long-term suspension or expulsion which are conducted in accordance with this regulation.

5.7.4 *Immediate Removal.* Immediate removal of students with disabilities may be done in accordance with the procedures of Paragraph 6.3 below.

6. PROCEDURES FOR LONG-TERM SUSPENSION OR EXPULSION OF STUDENTS WITH DISABILITIES:

6.1 Initial Determination(s).

6.1.1 When a student with a disability or a student whom the administrative authority has reason to suspect may have a disability violates a rule of conduct as set forth in this regulation, which may result in long-term suspension or expulsion, the following procedures shall apply:

- 6.1.2 The administrative authority shall conduct an informal administrative conference to determine if disciplinary action is warranted. The purpose of the conference shall be to:
 - 1. Conduct interviews;
 - 2. Afford the student an opportunity to explain the alleged misconduct;
 - 3. Determine whether the student has an IEP or a plan in accordance with §504 of the Rehabilitation Act of 1973 (hereinafter “§504”) in effect and whether the IEP or §504 plan contains alternative disciplinary strategies; and
 - 4. Determine whether a referral for formal evaluation should be made if an IEP or §504 plan is not in effect and a disability is suspected.
- 6.1.3 The administrative authority shall make a determination as to whether the conduct warrants long-term suspension or expulsion.
- 6.1.4 Nothing herein shall preclude the administrative authority from imposing a short-term suspension and/or seeking an injunction from a court of competent jurisdiction.
- 6.2 Parent Notification.
 - 6.2.1 Upon a determination by the administrative authority that long-term suspension or expulsion will not be pursued, the administrative authority shall notify the student’s parent(s) of the incident.
 - 6.2.2 Upon a determination by the administrative authority that the student’s IEP or §504 plan sets forth alternative discipline strategies for the behavior, the administrative authority shall implement the alternative strategies and notify the parent(s) accordingly.
 - 6.2.3 Upon a determination by the administrative authority that an IEP or §504 plan is not in effect for the students and that a referral for formal evaluation should be made, the administrative authority shall refer the student for formal evaluation and shall notify the parent(s) in accordance with applicable requirements.
 - 6.2.4 Upon a determination by the administrative authority that long-term suspension or expulsion will be pursued and that an IEP or §504 plan is in effect for the student, the administrative authority shall notify the parent(s) as follows:
 - 6.2.4.1 Scheduling of the IEP meeting in accordance with the requirements of the IDEA-Part B and 34 CFR Part 300, or §504, and 34 CFR Part 104, as applicable; and

6.2.4.2 Contemplated disciplinary action.

6.3 Manifestation Inquiry

6.3.1 The administrative authority shall convene the IEP or §504 meeting to determine if the student's behavior is a manifestation of the disability and whether the student's IEP or §504 plan is appropriate.

6.3.1.1 If the determination is made that the behavior is a manifestation of the disability, the IEP/§504 Committee shall revise the IEP or §504 plan as needed to address the needs of the student. The student may not be suspended or expelled from school for more than 10 school days unless the school district obtains an order from a court of competent jurisdiction to remove the student from school or to change the student's placement.

6.3.1.2 If the determination is made that the behavior is not a manifestation of the disability but that the student's program is inappropriate, the IEP/§504 Committee shall revise the IEP/§504 plan. The student may not be suspended or expelled from school for more than 10 school days unless the school district obtains an order from a court of competent jurisdiction to remove the student from school or to change the student's placement.

6.3.2 If the determination is made that the misbehavior is not a manifestation of the disability and the student's program is appropriate, the administrative authority may proceed to initiate long-term suspension or expulsion proceedings in accordance with Paragraph 7.7 below.

6.4 Special Rule Regarding Weapons.

6.4.1 This rule shall apply when a student with a disability is determined to have brought a weapon to school.

6.4.2 A student who has a disability in accordance with Part B of the IDEA and who is determined to have brought a weapon to school may be immediately placed in an interim alternative educational setting for not more than 45 calendar days during the manifestation inquiry. The interim alternative educational setting shall be determined by the IEP Committee, which includes the student's parent(s). Parental consent to the alternative placement is not required.

6.4.3 If the parent(s) of student placed in an alternative educational setting pursuant to this Special Rule request(s) a due process hearing pursuant to Part B of the IDEA, the student shall remain in the alternative educational setting during the pendency of any proceedings, unless the parent(s) and administrative authority agree otherwise.

6.4.4 If, upon final determination, it is decided that bringing the weapon to school is unrelated to the student's disability, the administrative authority may proceed to initiate long-term suspension or expulsion proceedings.

6.5 Alternative Educational Services During the Period of Long-Term Suspension or Expulsion.

6.5.1 Alternative educational services for a student with a disability upon whom a long-term suspension or expulsion has been imposed for behavior not related to the disability shall be provided as follows:

6.5.1.1 During the period of disciplinary exclusion from school, each student who is disabled pursuant to the IDEA must continue to be offered a program of appropriate educational services that is individually designed to meet his/her unique learning needs. Such services may be provided in the home, in an alternative school, or in another setting.

6.5.1.2 School districts may cease educational services to students who are disabled pursuant to §504 during periods of disciplinary exclusion from school that exceed 10 school days if students who are not disabled do not continue to receive educational services in similar circumstances.

6.5.2 Provision of Alternative Educational Services.

6.5.2.1 The parent(s) shall be notified of the IEP/§504 meeting.

6.5.2.2 An IEP is developed to reflect the alternative educational services, and placement to be provided to the student during the period of the long-term suspension or expulsion.

6.5.2.3 If the parent(s) request a due process hearing, the student shall remain in the alternative educational setting.

6.5.3 Local school boards shall adopt policies stating whether a student will receive grades and/or credit during the period of long-term suspension or expulsion.

7. PROCEDURE FOR DETENTIONS, SUSPENSIONS, AND EXPULSIONS:

The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violations of school rules when school authorities have adhered to the minimum procedural safeguards required to afford the student due process of law.

This Paragraph prescribes minimum requirements for detention, in-school suspension and temporary, long-term or permanent removal of students from the public schools.

The procedures in this Paragraph apply only to disciplinary detentions, suspensions, and expulsions. They do not apply to disenrollment of students who fail to meet immunization, age, residence, or other requirements for valid enrollment, nor to the removal from school membership reports of students who have been absent from school for 10 consecutive school days in accordance with Section 22-8-2B, NMSA 1978.

Nothing in the Paragraph should be construed as prohibiting the Board or administrative authorities from involving other school staff, students, and members of the community in the enforcement of rules of student conduct to the extent they believe is appropriate.

