

NEW MEXICO SCHOOL FOR THE DEAF BOARD OF REGENTS

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HISTORY

Established in 1885, the New Mexico School for the Deaf is the only land grant school for the deaf in the country administered through a five-member Board of Regents appointed by the governor. The school provides educational and support services to deaf and hard-of-hearing children from birth to age 21 through the main campus in Santa Fe, satellite preschool programs, and a state-wide parent/infant program. NMSD's Outreach Programs provide consultation services to educational teams in local school districts serving deaf and hard-of-hearing students and numerous training and professional development opportunities.

The New Mexico School for the Deaf is accredited CEASD and AdvancED. We are also monitored by the Department Health for our early intervention programs; and the Public Education Department for our instructional programs. In order to receive and maintain these accreditations, NMSD must meet stringent program criteria, guidelines, and rules and regulations assuring that programs and services meet various quality standards.

FOREWORD

This handbook is provided to parents, students, and staff of the New Mexico School for the Deaf in an effort to provide basic information about the school, its programs and services, and the rights and responsibilities of the various constituencies. The handbook is not intended to be an all-inclusive source of information, but rather serves as a resource available to explain various aspects of the NMSD programs.

It is our sincere desire that parents be aware of and involved with the activities of their children at school. Please feel free to visit the school. The staff and the administration are available to discuss issues or concerns you have.

We are hopeful that this handbook will prove beneficial in clarifying the policies and procedures of the New Mexico School for the Deaf.

STATEMENT OF POLICY

A primary responsibility of the New Mexico School for the Deaf 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 New Mexico School for the Deaf 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 New Mexico School for the Deaf has both the authority and responsibility to ensure that suitable rules of student conduct and appropriate disciplinary processes are established.

OBJECTIVE:

To provide a comprehensive framework within which the New Mexico School for the Deaf can carry out its educational mission and exercise its 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.

NMAC 6.11.2

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SECTION I: OVERVIEW

SCHOOL DISCIPLINE PHILOSOPHY

Staff members at NMSD are committed to a thoughtful discipline philosophy that supports all students in becoming effective citizens, both at school and in their communities. In a democratic society, the teaching of appropriate citizenship skills needs to involve all members of that community. NMSD provides a social context in which students are supported while being taught how to accept responsibility for their own behavior. In line with these commitments, we use basic tenets of the “*Positive Discipline*” philosophy to guide our actions regarding student discipline. NMSD’s discipline philosophy and policies provide a framework that guides students in developing internal motivation to make appropriate choices. We work to develop students’ abilities to establish goals, make decisions, solve problems, communicate needs, and control their own lives. Furthermore, in accordance with state law, we have adopted an anti-bullying curriculum entitled “Steps to Respect” and started implementation during the fall of 2012.

NMSD’s discipline philosophy is based on the following shared principles from *Positive Discipline*:

- NMSD operates within the context of the wider society and has a responsibility to prepare young people for successful participation in society.
- All individuals and groups within society should be treated with respect at all times.
- Students’ families, communities, peers, staff members, and other significant adults influence the choices that they make.
- Individuals choose their own behavior to meet their needs. Individual needs may have to be balanced with/against the needs/rights of others in the community.
- Behavior has consequences, which may increase or reduce choices in life.
- Individuals must accept responsibility for their own behavior, according to age and developmental ability.
- Mistakes are opportunities to learn.
- Relationships are the basis for all successful behavioral support and interventions.

NMSD will work with parents, families, teachers, staff, and students to create a learning environment that is:

- Safe
- Orderly
- Respectful
- Conducive to learning
- Supportive of diversity
- Free from harassment and bullying

SCHOOL DISCIPLINE PHILOSOPHY FOR YOUNG CHILDREN

NMSD also provides services to very young children, and while the principles of Positive Discipline are appropriate for use with young children, more specific guidelines are provided by the National Association for the Education of Young Children (NAEYC). The following is a summary of developmentally appropriate practices for children ages birth to 8:

- Adults respond quickly and directly to children's needs, desires, and messages. They adapt their responses to match children's differing styles and abilities.
- Adults provide many varied opportunities for children to communicate their needs.
- Adults facilitate a child's successful completion of tasks by providing support, focused attention, physical proximity and verbal encouragement.
- Adults recognize that children learn from trial and error and that children's misconceptions reflect developing thoughts.
- Teachers are alert to signs of stress in children's behavior and aware of stress-reducing activities and techniques.
- Adults facilitate the development of self-esteem by respecting, accepting, and comforting children, regardless of the child's behavior.
- Adults facilitate the development of self-control in children by:
 - Guiding children by setting clear, consistent, fair limits for classroom behavior, or in the case of older children, teaching them to set their own limits.
 - Valuing mistakes as opportunities to learn.
 - Redirecting children to more acceptable behavior or activities.
 - Listening when children talk about their feelings and frustrations.
 - Guiding children to resolve conflicts and modeling skills that help children to solve their own problems.
 - Patiently reminding children of rules and the rationale for such rules.
- Adults are responsible for all children under their supervision at all times and plan for increasing independence as children acquire skills.

The early years are a time for children to develop confidence and self-control. When adults create environments that respect each individual child, they set forth a message that the world is a warm, friendly learning place. Positive discipline techniques that combine caring and direction are a part of this healthy environment. Adults should look for meaningful ways to show children why harmful and aggressive acts are unacceptable.

-NAEYC

GUIDING PRINCIPLES

1. NMSD will develop students' ability to accept responsibility for their own behavior.

In order to develop responsibility:

- Students need to understand that behavior is a choice made by an individual within a social context.
- Students will be taught the skills necessary to enable them to be involved in developing, implementing, and reviewing student behavior codes, and students will have access to the decision-making process.
- NMSD will have clear rules and consequences for students' use in making choices.
- Students' responsibility for their own behavior will be reinforced consistently in a manner that enhances their understanding of responsible social behavior.
- Social responsibility will be taught and modeled across the curriculum.
- NMSD will teach and model the values of honesty, trust, respect, and cooperation.

2. Staff, parents, teachers, and students will work together to create a safe, caring, orderly, and productive learning environment that supports the rights of all students to learn.

In order to support and protect the rights of all members of the school community:

- School staff will manage aspects of the school environment, including prevention of incidents of racial/sexual harassment and threatening/intimidation, so that students learn to respect the rights of all and fulfill their responsibilities.
- School staff will reinforce positive behaviors and apply appropriate consequences for inappropriate behaviors.
- School staff will teach coping skills, problem solving skills, and discussion skills in conjunction with our "Steps to Respect" curriculum to help promote positive resolutions to different situations that may arise.
- A system of appropriate consequences, which may include suspension, will be used to support a change in the behavior of students who do not respond to other interventions for inappropriate behavior.
- When appropriate, a Functional Behavioral Assessment and a Behavioral Intervention Plan will be used to support students with social and behavioral difficulties.
- For students who require a Behavioral Intervention Plan or a Cottage Behavior Plan, rights, responsibilities, and consequences will be established through discussion with school staff, parents, service providers, and (as appropriate) the student.

Since we believe that relationships and development of relationships are keys to effective discipline, staff members are expected to handle their own discipline matters as much as possible. This includes utilizing the basic principles of Positive Discipline to handle situations that require intervention. Staff members are encouraged to consult with their supervisors to determine appropriate interventions, consequences, and restitution plans.

Where a student's behavior has been identified as an area of disability and impacts the student's education, the IEP team shall consider the behavioral issues as an element of IEP planning and shall develop a behavioral intervention plan if appropriate. Where a behavioral intervention plan is in place and the IEP addresses modifications of the NMSD Student Code of Conduct, those interventions or modifications shall be implemented rather than the provisions of the NMSD Student Code of Conduct.

IEPs AND STUDENT DISCIPLINE

One of the special factors the student's IEP team must consider is behavior – specifically, whether or not the student's behavior impedes his or her learning or that of others. With regard to behavior that interferes with the student's own learning or that of others, the IEP team has the responsibility to address the behavior in a manner consistent with the severity of the problem. The three avenues the student's IEP team will use for managing problematic behavior include:

1. Address the behavior of concerns in the IEP through IEP goals

Goals regarding behavior are developed the same way as those for academics, except that instead of basing them on the present levels of educational performance, they are based on behavioral performance. A Functional Behavior Assessment (FBA) will be conducted to provide that baseline, or starting point, from which to set goals or to develop a Behavioral Intervention Plan (BIP).

2. Conduct a Functional Behavioral Assessment (FBA)

An FBA is an assessment that examines the student's behavior and addresses the relationship between a behavior and the relevant factors that may be interfering with the student's or others' learning. The purpose of an FBA is to identify problematic behaviors and the circumstances under which they occur, so an effective intervention plan can be designed.

3. Develop and implement a Behavior Intervention Plan (BIP)

From the baseline information gathered in an FBA, the IEP team develops and implements a Behavioral Intervention Plan, which describes positive interventions and/or accommodations designed to address the reasons the target behavior is happening and strategies for redirecting it.

Facts about Suspension and Expulsion

- The school principal can remove a student who is receiving special education services from his or her educational program without providing educational services for a maximum of 10 cumulative days per school year (including in-school suspension if regular education services are not provided).
- A student can be suspended for more than 10 school days in a school year, but must receive a free appropriate public education on the 11th day and after.
- The IEP team must consider if the student's behavior was caused by his/her disability. If the behavior was not caused by the disability, disciplinary action can be applied as would be with any other student. If the team decides that the behavior was caused by the disability, the student may not be suspended or removed. The team may, however, change the student's placement through the IEP process.
- After a student has been suspended for 10 school days in a school year, the student's IEP team must convene to develop a Functional Behavior Assessment and a Behavior Intervention Plan. If one already exists, the IEP team must consider what revisions may be needed.
- A principal or instructional supervisor may order that a student with a disability be placed in another educational setting for no more than 45 calendar days if the student is in possession of a dangerous weapon or is selling, using, or possessing drugs at school or a school function, or has inflicted severe bodily injury on another at school, or school premises or at a school function under NMSD jurisdiction.

POSITIVE BEHAVIORAL INTERVENTION SERVICES **FUNCTIONAL BEHAVIORAL ASSESSMENTS**

When a student's behavior impedes his or her learning or that of others, the student will be referred to NMSD's behavior specialist for a Functional Behavioral Assessment (FBA). The behavior specialist will inform the student's parents that a referral has been made, and will seek the parent's permission to evaluate, as well as, gather input regarding the students' performance outside of the classroom. The behavior specialist will distribute assessment instruments to all staff working with the student. Upon completion of the assessment, the behavior specialist will analyze the results and prepare a report.

When the assessment is completed, an IEP meeting will be held with the parents/guardians. Using the results, the IEP team will decide if the referral is appropriate for formal behavior services. If not, the IEP team will discuss alternative ways to address the student's behavior on an informal basis. If the referral is appropriate, the IEP team, with the assistance of the Mental Health team, will develop a Behavioral Intervention Plan, which becomes a part of the student's IEP.

Regular school disciplinary policies and procedures may not apply to some students who have Behavioral Intervention Plans (BIP). While these students may display some of the behaviors identified in this handbook, the consequences stipulated may not be therapeutically appropriate or recommended. Therefore, the specific strategies/interventions identified in the student's plans will be followed. Instructional and residential staff members are required to follow the specific interventions/strategies identified in a student's Behavioral Intervention Plan and/or Cottage Behavior Plan. Instructional principals and residential supervisors have the responsibility to oversee appropriate implementation.

The Behavioral Intervention Plan may have specific behavioral thresholds for initiating and/or discontinuing specific interventions. The behavior specialist, along with the mental health team, will periodically review the student's progress and make recommendations to residential and instructional staff and members of the IEP team. Depending on the student's progress, the IEP team will decide to continue or end formal behavioral intervention services.

BEHAVIORAL INTERVENTION SERVICES FOR RESIDENTIAL STUDENTS

Pending availability of space and resources, residential services for a student may be provided for students who reside in locations where NMSD does not provide daily transportation services. Students must meet safety and self-help criteria; and must be at least 5 years of age by the first day of September. Priority for residential services is given to students who live further from NMSD. Residential students are expected to follow the NMSD Code of Conduct.

When a residential student's behavior continually disrupts his/her cottage environment and program, the Student Life staff will work with parents/guardians and student to help the student meet the criteria and to have a successful residential experience. When necessary, the residential services criteria will be reviewed to determine the residential status of the student.

JURISDICTION OVER STUDENTS

All officials, employees and authorized agents of the New Mexico School for the Deaf (NMSD) whose responsibilities include supervision of students shall have comprehensive authority within constitutional bounds to maintain order and discipline in school. In exercising this authority, such officials, employees and authorized agents of NMSD 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 schools' control, regardless of place. During such periods, NMSD authorities shall have the right to supervise and control the conduct of students, and students shall have the duty to submit to the schools' authority. The foregoing is intended to reflect the common law regarding the rights, duties and liabilities of NMSD authorities in supervising, controlling and disciplining students. Nothing herein shall be construed as enlarging the liability of NMSD authorities beyond that imposed by statute, common law or Public Education Department regulation.

SCHOOL AUTHORITY OVER NON-STUDENTS

In furtherance of the state's compelling interest in the orderly operation of NMSD and school activities, school officials have the following forms of authority over non-students whose actions adversely affect school operations or activities.

On School Property

NMSD may prohibit entry to and provide for the removal from any NMSD building or grounds of 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 and who then 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 s/he is committing any crime.