7.1 Initiation of Proceedings

- 7.1.1 Procedures and Notice for Short-term Suspension: Prior to imposing a short-term suspension, the school administrative authority (principal, assistant principal) shall conduct an informal hearing through informal discussion with the student.
- 7.1.2 The informal hearing may be conducted in the school administrative authority's office, or in any other place that is private and free of distractions.
- 7.1.3 The administrative authority shall inform the student of the charge against him or her;
- 7.1.4 If the student admits the charge, the administrative authority may impose a short-term suspension;
- 7.1.5 If the student denies the charge, the administrative authority shall:
 - 7.1.5.1 Inform the student of the factual basis for the charge by stating the acts he or she is accused of committing and the reasons for believing he or she committed such acts;
 - 7.1.5.2 Provide the student with the opportunity to state his or her version of the facts; and
 - 7.1.5.3 Determine whether the imposition of short-term suspension is warranted on the basis of the evidence.
- 7.1.6 In conducting the informal hearing, the administrative authority:
 - 7.1.6.1 Is not required to provide for advance notice to the student's parents or guardian,
 - 7.1.6.2 Is not required to allow the student to be represented by any third party, or to confront or cross-examine witnesses, and

- 7.1.6.3 Is not required to divulge the identity of informants provided there is good cause to withhold such information, such as a reasonable likelihood of harm to the informant.
- 7.1.7 Notice of Short-Term Suspension: If the administrative authority determines that the student shall be subject to short-term suspension only, the administrative authority shall complete a Notice of Short-Term Suspension, in a form substantially equivalent to that adopted and attached hereto as Exhibit 1, and serve it upon the student through his or her parent or guardian, personally or by mail.
- 7.1.8 A student may not be suspended from school for more than 10 school days on the basis of an informal hearing alone.
- 7.1.8.1 Suspensions beyond 10 school days are long-term suspensions, and require that the student be afforded a formal hearing, as provided in subsection b, below, unless such formal hearing is waived.
- 7.1.8.2 If the formal hearing for long-term suspension or expulsion provided for in subsection b, below, is not waived and is not held within the 10-day period of the short-term suspension, the student must be returned to school after 10 school days until the hearing is held, but may be placed in in-school suspension during that time.
- 7.1.9 Combined Short-Term Suspension and Long-Term Suspension or Expulsion: In all instances in which, in addition to short-term suspension, a long-term suspension or expulsion of the student is recommended by the administrative authority, the administrative authority shall,
- 7.1.9.1 Complete the informal proceedings described in subparagraph a, above, and
- 7.1.9.2 Complete a Notice of Short-Term Suspension and Notice of Hearing Relating to Long-Term Suspension or Expulsion, in a form substantially equivalent to that adopted and attached as Exhibit 2 to these rules, and serve it upon the student through his or her parent or guardian, personally or by mail.
- 7.2 Procedures for Long-Term Suspension or Expulsion Hearing
- 7.2.1 Contents of Notice: The notice of the formal hearing regarding the recommended long-term suspension or expulsion, shall be in a form substantially equivalent to that adopted and attached herein as Exhibit 2, Notice of Short-Term Suspension and Notice of Hearing Relating to Long-Term Suspension or Expulsion, and shall include all the contents thereof.
- 7.2.2 Timing of the Formal Hearing:

- 7.2.2.1 The formal hearing for which notice is provided in the Notice of Short-Term Suspension and Notice of Hearing Relating to Long-Term Suspension or Expulsion shall be held no sooner than five school days nor later than 10 school days from the date of receipt of the notice by the parent or guardian.
- 7.2.2.2 The formal hearing may be postponed by the Hearing Authority upon a request for good cause by the parent or guardian, but, if the postponement would be to a date beyond the expiration of the period of the student's short-term suspension, the Hearing Authority, may condition such postponement upon the agreement of the parent or guardian to voluntarily keep the student home beyond the period of the 10 day short-term suspension until the postponed hearing date, or upon such other conditions as the Hearing Authority determines to be appropriate.
- 7.2.3 Waiver of Hearing: If, prior to the formal hearing on long-term suspension or expulsion, the parent or guardian executes and submits to the administrative authority or the Hearing Authority, the Waiver of Right to Hearing included in the Notice of Short-Term Suspension and Notice of Hearing Relating to Long-Term Suspension or Expulsion, Exhibit 2, or otherwise waives such right in a signed writing submitted to the administrative authority or the Hearing Authority, then the proposed long-term suspension or expulsion may be imposed immediately and without further proceedings.
- 7.2.4 Standards for the Formal Hearing: If the formal hearing is not waived, it shall be conducted as follows:
 - 7.2.4.1 The student shall appear at the hearing with a parent or guardian unless the student has reached the age of majority or can provide satisfactory evidence of legal emancipation.
 - 7.2.4.2 Failure of the student and parent/guardian to appear shall not delay the hearing and, the Hearing Authority may impose the proposed penalty by default if:
 - 7.2.4.2.1 the student and a parent or guardian have not appeared for the hearing within 20 minutes after the time stated in the Notice for the hearing to begin, and the parent or guardian has not personally communicated to the Hearing Authority what the Hearing Authority determines to be good cause for the failure of the student and parent/guardian to appear; and
 - 7.2.4.2.2 reviewing the school administrative authority's evidence, the Hearing Authority determines that it is sufficient to support the charges of misconduct by the student.

- 7.2.4.2.3 In the event the student's parent or guardian communicates what the Hearing Authority determines to be good cause for the failure to appear, the Hearing Authority may delay or postpone the hearing, with or without conditions to be met by the student and parent/guardian.
 - 7.2.4.3 The Principal or other administrative authority who signed the Notice will have the obligation of proving by a preponderance (majority) of the evidence that the student committed the charged misconduct. The administrative authority may be represented by counsel or another representative.
 - 7.2.4.4 The student has the right to be represented at the hearing by legal counsel or some other representative, provided such representative is designated in a written notice delivered to the Hearing Authority three school days before the date of the hearing.
 - 7.2.4.5 The student or his or her representative shall have the right to cross-examine the witnesses against the student, subject to reasonable limitations by the Hearing Authority.
 - 7.2.4.6 The student or his or her representative shall have the right to call his or her own witnesses and present evidence, subject to reasonable requirements of substantiation and relevancy as determined by the Hearing Authority.
 - 7.2.4.7 The student shall have the right to have a decision by the Hearing Authority based solely on the evidence presented at the hearing and the applicable rules governing student conduct.
 - 7.2.5 Procedures for the Formal Hearing and Decision
 - 7.2.5.1 Technical rules of evidence and procedure will not be applied.
 - 7.2.5.1.1 Each party's right to call, examine, and cross-examine witnesses and to introduce documentary evidence, will be subject to reasonable standards of relevancy and substantiation, as determined by the Hearing Authority.
 - 7.2.5.1.2 The Hearing Authority may require each side to exchange and to provide to the Hearing Authority in advance of the hearing, a list of witnesses proposed to be called, with a brief summary of the expected testimony of each witness, and a list of exhibits to be offered, and may exclude any witness or exhibit not listed.

- 7.2.5.2 The Hearing Authority will make arrangements for an official record of the hearing to be kept either by tape recording or by minutes kept by the Hearing Authority or his or her designee. Other than notes taken by the parties, no other record of the hearing shall be permitted.
- 7.2.5.3 The Hearing Authority will open the hearing with a statement indicating the purpose of the hearing, the charges, and a description of the procedure for conducting the hearing.
- 7.2.5.4 The student and parent or guardian shall have the right to determine whether the hearing is held in public session or closed session.
- 7.2.5.5 Each party will have an opportunity to make an opening statement.
- 7.2.5.6 The school administrative authority will then present its case.
- 7.2.5.7 At the close of the administrative authority's case, the student, parent/guardian, and/or counsel will then present the student's case.
- 7.2.5.8 Upon the close of the student's case, the school administrative authority may present rebuttal evidence.
- 7.2.5.9 Each witness presented by each side will be subject to direct examination by the party calling the witness, cross-examination by the opposing party or parties, and re-direct examination by the party that called the witness.
- 7.2.5.10 At the close of the evidence (testimony and exhibits) each party shall be afforded an opportunity to make a closing statement.
- 7.2.5.11 The Hearing Authority may announce a decision at the close of the hearing, and shall mail or deliver a written decision to the student's parent or guardian within five school days of the last day of the hearing.
- 7.2.5.12 The Hearing Authority's decision is effective upon its announcement or upon its receipt by the student, whichever is earlier.
- 7.2.5.13 Content of the Hearing Authority's Written Decision: The written decision shall include:
 - 7.2.5.13.1 A concise summary of the evidence and facts upon which the Hearing Authority based its factual determinations;
 - 7.2.5.13.2 A statement of the penalty, and the reasons the particular penalty was chosen.

7.3 Review of Disciplinary Penalty

- 7.3.1 The student/parent/guardian shall have the right to have the penalty imposed by the Hearing Authority reviewed by the Board if the penalty imposed was at least as severe as:
 - 7.3.1.1 expulsion;
 - 7.3.1.2 long-term suspension;
 - 7.3.1.3 in-school suspension exceeding one semester in duration; or
 - 7.3.1.4 denial or restriction of student privileges for one semester or longer.
- 7.3.2 Request for Review: The right of review must be exercised by delivering a written request for review to the Superintendent within 10 school days after *the earlier of* the Hearing Authority's announcement of its decision or the student's receipt of the written decision. The request shall state the reasons it is contended that the penalty imposed is inappropriate, and:
 - 7.3.2.1 If the request for review is based in whole or in part, upon a contention that there is newly discovered evidence, the request shall so state, and shall specify why such evidence could not reasonably have been discovered in time for the hearing before the Hearing Authority, and why it is contended that the newly discovered evidence would change the outcome of the prior hearing;
 - 7.3.2.2 If the request for review is based in whole or in part, upon a contention that a factual determination of the Hearing Authority was arbitrary, capricious, or not supported by substantial evidence, the request shall so state, and shall specify the bases for such contention.
- 7.3.3 Form of review: The Board shall determine the form of its review, which may include one or more of the following:
 - 7.3.3.1 The Board's review of the record of the hearing and decision;
 - 7.3.3.2 Submission of a written statement to the Board by the student and parent guardian followed after a specified number of days by the submission of a written response to the Board by the Hearing Authority.
 - 7.3.3.3 Presentation of an oral statement to the Board by the student or the parent or guardian, followed by an oral response to the Board by the Hearing Authority at a meeting of the Board, *provided*, that in the event a hearing in person is granted by the Board, the student and parent or guardian shall have the right to determine whether such hearing is held in public or in executive session.

- 7.3.4 Scope of review: The scope of review shall be limited to a determination of whether the penalty imposed by the Hearing Authority was appropriate.
 - 7.3.4.1 On the basis of its review of the penalty imposed by the Hearing Authority, the Board may, in its discretion, affirm or modify the penalty, and the Board's modification may include either reducing or increasing the penalty.
 - 7.3.4.2 The Board shall be bound by, and shall not reconsider, the factual determinations upon which the Hearing Authority based its decision, unless:
 - 7.3.4.2.1 The student and parent/guardian includes notice in the request for review and proves to the Board's satisfaction:
 - 7.3.4.2.1.1 that new evidence has come to light since the hearing before the Hearing Authority, and
 - 7.3.4.2.1.2 that such evidence could not reasonably have been discovered by the student and parent or guardian in time for the hearing, and
 - 7.3.4.2.1.3 that the newly discovered evidence would clearly change a factual determination material to the outcome; *or*
 - 7.3.4.2.2 The student and parent or guardian includes in the request for review, and proves to the Board's satisfaction, that a finding of fact by the Hearing Authority was arbitrary, capricious, and unsupported by substantial evidence, meaning that there is no credible evidence in the record that, if believed by the Hearing Authority, would support the determination, regardless of whether there was contrary evidence as well.
 - 7.3.4.2.3 If, on one of the foregoing grounds, the Board determines that it should review one or more of the Hearing Authority's factual findings, it may do so by:
 - 7.3.4.2.3.1 receiving new evidence itself from both the student and parent/guardian and the administrative authority, limited to the specific factual finding(s) questioned; or by
 - 7.3.4.2.3.2 conducting a *de novo* hearing itself on the issue of the student's culpability; or by
 - 7.3.4.2.3.3 referring the issue or issues back to the Hearing Authority for further proceedings and findings.

7.4 Decision

7.4.1 The Board shall reach a decision regarding the review by majority vote, subject to any requirements for keeping the student's identity confidential.

7.4.2 The Board may announce its decision at the conclusion of any hearing held on the review, and, in any event, shall issue a written decision within 10 school days of its decision.

7.4.3 The Board's decision shall constitute final administrative action.

7.5 Students with Disabilities: This paragraph (Paragraph 7) does not apply to long-term suspension or expulsion of students who are disabled pursuant to the IDEA or Section 504, except as provided for in Paragraph 6.3.2 above. The procedures for long-term suspension or expulsion of disabled students are set forth in Paragraph 6 above.

7.6 Immediate Removal.

7.6.1 Students whose presence poses an imminent danger to persons or property or an ongoing threat of interference with the educational processes of the school may be immediately removed from school on the following conditions:

7.6.1.1 The student shall be provided with a rudimentary hearing, as required for temporary suspensions, as soon as practicable.

7.6.1.2 The student shall be reinstated after no more than one school day unless a temporary suspension is imposed after the required rudimentary hearing. In such circumstances, a single hearing will support both the immediate removal and a temporary suspension imposed in connection with the same incident(s).

7.6.1.3 Reasonable efforts shall be made to inform the student's parent of the charges against the student and the action taken as soon as practicable. If the school has not communicated with the parent by telephone or in person by the end of the school day following the immediate removal, the school shall on that day mail a written notice with the required information to the parent's address of record.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.06 Gang Activity

The Board of Education recognizes that the harm done by the presence and activities of gangs in the public schools exceeds the immediate consequences of such activities such as violence and destruction of property. Gang activities also create an atmosphere of intimidation in the entire school community. Both the immediate consequence of gang activity and the secondary effects are disruptive and obstructive to the process of education and school activities.

It is therefore the policy of the Springer Board of Education that gangs and gang activities are prohibited in the schools, according to the following:

- A. Definition: For the purposes of this policy a “gang” is any group of two or more persons whose purposes include the commission of illegal acts or acts in violation of disciplinary rules of the district.
- B. Prohibition: No student on or about school property or at any school activity shall:
 - (1) Use gang makeup, wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign or other items that evidences or reflects membership in, or affiliation with any gang;
 - (2) Engage in any act, verbal or nonverbal, including gestures or handshakes, showing membership or affiliation in any gang;
 - (3) Engage in any act in furtherance of the interests of any gang or gang activity, including, but not limited to:
 - (a) Soliciting membership in, or affiliation with, any gang;
 - (b) Soliciting any person to pay for “protection”, or threatening any person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
 - (c) Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs on school property;
 - (d) Engaging in violence, extortion, or any other illegal act or other violation of school policy.
- C. Application and Enforcement

In determining, as part of the application and enforcement of this policy, whether acts, conduct, or activities are gang related, school officials are encouraged to exercise discretion and judgment based upon current circumstances in their schools, neighborhoods, and areas.

The removal of gang-related graffiti shall be a priority in maintenance of school property.

All such graffiti on school property shall be removed or covered within 24 hours of its first appearance to school officials, or as soon thereafter as possible, unless additional time is needed to obtain replacements for damaged items. In each occurrence, if the perpetrators are discovered, school personnel will require the offenders to remove the graffiti.

- D. Violations: Students who violate this policy shall be subject to the full range of school disciplinary measures, in addition to applicable criminal and civil penalties.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.07 Student Records

For the purpose of this policy, the Springer Municipal Schools (the District) uses the following definitions of terms.

Student: Any person who is enrolled and attends or has attended a school in the District.

Eligible Student: A student or a former student who has reached age 18 or is attending a postsecondary school.

Parent: Either natural parent of a student, a guardian, or an individual authorized to act as a parent or guardian in the absence of the student's parent or guardian.

School Official: A person employed by the District as an administrator, supervisor, instructor, or support staff member, including health or medical staff; a person elected to the School Board; a person employed by or under contract to the District to perform a special task, such as an attorney, auditor, medical consultant, or therapist; a person who is employed by the District for law enforcement purposes.