Off School Property

NMSD 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 NMSD 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.

NMAC 6.11.2.8

CODE OF CONDUCT

The New Mexico School for the Deaf has an obligation to provide a safe, secure, and peaceful learning environment for the school community, including students, staff (all school employees and school board members), parents, and volunteers as defined throughout the Code. Therefore, we hereby adopt a school-wide Code of Conduct that supports a proper academic and social setting so that all that participate can enjoy a productive and positive educational experience. The Code of Conduct is subject to annual review.

NMSD students developed the following expectations for the NMSD community:

- Respect others. Be courteous
- Respect property
- Be responsible
- Be safe
- Be accepting of self and others
- Use teamwork

All provisions outlined in the Code of Conduct apply to the entire school community. It is everyone's responsibility to respect the educational process. Disruptions of the educational process will not be tolerated. Infractions of this Code of Conduct will be carefully assessed and the rights and responsibilities of the student and the school community will be upheld as outlined in NMSD Policy #130. In order to promote the safety and positive self-image of the school community and to ensure a positive learning environment, the following rules of conduct have been adopted. NMSD students and staff will be held responsible for support and implementation of the NMSD Code of Conduct.

RULES OF CONDUCT

The following conducts ARE **NOT PERMITTED** on school property, on school transportation, and/or at school-related and school-sponsored activities. Appropriate school staff shall enforce this code of conduct in a fair, firm, and consistent manner, considering the student's age and cognitive abilities, and shall refer suspected criminal offenses to the appropriate law enforcement agency without exception. Information about the students' cognitive abilities will be gleaned from the students' Individual Education Plans (IEP).

1. Excessive Profanity – using inappropriate, disrespectful, and/or profane language, including messages sent via electronic communications.
2. Inappropriate Dress – dressing in a way that violates NMSD's Dress Code or the standard dress requirement(s) for specific classroom/work study sites.
3. Violence – including, but not limited to bullying, fighting, hitting, kicking, biting, and profanity directed at a specific individual or a group of students.
4. Harassment, Bullying and Stalking – including, but not limited to unwelcome or unwanted comments, and/or gestures regarding linguistic, physical, or educational ability; religion, race, gender, culture, or sexual preferences, including messages sent via electronic communications.
5. Sexual Harassment – unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature, including via electronic communications.

6. Sexual Activity – any sexual conduct, including but not limited to, intentional touching of another person’s genitals, groin, inner thigh, buttocks, or breasts, or clothing covering those areas.
7. Possession and/or use of drugs, including alcohol and tobacco.
8. Graffiti and/or vandalism – of school property and/or personal property located on campus or committed by a student while at school, school functions or school related activities.
9. Theft of, and/or possession of others’ school property and/or personal property located on campus or committed by a student while at school, school functions or school related activities.
10. Inappropriate use of – computers, software, and/or the Internet as described in NMSD’s Acceptable Use Policy

ZERO-TOLERANCE OFFENSES

Students who violate the Code of Conduct in the categories listed below shall be subject to disciplinary action. Consistent with both NMSD’s commitment to further the education process and the school’s commitment to impose consequences proportionate to the offense and age/developmental level of the student, alleged zero-tolerance offenses shall be thoroughly investigated and may be reported to law enforcement. Following IEP procedures and regulations, students may also be placed into long-term suspension, alternate educational placements, or expelled for instances of these zero-tolerance offenses.

The following categories of misconduct and any other criminal offenses committed by a student are considered zero-tolerance:

1. Possession of weapons of any kind, or facsimile (look-alike) weapons – including, but not limited to explosives, firearms, knives, chains, and/or any object that is considered an injurious object by site staff. Students in possession or having knowledge of weapons as outlined in Board policy #575 shall be reported to law enforcement and suspended from school pending a formal hearing
2. Possession/use/distribution of illegal drugs, drug paraphernalia and alcohol
3. Criminal violence and battery, including threats
4. Criminal Vandalism and Theft.
5. Severe and/or Repeated Harassment, Bullying, and/or Stalking, including messages sent via electronic communications.

SECTION II: GENERAL INFORMATION

A: COMPLAINT PROCEDURE FOR PARENTS/GUARDIANS

Any parent of guardian having a complaint or concern about the operation of the school or how their child is being treated should first talk with the supervisor/principal of the department involved.

If after discussion, the complaint or concern is not satisfactorily resolved; the parent of guardian should contact the Director of Instruction or the Director of Student Life.

If the parent/guardian is still not satisfied after discussion with one or more of the program Directors, the parent/guardian will be asked to put the complaint/concern in writing to the Superintendent. The complaint/concern along with all of the suggested/attempted resolutions will be reviewed within a 10 school day time period after receiving the written notification from the parent. The Superintendent will respond to the parent/guardian within 15 school days after receipt of the complaint. The Superintendent has the responsibility and authority to determine the appropriate final resolution of the complaint.

If parents have a complaint related to their child's receipt of special education services, all of the due process rights related to the provision of special education services as identified in the Individuals with Disabilities Education Act (I.D.E.A.) would be followed. These are also outlined in the New Mexico Public Education Department's publication entitled "Parent and Child Rights in Special Education, Procedural Safeguards Notice" which is included with all IEP invitations sent from NMSD and are also available when requested by parents/guardians.

B: CHILD ABUSE AND NEGLECT

Duty to Report Suspected Child Abuse and Neglect

The policy of the New Mexico School for the Deaf is to comply with New Mexico State Law related to the prevention and reporting of suspected child abuse and neglect and to cooperate fully with the agencies responsible for receiving and investigating such reports. This policy addresses suspected child abuse and neglect by the child's parent, guardian or custodian and suspected child abuse by a school employee. (For the entire contents of this policy, see NMSD Policy #125.)

New Mexico Statutes Annotated (NMSA) 1978 Section 32A-4-3 requires that school employees who know or suspect that a child is an abused or a neglected child shall immediately report the matter to the Children, Youth and Families Department or, if the abuse/neglect was suspected by an NMSD employee, the State Police Department. The failure of any school employee to report knowledge or suspicion of child abuse or neglect may result in criminal prosecution or employee discipline.

No school employee, regardless of position within the school shall inhibit, prevent, obstruct or intimidate another school employee from reporting suspected child abuse or neglect to CYFD or a local law enforcement agency. There is no requirement that a school employee consults, or obtains the approval of, a supervisor before making a report of suspected child abuse or neglect. [See NMSA 1978 Section 30-6-4(A): Section 22-5-4.2A]

Investigation of Child Abuse and Neglect

1. Anyone reporting an incident of suspected child neglect or abuse or participating in a judicial proceeding brought as a result of a report is presumed to be acting in good faith and shall be immune from liability, civil or criminal, that might otherwise be incurred or imposed by the law, unless the person acted in bad faith or with malicious purpose [NMSA 1978 Section 32A-4-5(B)].
2. The school or its employees are not to conduct any type of interview or investigation to determine if such abuse occurred.
3. The CYFD or State Police may find it necessary to interview students at NMSD as part of its child abuse or neglect investigations. Investigators are subject to the Verification, Documentation, and Parental Notification Procedures found in NMSD Policy #125.
4. The CYFD or State Police, with NMSD's support, shall facilitate a prompt interview for basic information. It is anticipated that NMSD and the CYFD social worker or State Police officer shall cooperatively work to facilitate the investigation and minimize any educational disruption.
5. The CYFD social worker or State Police officer shall be permitted to interview the child with respect to a report of child abuse or neglect without permission of the child's parent, guardian or custodian (NMSA1978 Section 32A-4-5C). Notification of the child's parent, guardian or custodian shall be exclusively done by the agency conducting the investigation unless the abuse was allegedly done by an NMSD employee. In that case, an NMSD administrator will immediately notify child's parent, guardian or custodian of the report of such incident involving their child and that an investigation has been initiated. In order to protect the rights of the accused employee, the employee's name or any other identifying information shall not be provided to the parent, guardian or custodian.
6. The facts of a child abuse/neglect investigation and any details of such known to school employees shall be kept confidential. Only the school Superintendent and Superintendent's designee and school employees involved in the investigation should have any knowledge of the actual investigation.

C: FEES

Regular school instructional programs are provided without cost to the student or family but fees may be required for materials used by the student that become the personal property of the student and for optional field trips/activities. If such fees create an economic hardship for the student and family, the fees may be waived and/or special arrangements made. Fines will be charged for overdue books and damage to or loss of books or school equipment. Admission fees may be charged for extra-curricular programs and activities. Students will not have their enrollment delayed or be excluded from school because of outstanding fines/fees but official transcripts may not be processed/delivered until such fees are paid in full.

D: STUDENT EXPRESSION

1. General Principles:
 - a. Although many of the constitutional rights of students in school are somewhat reduced from those enjoyed by adults generally, NMSD seeks to promote student expression as part of the inclusion of the values and habits necessary to participate in our political system. Students are thus encouraged to exercise the rights of freedom of speech consistent with the standards set forth below, and with time, place, and manner restrictions set on the basis of the special characteristics of the school environment.

- b. NMSD will not tolerate student expression that is inconsistent with the school's basic educational mission, even though such expression could not be censored by government outside the school. NMSD will prohibit the distribution of student publications or school publications that are obscene, lewd, or profane, that are defamatory, that otherwise intrude upon the rights of others, or that are, or are likely to be, disruptive or to impede the work of the schools on the basis of objective facts. Expression shall not be regarded as disruptive merely because it expresses unpopular or controversial views.
2. School Publications:
 - a. A variety of student expression and opinion will be encouraged in official school publications, such as the school newspaper, yearbook, Roadrunner News, etc.
 - b. With regard to school publications produced or distributed under the school's auspices or sponsorship, the school is entitled to set higher standards, and to exercise greater control, and will refuse to disseminate student expression in school sponsored publications that does not meet those standards. By such means, the school may disassociate itself from speech that is, for example, biased or prejudiced, vulgar, profane, or unsuitable for immature audiences, inadequately researched, ungrammatical, or poorly written. The school may control production or distribution of school publications so long as a valid educational purpose is served by such control.
3. Student Publications:
 - a. Any student who wishes to distribute a student publication that is not school sponsored, including posting notices on any bulletin boards that may be available for such purpose, shall obtain prior permission from the building principal/supervisor or designated faculty representative. Such student is entitled to meet personally with the principal/supervisor or faculty representative to discuss the appropriateness of publication. The student or his representative may support the appropriateness of distribution with relevant witnesses and materials.
 - b. The principal/supervisor or faculty representative shall grant or deny permission to distribute in writing within one school day of the student's request.
 - c. In the event that the student seeking permission is dissatisfied with the principal's decision, the student may, within two school days of the issuance of such decision, appeal the decision to the director of instruction, by notifying the principal in writing of the desire to appeal.
 - d. The director of instruction shall issue a written decision within three school days of the notice of appeal.
4. Students may wear and display political buttons, arm-bands, and other forms of symbolic expression, but may not wear or display any such items that are obscene, lewd, or profane, that are defamatory, that otherwise intrude upon the rights of others, or that are, or are likely to be, disruptive or to impede the work of the schools on the basis of objective facts.
5. School authorities may uniformly restrict the use of bulletin boards to school announcements, and may limit notices – by students generally, and by organizations according to the categories of the organizations – including notices of out of school activities of general interest to students, to designated bulletin boards or to the daily homeroom announcements, but such limitations shall not be applied on the basis of the content of expression.

E: STUDENT CLUBS AND GROUPS

1. **"SCHOOL-SPONSORED" CLUBS OR GROUPS** are those clubs sponsored by NMSD at the discretion of NMSD. The Equal Access Act makes clear that neither the school nor school employees may "sponsor" a religious group at school. "Sponsorship" is defined by the Equal Access Act as "the act of promoting, leading, or participating in a meeting." 20 U.S.C. § 4072(2). School sponsorship of traditional school activities such as student athletics, class activities, etc., although not, strictly speaking, "curriculum related," nevertheless do *not* create a "limited open forum." NMSD may sponsor both (1) non-religious activities traditionally sponsored by schools, such as student athletics, class activities, school plays, homecoming, etc., and (2) curriculum- related student groups, in the discretion of the administration, without creating a "limited open forum," and without thereby opening the school to use by other student groups. Since school sponsorship or support of religion or religious groups is prohibited under both the Equal Access Act and the Establishment Clause of the First Amendment of the United States Constitution, NMSD *may not* sponsor any religiously-oriented club or group. The types of school-sponsored clubs which may be authorized at NMSD are as follows:
 - a. **Curriculum-based clubs** are those clubs whose purposes, goals, and activities are related to the school's curriculum. A group may be said to be "curriculum-related" if the subject matter around which the group is organized is taught, or soon will be taught, in a regularly-offered course. For example, the purposes and activities of a Spanish club would be directly related to the school's curriculum. A group may also be "curriculum-related" if its subject matter concerns the body of courses as a whole, such as student government, or if participation in the group is required by a course or confers academic credit, such as is sometimes the case in regard to a school newspaper or yearbook. Since religion may not be taught in the curriculum, the purposes and activities of any religiously-oriented group *cannot* be related to the curriculum of a public school.
 - b. **School-initiated clubs** are those clubs initiated by and approved by NMSD. Since NMSD sponsorship or support of religion or religious groups is prohibited under both the Equal Access Act, and the Establishment Clause of the First Amendment of the United States Constitution, NMSD *may not* initiate any religiously-oriented club.
2. **"SCHOOL-RECOGNIZED" CLUBS OR GROUPS** are those clubs which are not school-sponsored but have access to school facilities pursuant to the Equal Access Act. In contrast to school "sponsorship" of curriculum-related student groups and of activities such as athletics and school plays, the school may be said to "recognize" non-curriculum-related, student-initiated groups, when it entitles the group to meet and to access school media to advertise its meetings and promote its purposes on an equal footing with other non-curriculum related groups.
 - a. **Non-curriculum-based clubs** are those clubs whose purposes, goals and activities are not related to the school's curriculum but are sufficiently related to the school's mission and goals to be recognized by the school. For example, unless chess is offered as a class, the purposes and activities of a chess club would not be curriculum-related.
 - b. **Student-initiated clubs** are those clubs initiated by secondary students (grades 7-12), and may include student-initiated religious, political or philosophical groups whose activities are governed by the Equal Access Act.
3. **NON-SCHOOL GROUPS** are those outside clubs, groups or organizations which have no direct relationship to the school or its curriculum, or are independently organized and managed, either as nonprofit, profit or corporate entities or unincorporated associations whose membership includes non-students of NMSD.