Legitimate Educational Interest: An interest is deemed legitimate if the School Official is performing a task that is specified in his or her position description or by contractual agreement in connection with the operation, maintenance, management, or programs and functions of the School District; performing a task related to the student's education; performing a task related to the discipline of a student; providing a service or benefit relating to the student or student's family, such as healthcare, counseling, job placement, or financial aid; maintaining the safety and security of the campus.

Education records: Any record (in handwriting, print, tapes, film, or other medium) maintained by the District, or an agent of the District, which contains information directly related to a student, as more specifically described below, *except*:

1. A personal record kept by a staff member used only as a personal memory aid if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records created and maintained by the District Law Enforcement Unit for law enforcement purposes.
3. An employment record made and maintained in the normal course of business which relates exclusively to an individual in his or her capacity as an employee of the District and which is not available for other use.
4. Records on a student who is 18 years of age or older, or is attending an

institution of postsecondary education, that are: (i) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity; (ii) made, maintained, or used only in connection with treatment of the student; and, (iii) disclosed only to individuals providing the treatment. For purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the student’s instruction program.

5. Alumni records which contain information about a student after he or she is no longer in attendance at the District and do not relate to the person as a student.

MAINTENANCE OF RECORDS

The District shall maintain a cumulative record folder for each student attending its schools. The cumulative record folder shall contain all the education records identified in the definition above and not include any record that qualifies as an exception to the definition.

The following types of files shall be considered education records and shall be included in the cumulative file:

1. Identification information, including name, sex, race, birthplace, and birth date;
2. Family data;
3. Medical health records and emergency medical information;
4. Attendance records;
5. Academic or scholastic records;
6. Standardized test scores;
7. Records of educational or vocational plans;
8. Records of interests, activities and honors;
9. Teacher evaluations used for purposes of program placement;
10. Counselor evaluations, if shared with anyone else;
11. Information pertaining to special services provided for students;

12. Records memorializing unsatisfactory behavior or the imposition of discipline.

Records that may be purged shall be removed from the record and properly disposed of unless a request for a review by a parent or student is pending. At a minimum, the student's record shall be reviewed for records to be purged when the student has completed elementary school, junior high school, and high school. Records which may be purged include those previously designated as such.

The following is a list of the types of records that the district maintains, their locations, and their custodians.

<u>TYPES</u>	<u>LOCATION</u>	<u>CUSTODIAN</u>
Cumulative School Records (<i>Current Students</i>)	School Site	Building Personnel
Cumulative School Records (<i>Former Students</i>)	School Site	Building Personnel
Health Records	School Site	Building Personnel
Speech Therapy Records/Psychological Records	Special Education Office	Special Education Director
Medicaid Records	Medicaid Office	Medicaid Director
School Transportation Records	District Office	Transportation Director
Standardized Test Records	School Site	Building Personnel

METHOD OF ANNUAL NOTIFICATION

In compliance with 34 C.F.R. Section 99.7 of the regulations adopted pursuant to the Federal Educational Rights and Privacy Act, parents shall be notified of their rights under such statute by:

1. Annual publication in student handbook or;

2. Letter sent via U.S. Mail at the beginning of the academic year.

The notice shall be in a form substantial similar to that attached as Appendix A to this policy.

PROCEDURE TO INSPECT EDUCATION RECORDS

Parents of students or eligible students may inspect and review the student's education records upon request.

Parents or eligible students should submit to the student's school principal a written request; which identifies as precisely as possible the record or records he or she wishes to inspect.

The principal (or appropriate school authority) will make needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. Access must be given in 45 days or less from the date of receipt of the request.

Parents or eligible students who wish to inspect records and who live within 50 miles of the place where the records are kept must do so at a place designated by the District. After inspection, the parent or eligible student may request copies of the records inspected. Parents or eligible students who live farther than 50 miles from the place where the records are kept may request copies of the records without first inspecting them at the District's designated place. In such a case, the District will copy the records at the requestor's expense and mail the records by registered mail, return receipt requested.

A school official competent in interpreting student records shall be present to explain the implications of the records that are examined.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record; which pertains to other students. At the discretion of School Officials, the names of the students may be excised or deleted from the record in order to permit inspection.

REFUSAL TO PROVIDE COPIES

The District reserves the right to deny a parent or eligible student a copy of the student's education records in the following circumstances, unless failure to provide a copy would effectively prevent the parent or eligible student the right to inspect and review education records:

1. The parent or student has an unpaid financial obligation to the District.

2. The education record requested is an examination or set of standardized test questions, covered by the publisher's restriction or copyright.

FEES FOR COPIES OF RECORD

The fee for copies requested of education records shall not exceed \$0.10 per page; which includes copy time and postage.

DISCLOSURE OF EDUCATIONAL RECORDS

The District will disclose information from a student's education records only with the written consent of the parent or eligible student, except that the District may disclose or permit inspection or disclosure, without consent when disclosure is for the reasons enumerated below:

1. To school officials who have a legitimate educational interest in the records, including for purposes of related to financial aid.
2. To officials of another school, upon request, in which a student seeks or intends to enroll. In such a case, the parent or eligible student shall receive notice of the request.
3. To certain officials of the U.S. Department of Education, the Comptroller General, the State and local educational authorities, in connection with an audit or evaluation of certain State or federally-supported education programs.
4. In connection with a student's request for or receipt of financial aid determine the eligibility, amount, or conditions of the financial aid, or to enforce the conditions of the aid.
5. To State and local officials or authorities if specifically required by State law adopted before November 19, 1974.
6. To organizations conducting education-related studies for or on behalf of the District.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student if the student is a dependant for tax purposes.
9. To comply with a judicial order or a lawfully issued subpoena. In such a case, School Officials shall make reasonable efforts to notify the parent or eligible student to permit them to challenge disclosure if desired.

10. To appropriate parties in a health or safety emergency, or in connection with any investigation of child abuse or neglect if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
11. State and local authorities, within a juvenile justice system, pursuant to specific state law.
12. The disclosure is to an alleged victim of any crime of violence, as that term is defined in Section 16 of Title 18, United States Code, of the results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime with respect to that crime.
13. To individuals requesting directory information as designated by the District.

RE-DISCLOSURE

An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.

RECORD OF REQUEST FOR DISCLOSURE

The District will maintain a record of all requests for and/or disclosures of information from a student's education records. The record shall be kept in each student's cumulative file and shall indicate the name of the party making the request, any additional information to whom the information may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The parent or eligible student may review the record.

DIRECTORY INFORMATION

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The District designates the following items as Directory Information: student name, parent's name, address, telephone number, electronic mail address, date and place of birth, major field of study, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended and student's photograph. The district may disclose any of those items without prior written consent, unless notified in writing to the contrary by the parent or eligible student within 14 days from the first day of the academic year.

Dates of attendance shall be construed to mean periods of time such as certain academic year, semester, or quarter. The term does not include specific daily records or attendance.

CORRECTION OF EDUCATION RECORDS

Parents or eligible students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. The following procedures apply to requests for correction of records:

1. Parents or the eligible student must ask the District to amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy rights.
2. The District may comply with the request or it may decide not to comply. If it decides not to comply, the District will notify the parents or eligible students of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy rights.
3. Upon request, the District will arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing.
4. A hearing officer who is a disinterested party will conduct the hearing; however, the hearing officer may be an official of the district. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issue raised in the original request to amend the student's education records. One or more individuals, including an attorney, may assist the parents or student.
5. The District will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the District decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the parents or eligible student, in writing, that the record has been amended.
7. If the District decides that the challenged information is not accurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have right to place in the record a statement commenting on the challenged information and/or statement setting forth reasons for disagreeing with the decision.
8. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the District discloses the contested

portion of the record, it must also disclose the statement.

WAIVER OF RIGHTS

Parents of a student or an eligible student may waive any of their rights under this policy. A waiver of rights must be in writing, must be by the parent or the eligible student, and must specify those rights intended to be waived. A waiver is effective until revoked in writing. If a parent executes a waiver, the student may revoke it upon turning 18 years of age.

COMPLAINTS

A parent or eligible student may file a written complaint with the Family Policy Compliance Office regarding an alleged violation of the Federal Education Rights and Privacy Act. The Office's address is:

Family Policy and Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4605

Adopted: April 13, 2006

Revised:

Legal Reference:

3.08 Student Substance Abuse Policy

A. Definitions

1. Alcohol: Any liquor, wine, beer, or other beverage containing ethyl alcohol.
2. The following shall constitute “drugs” within the meaning of this policy:
 - a. All drugs possession of which is illegal under federal or state law;
 - b. Intoxicating inhalants;
 - c. Prescription and non-prescription over-the-counter medications used, possessed, or distributed for unauthorized purposes, and;
 - d. Counterfeit or look-alike substances.
3. Drug paraphernalia: Equipment or apparatus designed or used for the purpose of measuring, packaging, distributing, or facilitating the use of drugs.
4. Substance abuse: The use of drugs or alcohol in violation of state or federal law or in violation of District policy.

B. Substance-Abuse Prohibited

1. The prevention of substance abuse is critical to the maintenance of an appropriate educational environment. Accordingly, Board of Education policy forbids any student from possessing, using, distributing, or being under the influence of drugs or alcohol, and from possessing, using, or distributing drug paraphernalia, during school hours, while on school premises, and during any school-related activities, including transportation to or from such activities.
2. If a student is properly using a medication pursuant to an authorized prescription or properly using a non-prescription medication, and such use may affect or impair such student’s performance or behavior, the student shall report such use to his or her principal. Provided such a report is made, such use shall not be considered a violation of this policy.

C. Enforcement

This policy may be enforced according to the district’s search and seizure policy.

D. Penalties for Violations

Students found to have been in violation of this policy may be subject to discipline, including expulsion.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.09 Weapons In Schools

The Board of Education recognizes that the presence of weapons in school not only creates unacceptable risks of injury or death, but also creates a climate that undermines the educational purposes of the schools. Accordingly, it is the policy of the Board of Education to forbid the possession, custody and use of weapons by staff, students or other persons on school property, or during school-sponsored activities.

This policy shall not preclude the possession, custody or use of weapons for legitimate purposes related to established job functions or in furtherance of approved educational programs or goals so long as the School Superintendent is advised of such purpose and approves such possession, custody or use for a limited purpose.

This policy is enacted to implement the requirements of the federal Gun Free Schools Act of 1994, 20 U.S.C., ' 8921 and N.M.S.A 1978, 22-5-4.7 and 30-7-2.1, and it is the intention of the Board that it be interpreted broadly to conform to these provisions of law.

I. Definitions

- A. For the purposes of this policy, a weapon shall mean any weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. The term weapon shall also include, but is not limited to, the following:
- (1) Any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion, **compressed gas, or by other means or propellant**. A firearm is further defined as any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, **compressed gas, or by other means or propellant**; the frame or receiver of any such weapon; any firearm muffler or firearm silencer, or any destructive device.
 - (2) Any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter-ounce, mine or similar device.
 - (3) Any other item or device which may be used as a weapon, including all pocket knives or other knives regardless of length of blade, or other objects, even if manufactured for a nonviolent purpose, that have a potentially violent use, **including, but not limited to, an air gun or paint gun**, or any look-a-like objects that resemble objects that have a potentially violent use, if, under the surrounding circumstances, the

purpose of keeping or carrying the object(s) is for use, or threat of use, as a weapon.

B. Special Rule as to Students with Disabilities

For purposes of this special rule as applied to students with disabilities who may be placed in an interim alternative educational setting for bringing a weapon to a school or school function, the definitions of a weapon set forth above shall not include a pocket knife with a blade of less than 2 inches in length. The procedures of Section V below shall apply to students with disabilities.

II. Prohibitions

- A. It is the policy of the Board that no student shall bring a weapon to a school, nor carry or keep any weapon on school property or while attending or participating in any school activity, including during transportation to or from such activity.

III. Enforcement

- A. This policy shall be enforced according to the Boards Student Search and Seizure Policy. Disciplinary actions pursuant to this policy shall follow the procedures prescribed by State Board of Education Regulations on Student Rights and Responsibilities, and the policies of the District.

IV. Penalties for Violations

- A. Any student found to be in violation of this policy shall be subject to discipline, including immediate short-term suspension and either long-term suspension or expulsion.
- B. In compliance with the federal Gun Free Schools Act, any student found to be in violation of this policy due to possession of a weapon as defined in Section I.A (1), (2) or (3) of this policy, shall, at a minimum, be expelled from school for a period of not less than one year, *provided*, that the Superintendent or the Board of Education may modify such penalty in appropriate cases in their discretion.

V. Procedures Applicable to Students With Disabilities

- A. As it applies to students with disabilities, this policy shall be interpreted in a manner consistent with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. ' 1401 et seq. as amended.

- (1) In accordance with the provisions of 20 U.S.C. ' 1415(k) of the IDEA, a student with a disability who is determined to have brought a weapon (as limited by the special rule above) to a school or school function under the jurisdiction of the School Board may be placed in an appropriate interim alternative educational setting, as specified by the IEP team or a hearing officer, for a period of not more than 45 calendar days.
- (2) The procedural requirements of 20 U.S.C. ' 1415(k) and State Educational Standards shall be met when imposing disciplinary penalties upon a student with a disability.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.10 Bus Policies for Out-of-District Students

It is the intention of the Springer Municipal Schools to provide transportation to and from school in accordance with the New Mexico Department of Education's School Transportation Unit guidelines as set forth in the "Pupil Transportation Manual".

Students residing outside the boundaries of the Springer Municipal Schools, but choosing to attend our schools, will be allowed to ride an established bus route as long as the following conditions exist:

1. The bus route mileage, time, and size (seating capacity) cannot be extended because of the "out-of-district" student(s). Eligible students, residing within the district and along the established bus route, take precedence over out-of-district students. An influx of new students residing in the district, or a reorganization of the existing bus route might necessitate the district discontinuing services to out-of-district bus riders.
2. The "bus stop" to pick up the "out-of-district" student(s) must be in a safe area where loading and unloading can safely take place without students having to cross the highway.
3. All bus riders are subject to rules of conduct set forth by the bus driver. Failure to comply with such rules may result in the loss of bus riding privileges.

This policy shall not preclude the School District from establishing a temporary transportation boundary agreement with a neighboring district in accordance with NMAC 6.42.2.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.11 Per Capita Feeder

The Springer Municipal Schools, in accordance with NMSA 1978 § 22-16-6 and NMAC 6.43.2 may provide per capita or per mile reimbursement to a parent or guardian in cases where regular school bus transportation is impractical because of distance, road conditions or sparseness of population or in cases where the local school board has authorized a parent to receive reimbursement for travel costs incurred by having a child attend a school outside the child's attendance zone.

When per capita feeder services are utilized, the local board must approve an agreement with the parent or guardian; which defines the terms of the agreement for service, the contract amount, and the responsibilities of the parent.

The parent or guardian must provide proof of insurance and shall maintain the insurance for the term of the agreement.

The local board shall establish the mileage reimbursement rate on an annual basis.