4. ACCESS TO SCHOOL FACILITIES

- a) If NMSD permits any non-curriculum-related group to meet on school premises, it has created a "limited open forum" under the Equal Access Act. In that case, it must also allow access to such groups whose purposes are religious or political on the same terms, as other non-curriculum-related groups.
- b) The existence of a limited open forum means that, since NMSD has allowed a non-curriculum-related student group to meet at school, it cannot deny other non-curriculum-related student-initiated groups the ability to do so, regardless of the religious, political, or philosophical orientation of the group. It must provide "equal access" to the limited open forum for all non-curriculum-related student-initiated groups.
- c) Access to facilities includes access to classrooms or meeting facilities, access to school equipment and resources, and access to school media to advertise its meetings and promote its purposes on an equal footing with other non-curriculum-related groups. It is strongly recommended that those activities be coordinated with school-established schedules for all extra-curricular activities. Access to and use of school facilities shall be approved and coordinated by Director of Student Life.

5. SCHOOL SPONSORSHIP OR RECOGNITION

- a. SPONSORSHIP OR RECOGNITION OF CLUBS OR GROUPS shall be decided by NMSD's superintendent upon presentation of a charter or other organizational documents demonstrating the club or group's purpose, mission, membership and scope of activities.
- b. NMSD can validly limit sponsorship or recognition to clubs whose goals and objectives are consistent with school board policies and with NMSD's mission and goals for developing academic, physical, civic, and personal skills/values. The Equal Access Act expressly does not limit a school's authority to prohibit meetings that would "materially and substantially interfere with the orderly conduct of educational activities within the school." 20 U.S.C. § 4071(c) (4).
- c. Activities or events of any school-sponsored, school-recognized or outside club or group which are proposed or planned to occur at any school site shall be presented to NMSD's superintendent with a proposal describing the proposed dates, nature and scope of activity, facilities needed, anticipated attendance, plans for financing, security and cleanup of site, prior to approval.

6. SCHOOL SPONSORS/ADVISORS

- a. NMSD shall assign sponsors/advisors for all school-sponsored clubs. NMSD may use a non-faculty sponsor/advisor only when no faculty member is willing to accept such an assignment. NMSD may delay, deny, or revoke school-sponsorship when an acceptable sponsor/advisor is not available.
- b. NMSD shall not assign sponsors/advisors for school-recognized clubs or outside clubs or groups.
- c. NMSD may assign a teacher, administrator, or other school employee to meetings of student-initiated, non-curricular, non-school-sponsored clubs for custodial purposes which will not constitute sponsorship of the meeting. However, the school employee must understand and agree that his/her presence at the meeting is in a "non-participatory capacity" only, that he/she is there merely to provide supervision for the students, and that he/she may not direct, conduct, control or participate in the activities of the group.

7. FINANCES AND FUNDS OF STUDENT CLUBS

- a. All school-sponsored student clubs must adhere to the activity accounting procedures and policies of NMSD.
- b. Non-school-sponsored student clubs may not raise funds in the name of NMSD.
- c. NMSD shall not be responsible for funding, fund raising, accounting, and/or expenditures of non-school-sponsored student clubs, and outside groups. However, such clubs or groups shall notify and obtain the approval of the superintendent prior to initiating any fund-raising activity or event which is directed at students, staff or parents to assure that fund-raising is appropriate and not disruptive to NMSD.

8. STUDENT-INITIATED RELIGIOUS CLUBS/GROUPS

- a. School sponsorship or support of religion or religious groups is prohibited under both the Equal Access Act, and the Establishment Clause of the First Amendment of the United States Constitution. Under the Establishment Clause, public schools, as agencies or subdivisions of the state, are prohibited from actions or policies that (1) have a religious purpose, (2) have a primary effect of either enhancing or inhibiting religion, and (3) create excessive entanglement with religion. Since NMSD must remain neutral with respect to religion, it may not sponsor a religious club.
- b. The Equal Access Act provides that public secondary schools are required to allow student-initiated religious groups to meet at school on an equal basis with other "non-curriculum-related" student groups *if* the school has created a "limited open forum."
- c. Under the Equal Access Act, neutrality on the part of NMSD toward a student-initiated religious group requires the following:
 - i. The non-instructional activity must be voluntary on the part of the students;
 - ii. The activity may have no sponsorship by the school, the government, or its agents or employees;
 - iii. It may include no employee or agents of the public school or government at religious meetings except in a non-participatory, custodial capacity;
 - iv. It may not materially or substantially interfere with the orderly conduct of educational activities within the school; and
 - v. Non-school persons may not direct, conduct, control, or regularly attend activities of student groups. See 20 U.S.C. § 4071(c).

F: STUDENT RECORDS (FERPA)

1. Student records kept by the New Mexico School for the Deaf (NMSD) will be open to review by parents/guardians and/or students and will be treated in a confidential manner, as prescribed by the New Mexico Public Education Department Regulations and the Family Educational Records and Privacy Act (FERPA) of 1974. This policy is implemented by an Instructional Procedural Directive that is on file in all offices.
2. NMSD maintains the following educational records directly related to students: Academic Records; Health Records; Personal Information Records; Progress Reports; Disciplinary Records; Standardized Testing Records; and Attendance Records.

3. Access to education records is limited to:
Students; Parents of Students under 18 if such student is a dependent as defined in the Internal Revenue Code; Accrediting Organizations; Pursuant to subpoena or court order; Any person with the written consent of the parent(s) of students under 18 or the student over 18; Officials of this school who have an legitimate educational interest; School(s) in which a student seeks or intends to enroll; Appropriate persons in connection with an emergency; Certain testing organizations; and State/local officials to whom information is required to be reported.
4. THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)
The Family Educational Rights and Privacy Act (FERPA) specify rights related to educational records. This act gives the parent/guardian and student the right to:
 - a. Inspect and review his/her child's educational records
 - b. Make copies of these records
 - c. Receive a list of all individuals having access to those records
 - d. Ask for an explanation of any item in the records
 - e. Ask for an amendment to any report on the grounds that it is inaccurate, misleading or violates the child's rights
 - f. A hearing on the issue if the school refuses to make the amendment.
5. PROCEDURES
NMSD will keep educational records to an essential and relevant minimum. Records are reviewed at the end of each school year and nonessential or irrelevant material is deleted. Copies of educational records are made available to persons entitled to copies at the cost of twenty-five (25) cents per page. If an individual challenges the contents of the records, NMSD will review the challenge and decide whether or not to make the requested change(s). The individual may ask for a hearing on the decision if it is unacceptable. In the case that a student's records contain information on more than one student, the individual has the right to only inspect portions of the records concerning the particular student in question.
6. NMSD designates the following items as **Directory Information**:
Student name; Parent(s)' name; Address; Telephone number; E-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. NMSD may disclose any of those items without prior written consent, unless notified in writing to the contrary within 14 days from the first day of the academic year. Dates of attendance shall be construed to mean periods of time such as a certain academic year, semester, or quarter. The term does not include specific daily records or attendance. Parents have the right to refuse disclosure of information categorized as directory.
7. Federal law provides that military recruiters, prospective employers, colleges, and other post-secondary institutions may obtain the names, addresses and telephone numbers of enrolled high school students. Parents may direct that the school withhold such information regarding their children, and students who are 18 or older may likewise decide not to do so, by providing written notice as specified above.

SECTION III: POLICIES, REGULATIONS, AND PROCEDURES

A: ATTENDANCE

Regular, uninterrupted classroom instruction, classroom participation, and interaction with classmates are important to the educational process. Controlling truancy lessens teacher frustration, reduces student disregard of the importance of school instruction, and has a positive effect on the overall school climate. Preparation and training for further 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 school regularly.

New Mexico's 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 laws to the juvenile probation office. Violations of the compulsory school attendance laws can subject parents to criminal sanctions as provided by New Mexico law.

Maintaining regular school attendance by all students is the joint responsibility of parents and educators. Adopting an attendance policy places greater value on academic success and imposes individual responsibility for student behavior, thus, increasing the likelihood they will benefit from shared ideas with classmates and classroom instructional activities. In keeping with these intentions, the following rules for school attendance shall be observed and enforced for secondary students:

Definition of Terms related to Attendance:

1. **Unexcused Absence:** An unexcused absence is an absence for which the student does not have an allowable excuse pursuant to the Compulsory School Attendance Law or rules of the Board of Regents.
2. **Excused Absence:** An absence for which the student has an acceptable excuse. Absences may be excused for the following reasons, with appropriate notice and documentation:
 - Personal illness or when attendance in school would endanger the student's health or the health of others;
 - Medical or dental care which cannot reasonably be attended to during non-school hours;
 - Serious illness, death, or emergency of an immediate family member;
 - Religious and/or cultural commitments;
 - Mandated by order of a governmental agency or by court order;
 - Wedding of a close family member;
 - Inclement weather/hazardous travel;
 - School-sponsored or school-related activities (field trips, athletics). However, this may be denied if the student reaches or exceeds the 10 days per semester limit on unexcused absences. The principal/supervisor will render a decision in these cases based on academic performance, number of days missed and why, and the disciplinary status of the student.

3. Habitual Truant: A habitual truant means a student who has accumulated the equivalent of ten or more unexcused absences within a school year.
4. Truant: A truant means a student who has accumulated five unexcused absences within any twenty-day period.
5. Tardy: Any period of time beyond the scheduled class time period that the student arrives to class.
 - a. Students who miss more than 15 minutes of the class period are considered absent. If the tardy is unexcused, it will be considered “cutting” and the student will be referred to the principal for detention hall.
 - b. Students who have accumulated 3 unexcused tardies within a quarter will be referred to the principal for detention hall. Each subsequent unexcused tardy within the quarter will also be assigned further detention hall time.

Regulations concerning Attendance:

1. Parent Notification of Absence: A parent or legal guardian must call or e-mail the school each day their child will be absent from any class and state the reason for the absence
Parents of NMSD students attending classes through Santa Fe Public Schools are required to call the public school directly to report absences.
2. Verification upon Return to School: Upon the first day a student returns from school from any absence, the student must present a signed, dated note from his or her parent or legal guardian with information regarding the reason for the absence. In lieu of a note, the parent or legal guardian may call the school secretary to share the required information.

A student who has been absent from school three (3) days or more for medical reasons must also present written verification of the reason for the absence from his or her professional health-care provider.
3. Prolonged Illnesses: In cases of chronic or prolonged illnesses expected to last ten (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.
4. Missed Transportation: If students miss the regularly scheduled transportation provided by NMSD, it is the parents’ responsibility to make arrangements to transport the child to school. Absences due to missed transportation will be considered unexcused.
5. Part-Day Absences-Extracurricular Activities: Students who are not in school for any part of the day due to illness will not be allowed to participate in any extra-curricular activities that day, including athletic practice sessions. This also pertains to unexcused absences, including partial-day unexcused absences. Brief absences (less than 2 class periods) for reasons such as counseling appointment(s), medical appointments, brief health center visits, and/or family/personal emergencies will be considered on a case-by-case basis. These excused absences must be accompanied by a note from the attending doctor/service provider or a note from the principal.

6. 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. (usually equivalent to the number of days that the student was absent) If the student fails to make up the work that is assigned (within the assigned time period for make-up work), the student will not be given credit and a failing grade will be averaged into the student's quarterly grades.