The local board is responsible for developing a system of accountability to ensure that services are rendered according to the terms of the agreement. The local board shall ensure that payment is not made until services have been rendered.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.12 Senior Trip

The Board of Education hereby approves a “Senior One Day Trip” provided that no school district funds are required, that no student is required to make the trip.

The following guidelines are to be followed:

1. The Senior One Day Trip will take place during their Senior year with Board Approval.
2. At least one experienced sponsor will be assigned to the Senior Classes.
3. All Senior One Day Trip money is to be earned and collected by the end of March of the student’s senior year, and deposited into an appropriately designated student activity account for this purpose.
4. The Senior Trip One Day Itinerary is to be approved by the School Board.
5. Senior Class sponsors will go to the Senior Trip.
6. Sponsors approved by the Administration shall accompany the students on all Senior Trip activities.
7. Sponsors are to participate with the students in fund raising activities (take equal share in the responsibility for the class sponsorship).
8. Parents will be provided rules, procedures and an itinerary.
9. Parents/guardians of the senior students going on the Senior One Day Trip will present a notarized authorization granting permission for their son/daughter to go on the senior trip. This authorization will include a statement that should their son/daughter break the rules or get in trouble with the law, the student will be picked up by their parent/guardian at their expense. They shall include a statement releasing Springer Municipal Schools, its employees and agents from any liability.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.13 Code of Ethics of Players

I hereby pledge to be positive about my youth sports experience and accept responsibility for my participation by following this Players' Code of Ethics.

1. I will encourage good sportsmanship from other players, coaches, officials and parents at every game and practice by demonstrating good sportsmanship.
2. I will attend every practice and game I can, and I will notify the coach if I cannot make it.
3. I expect to be treated fairly.
4. I will do my best to listen to and learn from my coaches.
5. I will treat my coaches, other players, officials and fans with respect regardless of race, sex, or ability and I will expect to be treated accordingly.
6. I deserve to have fun during my sports experience and will alert parents or coaches if it stops being fun.
7. I deserve to play in an environment that is free of drugs, tobacco, and alcohol and will expect adults to refrain from their use at ALL sports events.
8. I will refrain from using foul language and outburst against fellow teammates and coaches.
9. I will do my best in school.
10. I will remember that sports are an opportunity to learn and have fun.
11. As a player, I will support my team and fellow players by traveling with the team in a positive attitude.

By following these codes, we can make this a positive and fun environment for all "SHS TEAM SPORTS"

"TO BE CHAMPIONS, WE MUST PLAY AS A TEAM, NOT AS I OR ONE."

Adopted: April 13, 2006

Revised:

Legal Reference:

3.14 Threats of Violence by Students

1. Threats of violence toward other students, school staff members, or school facilities generally are prohibited and may result in suspension or expulsion, regardless of whether the student had engaged in such conduct previously.
2. All employees and students are required to report evidence of threats of violence to their building principal, or to the Superintendent. Such reports shall be investigated by the building principal and his/her designee.
3. All such reports shall be documented by the Superintendent or his/her designee, and, in regard to any that are regarded as not sufficiently credible to warrant investigation, all reasons and bases for such conclusion shall be stated in the documentation.
4. In cases of threats that may constitute a violation of the criminal law, the Superintendent shall notify law enforcement authorities.
5. Students who are charged with violations of this policy shall be placed on short-term suspension pending investigation of the charge. Those found, through a due process hearing, to have violated this policy shall be subject to discipline, including long-term suspension (temporary or indefinite removal from school) or expulsion (permanent removal from school).
6. As a condition of a student's return to school from short-term or long-term suspension for a violation of this policy, the Superintendent or his/her designee shall consider, and may impose, the following, individually or in any combination, as well as other conditions deemed necessary or appropriate.
 - a. That the parent of such student shall provide a documented opinion by a licensed professional that the student does not represent a threat of harm to himself/herself or to others, and, for a period to be determined by the Superintendent or his/her designee, that the parents provide regular documented updates of such opinion;
 - b. That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, a parent shall check the student for weapons at home, and shall accompany the student to the school office upon arrival at school at the beginning of each school day, at which time the student shall be searched for weapons or contraband by school personnel;
 - c. That the parent of such student agrees that, for a period to be determined by the Superintendent or his/her designee, the student

shall be prohibited from leaving campus during the school day, and that during any non class time, the student shall remain in a monitored, segregated environment;

- d. That the parent agree that for a period to be determined by the Superintendent or his/her designee, the student shall not be permitted to participate in any extracurricular activities, or school functions except classroom instruction during the school day; and
 - e. That the parent agree that, for a period to be determined by the Superintendent or his/her designee, the student will not be permitted to enter or be present on school premises except during the regular school day, and that the parent will enforce such prohibition by appropriate means.
7. In permitting a student to return to school from a short-term or long-term suspension, conditions imposed by the Superintendent or his/her designee, including those set forth in paragraph 6, shall be incorporated into a written agreement to be signed by the parents or parent of the student in question.
8. In permitting a student to return to school from a short-term or long-term suspension, the Superintendent or his/her designee shall document the reasons and bases for permitting such return, and such documentation shall include reasons and bases for imposing or not imposing the conditions set forth in paragraph 6.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.15 Protection of Pupil Rights Amendment (PPRA)

The Protection of Pupil Rights Amendment (PPRA) affords parents certain rights regarding the District's conduct of surveys, collection and use of information for marketing purposes and certain physical examinations. The Board of Education adopts this policy, which was developed in conjunction with parent input, to comply with the provisions of PPRA.

- A. Parents have the right to inspect, upon written request, any survey created by a third party before the survey is administered or distributed by a school to students and any procedures for granting the request in a timely manner.
- B. The District must obtain prior written parental consent before minor students are required to participate in any U.S. Department of Education funded survey, analysis, or evaluation that reveals information concerning the following items:
 - 1. political affiliations or beliefs of the student or the student's parent;
 - 2. mental and psychological problems of the student or the student's family;
 - 3. sex behavior or attitudes;
 - 4. illegal, anti-social, self-incriminating, or demeaning behavior;
 - 5. critical appraisals of other individuals with whom respondents have close family relationships;
 - 6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 - 7. religious practices, affiliations, or beliefs of the student or student's parent; or
 - 8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

If the survey, analysis, or evaluation is not funded by the U.S. Department of Education, parents have a right to inspect, upon written request to the Principal, the instrument. Parents also have the right to opt their child out from participation by submitting a written request to the Principal, of such survey, analysis or evaluation funded by sources other than the U.S. Department of Education.

- C. Parents have the right to inspect, upon written request to the Superintendent’s Office, any instructional material used as part of the educational curriculum for students.
1. Instructional material is defined as “instructional material that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet).”
 2. The term does not include academic tests or academic assessments.
- D. The District shall provide information to parents about the administration of physical examinations or screenings that the schools may administer to students. Parents have the opportunity to opt their child out from participating in any non-emergency, invasive physical examination or screening that is (1) required as a condition of attendance; (2) administered by the school scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of the student, or of other students. Parents may opt their child out of such physical examinations or screenings by proving a written request to the Principal of the school.

PPRA does not apply to any physical examination or screening that is permitted or required by State law, including examinations or screenings permitted under State law without parental notification.

“Invasive Physical Examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

- E. Unless the District first receives parental permission, it will not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling, or otherwise providing the information to others for that purpose.
- F. Parents have the right to inspect, upon request, any instrument used in the collection of information from students for the purpose of marketing or selling, or otherwise providing the information to others for that purpose. Additionally, Section 22-21-2 NMSA 1978 prohibits the sale or use of student, faculty or staff lists with personal identifying information obtained from a public school or a local school district for the purpose of marketing goods or services directly to students, faculty or staff or their families by means of telephone or mail. The provisions of Section 22-21-2 NMSA 1978 do not apply to:

1. To legitimate educational purposes, which are to be determined by rules and regulations developed by the Public Education Department; or
2. When a parent of student authorizes the release of the student's personal identifying information in writing to the school or District. For the purposes of Section 22-21-2 NMSA 1978, "personal identifying information" means the names, addresses, telephone numbers, social security numbers and other similar identifying information about students maintained by a public school or local school district.

The requirements concerning activities involving the collection and disclosure of personal information from students for marketing purposes do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following:

1. College or other post-secondary education recruitment, or military recruitment.
 2. Book clubs, magazines, and programs providing access to low-cost literacy products.
 3. Curriculum and instructional materials used by elementary schools and secondary schools.
 4. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students.
 5. The sale by students of products or services to raise funds for school-related or education-related activities.
 6. Student recognition programs.
- G. Schools will directly notify parents of the District's PPRA policies at least annually, at the beginning of the school year. Schools will also notify parents within a reasonable period of time if any substantive change is made to these policies.
- H. The District offers parents an opportunity to opt their child out of participation in the following activities:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.

“Personal Information” means individually identifiable information including: 1) a student or parent’s first and last name; 2) home address; 3) telephone number; or 4) social security number.

2. The administration of any third part (non-Department of Education funded) survey containing one or more of the above described eight items of information.
3. Any non-emergency, invasive physical examination or screening that is: 1) required as a condition of attendance; 2) administered by the school and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student, or of other students.

PPRA does not apply to any physical examination or screening that is permitted or required by State law, including examinations or screenings permitted under State law without parental notification.

“Invasive Physical Examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Requests for opting students out of the above activities must be submitted in writing the Principal.

- I. Each school of the District must indicate specific or approximate dates during the school year when these activities are scheduled.
- J. Parents or students who believe their rights under PPRA may have been violated may file a complaint with the U.S. Department of Education by writing the Family Policy Compliance Office. Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of PPRA occurred.

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C 20202-5901

Parents or students who believe their rights under PPRA may have been violated are urged to contact the Superintendent's Office for assistance before filing a complaint with the U.S. Department of Education.

- K. Surveys that may be used with students to elicit the type of information protected by PPRA include the Youth Risk Behavior Survey and the Search Institute Profiles of Student Life: Attitudes and Behaviors or other similar instruments. Because these surveys are not funded through programs administered by the U.S. Department of Education, parental consent is not required. However, parents will be provided with notice of when the survey will be administered and an opportunity to inspect the survey and/or opt their child out of the survey prior to the administration of the survey.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.16 Access to Students by the Military, Colleges and Employers

- A. The Board of Education of the Springer Municipal School District adopts this policy in compliance with the No Child Left Behind Act (NCLB).
- B. Pursuant to NCLB, public high schools are required to disclose the names, addresses, and telephone numbers of high school students (grades 9-12) upon request by military recruiters and institutions of higher learning, unless the parents of minor students, or students 18 and older on their own behalf, request that the information be withheld unless prior written consent is given.
- C. High school officials will notify students and parents in writing that they may “opt out” of the disclosure requirement by directing that requests for student information be denied, except upon prior written consent of the parent/student. The attached form will be used by school officials to provide notification to parents/students, and for parents/students to respond.
- D. High school administrators are prohibited by law and by this policy from excluding military recruiters from contact with students on campus unless all prospective employers or post-secondary institutions have been similarly excluded.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.17 Communications With Parents

The Springer Municipal School Board expects for all teachers to communicate with parent(s)/guardian(s) concerning their children's attendance, progress, needs or concerns. Each teacher will keep a log on contacts made with each student's parent(s)/guardian(s) in their class. This log will be turned in to the principal at the end of the school year. The principal will keep teacher logs for a period of three years.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.18 Policy for Reporting Known or Suspected Use or Abuse of Alcohol or Drugs by Students

A. Statutory Basis

A. Statutory Basis

In accordance with the requirements of Section 22-5-4.4 NMSA 1978, a school employee who witnesses or in good faith suspects a student of using, misusing, abusing, possessing, selling, dealing, or giving away alcohol, controlled substances, solvents-inhalants used for intoxication and/or drug paraphernalia must inform the responsible school official immediately.

Section 22-5-4.4 NMSA 1978 states:

1. A school employee who knows or in good faith suspects any student of using or abusing alcohol or drugs shall report such use or abuse pursuant to procedures established by the local School Board.
2. No school employee who in good faith reports any known or suspected instances of alcohol or drug use or abuse shall be held liable for any civil damages as a result of such report or his efforts to enforce any school policies or regulations regarding drug or alcohol use or abuse.

This policy is enacted to provide a procedure to be followed by all School District employees in reporting known or suspected use or abuse of alcohol or drugs by students.

B. Duty to Report

All school employees have a duty to report known or suspected alcohol or drug use or abuse by any student of the District.

C. To Whom Reports Should Be Made

All reports made hereunder shall be on a uniform reporting form, available from all principals and from the Superintendent, and shall be given to the building principal or site administrator if made at school or at a school site or to the supervisor or administrator responsible for a school event, activity or school-sponsored function or trip if the observation is made after school hours or off school property.

D. Timely Reporting

Reports required hereunder shall be made within a reasonable time, but not later than five (5) school days, after the employee first learns or suspects the use or abuse of drugs or alcohol by a student.

E. Duty to Investigate

It is not the duty of the school employee making the required report to conduct an investigation to determine whether or not the student identified has in fact used or abused drugs or alcohol. The duty to investigate shall be upon the responsible school official to whom the report is made; provided, however, that the reporting employee shall cooperate with the responsible school official during the course of any investigation.

F. Failure to Report

Failure of any school employee to report knowledge or suspicion of student alcohol or drug use or abuse during duty hours in a timely manner may be cause for discipline of the employee.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.19 Rights of Non-Custodial Parents

In those circumstances involving the enrollment of a child or children and school-related contacts with parents, in which the family is separated or divorced and the parent or guardian states that he or she is legally responsible for the child or children, meaning that the other parent is prohibited or has limited rights for visiting with or reviewing records of the child(ren), the building administrator shall require a certified court order delineating the custodial rights of the parties involved. Otherwise, each natural parent or appointed guardian shall be assumed to have all legal rights pertaining to parenthood, access to the child(ren) or student records.

Adopted: April 13, 2006

Revised:

Legal Reference:

3.20 Textbook Policy

Each classroom of the District must have a sufficient number of textbooks so that:

- (a) every student will have a textbook for each class that conforms to PED curriculum requirements; and
- (b) students wishing to take a textbook home may do so.

The Principal of each school shall be responsible for compliance with this policy.

Adopted: December 13, 2007

Revised:

Legal Reference:

3.21 SPECIAL EDUCATION

I. Child Find/Interventions

It is the policy of the Springer Municipal Schools to ensure that all children with disabilities residing in the Springer Municipal School District, including children with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

It is the policy of the Springer Municipal Schools to ensure that a free appropriate public education (FAPE) is available to all children with disabilities from birth through the school year in which the student reaches 21 years of age, including children who have been suspended or expelled from school.

II. Procedural Safeguards

It is the policy of the Springer Municipal Schools to ensure that children with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its federal and state implementing regulations) including with respect to the confidentiality of records and personally identifiable information.

III. Full and Individual Evaluation

It is the policy of the Springer Municipal Schools to ensure that children with disabilities are evaluated in accordance with the IDEA (and its federal and state implementing regulations), including by having in place procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities are selected and administered so as to not be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining whether a child is a child with a disability or for determining an appropriate education program for a child with a disability.