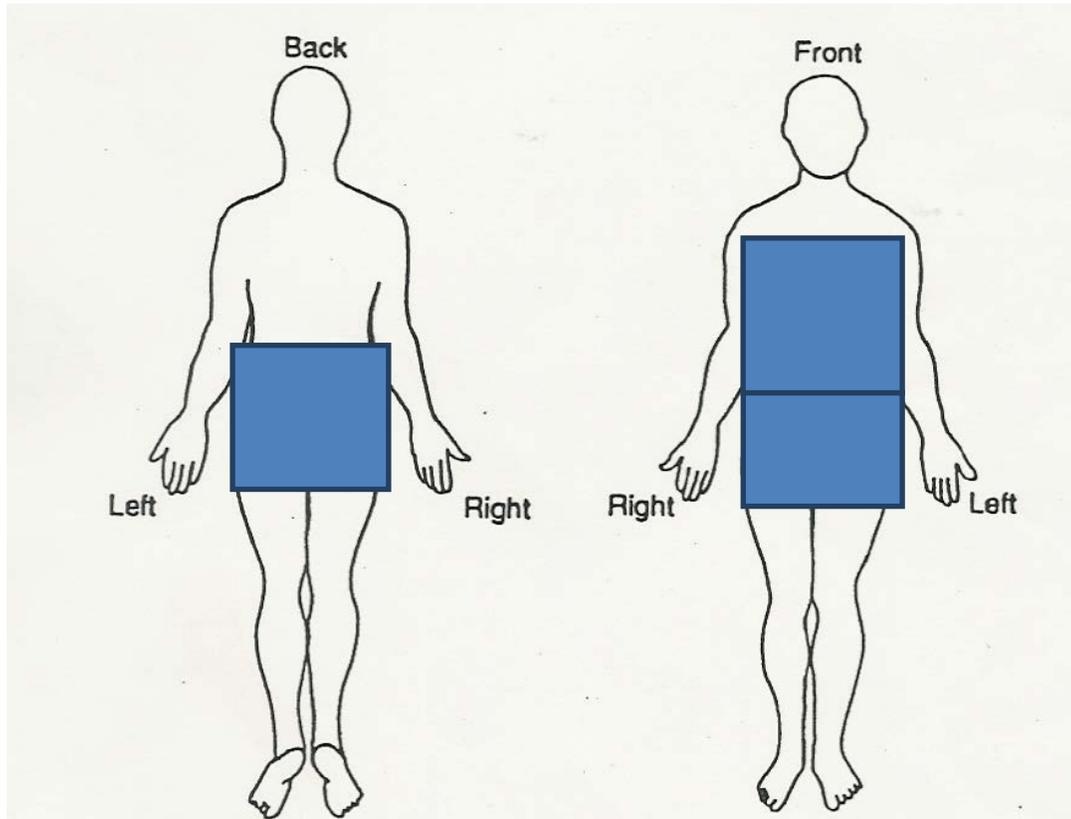
For unexcused absences, students will not have the opportunity to make up work that the student missed during the absence.
7. Discipline: In addition to the other measures to be imposed according to this policy, students may receive detention or in-school suspension for each unexcused absence, at the discretion of the Principal.
8. Fifth Unexcused Absence: Parents will be formally notified after five (5) unexcused absences that their child has a truancy problem. Parents are encouraged to discuss the importance of school attendance with their child.
9. Cutting Class: Students who cut class – an unexcused absence -- will not earn credit for that class period and will not be allowed to make up the work that was missed. The student will also be referred to the principal for detention hall.
10. Eleventh Unexcused Absence--Report to the Juvenile Probation Office: Upon a student's accumulation of an eleventh unexcused absence during the course of a semester, NMSD shall send written notice of the habitual truancy by certified mail to the parent/guardian of the student. If there are unexcused absences following notice of the habitual truancy, the student shall be reported to the probation services office of the judicial district in which the student resides for investigation under the provisions of the Children's Code.
11. Special Education Student Absences: If a special education student's absences are related to that student's disabilities, any discipline must be determined by the IEP team. If the absences are not determined to be a manifestation or result of disability, the penalty for absences may be imposed as stated above.
12. Appeal: Students who object to or believe that grade reduction or loss of credit in any class due to the penalties imposed by this policy shall be entitled to appeal the action through the long-term suspension or expulsion process available in the NMSD student discipline handbook.

Rules and Guidelines: The NMSD administration shall establish appropriate rules and regulations for enforcement of the New Mexico Children's Code and changes will be shared with parents and students if those occur after the publication of this handbook.

B: DRESS CODE

Clothing that are illegal, unhealthy, disrupts the education process, and/or endangers student safety are prohibited. Additional rules have been established to support our students' development of etiquette, communication, and social skills.

- Clothing must cover the student's private areas as defined in the diagram below at all times, including times when students are seated and/or bent over.



- Examples are:
 - Mesh shirts
 - Guideline: Mesh shirts must have an additional shirt worn underneath.
 - Sleeveless Tops
 - Guideline: Extra-large armholes (showing the chest area) are prohibited. Tops with extra-large armholes must be worn with an additional shirt underneath.
 - Pants/shorts/skirts
 - Guideline: The shorts/skirts should be at approximately the mid-thigh level and completely cover the private parts and undergarments of students when walking, sitting, or during other physical activities.
 - Guideline: If the pants/shorts/skirts have holes that expose private parts, they are not allowed.
 - Guideline: Extremely baggy or saggy pants are not allowed. Extremely tight/low-riding pants are not allowed.
 - If the pants immediately fall down when they are raised to the waist, the pants are too baggy. Pants must be worn at the waist/hips. If student expose their private parts and/or undergarments when sitting/bending, the pants are unacceptable.
 - Pajamas pants are not allowed.

- Clothing with inappropriate words, phrases, and/or images printed or embroidered on them are not allowed. (i.e., alcoholic beverage advertisements, drugs, vulgar/profane language, language insulting or demeaning to any group of people, weapons, or threats, etc.)
- Clothing or accessories that make reference to gangs or gang-related activities are not allowed.
 - Administrators will be in contact with local law enforcement agencies to gather information on local gang clothing.
- Shoes are required at all times (no bare feet).
 - Bedroom slippers are unacceptable.
 - Some classrooms/work study sites may have stricter footwear requirements (i.e. science labs, woodshop, specific work sites). Students who show up unprepared without alternate footwear will be required to sit out the day's activities and their absence will be considered unexcused.
 - Athletic events, PE classes, and activities in the gym require that students wear appropriate athletic shoes with non-marking soles. Students who show up unprepared without alternate footwear will be required to sit out the day's activities and their absence will be considered unexcused.
- Clothing guidelines/expectations may also vary for Industrial Arts, Science, Physical Education, and/or work study/job preparation classes/placements.
 - Teachers will discuss expectations and guidelines for those sites with students who are enrolled in those classes. Students who show up unprepared without appropriate clothing will be required to sit out the day's activities and their absence will be considered unexcused.
- Caps, hats, and other headgear, (including hoodies), are not allowed during class time. Sunglasses and gloves are also not allowed.
- Wearing chains on any part of the body is not allowed.
- Earphones/headphones, CD players, iPods, MP3 players, cell phones, Game Boys, pagers, and similar electronic devices are not allowed during school hours –
 - Residential students must leave their electronic devices in the cottages.
 - Day students must check-in their devices at the principal's office upon arrival to school and pick them up after classes end.
 - The only time that students may use electronic devices during the day is to check for urgent messages and must be accompanied by the principal's permission. This includes utilizing laptops or desktop computers to listen to music.
 - The only exceptions are for class-related use and/or IEP requirements and must be pre-approved by principals. Violations of this policy will mean the confiscation of the electronic device for a period of time, depending on the frequency and/or severity of the violation.

Principals/Supervisors serve as final arbitrators of appropriate dress and may grant exceptions based on religious beliefs and/or other applicable reasons. Also, Coaches may have specific dress requirements for their athletic teams – coaches will communicate this with their players and serve as the final arbitrators of appropriate dress during practices/games

If a student's clothes happen to be inappropriate according to our dress code, the student must change into different attire that meets our dress code requirements. If the student does not have alternate clothes, the principal/supervisor will provide clothing that meets dress code requirements and the student will be required to wear the provided clothes for the remainder of the school day.

C: DRUG FREE AND ALCOHOL FREE ENVIRONMENT

1. NMSD recognizes alcohol and other drug use/abuse as a societal problem and that dependency on such drugs is a disease that can be successfully treated.
2. NMSD recognizes the responsibility to establish discipline policies and procedures in relation to student alcohol and other drug use. In addition, the Board supports alternatives for helping students, their families, and staff through training and community education/awareness activities.
3. NMSD prohibits students from using, possessing, distributing or trafficking alcohol and/or illegal drugs (as proscribed by the Controlled Substances Act and Schedules I through V of the Federal Drug Free Work Place Act of 1988) and drug paraphernalia on school property, at school, at school-sponsored activities, or at any time the student is under the supervision of NMSD. Students, while on school property or attending a school-sponsored activity, who use, possess, distribute, or sell alcohol, and/or other drugs and drug paraphernalia shall be subject to intervention, discipline, suspension, expulsion and/or other appropriate alternatives listed in Action Levels of the student disciplinary matrix found in NMSD's Discipline Handbook.

D: EXTRACURRICULAR ACTIVITIES

Extracurricular activities are a valuable part of the entire education of each student. However, participation in extracurricular activities is a privilege and must be earned by meeting academic standards. Extracurricular activities are defined as all activities EXCEPT those in which student participation is necessary to receive a grade in a course in which the student is currently enrolled.

1. Eligibility and Attendance:

- a. Students who have a grade point average (GPA) of at least 2.0 and no 'F' grades in the previous marking period are eligible to participate in any extracurricular activity governed during the next quarter. Students who have 2 or more 'F' grades and/or 3 or more 'D' grades will not be eligible for the following quarter. Students who do not earn a 2.0 GPA will also be ineligible for the following quarter.
 - i. If a student has one 'F' grade (but still earns a 2.0 GPA), the student will not be allowed to play until the following midquarter report card. The student will be placed on academic probation and be required to complete weekly grade checks, due to the athletic coordinator every Friday afternoon by 2 p.m. The student will be allowed to practice during the following week only if s/he has a 2.0 GPA and no 'D/F' grades on the weekly grade check.
 - ii. If the student improves his/her grades and does not have any 'F' grades on the midquarter report card, the student will be allowed to play in games/participate in activities for the remainder of the quarter, but will still remain on academic probation and continue to submit weekly grade checks. The student will only be allowed to play in games/participate in activities if the student continues to earn a 2.0 GPA and no 'D/F' grades.

- iii. If the student does not improve his/her grades and continues to have an 'F' grade on the midquarter report card, the student will lose eligibility for the remainder of the quarter.
 - iv. If the student's 'F' grade for the previous quarter also means an 'F' grade for the semester, the student will not be eligible for the following quarter (entire quarter)
 - v. If the student has two 'D' grades (but still earns a 2.0 GPA) on the quarterly grade report card, the student will be placed on academic probation and required to complete weekly grade checks, due to the athletic coordinator every Friday afternoon by 2 p.m. The student will be allowed to play in games during the following week only if s/he has a 2.0 grade point average and have no 'D' or 'F' grades on the weekly grade check.
- b. Grades reported as incomplete as a result of legally excused absences shall be considered passing grades until changed. Incomplete grades that are not changed to a passing grade within ten school days after the report cards are issued will be considered failing grades for eligibility purposes.
 - c. On the day that the report is issued, each activity sponsor, athletic director/coordinator, or coach will verify student eligibility for extracurricular participation.
 - d. 5 school days before any extracurricular trip out of the state, grade checks for all participants in the trip will be completed. Any student with an 'F' or two 'D' grades will not be allowed to participate on that specific trip. Furthermore, students who are absent from school on the day prior to, or the day of departure for those long-distance trips will not be allowed to participate in the trip.
 - e. Students who are not in school for more than 2 class periods will not be allowed to participate in any extra-curricular activities that day, including athletic practice sessions. Brief absences due to counseling appointment(s), medical/dental appointment(s), brief health center visits, or family/personal emergencies may be excused with a doctor/service provider's note documenting the reasons for those absences presented to the Principal.
 - f. Students who have unexcused absences, including partial-day unexcused absences will not be allowed to participate in the next scheduled activity/game. Students are expected to attend school the day following extra-curricular activities/trips and may be suspended from their next scheduled activity/game if they are not in attendance.

****Some extracurricular activities/organizations may implement requirements that exceed these listed above – those expectations will be communicated with students prior to their participation.****

The following grading periods shall be used to determine eligibility and shall be in force by the last issuing date of report cards on the school calendar:

- First Quarter grades – determines eligibility for the 2nd Quarter
- Second Quarter grades – determines eligibility for the 3rd Quarter
- Third Quarter grades – determines eligibility for the 4th Quarter
- Fourth Quarter grades – determines eligibility for the 1st Quarter of the following school year.

Sixth graders are not subject to the NMSD eligibility policy until the first quarter grades are reported.

2. Extracurricular Activities:

Extracurricular activities are defined as all activities except those in which student participation is necessary to receive a grade in a course in which the student is currently enrolled. This policy will affect participation in all extracurricular programs and activities, including, but not limited to, the following:

| | | |
|----------------------------------|--------------------------------|-------------------|
| Club and organization activities | Club and Organization Officers | Drama Productions |
| Academic Bowl | Athletics | Art Sign |

*** The International Studies Program is an educational program and is not considered an extracurricular activity for the purposes of this section. Eligibility for the International Studies Program is determined separately, using a separate process, and is determined by the program director, in consultation with the principal.***

3. The Principal, in consultation with the Athletic Coordinator and Director of Student Life, will oversee the eligibility process. An appeals committee may be initiated by the administration of the school. Special cases and concerns requiring modified eligibility will go through this committee. For example, if a student in low academic standing may greatly benefit from participation in an extracurricular club or activity, the committee may permit limited involvement while the student raises her/his GPA.
4. In the residential program, students with low grades (2 or more 'D' grades/1 or more 'F' grade(s) may be barred from participating in daily cottage recreational activities (on and off campus) until their grades rise to an acceptable level. Students will be required to complete weekly grade checks, due to the Student Life office every Friday by 2 p.m. The Director of Student Life and the Student Life Supervisor will review grades on the weekly grade checks and determine the students' privileges for the following week. The After School Activities Program (ASAP) is not considered an extracurricular activity and students will be allowed to participate regardless of their grades.

E: HARASSMENT/BULLYING/ CYBERBULLYING

The effective education of our students requires a school environment in which students feel safe and secure. NMSD is committed to maintaining an environment conducive to learning in which students are safe from violence, threats, name-calling, intimidation, and unlawful harassment. As a part of our efforts, we have adopted the tenets of Positive Discipline and are implementing the Steps to Respect curriculum.

A. Definitions

1. "Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, or at school activities or sanctioned events. Bullying includes but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age, culture, or sexual orientation and which has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile or offensive environment.
2. "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm, or terrorize another person. "Harassment" includes but is not limited to: verbal acts, teasing, jokes; name-calling, belittling; nonverbal behavior such as graphic or written statements; conduct that is physically threatening, harmful, or humiliating; or inappropriate physical restraint by adults.

3. Sexual harassment of students is further addressed in Section L.
4. "Cyberbullying" means actions described in #1 and #2 above that is done via messages sent via electronic communication (e-mail messages, chat room postings, instant messages, videophone, social media, and so forth).

B. Prohibitions

1. It is the policy of the Board of Regents 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, supervisor, or counselor.

C. Reporting

1. 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.
2. Any student who has witnessed or experienced conduct prohibited by this policy should inform his or her principal/supervisor 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(s) or his/her designee.
2. The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint was filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint.
3. 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

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.

F. Anti-Bullying included in Health Education Curriculum

All students will be made aware of bullying behavior beginning in Kindergarten and continuing throughout their school years as guided by the Health Education performance standards 6.30.2.19 NMAC; and during activities guided by our Steps to Respect curriculum.

F: HAZING

Hazing is prohibited whether on or off school property, and whether during or outside school hours. Hazing includes, but is not limited to,

- engaging in any offensive or dangerous physical contact, restraint, abduction, or isolation of a student, or
- requiring or encouraging a student to perform any dangerous, painful, offensive, or demeaning physical or verbal act, including the ingestion of any substance, exposure to the elements, deprivation of sleep or rest, or extensive isolation, or
- 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 NMSD.

Students found to have engaged in hazing shall be subject to discipline by school authorities according to applicable procedural requirements outlined in the Action Levels of the disciplinary matrix.

G: INTERNET/COMPUTER USE:

1. Acceptable Use:

Access to NMSD's Internet/Technological resources must be for the purpose of education or research related to education, and must be consistent with educational objectives. Students must be aware of their environment and use their equipment in a safe manner – i.e., use of a laptop in the gymnasium during athletic events is not encouraged.

2. Network Etiquette:

Students are expected to abide by the accepted rules of network etiquette at all times. These include, but are not limited to, the following:

- a. Be polite! Do not be abusive in messages to others. Do not use technology equipment or services (i.e., Internet, email services) to harass or participate in harassment of others. This type of behavior will not be tolerated. **Cyberbullying** will not be tolerated. Students participating in this type of behavior can and will lose computer/Internet privileges.
- b. Use appropriate language. Do not swear or use vulgarities.
- c. Do not reveal personal information such as address or telephone numbers
- d. Do not communicate with any strangers via E-mail or chat rooms.
- e. Recognize that electronic mail (E-mail) messages **are not private**. E-mail communications and attachments through NMSD's network are public documents; are monitored & filtered; and can be read by school officials at any time.
- f. Do not use the network in any way that would be disruptive to individuals, classrooms, libraries, or cottages areas.
- g. Respect school property/equipment/resources at all times! Respect others' classroom time and NMSD equipment at all times.

3. Unacceptable Use:

Students are responsible for their actions and activities involving the Internet and computer equipment usage. **Students may not....**

- a. Use the Internet for any illegal activity, including violation of copyright or other contracts or transmitting any material in violation of any U.S. or State regulation;
- b. Download software, regardless of whether it is copyrighted or processed through anti-

- virus software, without approval from the Information Technology Department;
- c. Use the network and or equipment for financial or commercial gain;
- d. Wastefully use resources (i.e., excessive printing resulting in wasted paper, printer ink and Internet services);
- e. Gain unauthorized access to resources or entities, restricted or confidential files;
- f. Invade the privacy of individuals;
- g. Use another user's account or password;
- h. Post personal communications without the author's consent;
- i. Post anonymous messages;
- j. Use the Internet for product advertisement or political lobbying;
- k. Submit, post or participate in any gambling; publish or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, illegal material; or drug related activities;
- l. Use Instant Messaging Services and participate in Internet Chat Rooms during class time, in classrooms, and/or other restricted areas;
- m. Distribute a known virus or viruses or other programs that are, or may be, harmful to NMSD's network environment, data and services;
- n. Deliberately destruct user/NMSD data;
- o. Commit Cyberbullying – That is using the computer or electronic communications devices to make/distribute threats or harassing messages to others.

4. Consequences for Misuse of Internet Services:

The following disciplinary actions will be taken in the event of misuse of Internet services and or equipment:

First offense: A student will lose computer privileges/network service access for one week. Parent(s) will be notified.

Second offense: A student will lose computer privileges/network service access for one month. Parent(s) will be notified.

Third offense: A student has exhibited a pattern of abuse of flagrant violations. Any student who after the first and second offenses, continues to engage in serious or persistent misbehavior by violating this policy may lose all or some computer privileges/network service access for a period of time determined by the principal.

If students lose computer privileges/network service access, but require the use of a computer to complete their schoolwork, they may be granted teacher/staff-supervised access for limited periods of time.

A student may be suspended, expelled from school, or prosecuted if he/she engages in conduct on the computer network service that could be considered criminal, as defined by federal and/or state law. Violations of New Mexico law will be reported to New Mexico Law Enforcement officials.

Each student is responsible for any damage he/she may cause to NMSD's computers or to the computer network service. The student may pay all costs incurred in restoring the computer or the network service.

H: MEDICATION ON NMSD CAMPUS

The Health Center at NMSD is subject to:

1. Regulations Governing Residential Shelter Care Facilities for Children.
2. Requirements for Facilities providing Outpatient Medical Services and Infirmaries (7 NMAC 11.2)
3. NM State Board of Pharmacy Class C license requirements.
4. Internal Policies and Procedures which are reviewed yearly by consulting pharmacist, head nurse and medical director.

Listed below is the basic operating procedure for medication management at NMSD:

1. In order for any medication to be administered to an NMSD student the parents must sign "consent to obtain medical services," and "Clinic Permission" form provided at registration.
2. In order to administer prescription medications the medication must be clearly labeled in the original package or container with the student's name, name of medication, the doctor's name and directions for use.
3. Over the counter (OTC) medications are administered according to standing orders written by NMSD's or the students' physician. All OTC medications are listed in our pharmacy's formulary.
4. When a nurse is on duty, it will always be her/his responsibility to administer all prescription and OTC medications.
5. In the absence of a licensed nurse, medication may be administered by a certified School Health Assistant under the supervision of a PED Licensed School Nurse. During school-sponsored trips, the supervisor in charge of the trip will be responsible for medication, following an established schedule set up by the school nurse.
6. Students may not have any medication, over-the-counter or prescription, in their possession in either the school or the cottages.
7. The transportation of all medications will be the responsibility of the student's parents, guardians or supervising staff person. Students are not permitted to transport any medication.
8. In special circumstances, students may need to carry with them and use as needed items such as rescue inhalers and Epi-pens and certain specified diabetic management and emergency implements.
9. NMSD will use the New Mexico School Health Manual as a reference in addressing student medical needs, or any unforeseen school health issues.

I: SEARCH AND SEIZURE

The school reserves the right to search persons, residential units, academic units and personal effects.

1. Pat-down searches of a student 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.
2. Searches of residential rooms or any other room at NMSD may be conducted on the basis of a reasonable suspicion that the occupant(s) of such rooms are keeping contraband in the room.
3. School vehicles, lockers, desks and similar storage facilities are school property and remain at all times under the control of the school; students using such facilities are expected to assume full responsibility for the appropriate use of their lockers, desk and similar facilities. Periodic general inspections of school vehicles, lockers, desks and similar facilities may be conducted by school officials for any reason, at any time, without notice and without consent.
4. Students are permitted to park on school premises as a matter of privilege, not of right. The school retains the authority to conduct routine patrols of school parking lot 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.
5. In any of the foregoing enforcement actions, the administration is authorized to use dogs whose reliability and accuracy of 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. **Guidelines for searches and seizures can be found in Employee Policy Manual, Policy #161.**

J: SEXUAL ACTIVITY

The effective education of our students requires a school environment which promotes responsibility, respect, civility and academic excellence in which students are safe and secure. NMSD encourages the healthy social development of its students. Public displays of affection and sexual activity are not appropriate at school, or when under NMSD supervision, such as during off-campus activities, transportation to/from NMSD, and athletic events.

All sexual activity is prohibited. Sexual activity involves touching of another's intimate parts. Intimate parts include the primary genital area, groin area, groin, inner thighs, buttocks or breast, as well as the clothing covering these areas. Even if consensual or mutually agreed to, sexual activity is prohibited. Sexual Activity will be investigated and referred for further consequences as outlined in our disciplinary matrix.

Inappropriate Public Displays of Affection

All students are prohibited from engaging in public displays of physical affection which include: prolonged or passionate hugging, prolonged or passionate kissing, extremely close physical contact, or any physical expression of affection that is sexual in nature. Staff members will guide students in learning appropriate physical boundaries. Violations of this type will be handled in the following manner:

- 1st Offense – Verbal Warning
- 2nd Offense – Meeting with students – increased monitoring
- 3rd Offense – Meeting with students and their parents – continued monitoring
- 4th Offense – Disciplinary Action

Actions that “cross the line” and involve contact of private areas will not be handled as Inappropriate Public Displays of Affection but will be referred for further action outlined in the Sexual Activity section above.

Violations of this policy by students may result in appropriate student discipline in accordance with NMSD's code of conduct, consistent with the student's IEP. This policy shall be implemented and enforced in conjunction with the policy on student to student sexual harassment.

Dating

We recognize dating as a developmentally-appropriate social activity for students in the high school and middle school departments. As a part of our continuing efforts to promote appropriate social interactions between our students, we have established the following guidelines for dating at NMSD. For the purpose of clarification, NMSD considers dating to include actions such as hand-holding, hugging, kissing, and/or similar behaviors.

1. Elementary Students are not allowed to date.
2. Dating between Middle School Students and High School Students is prohibited.
3. Students are only allowed to date others who are close to their age (within 48 months).
4. Students who are above 18 years of age may date students younger than 18 years of age but will be made aware of the potential legal ramifications of engaging in sexual activity as defined above. (parents of the minor student dating a student above 18 years of age will be notified if/when we become aware of the dating)
5. Dating must abide by the rules above regarding sexual activity and public displays of affection.

K: SEXUAL HARASSMENT

It is the policy of NMSD to establish and maintain a learning and working environment that provides fair and equitable treatment, including freedom from sexual harassment for all students and staff. All students have the right to be treated with respect and are expected to conduct themselves with respect for the dignity of others.

It is a violation of federal and New Mexico laws and the New Mexico School for the Deaf policy for any student of NMSD to sexually harass a student or staff member by speaking or acting in any of the ways defined below. NMSD will investigate all formal and informal, verbal or written complaints of sexual harassment brought to the attention of an administrator or supervisor. Any student who is found to have sexually harassed any other student or staff member shall be disciplined as per Action Levels found in NMSD's Discipline Handbook.

DEFINITION OF SEXUAL HARASSMENT

Sexual Harassment is defined as "any unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal (including via electronic communication), or physical conduct of a sexual nature when:

1. Submission to such conduct by an individual is made explicitly or implicitly a term or condition of a person's employment or of the advancement of a student in school programs or activities;
2. Submission to or rejection of such conduct by an employee or student is used as the basis for decisions affecting the employee or student;
3. The conduct substantially interferes with an individual's employment or learning or creates an intimidating, hostile or offensive work or learning environment.

EXAMPLES OF SEXUAL HARASSMENT INCLUDE BUT ARE NOT LIMITED TO:

1. Persistent or repeated unwelcome flirting, pressure for dates, sexual comments, touching or offensive or abusive physical contact;
2. Sexually suggestive jokes or gestures directed toward another, or sexually oriented or degrading comments about another;
3. Preferential treatment of an employee or student, or a promise of preferential treatment to an employee or student, in exchange for dates or sexual conduct; or the denial or threat of employment benefits or student advancement for refusal to consent to sexual advances;
4. The open display of sexually oriented pictures, posters or other materials, or engaging in sexually oriented conversation offensive to others;
5. Graphic or degrading comments (about an individual or his/her appearance); and
6. Leers and whistles.

All employees and students are encouraged to express disapproval and displeasure at any conduct that is sexually harassing, to tell the individual engaging in the conduct that it is unwelcome, and to report any conduct which is unwelcome to their principal, supervisor, or superintendent.

L: TOBACCO/SMOKE FREE CAMPUS

NMSD believes smoking is injurious to the health of the smoker and the others exposed to second-hand smoke. NMSD also believes that all adults in the school have a responsibility to act as positive role models for students. Thus, NMSD has established a policy that prohibits the use of smoking and tobacco use on campus. For the purposes of this policy “tobacco” is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco, in any form.

1. TOBACCO USE PROHIBITED

- a. No student, staff member, or school visitor is permitted to smoke, inhale, dip, or chew tobacco at any time, including non-school hours:
- b. in any building, facility, or vehicle owned, leased, rented, or chartered by NMSD;
- c. on school grounds, athletic grounds, or parking lots; or
- d. at any school-sponsored event off campus.

In addition to the above, no student is permitted to possess a tobacco product.

2. CLOSED CAMPUS

- a. No student may leave the school campus during breaks in the school day to use a tobacco product.

M: TRANSPORTATION

The New Mexico School for the Deaf provides transportation for its students for a variety of activities including, but not limited to, weekly home-going, community field trips, work study placements and athletic games/tournaments. In order to maintain a safe and orderly environment on school buses, vans and cars, students are responsible for complying with the Transportation Safety Rules below. Failure to adhere to these rules or abusive behavior towards the public, driver, fellow passengers or the vehicle constitutes justification for initiating corrective action against a student. Any misconduct by a student, which in the opinion of the vehicle driver or the Director of Student Life, is detrimental to the safe operation of the vehicle shall be sufficient cause for the Director of Student Life and/or principal to suspend transportation privileges.

Transportation Safety Rules

1. FOLLOW THE DRIVER’S INSTRUCTIONS

The driver is ultimately responsible and as such is in charge of the school vehicle. School vehicles are just like classrooms: the adult is in charge. By state law, students are under the authority of the driver and, as appropriate, the vehicle aide, while on the school vehicle.

2. REMAIN SEATED, FACING FORWARD, WEAR SEAT BELT

School vehicle seats are specially designed to protect passengers. They can only be effective if riders always face the front and stay in their seats until the driver tells them to stand up and exit. Seat belts and shoulder straps must be worn correctly at all times.

3. KEEP HANDS, FEET AND OBJECTS TO YOURSELF

On a school vehicle, inappropriate behavior like fighting, pushing, horse-play or throwing something might distract the driver and cause an accident. Students must keep all parts of their body inside the vehicle where it's safe, and never throw anything out the window.

4. BE POLITE AND RESPECTFUL

Treat all persons with respect at all times while on school transportation. This includes in restaurants, stores, service stations and other rest stops.

5. EATING OR DRINKING IS DISCOURAGED

Spilled food/drink in vehicles may damage clothing, fabric, and attract germs and insects. **YOU ARE RESPONSIBLE FOR CLEANING UP AFTER YOURSELF.**

6. INTERIOR LIGHTING

Running vehicles at night with the interior lights on may be distracting or disruptive to the driver. The decision to use interior lights will be at the sole discretion of the driver.

N: VEHICLE PRIVILEGES FOR STUDENTS

Students must have annual approval to have a vehicle on campus. Parents/Guardians must complete and sign a vehicle permission form and submit it to the Director of Student Life and Principal for approval. Students will be granted permission to use their vehicle based on the guidelines listed below. **Privileges may be restricted or revoked and not renewed for failure to meet these guidelines:**

1. Only students with driver's licenses, registration, and proof of insurance will be permitted to have/operate vehicles on campus.
2. Residential students are encouraged to return to the campus no later than 9:00 p.m. on the return day (usually Sundays) after weekends/breaks.
3. Students who want to ride in other students' vehicles must have permission from both sets of parents (their own parents/guardians and the parents/guardians of the student driver). This permission must state the specific date and destination of the travel.
4. Students will come to the campus, park and lock their vehicle in the designated parking spaces for students.
5. Students must follow campus rules and state/city laws at all times. The speed limit on campus is 10 miles per hour. Any violation of rules may result in revocation of their privileges to have a vehicle on campus.
6. Students must follow school rules while off campus in their vehicles (during the school week or school-sponsored activities).
7. Students need to inform the Transportation Coordinator by Wednesday if they do not plan to utilize school transportation that weekend (driving to/from school).

8. The school will not be responsible for any damage or loss to students' vehicles. Students are responsible for their own behavior while driving – the school will not be responsible for any incidents while driving.
9. Permission to have a vehicle on campus is good for one academic year only. This permission must be requested each year, if so desired.

O: WEAPONS

New Mexico School for the Deaf 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 school. Accordingly, it is the policy of the New Mexico School for the Deaf to forbid the possession, custody, and use of weapons by unauthorized persons on school property, or during school sponsored activities.

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 it is the intention of the New Mexico School for the Deaf that it be interpreted broadly to conform to these provisions of law.

A: Definitions

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:

- a. Any firearm that is designed to, may readily be converted to, or will expel a projectile by the action of an explosion. 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; the frame or receiver of any such weapon; any firearm muffler or firearm silencer, or any destructive device.
- b. 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.
- c. Any other item or device which may be used as a weapon, including all pocket knives or other knives with a blade of more than 2 ½ inches in length, or other objects, even if manufactured for a non-violent purpose, that have a potentially violent use, or any “look-alike” objects that resemble objects that have a potentially violent use, if, under the surrounding circumstances, the purpose of keeping or carrying the objects is for use, or threat of use, as a weapon.

B: Prohibitions

It is the policy of the New Mexico School for the Deaf that no student shall bring a weapon to 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.

C: Enforcement

This policy shall be enforced according to the New Mexico School for the Deaf Student Search and Seizure Policy. Disciplinary actions pursuant to this policy shall follow the procedures prescribed the NM Public Education Department Regulations on Student Rights and Responsibilities, and the policies of NMSD.

D: Penalties for Violations

1. Any student found to be in violation of this policy shall be subject to discipline, including long-term suspension and expulsion.
2. 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 1 A (1) or (2) 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 Regents may modify such penalty in appropriate cases in their discretion.

E: Procedures Applicable to Students with Disabilities

1. 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 as amended.
2. In accordance with the provisions of 20 U.S.C. § 1415 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 New Mexico School for the Deaf 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.
3. The procedural requirements of 20 U.S.C. § 1415 and State Educational Standards shall be met when imposing disciplinary penalties upon a student with a disability.

SECTION III: EXPECTATIONS AND CONSEQUENCES

A: INVESTIGATIONS OF BEHAVIORAL INCIDENTS

When NMSD staff members are witness to, are informed of, or have other knowledge of significant behavioral incidents, the following investigation guidelines should be followed in order to assure the highest degree of accuracy, confidentiality, and appropriate consequences.

1. If a staff member is witness to, is informed of, or has knowledge of, or reasonable suspicion that a significant behavioral incident has occurred (including, but not limited to, physical assault, sexual assault, harassment, violent offense or outburst, drug or weapons violations), the staff member should take immediate steps to ensure the safety of students and others in the vicinity. After safety measures have been taken, the staff member should immediately report the incident to his/her supervisor and complete a Student Behavior/Accident Report. The report should be filed in the report drop box and notification sent to the appropriate team that need to be informed. Appropriate forms to use can be found in the public folders of NMSD's e-mail system.
2. If it appears that a crime may have been committed or that the student is a victim of child abuse or neglect, the appropriate school administrator will immediately contact the state law enforcement agency or Children Youth and Families Department to make a report. The appropriate staff person will also contact the student(s)' parents/guardians. Depending on the severity of the situation, the police will determine the need to come to campus. It is required that the administrator responsible for contacting the police also contacts his/her supervisor and the Superintendent to inform them of the situation as soon as possible.
3. After the police arrive, and with the consultation of the officer(s) present, the student(s) who have been accused or who are alleged to have committed a crime, will be notified of the "charges" against him/her.
4. As appropriate, a student who may have physical injuries needing urgent medical attention should be escorted to the Health Center for examination and/or treatment. If necessary, immediate transport to the hospital shall be arranged.
5. Upon receipt of the initial investigation report, the appropriate principal/supervisor shall review the "accused" student(s) IEP to determine if there is a Behavior Intervention Plan and/or safety contract in place; or any other special considerations with regard to determining appropriate disciplinary consequences.
6. Upon receipt of the initial investigation report, the mental health team shall review the report, obtain the Health Center report, if available, and submit to the appropriate principal/supervisor any unique situations or special factors that should be considered in the determination of appropriate disciplinary consequences.
7. The immediate principal/supervisor has the responsibility to conduct the preliminary investigation except in cases when crimes are suspected to have occurred. In those cases, the state police conduct the investigation.
8. During the preliminary investigation and after it is completed, individual staff members

should **not** question students about what happened. Any additional investigation of the incident will be conducted by designated staff persons at the request and direction of the Superintendent or his designee. When a law enforcement agency is involved, the police will determine whether additional interviews need to occur and they will assume responsibility for conducting further investigation.

9. During the preliminary investigation, the supervisor will ask the students involved to state what happened and will document the information. For serious incidents, it is necessary to have a second adult present during the reporting/recording of what took place. It is recommended that the second adult be someone who knows the student well and with whom the student has a positive, trustworthy relationship. Communication skills/levels of the students and staff also need to be considered when deciding who should assist the supervisor with the investigation report. Students will be provided with the opportunity to document their version of the incident. If the student is not capable of writing it down independently, the supervisor will write down what the student says and repeat it back to the student for verification.
10. The supervisor will limit questioning during the preliminary investigation, asking only those questions necessary to clarify details (who, what, where, when, etc.)
11. If after the preliminary investigation is completed, students who are involved in the situation may share or divulge new information to staff. This information should immediately be shared with the supervisor and the Superintendent or his designee.
12. The principal/supervisor has the responsibility to complete the behavior/accident report (initiated by the staff member who witnessed/reported the incident) which will include the following: a brief description of the incident; the victim(s), perpetrator(s), and witness' (if any) accounts of what happened; the action(s) taken by staff; whether law enforcement was contacted and the result of that contact; and contacts made to parents of the student(s) involved. This final report shall be saved in the report file as well as in the students' file.
13. Staff should provide support and comfort to students who are victims of assaults, harassment, etc. but should avoid probing and questioning for specific details of the incident(s). There is potential of tainting/contaminating the investigation process if too many NMSD staff members question student(s). Staff members are encouraged to be good "listeners" without asking for more details. If the student needs to talk about the incident, staff should refer him/her to the mental health team.

B: STUDENT DISCIPLINARY ACTIONS

Description of Kinds and Levels of Disciplinary Action

Self-Discipline is the ultimate goal for each student. Those few students who do misbehave and interfere with their own and others' learning and teaching must be prepared for consequences for those actions. The disciplinary consequences for misbehavior are classified in four levels of action, ranging from least severe (Action Level 1) to most severe (Action Level 4).

The disciplinary consequences for a specific misbehavior usually include a range of options. The administrator will select the option that will offer the greatest chance for producing a positive change in the student's behavior, based on an understanding of the student and sound guidance principles. The actions below are only some of the frequently-used disciplinary actions that are possible.

However, in appropriate circumstances involving particularly extreme violent, dangerous, or disruptive behavior, the administrator shall have the discretion to accelerate the disciplinary action and may recommend or initiate long term suspension or expulsion procedures even for a first offense. All disciplinary actions shall be implemented consistent with the student's IEP and behavioral intervention plan, if applicable, as well as federal/state regulations.

General Requirements:

A disciplinary action above Level 1 requires parental notification, except in cases when the student is above 18 and does not wish that his/her parents be notified. When appropriate, disciplinary actions in Level 1 may include parental notification/involvement. The notification may be in the form of a meeting, letter, e-mail, or telephone/videophone call. This contact must include a discussion of the student's unacceptable conduct, and appropriate follow-up actions. In all situations, students should be involved in the discussion/development of appropriate disciplinary actions to be taken.

Action Level 1 may include one or more of the actions listed below (and similar actions):

Verbal Warning; Staff/Student Conference; Parent Notification; Student/Parent/Staff Conference; Detention Hall (Lunch or After School); Short-term confiscation of Electronic Devices; Special Assignments; Referral to counseling for follow-up discussion; and/or contract with student.

Types of misbehavior that may fit in this Action Level are:

Tardiness
Cutting Class (Minor)
Truancy (Minor)
Trespassing (Minor)
Insubordination (Minor)
Profane Language (Minor)
Incomplete Homework
Dress Code violations
Disruptive Conduct (Minor)
Academic Dishonesty (Minor)
Gang identification (Minor)
Prohibited Devices (1st/2nd offenses)
Taking/hiding items
Use of Matches or Lighter without permission (Minor)
Horseplay
Fighting (Minor)
Inappropriate Public Displays of Affection (1st/2nd offenses)
Inappropriate use of Computers/Network (Minor – 1st/2nd offenses)

Action Level 2 may include one or more of the actions listed below (including the possibility of including Level 1 disciplinary actions):

Exclusion from extracurricular activities; In-School Suspension; In-Cottage Restriction; In-Room Restriction; Restitution for Damages; Immediate removal from class/activity; Long-term confiscation of Electronic Devices; Restrictions and/or reduced privileges; Safety Plan; Loss of Computer/Internet privileges; Close Supervision; Out-of-school suspension (up to 5 days).

Types of misbehavior that may fit in this Action Level are:

Indecent gestures and/or leering

Bullying

Threatening and/or interfering with school personnel

Forgery

Use and/or possession of Tobacco (1st/2nd offenses)

Alcohol/Drug offense (1st offense)

Theft (1st offense)

Possession of Stolen Items (1st offense)

Gambling

Vandalism (minor)

False Fire Reporting

Knowledge of a Weapon or another Zero-Tolerance Offense without reporting

Possession and/or Use of Fireworks/Firecrackers

Physical Assault

Intimidation

Inappropriate Sexual Behavior

Non-Consensual Sexual Misconduct

Harassment and/or Stalking

Sexual Harassment (1st offense)

Reckless use of a vehicle (1st offense)

***and any repeated or severe Level 1 behavior**

Action Level 3 may include one or more of the actions listed below (including the possibility of including Level 1 or 2 disciplinary actions):

Alcohol or drug counseling; Law Enforcement referral; Out-of-school suspension (up to 10 days); School probation; Loss of resident status.

Types of misbehavior that may fit in this Action Level are:

Bullying (severe)

Theft (severe)

Possession of stolen Items (severe)

Burglary

Robbery

Gambling (severe)

Vandalism (major)

Attempted Arson

Fighting (severe)

Inappropriate Sexual Behavior (severe)

Non-Consensual Sexual Misconduct (severe)

Harassment and/or Stalking (severe)

***and any repeated or severe Level 2 behavior**

Action Level 4 includes one or more of the actions listed below taken by the school. A formal hearing must occur for Action Level 4 (At the hearing, it may be determined that Level 2 or 3 disciplinary actions are more appropriate than Level 4 actions, depending on the circumstances and evidence considered)

Long-Term Suspension and/or Alternative Placement; Expulsion

Types of misbehavior that may fit in this Action Level are:

Alcohol/Drug offenses (severe)

Distribution and/or sale of Drugs

Burglary/Robbery (severe)

Arson

Bomb Threats

Possession of Weapons

Possession of Explosives

Use of a weapon (severe)

Threats with a weapon (severe)

Non-consensual sexual misconduct (severe)

Sexual violations

***and any repeated or severe Level 2/3 behavior**

C: Disciplinary Matrix for High School and Middle School Students

M = Minor; S = Severe; R = Repeated
 + Principal may refer incident to law enforcement agency and the Superintendent and/or designee.

ATTENDANCE, PUNCTUALITY, AND SUPERVISION

| Conduct Which Violates Rules: | Definition | Occur. | Action Levels |
|---|---|---------------|----------------------|
| A. Tardiness | Failing to be in the classroom or instructional space at the designated time. | M R | 1 2 |
| B. Cutting class/Leaving without Permission | Failing to attend assigned school activity without approval or excuse; leaving the classroom, building, or assigned area without prior approval of the teacher, staff, or administrator; Failing to be in the classroom or instructional space for more than 15 minutes past the designated time. | M S/R | 1 2 |
| C. Truancy | Failure to report to school without permission or excuse | M S/R | 1 2 |
| D. Trespassing | Entering a location in a building or any school property which has been restricted from student use during certain times of the day, including periods of suspension and/or restriction. | M S/R | 1 2 |
| E. Other similar offenses | Any other actions involving attendance and punctuality or the location of students on school property, including the cottages and/or activities in the afternoons/evenings, which disrupts the orderly operation of the class or school. | M S/R | 1 2 |

APPROPRIATE LEARNING ENVIRONMENT

| Conduct Which Violates Rules: | Definition | Occur. | Action Levels |
|---|--|----------|---|
| A. Insubordination | Failing to comply with a proper and authorized direction or instruction from a staff member | M S/R | 1 2 |
| B. Indecent gestures and/or leering | Making gestures which convey a seemingly or explicit offensive, obscene, or sexually suggestive message | S/R | 2 |
| C. Abusive/profane language | Writing or saying anything which ridicules another on account of ethnic origin, gender, religion, disability, sexual orientation, etc. or has sexually demeaning implications; any use of abusive or profane language on school property, at school activities, etc. | M S/R | 1 2 |
| D. Inappropriate attire | Failure to follow Dress Code and/or site-specific dress requirements. | M S/R | 1 2 |
| E. Disruptive conduct | Behaving in a manner which disrupts the educational process, interferes with teaching and learning, or disrupts the school environment | M S/R | 1 2 |
| F. Academic dishonesty (cheating, plagiarism) | Taking credit for written or oral expression created, authorized, or prepared by another; not giving credit for the source of the material | M S/R | 1 2 <i>*may include failing grade*</i> |
| G. Forgery | Providing a false signature or altering school documents | S/R | 2 |
| H. Gang Identification | +Displaying materials and/or altering one's appearance in a way that identifies a student as a member of a gang in a manner which disrupts the orderly operation of the class/school. | M S/R | 1 2 |
| I. Prohibited devices (including communication devices) | Possession or use of prohibited devices, including phones, pagers, musical devices, gaming devices, laser pointers, or any other items which are disruptive to the educational environment is prohibited during school hours. <u>Students are required to turn in their pagers/phones/devices at the school secretary's office upon their arrival to school.</u> | M S/R | 1 2 <i>*includes confiscation of device for a period of time*</i> |
| J. Possession of prohibited materials | Possession of pornographic material, R/UR-rated Media (videos, DVDs, pictures, etc.); Mature (M) rated video games. | M S/R | 1 2 |

| | | | |
|--|--|-------------|---------------|
| H. Inappropriate use of computers, electronic devices, and computer software | Using a computer or electronic device on school property/or during school sponsored activities to access pornographic, illicit, or illegal information and/or to photocopy and/or to disseminate such materials and information. | M S R | 1-2 2 2 |
|--|--|-------------|---------------|

BULLYING AND HARASSMENT.

| Conduct Which Violates Rules: | Definition | Occur. | Action Levels |
|---|--|--------|---------------|
| A. Bullying | Actions that make other students fearful, uncomfortable, or unsafe (repeated) | S | 2 |
| B. Threatening and/or interfering with school personnel | +Preventing or attempting to prevent school personnel from engaging in their responsibilities through threats, violence, or harassment. | S R | 2 3 |
| C. Intimidation | +Behaving in a way that potentially may harm others. Using physical or verbal force or threat to prevent another from moving or acting in accordance with personal choice or school policies, such as preventing a student from entering a classroom; cornering, staring down, blocking or stalking another person. | S R | 2 3 |
| D. Harassment and/or Stalking | +Harassment consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm, or terrorize another person. +Stalking consists of knowingly pursuing a pattern of conduct that threatens another on more than one occasion by following another person, placing another person under surveillance, or harassing that person. | S R | 2-3 3 |
| E. Sexual Harassment | +Unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical contact of a sexual nature | S R | 2-3 3 |

CONTROLLED SUBSTANCES (DRUGS, ALCOHOL, TOBACCO)

| Conduct Which Violates Rules: | Definition | Occur. | Action Levels |
|--|---|--------|---------------|
| A. Use and/or possession of tobacco products | Use or possession by students (of any age) of any form of tobacco at any school sponsored or related activity. | S R | 2 3 |
| B. Alcohol and drug-related activities | <p>+Using/drinking alcohol/drugs; possession of alcohol or drugs, including drug paraphernalia; is prohibited on school premises, and at school-sponsored or related functions.</p> <p><i>“Drug” includes alcohol and all mood-altering substances which have not been medically prescribed for the student.</i></p> <p><i>“Drug” also includes prescribed and non-prescribed medication in the possession of students without explicit instructions from the school health services.</i></p> <p><i>“Drug-related activity” includes, but is not limited to, possession or use of drugs or drug paraphernalia, including look-alike drugs; a student under the influence of drugs/alcohol during school hours or at school-related activities; and acts promoting or assisting such activity.</i></p> | S R | 2 3-4 |
| C. Distribution of Drugs | + Includes, but is not limited to, possession, use, transfer, intent to sell, or sale of drugs or drug paraphernalia | S | 4 |

PROTECTION OF PROPERTY

| Conduct Which Violates Rules: | Definition | Occur. | Action Levels |
|---|--|----------|---------------|
| A. Taking/Hiding Items | Taking property belonging to another individual and hiding it from them | M S/R | 1 2 |
| B. Theft | +Taking property belonging to the school or any individual/group without prior permission; includes personal items and items with monetary value such as purses, wallets, keys, electronic devices, etc. | M S/R | 2 3 |
| C. Possession of stolen property | +Having in one's possession, or under one's control, property which has been stolen, or when the owner has reasonable cause to believe that the property has been stolen; possession of property without permission from the owner. | M S/R | 2 2-3 |
| D. Burglary | +Entering, without authorization, a school building, vehicle, or other structure (moveable or immovable) with the intent to commit a theft when the building is closed to students and the public | S R | 3 3-4 |
| E. Robbery | +Taking property from a person by force or threat of force. | S | 3-4 |
| F. Gambling | Playing any unauthorized game of skill or chance for money or other items of value. | S/R | 2-3 |
| G. Vandalism / Malicious destruction of property/ Graffiti | Causing damage to or defacing school property or the property of others. Minor vandalism includes situations in which damage can be repaired or replaced at no or minimal cost to the school (less than \$50) +Major Vandalism includes situations in which it will cost the school to repair or replace the damage (more than \$50) | M S/R | 2 3 |
| H. Use of matches or lighters | Use of matches, lighters, or like-products is prohibited | M S/R | 1 2 |
| I. False fire reporting | +Reporting a fire to school or fire officials or setting off a fire alarm without reasonable belief that a fire exists | S R | 2 3 |

| | | | |
|--------------------|---|--------|--------|
| J. Attempted Arson | +Planning or involvement with explosive devices, materials, or information that may result in arson or explosion +Trying to start a fire, but with no results; such as throwing a lighted match into a trash container which fails to start. | S R | 3 4 |
| K. Arson | +Maliciously or willfully starting a fire or causing an explosion with the purpose of destroying or damaging property | S | 4 |

PROTECTION OF PHYSICAL SAFETY AND MENTAL WELL-BEING

| Conduct Which Violates Rules: | Definition | Occur. | Action Levels |
|---|--|----------|--|
| A. Horseplay | Involves the exchange of physical contact in a rough and boisterous manner that may lead to aggressive behavior and/or injury, including snowball and water balloon throwing | M S/R | 1 2 |
| B. Fighting | +Involves the exchange of physical contact, such as pushing, shoving, hitting, etc., with or without injury. Retaliation is not a defense against this infraction. | M S/R | 1 2-3 |
| C. Physical Assault | +Attempting to commit battery on another or committing a unlawful act, threat, or menacing conduct towards another person who reasonably believed he/she was in immediate danger of receiving battery | S R | 2 3 |
| I. Reckless use of vehicle | +Using any motorized or self-propelled vehicle on or near school grounds in a reckless manner, or so as to threaten health or safety, or to disrupt the educational process | S R | 2-3 3 |
| D. Inappropriate Public Displays of Affection | Engaging in public displays of physical affection which include: prolonged or passionate hugging, prolonged or passionate kissing, extremely close physical contact, or any physical expression of affection that seems to be sexual in nature | M S/R | 1 2 (refer to PDA guidelines on page 33) |
| E. Inappropriate sexual behavior | Mutually consensual sexual contact including, but not limited to intentional touching of the other person's genitals, groin, inner thigh, buttocks, or breasts, or clothing covering those areas. | M S/R | 2 3 |
| F. Non-consensual sexual misconduct | +Unwanted or unwelcome sexual conduct including, but not limited to, intentional touching of another person's genitals, groin, inner thigh, buttocks, or breasts, or clothing covering those areas. | S R | 2-3 3-4 |
| G. Sexual violations | +Offenses such as indecent exposure, criminal sexual contact, criminal sexual penetration, contributing to the delinquency of a child | S | 4 |

WEAPONS AND EXPLOSIVES

| Conduct Which Violates Rules: | Definition | Occur. | Action Levels |
|---|--|--------|---------------|
| A. Possession of weapons (zero tolerance rule applies) | +Students in possession of a dangerous weapon – firearms and/or knives (pocket or otherwise with a blade of more than 2 ½ inches.) | S | 3/4 |
| B. Explosives (zero tolerance rule applies) | +Using or possessing explosive material or device other than firecrackers or fireworks | S | 4 |
| C. Possession of other weapons | +Students in possession of other weapons including, but not limited to: clubs, iron bar, brass knuckles, CO2 fire or device, Chinese stars, slingshot, razor, portable device or weapon directing electrical current, impulse, wave, beam or chemicals; any other dangerous or deadly weapon, and any other item used as a weapon. | S | 3 |
| D. Use of a weapon (zero tolerance rule applies) | +Use of a weapon to cause injury or to force another person to act against his/her will | S | 4 |
| E. Facsimile weapon | +Includes but is not limited to, any look-alike metal or plastic gun, knife, explosive device, or another weapon - which is carried for the sole purpose of appearing to be possession of a “real” weapon that will intimidate or threaten others | S | 3 |
| F. Threats with a weapon or dangerous instrument | +Using an actual weapon, simulated weapon, or dangerous object to threaten another person with bodily injury | S | 3/4 |
| G. Knowledge of a weapon or zero-tolerance offense without reporting. | +Having knowledge of another’s possession of weapon or zero-tolerance offenses outlined herein without reporting it to the proper authority | S | 2 |

| | | | |
|---|--|--------|--------|
| H. Possession or use of fireworks or firecrackers | +Using or possessing any firecrackers or fireworks on school property or during school-sponsored activities. | S R | 2 3 |
| I. Bomb Threats | +Reporting to school, police, or fire officials the presence of a bomb with the intention to pose a threat or disrupt school activities, or inciting others to destroy or hurt others/property | S | 3/4 |

D: IN-SCHOOL SUSPENSION PROCEDURES

To support NMSD's school disciplinary system, we have established an on-campus/ in-school suspension program which will be used as a resource to assist students' with accepting responsibility for their behavior. While placed into in-school suspension (ISS), students will receive IEP services sufficient to meet their goals; will be provided with support to develop a plan to change their behavior and/or develop a restitution plan; and will receive education regarding the consequences (legal, societal, health, etc.) of their inappropriate behavior. ISS will be used during the regular school day only. Residential staff can make a recommendation for the use of ISS as a result of misbehavior in the residential program. The Director of Student Life and the Principal have authority to determine whether this is appropriate. Residential students who have been placed into ISS for a period longer than one school day will remain segregated from their peers during the evening hours until the completion of the ISS time.

While NMSD's discipline policy applies to all students, a range of specific strategies must be used to meet the varying needs of individual students. Since NMSD serves children ages 18 months through 21, age-appropriate consequences are important and staff members will utilize the action levels outlined above to determine the length of in-school suspension. It is generally not recommended that in-school suspension be used for children under the age of 8, or for children who have significant developmental delays (brief "calming times" may be utilized as appropriate). In cases where there is potential danger involving a young child or a child with developmental delays, immediate separation can be used in order to protect others. Parents should be contacted immediately, and procedural safeguards related to the child's IEP should be instituted. Principals/Department Heads are the only persons authorized to place students into ISS.

Each day of in-school suspension shall be counted as a day of exclusion from educational services unless IEP services are provided to the student by qualified personnel in accordance with the IEP and IEP goals. Further, the use of in-school suspension shall not be used in instances in which it is not consistent with the IEP or applicable behavioral intervention plan.

STUDENT IN-SCHOOL SUSPENSION RULES

1. Student must report to the principal's office by 8:00 a.m.
2. Student must bring to the office all books, notebooks, and other materials needed for assignments. Daily assignments must be completed on time.
3. Student must stay in designated area and not leave unless permission is given. Restroom/water privileges will be granted only during class time when other students are not in the hall.
4. Student may not visit with other students during the period of ISS.
5. Student will eat lunch in the suspension area and will not be allowed in the cafeteria.
6. Student will not be allowed to participate in any extracurricular activities during the period of ISS. Because being placed in ISS means that the student misses class, he/she will not be able to participate in practice, games, or activities that day.
7. Student is expected to work silently and refrain from talking more than necessary during the period of ISS.
8. If a student does not comply with the rules listed above, additional consequences will be given, as determined by the Principal.

E: IN-COTTAGE SUSPENSION PROCEDURES

To support NMSD's residential disciplinary system, we have established an on-campus/ in-cottage suspension program which will be used as a resource to assist students' with accepting responsibility for their behavior. While placed into in-cottage suspension (ICS), students will be provided with support to develop a plan to change their behavior; and will receive education regarding the consequences (legal, societal, health, etc.) of their inappropriate behavior. ICS is used only during after-school hours. If the Director of Student Life and the Principal determine this is appropriate, ISS and ICS can be given to the student concurrently. Residential students who have been placed into ICS will remain segregated from their peers during the evening hours until the completion of the ICS time.

While NMSD's discipline policy applies to all students, a range of specific strategies must be used to meet the varying needs of individual students. Since NMSD's residential program serves children ages 6 – 21, age-appropriate consequences are important and staff members will utilize the action levels outlined above to determine the length of in-cottage suspension. It is generally not recommended that in-cottage suspension be used for children under the age of 8, or for children who have significant developmental delays (brief "calming times" may be utilized as appropriate). In cases where there is potential danger involving a young child or a child with developmental delays, immediate separation can be used in order to protect others. Parents should be contacted immediately. The Director of Student Life and the Student Life Supervisor are the only persons authorized to place students into ICS.

If a student is placed into ICS for the entire evening, he or she will not be allowed to participate in activities, practices, or games scheduled for that evening. In cases when students are placed into ICS for a shorter term of time, the Director of Student Life and/or the Student Life Supervisor will determine whether the student will be allowed to participate in scheduled activities, practices, or games, based on the severity of the incident.

STUDENT IN-COTTAGE SUSPENSION RULES

1. Student must report to the Student Life office by 3:25 p.m. or at assigned times determined by the Director of Student Life.
2. Student must bring to the office all books, notebooks, and other materials needed for completion of homework assignments. Daily assignments must be completed on time.
3. Student must stay in designated area and not leave unless permission is given. Restroom/water privileges will be granted only when other students are not in the vicinity.
4. Student may not visit with other students during the period of ICS.
5. Student will eat dinner in the suspension area and will not be allowed in the cafeteria.
6. Student is expected to work silently and refrain from talking more than necessary during the period of ICS.
7. Participation in practices/games/activities will be determined on a case by case basis by the Director of Student Life and/or the Student Life Supervisor.
8. If a student does not comply with the rules listed above, additional consequences will be given, as determined by the Director of Student Life or the Student Life Supervisor.

F: SHORT-TERM SUSPENSION PROCEDURES

The NMSD School Discipline Philosophy, Policy, and Procedures identify behaviors that warrant the use of suspension from school as an appropriate consequence. The following procedures should be followed when a suspension is implemented.

1. The school administrator responsible for determining that the behavior occurred and therefore a period of suspension is warranted shall contact the students' parents or legal guardians and inform them of the situation. (See investigation procedures for initial contact and follow up contact timelines.
2. If the behavior is one of the illegal behaviors that require contact with local law enforcement, the school administrator shall call the New Mexico State Police. Depending on the behavior reported, the law enforcement agency may come to the campus to take the report, or they may take the report over the phone. The law enforcement agency will make decisions regarding appropriate law enforcement action that can be taken at the time of the incident and following the incident. If the child was involved in an illegal activity and a police report was made, the child and parents need to fully understand that further legal action may occur as a result of the behavior. This action is separate from NMSD disciplinary action.
3. Parents will be required to come to the NMSD campus and take their child home. Only in unusual situations involving extreme hardship or time constraints will the school administrator make arrangements through the NMSD transportation office to transport the student home. In those situations, the school administrator will contact the parents to confirm the transportation arrangements.
4. The length of the suspension imposed depends on the behavior and the severity of the situation. Suspension from 1 to 10 days (per school year) is considered a short-term suspension and does not constitute a change of placement under the child's I.E.P. Short-Term Suspensions cannot be appealed through the school's disciplinary procedures, but may be subject to procedural safeguards under IDEA. Administrators are encouraged to impose lengths of suspension that fit the infraction.
5. After all arrangements have been made and verbally communicated to the child's parents/guardians, the school administrator will prepare and mail a letter to the parents/guardians documenting the facts of the situation: infraction, length of suspension, dates, and any special consideration, such as transportation. Copies of the suspension letter should be sent to the Superintendent, Assistant Superintendent, Director of Student Life, Behavior Specialist, Mental Health Team Leader, and the student's confidential file. The principal's office has a suspension letter template that can be used when completing this letter.
6. Parents are required to accompany their child back to school rather than having their child return on regular transportation. A meeting should be set up on the date that the student can return, and school officials with the parents, should discuss the significance of the behaviors warranting suspension and develop appropriate behavioral interventions. This may be or become a part of the official I.E.P. for that child.
7. A copy of the I.D.E.A 2004 amendments pertaining to discipline of students who are

deaf/hard-of-hearing reinforces these procedures. It is incumbent upon all school administrators to fully understand the federal requirements related to suspensions so as not to violate students' and families' rights.

8. The following school administrators have the authority to impose suspension as a consequence for misbehavior: Superintendent; Director of Instruction; Director of Student Life; Principal(s); and Student Life Supervisor.

G: LONG-TERM SUSPENSION OR EXPULSION OF STUDENTS WITH DISABILITIES

1: Initial Determination(s)

The following rules shall apply when a student with a disability violates a rule of conduct as set forth in this regulation which may result in a long-term suspension or expulsion, or any other disciplinary change of the student's current educational placement as specified in the federal regulations implementing the Individuals with Disabilities Education Act (IDEA) at 34 CFR Secs. 300.519 through 300.529.

The administrative authority shall conduct an informal administrative conference to determine if disciplinary action is warranted. The purpose of the conference shall be to:

- a) conduct interviews;
- b) afford the child an opportunity to explain the alleged misconduct;
- c) determine whether the child has an individualized education program (IEP) in accordance with the IDEA or a plan in accordance with Section 504 of the Rehabilitation Act of 1973 (hereinafter "504") in effect, and if so whether the IEP or 504 plan contains alternative disciplinary strategies; and
- d) 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.

The administrative authority shall make a determination as to whether the conduct warrants long-term suspension or expulsion. Nothing herein shall preclude the administrative authority from imposing a short-term suspension subject to the further provisions of 34 CFR Secs. 300.519-300.520 and/or seeking an injunction from a court of competent jurisdiction or an order from an IDEA hearing officer pursuant to 34 CFR Sec. 300.521 and Paragraph 4 of Subsection I of 6.31.2.13 NMAC to exclude or change the placement of a student when the administrative authority believes that maintaining the current placement is substantially likely to result in injury to the child or others.

2: Parent Notification

- A. Upon a determination by the administrative authority that long-term suspension or expulsion will not be pursued, the administrative authority shall notify the parent(s) of the incident.
- B. 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.
- C. Upon a determination by the administrative authority that an IEP or 504 plan is not in effect for the student 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.
- D. 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:

- a. scheduling of the IEP meeting in accordance with the requirements of the IDEA-Part B and 34 CFR Part 300, or Section 504, and 34 CFR Part 104, as applicable;
- b. contemplated disciplinary action.

3: Manifestation Inquiry

The administrative authority shall convene the IEP or 504 meeting to determine if the student's behavior was caused by or has a direct and substantial relationship to the child's disability and whether the student's IEP or 504 plan was implemented.

An IDEA manifestation inquiry shall be conducted by the IEP team and other qualified personnel pursuant to all applicable requirements of 34 CFR Sec. 300.530.

- a) If the determination is made that the behavior is a manifestation of the disability, the IEP Team or 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 ten (10) school days in a school year unless such action is allowable under 34 CFR Sec. 300.519 without establishing a pattern of exclusion or 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.
- b) If the determination is made that the misbehavior is not a manifestation of the disability, the administrative authority may proceed to initiate long-term suspension or expulsion proceedings in accordance with Subsection G of 6.11.2.12 NMAC.

4: Special Rule

1. This rule shall apply, pursuant to 34 CFR Sec. 300.520(a) (2), when a child with a disability is determined to have:
 - a. brought a weapon to school or a school function; or
 - b. knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or a school function.
 - c. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
2. A student who has a disability in accordance with Part B of the IDEA and who is determined to have engaged in any conduct described in Paragraph 1 above may be immediately placed in an interim alternative educational setting for not more than forty-five (45) calendar days during the manifestation inquiry. The interim alternative educational setting shall be determined by the IEP Team, which includes the student's parent(s), in compliance with all applicable requirements of 34 CFR Sec. 300.522. Parental consent to the alternative placement is not required.
3. If the parent(s) of a 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 hearing shall be expedited pursuant to 34 CFR Sec. 300.528 and Paragraph 11 of Subsection I of 6.31.2.13 NMAC and the student shall remain in the alternative educational setting during the pendency of any proceedings, unless the parent(s) and administrative authority agree otherwise or the IDEA hearing officer orders otherwise pursuant to 34 CFR Sec. 300.526 and Paragraph 20 of Subsection I of 6.31.2.13 NMAC.
4. If, upon final determination, it is decided that the offense involving the weapon or drug was not a manifestation of the student's disability, the administrative authority may proceed to initiate long-term suspension or expulsion proceedings.

5: Functional Behavioral Assessments and Behavioral Intervention Plans

The administrative authority shall ensure that a functional behavioral assessment is conducted and a behavioral intervention plan for each student with a disability under the IDEA is developed or reviewed and revised by the IEP team in compliance with 34 CFR Sec. 300.520(b) and (c) not later than 10 business days after first removing the child from his or her current educational placement for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under 34 CFR Sec. 300.519, including an action described in Subsection D of 6.11.2.11 NMAC.

6: Alternative Educational Services during the Period of Long-Term Suspension or Expulsion

Alternative educational services for a student with a disability upon who a long-term suspension or expulsion has been imposed for behavior that was not a manifestation of the disability shall be provided as follows:

- a) 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 or her unique learning needs and provides a free appropriate public education (FAPE) pursuant to 34 CFR Sec. 300.121(d). Such services may be provided in the home, in an alternative school, or in another setting.
- b) NMSD may cease educational services to students who are disabled pursuant to Section 504 during periods of disciplinary exclusion from school that exceed ten (10) school days if students who are not disabled do not continue to receive educational services in similar circumstances.

7: Provision of Alternative Educational Services

- a. The parent(s) shall be notified of the IEP/504 meeting.
- b. 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, pursuant to 34 CFR Sec. 300.121. (d).
- c. If the parent(s) of an IDEA student request a due process hearing, the hearing shall be expedited pursuant to 34 CFR Sec. 300.528 and Paragraph 11 of Subsection I of 6.31.2.13 NMAC and the student shall remain in the alternative educational setting during the pendency of any proceedings, unless the parent(s) and administrative authority agree otherwise or the IDEA hearing officer orders otherwise pursuant to 34 CFR Sec. 300.526 and Paragraph 20 of Subsection I of 6.31.2.13 NMAC.