IV. Disabilities—Exceptionalities

It is the policy of the Springer Municipal Schools to ensure that children are assessed in all areas of suspected disability/exceptionality under the IDEA (and its federal and state implementing regulations), and that upon completion of the administration of such tests and other evaluation materials administered according to the evaluation procedures of the

IDEA (and its federal and state implementing regulations), a group of qualified professionals and the parent of the child determine if the child is a child with a disability under state and federal standards.

V. Individualized Education Program (IEP)

It is the policy of the Springer Municipal Schools to ensure that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed, and revised for each child with a disability in accordance with the IDEA (and its federal and state implementing regulations).

VI. Least Restrictive Environment

It is the policy of the Springer Municipal Schools to ensure that to the maximum extent appropriate, children with disabilities, including children in public and non-public institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

VII. Discipline/Behavior

It is the policy of the Springer Municipal Schools to ensure that children with disabilities (including a child not yet eligible if the school had knowledge prior to the disciplinary conduct that the child was a child with a disability under the IDEA and meets the standards for receiving protection under the IDEA) are disciplined for a violation of the student code of conduct in accordance with the IDEA (and its federal and state implementing regulations), including with respect to any disciplinary removal from the current educational placement to an appropriate interim alternative educational setting, another setting, suspension, or expulsion.

VIII. General Administration

It is the goal of the Springer Municipal Schools to provide a full educational opportunity for all children with disabilities consistent with the state's full educational opportunity goal including having a comprehensive system of personnel development, a curriculum that meets the New Mexico Standards of Excellence, an accountability system that complies with state standards including the Student Teacher Accountability and Reporting System (Stars) and the Special Education Accountability System (SEAS), collaboration with other agencies, a funding system that complies with state standards, and a program for gifted children that complies with state standards.

IX. Procedures

It is the policy of the Springer Municipal Schools to have in effect procedures and programs to implement this policy governing special education that are consistent with the IDEA (and its federal and state implementing regulations).

The superintendent of schools shall develop procedures to implement this policy governing special education that are localized for the Springer Municipal Schools and conform to the standards of the New Mexico Special Education Policies and Procedures manual developed by the New Mexico Public Education Department.

The purpose of these procedures shall be to implement the IDEA (and its federal and state implementing regulations), and therefore, shall be interpreted consistent with the IDEA. The procedures shall not be for the purpose of creating a requirement that is not otherwise imposed by the IDEA (and its federal and state implementing regulations), and shall not be read to create a higher standard. This handbook of procedures developed by the superintendent shall be posted on the Springer Municipal School's website or otherwise made accessible to the general public.

Adopted: June 12, 2008

Revised:

Legal Reference:

3.22 Prohibiting Violence, Intimidation, and Hostile or Offensive Conduct

The effective education of our students requires a school environment in which students feel safe and secure. The Board of Education is committed to maintaining an environment conducive to learning in which students are safe from violence, threats, name-calling, intimidation, and unlawful harassment.

A. Definitions

1. “Unlawful harassment” means verbal or physical conduct based on a student’s actual or perceived race, color, national origin, sex, religion, disability, sexual orientation or gender identity and which has the purpose or effect of substantially interfering with a student’s educational performance or creating an intimidating, hostile or offensive environment. Sexual harassment of students is further addressed by a separate policy of the Board. See Policies No. 3.50 and 4.02.
2. “Bullying” means intimidating verbal or physical conduct toward a student when such conduct is habitual or recurring.
3. “Name-calling” means the chronic, habitual, or recurring use of names or comments to or about a student regarding the student’s actual or perceived physical or personal characteristics when the student has indicated by his or her conduct, that the names or comments are unwelcome, or when the names or comments, by their nature, are clearly unwelcome, inappropriate, or offensive.

B. Prohibitions

1. It is the policy of the Board of Education to prohibit violence, threats, name-calling, bullying, intimidation, assault, battery, extortion, robbery, vandalism, and other victim-based misconduct that creates an intimidating, hostile or offensive environment, regardless of motive or reason. The Board will not tolerate such victim-based misconduct by students or staff.
2. It is the express policy of the Board to encourage students who are victims of such physical or verbal misconduct to report such claims. Students or their parents may report such conduct to any principal, assistant principal, or counselor.

C. Reporting

Any employee who, as a result of personal observation or a report, has reason to believe that a student is a victim of conduct prohibited by this policy, whether the conduct is by another student or by another employee, must notify his or her principal or supervisor, or the Superintendent of such observation or report as soon as possible.

D. Investigation

1. All reports of physical or verbal misconduct in violation of this policy shall be promptly investigated by the school principal or his/her designee.
2. In assessing the existence of a violation of this policy and the appropriate discipline, the principal or designee shall consider the nature and extent of the conduct, the age of the student(s) involved, the context in which the alleged conduct occurred, and any prior history of conduct prohibited by this policy on the part of the violator.

E. Sanctions

1. Any employee found to have engaged in misconduct in which a student is a victim of violence, threats, name-calling, bullying, assault, battery, extortion, robbery, vandalism, etc. shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, termination, or discharge, subject to applicable procedural requirements.
2. Any student found to have engaged in misconduct in which another student is a victim of violence, threats, name-calling, bullying, assault, battery, extortion, robbery, vandalism, etc. shall be subject to discipline, including, but not limited to suspension or expulsion, subject to applicable procedural requirements.

Adopted: September 14, 2006

Revised:

Legal Reference:

3.23 Hazing Policy

The Board of Education finds that the practice known as “hazing” is dangerous to the physical and psychological welfare of students and should be prohibited in all school activities.

A. Definition

Hazing includes, but is not limited to,

1. engaging in any offensive physical contact or restraint of a student, or
2. requiring or encouraging a student to perform any dangerous, painful, offensive, or demeaning physical or verbal act for any purpose, including the ingestion of any substances, exposure to the elements, deprivation of sleep or rest, or extensive isolation, or
3. subjecting a student to any dangerous, painful, offensive, or demeaning conduct, or to conduct likely to create extreme mental distress,

for any purpose, including as a condition of membership or initiation into any class, team, group, or organization, sponsored by, or permitted to operate under the auspices of, a school of the District

Such contact, restraint, requirement, or encouragement shall not be considered hazing when it is an officially recognized part of the particular sport or activity of the class, team or organization.

B. Prohibition

Hazing is prohibited in all schools of the District during school activities, whether on or off school property, and whether during or outside school hours.

C. Enforcement

1. School employees, and volunteers
 - a. shall not permit or tolerate hazing, and
 - b. shall intervene to stop hazing that is threatened, found, or reasonably known to be occurring (i) at school or (ii) at, or in connection with, any school-sponsored activity, and
 - c. shall report known or suspected hazing to the school principal or the superintendent.

2. Any student who believes he or she has been the victim of hazing shall report the matter to the school principal or the superintendent.
3. Any principal that receives a report of hazing under this section shall provide written notice to the Superintendent, setting forth the report and the principal's proposed plan for investigation.

D. Investigation

1. All reports of hazing shall be investigated by the school principal or his/her designee. Where violations of criminal law may have occurred, the principal shall notify the appropriate law enforcement agency.
2. Upon completion of the investigation, the principal shall submit a written report on the investigation and its results to the superintendent.

E. Discipline

1. Students found to have engaged in hazing shall be subject to discipline by school or district authorities according to applicable procedural requirements. Such discipline may include suspension or expulsion.
2. Employees who fail to enforce the prohibition against hazing, as set forth in paragraph C, shall be subject to discipline according to applicable procedural requirements. Such discipline may include reprimand, suspension, discharge, or termination.

Adopted: July 8, 2009

Revised:

Legal Reference: