

**WALATOWA HIGH CHARTER SCHOOL
INDEX 300 SERIES
SUDENT**

All policies have been adopted, revised or readopted effective September 28, 2011 unless another date is listed at the end of an individual policy.

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COMPULSORY SCHOOL ATTENDANCE 300

Regular class attendance by school age persons at all grade levels is not only an essential component in the learning process, the development of self-discipline and preparation for post-secondary training, education and employment, it is a requirement of this state's Compulsory School Attendance Law, NMSA 1978 22-12-1, et seq. ("Law"), as amended by NMAC 6.10.8.1. Unless excused by the Law, all school-age persons subject to the Law shall attend school until attaining the age of majority for at least the length of time of the school year that is established in the district in which the person is a resident.

Any parent of a school-age person subject to the Law is responsible for the school attendance of that person. The Board is responsible for enforcement of the Law. This Board has adopted the following rules which are intended to support parents and educators in carrying out their responsibilities in preventing truancy, to identify students who may require interventions, to assist other agencies which may have law enforcement responsibilities under the Children's Code (NMSA 1978 32A-1-1) or other laws. State law also requires the schools to report violations of the Law to the Probation Services Office of the judicial district where the student resides for further investigation to determine whether the student is neglected or a child of a family in need of services under the Children's Code. Parents may be subject to criminal sanctions for violation of the Law. In addition, the Law contains provisions authorizing the Children's Court, Tribal Court to order a suspension of a habitual truant's driver's license for up to ninety (90) days on the first determination of habitual truancy and up to one year for any subsequent finding.

The School Board of Walatowa High Charter School, in consideration of the sovereignty of Native American tribes, tribal customs, religious practices and laws, ensures local tribes that parents(s)/guardian(s) of Native American students in need of intervention and students who are habitually truant will be notified. While all children attending public schools will be subject to reporting to the public education department if they are habitually truant, the district will cooperate with the tribes to support interventions and follow-up through Native American or other agreed-upon resources.

A. Definitions

Age of Majority: any person who has reached his eighteenth birthday.

Attendance: students who are in class or in a school-approved activity. If a student is in attendance up to one-half the total instructional time during a school day, the student will be counted as having attended one-half of a school day. If the student attends school for more than one-half of the total instructional time, the student will be counted as having attended for the full day.

Early identification: the process by which the school district, including charter schools, promptly determines and identifies students who have excessive absences and tardiness from an instructional day. Early identification includes the district's, school's, or charter school's defined system for recording, reporting, and summarizing daily attendance of its students and then proving that data to the district's or charter school's central administration.

Habitual truant: a student who has accumulated the equivalent of ten (10) or more unexcused absences within a school year.

Intervention: partnering that schools engage in with other agencies to implement administrative remedies, provide services, and provide support programs that aggressively reduce, if not eliminate, truancy in a school district or charter school.

Prevention: school-based programs or alternative non-school programs that encourage regular and on-time attendance for students.

School-age person: person who is at least five years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent. A maximum age of twenty-one shall be used for a person who is classified as special education membership as defined in Section 22-8-21 NMSA 1978 or as a resident of a state institute.

Student in need of early intervention: a student who has accumulated five (5) unexcused absences within a school year.

Tribe: an Indian nation, tribe or pueblo located within New Mexico.

Unexcused absence: an absence from school or a class for which the student does not have an allowable excuse pursuant to the compulsory school attendance law or rules of the local school board or governing board of a charter school.

B. Exemptions from the Law

It is the policy of this state that school-age persons receive an education and do not drop out or otherwise withdraw prematurely prior to completing an educational program. To that end, a school-age person shall attend public school, private school, home school or a state institution until the school-age person is at least eighteen (18) years of age unless that person has graduated from high school or received a general educational development certificate, or has reached a maximum age of twenty-one (21) at the beginning of the school year for a student with an Individual Education Program for special education. A parent may give written, signed permission for a school-age person to leave school in case of a documented hardship approved by the district superintendent.

Any qualified student and any person who because of his age is eligible to become a qualified student shall be excused from remaining in school until attaining the age of majority if:

1. the person is specifically exempted by law;
2. the person has graduated from high school;
3. the person is at least seventeen years of age and has been excused by the board or its authorized representative upon finding that the person will be employed in a gainful trade or occupation or engaged in an alternative form of education sufficient for the person's educational needs and the parent consents; or
4. with consent of the parent of the person to be excused the person is excused from the provisions of the Law by the superintendent of schools and such a person is under eight years of age.

C. Attendance Record

1. A record of class attendance will be taken and maintained by class period for every instructional day for each student in each school or school program in the school district.
2. Each school will report unexcused absences of two or more classes up to fifty percent of an instructional day as one-half day absence.
3. Each school will report unexcused absences of more than fifty percent of an instructional day as a full-day absence.
4. The school district and charter schools will report absences with excused and unexcused identifiers through the Student-Teacher Accountability Reporting System and certify that the information is being reported consistently at intervals and in a manner specified by the Public Education Department.
5. The Public Education Department's truancy prevention coordinator will be permitted access to any records and information related to students in need of early intervention or habitual truancy in the district, any school within the district, or any charter school.

D. Excused Absences

1. Parent Notification of School. A parent shall notify the school where the student attends each day the student is absent and provide the reason(s) for the absence, or, if the school has been notified, the parent anticipates the absence will extend beyond one school day, the parent may provide a written explanation of the reasons, signed by the parent, to be presented on the first day of the student's return to school. The principal or his/her designee may, in addition, require a written verification from the student's licensed health care provider if a student is absent for three (3) or more consecutive days due to the student's health. If a parent has not contacted the school on the first day of the student's absence, the school will make a reasonable attempt to contact the parent before the end of the day and shall document the contact and reasons for the absence.
2. Prolonged/Chronic Health Conditions. If the student's health condition is chronic or reasonable expected to last ten (10) days or more and the student's condition does not prevent

him/her from completing school work, the parent shall provide a written statement from the student's licensed health care provider including a prognosis as to the length of the student's absence and the student's ability to complete school work. On receipt of the health care provider's written statement, the student will be placed in a homebound school program until he or she is able to return to school.

3. Other Excused Absences

a. A student may, subject to the approval of the school principal, be excused from school to participate in religious instruction for not more than one class period each school day with the written consent of his/her parents at a time period not in conflict with the academic program of the school. A student may also be excused for observance of a religious holiday which does not coincide within the period of a school holiday.

b. Eligible students who are participants in school-sponsored interscholastic extracurricular activities may be absent from school for such activities as provided in 22-12-2.1 of the law, provided further that such excused absences from school for school-sponsored interscholastic activities shall not exceed fifteen (15) days per semester and no class may be missed in excess of fifteen (15) time per semester.

c. Family emergency/death in the family.

d. Diagnostic testing.

e. Extenuating circumstances as approved by the school principal.

4. Missed work during Excused Absences

If an absence is excused, a student will be given a reasonable period of time in which to complete or make up missed assignments and tests. If a student fails to complete or make up missed work which would be graded during the time permitted by the teacher, the teacher shall enter a grade for the incomplete work as if it were the student's total submission for the grade, and for completed missed work, shall enter a zero in his/her grade book. These grades shall be included in the calculation of a student's final grade for the applicable grading period.

E. Unexcused Absences

If an absence is unexcused, any work which should have been submitted during the period of unexcused absence and any tests given during such period shall be graded as zero and averaged into the student's final grade for the applicable grading period. A student may also receive detention or in-school suspension for any unexcused absence. In detention or in-school suspension, the student may complete the missed work to avoid falling behind in substantive learning experiences, but shall not receive a grade.

E. Procedures for Notice of and Intervention for Unexcused Absences

Schools will implement early identification of students with unexcused absences, students in need of early intervention, and habitual truants. Schools will implement intervention strategies that focus on keeping students in need of early intervention in an educational setting. The school or charter school will notify the student's parent(s)/guardian(s) in a respectful manner, and in a language and manner that is understandable to the student and parent(s)/guardian(s).

1. If a student is absent for all or part of three (3) successive school days during which time his/her parent has not contacted the school and given an appropriate reason for the absence as required by Section C.1, the principal or his/her designee shall, by the end of the school day of the first day following the three-day period, contact the parent by telephone or in person to give notice of the student's absence and to determine and document the reason for the absence.

2. If a student accumulates three (3) unexcused absences during a twenty-day period, the principal, or his/her designee, shall notify the parent in writing, by certified mail, or personal service. This letter will schedule a telephonic or in-person meeting and provide the parent with a copy of the law. The parent of the student must contact the school regarding the student's absence and attend the meeting. The purpose of the meeting is to develop a written plan to prevent additional unexcused absences. The principal and parent will sign the plan and the parent will be provided one copy of the plan.

3. If a student has accumulated five (5) unexcused absences the principal of the school or charter school will meet with the student in need of early intervention and his or her parent(s)/guardian(s) to identify causes for the student's unexcused absences, to identify possible actions to prevent the student's unexcused absences, to identify possible district, charter school or community resources to address the causes for the student's unexcused absences, and to establish a corrective action plan to address the student's unexcused absences. Out-of-school suspension or expulsion will not be used as punishment for unexcused absences or habitual truancy. Withdrawal as provided in Section 22-8-2 NMSA 1978 will be used only after exhausting intervention efforts to keep students in educational settings.

4. If the student is a habitual truant (ten or more unexcused absences in a school year), the principal of the school or charter school will give written notice of the habitual truancy by mail to or by personal service on the student's parent(s)/guardian(s). The notice will include a date, time and place for the parent/guardian to meet with the representative of the district or charter school to develop intervention strategies that focus on keeping the student in an educational setting.

a. If there is another unexcused absence after delivery of a written notice of habitual truancy, the district or charter school representative will report the student within seven (7) days of this unexcused absence to the Probation Services Office of the judicial district, tribal courts, where the student resides.

b. If the student is a habitual truant, the school will document the following for each student identified as a habitual truant:

i. attempts of the school to notify the parent that the student had unexcused absences;

ii. attempts of the school to meet with the parent to discuss intervention strategies;

iii. intervention strategies implemented to support keeping the student in school.

c. If the habitual truant is not referred to the Children's Court by the juvenile probation office, Tribal Court Officials, for appropriate disposition, including consideration of initial or renewed suspension of his or her driving privileges, the school district may contact the children's court attorney directly to determine what action will be taken.

d. If a determination and finding has been made by the juvenile probation office that the

habitual truancy by a student may have been caused by the parent or guardian of the student, and no charges have been filed against the parent or guardian, the school district may contact the district attorney's office to determine what action will be taken.

Age of Attendance 301

Special Education

The school district provides "special education" services additional to, supplementary with, or different from those provided in the regular school program by a systematic modification and adoption of instructional techniques, materials and equipment to meet the needs of exceptional children.

No student shall be enrolled in special education who has attained the age of twenty-two prior to the first day of that school year, or after the completion of a planned program.

Attendance by Non-Residents 302

The board of education of the Walatowa High Charter School adopts the following policy concerning the admission of school-age persons who do not live within the school district to the schools within this district.

1. **No non-resident student shall be permitted to enroll in and attend any Walatowa High Charter School if the student has been suspended or expelled from the student's home district for any reason related to the health and safety of students or employees.**
2. Admission into the Walatowa High Charter School of children who do not live within the district is purely a privilege, not a right and shall not be construed as creating a "property right" to continued attendance for any period.

3. The principal will, from time to time, either formally or informally, make a determination of particular schools and particular grades within schools where admission of non-resident students will not adversely impact on the education of children already admitted. Such determination may be made at the time of consideration of a particular application from a non-resident student or at any other time.
4. Admission of students not resident within the Walatowa High Charter School shall not be on a first-come, first-served basis. The principal may maintain a waiting list, but shall not be bound to adhere to that waiting list even if one is maintained.
5. In making decisions regarding the admittance of a non-resident student, the principal may give consideration to whether admission of that student will enrich the existing educational program, whether the admission of the student will place a disproportionate demand on the resources of the school district, and any other factors deemed appropriate. In making this determination, the principal/superintendent may rely on interviews, inquiries, recommendations, review of grades and other records from other school districts, personal knowledge, and any other factors likely to be of assistance. The determination shall not, however, be made on any basis impermissible under Walatowa High Charter School board policies.
6. Admission of non-resident students shall be made for periods of one school year at a time. Admission of a student for a particular school year or remainder thereof creates no expectation that the student will be permitted to continue in the school district for a succeeding school year or that he or she has any priority over other non-resident applicants seeking admission in future years.
7. The admission of non-resident students shall be conditioned on the execution by their parent(s) or guardian(s) or by the student (if at least 18 years of age) of an acceptance of the terms of this policy, in the form specified by the school district, as it may be modified from time to time by the principal, as well as provision of all records, health information, and such other information as the superintendent may require.
8. The principal may delegate all or some of the responsibilities under this policy as deemed necessary.
9. Once admitted to the school district, a student shall be subject to all the rights and responsibilities of resident students except as modified by this policy or the terms of the contract executed pursuant to this policy. Specifically, a student's enrollment in the school district may be terminated by the superintendent at any time and for any reason including, but not limited to, unanticipated demands on the school district's resources by students who are resident in the district, a determination that the non-resident student is placing disproportionate demands on the resources of the school district, a determination that the non-resident student is not significantly benefiting from attendance in the school district, or any other reason.
10. In cases where enrollment is terminated during the school year for disciplinary reasons, the school district's long-term suspension or expulsion procedures shall be followed. Where enrollment is terminated during the school year for any other reason, the student and his or her parents may request a hearing with the superintendent at which the reason for the school district's decision will be explained and an informal "give and take" will be allowed. In cases where the enrollment is terminated at the end of a school year, no hearing is required.

11. The principal shall have the discretion to formally or informally delegate all or some of the responsibilities stated herein.
12. Non-resident students are prohibited from participation or practice in any interscholastic athletics, drill teams or cheerleading squads until one full semester's attendance has been completed in the school to which the transfer was granted or until the parents or legal guardian are resident in the Walatowa High Charter School unless permission has been granted by the New Mexico Activities Association.

See policy 304.

Readmittance of Resident Students 303

When a student who is a resident of the Walatowa High Charter School has transferred to a school outside the jurisdiction of the Walatowa High Charter School Board of Education and the student subsequently seeks re-enrollment, the Walatowa High Charter School reserves the discretion to deny re-enrollment, or to initiate suspension or expulsion proceedings, if the student was expelled, or withdrew from enrollment in the previous school in order to avoid expulsion procedures, related to conduct by the student which was violent, threatening or dangerous to the safety, health or welfare of other students or employees.

Extracurricular Activities Participation 304

Participation in extracurricular activities is contingent upon an acceptable level of academic achievement. All class work counted for eligibility determination must be acceptable as graduation credit.

Eligibility for participation is established by two standards:

1. the student must have passed a minimum of four classes and not failed more than one during the immediately previous grading period or shall be currently passing at least four classes and not failing more than one during the current semester, and
2. must have a grade point average of 2.5 or better for the immediately previous grading period or cumulatively beginning with and including the second semester of grade eight or during the current semester.

Open Enrollment 305

The WHCS Board of Education adopts this policy pursuant to the terms of HB16 of the 2001 New Mexico Legislature, also known as the Open Enrollment Act, amending N.M. State Statutes § 22-1-4.

The WHCS Board retains the discretion to determine whether the school district has sufficient accommodations to offer enrollment to students who are not New Mexico residents. The Open Enrollment Act requires that a free public school education be available to any school-age person who is as not received a high school diploma or its equivalent. This policy does not apply to students who are not New Mexico residents.

1. Attendance Area: The attendance area of WHCS shall be established annually by the Board of Education. Currently, WHCS is an open enrollment campus. WHCS accepts all students who reside in the state of New Mexico.
2. Enrollment Priorities: In-state students shall be enrolled or re-enrolled at Walatowa High Charter School according to the following priorities:
 - a. First, persons residing within the attendance area of the school;
 - b. Second, persons who previously attended the school; and
 - c. Third, all other applicants for enrollment at the school
3. Transportation: Transportation shall be provided by the Walatowa High Charter School through Durham Bus Services for transportation-eligible students residing within the attendance area of the school they attend-(Zia Pueblo, Jemez Pueblo, Ponderosa, Jemez Valley, Jemez Springs). Transportation of students residing outside the attendance area of the school they attend shall be the responsibility of the parent/guardian or student.
4. Maximum Class Size: The Principal shall determine the maximum allowable class size in the Walatowa High Charter School by administrative regulation.
 - a. So long as the maximum allowable class size established by the Principal or as permitted by law is not exceeded by the enrollment of first-priority students (those residing in the attendance area) the school shall continue to enroll students on the basis of the priorities established in this policy.

b. If the maximum allowable class size would be exceeded by enrollment of an applicant in the second or third priority category, the school may deny such student enrollment.

c. Each school shall establish a waiting list of second and third priority students who are seeking enrollment in the school and enter the names of such students on the list in the order in which each student sought enrollment.

d. As classroom space becomes available in each school, students within the appropriate grade level shall be invited to enroll on the basis of (1) the student's enrollment priority category, and then (2) the order of the student's entry on the waiting list.

5. Denial of Enrollment or of Re-enrollment: Notwithstanding any other provision of this policy, enrollment or re-enrollment of a student to any Walatowa High Charter School school may be denied by the principal of such school on the following grounds:

a. The student seeking enrollment or re-enrollment has been expelled from any school district in New Mexico or in any other state during the preceding twelve month period; or

b. The student's behavior in a school district or a private school in New Mexico

6. Hearing and Appeal of Denial of Enrollment or of Re-enrollment: A student or the student's parents may appeal a denial of enrollment or of re-enrollment pursuant to paragraph 5, above, through the procedures established for long-term suspensions and expulsions of students, provided, that when the denial of enrollment or re-enrollment was based upon the student's prior expulsion from any New Mexico school district within the preceding twelve month period, the admission of evidence of such expulsion shall shift the burden of proof to the student or parents to show that the student should be admitted despite such expulsion. In proceedings regarding denials under all other circumstances provided under paragraph 5, above, the burden of sustaining the denial shall remain with the school district in which the student seeks enrollment.

Enrollment Lottery Procedures

If the number of pupils who wish to attend WHCS exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Lottery rules, deadline, and lottery date and time are communicated via the WHCS website, the email group, local news paper, ABQ Journal and the Enrollment application.

The WHCS Principal and at least one other school employee conduct the Enrollment lottery as a public event to ensure that lottery procedures are fairly executed. Procedures include announcing each applicant's name and lottery number, recording the number on paper and entering the number in the school's database.

WHCS Open Enrollment period and lottery typically occur in the spring of the year of enrollment, when most interested parties will be able to attend. The lottery takes place on campus. The lottery is open to the public and announced on the WCHS website, the email group, school board meetings, local newspaper, ABQ Journal and the Enrollment application.

The following shall be given preference for admission to the school: Siblings of students currently enrolled in the school, children of school faculty and staff, and children of WHCS Board of Members. Siblings are defined as any two students who share a legal parent/guardian. (Legal documentation is required.) The WHCS Governing Board may review and revise this preference policy as necessary for the well-being of the school.

The random public lottery determines applicants' waitlist status. Those who apply after the lottery deadline are added to the end of the lottery waitlist in the order they are received. Offers for openings are made in waitlist number order until the spots are filled or the waitlist is exhausted.

Initial rounds of offers are made by mail, while any subsequent offers are made through contacting applicants by phone. When an offer is made, WHCS requires that applicants notify the school within 2 days to indicate whether or not they will accept; if offers are declined or applicants do not respond, the spot is then offered to the next applicant on the waitlist. The waitlist for the current school year remains active until WHCS Open Enrollment period commences. Applications are only valid for the current year. Applicants must reapply for the lottery annually if we are unable to offer them admission for the current year.

The WHCS administration records all dates and dialogue regarding enrollment activity for each applicant within the school lottery file. The manual record of all lottery participants and their assigned lottery numbers is also physically filed on campus. Each applicant's enrollment application is kept on file for the academic year with his or her assigned lottery number in the school file and on his or her enrollment application.

Employment Certificates 310

Any student subject to the provisions of the Compulsory Attendance Law attaining the age of fourteen (14) may be excused from full time school attendance by issuance of a certificate of employment by the superintendent of schools. The certificate of employment shall only be issued upon satisfactory assurance to the superintendent of schools or authorized representative that the student will be definitely employed in a gainful trade or occupation. The certificate of employment shall contain the following information:

1. the name, age and residence of the person excused from full-time school attendance;
2. by whom the person is to be employed or is employed;
3. the last grade attended by the student;
4. a statement that the person is excused from full-time attendance until the certificate of employment is revoked, and
5. signature of parent or guardian.

The same expectations relative to regular attendance, academic performance, and the pursuit of a program designed to help the student earn a high school diploma will apply to part-time students as apply to full-time students.

Assignment, Promotion and Retention 315

Principals with the assistance of teachers shall determine all grade placement of pupils. Room

assignment of pupils shall be made by the principal.

The board acknowledges that the awarding of marks, retesting and decisions relative to promotion or retention of students is a responsibility of the teacher. It is the board's policy to support its professional staff in this professional duty. The board feels that the professional staff can be depended upon to make all such decisions in the best interests of children. However, the board considers it important that parents be consulted and informed at an early date when retention is advisable.

A parent's refusal to allow a student to be retained in grades K-5 must be on record in a written, signed statement.

Graduation 316

Graduation from the Walatowa High Charter School signifies that students have satisfactorily completed the course of study and have passed any examinations and have met all requirements established by the faculty, the board of education and the State of New Mexico.

Blank diplomas may not be issued, nor shall any student who has not fully completed all requirements for graduation be permitted to participate in the graduation exercises.

The board expects that at the end of the fall semester each year, each high school will make every reasonable effort to notify students and their families if the student is in danger of failing to meet the requirements established for participating in the graduation exercises and receiving a diploma.

See policies 319, 470.

Grade Placement of Students 318

After completion of the first grade, children who apply for initial admission to the district's schools by transfer from non-public schools or from schools outside the district will be initially enrolled at the grade level they attained elsewhere pending evaluation by classroom teachers, guidance personnel, where available, and the school principal. After such evaluations have been completed the principal will determine the final grade placement of the children.

Children who enroll in the schools after being home-schooled will be placed initially at the grade level appropriate to the student's chronological age, with final grade placement to be determined by the procedure described above.

Students returning from expulsion or long-term suspension will be placed at the grade level from which they were expelled or suspended when appropriate, approved arrangements have been made.

See policy 470.

Class Ranking and Honors 319

Eligibility for Honors

Academic honors based on GPA will be awarded only to students who have earned grades for all the courses required at a given grade level or for graduation in courses taken and completed in schools recognized as "Accredited" by the New Mexico State Department of Education, and for which a letter grade was awarded. The graduating class valedictorian and salutatorian will be the students with the highest and next highest cumulative grade point averages at the end of their senior year. These honors are restricted to students who have completed eight full semesters at Walatowa High Charter School. (Full semester is defined to be four or more classes taken either full time at Walatowa High Charter School or taken as concurrent enrollment with a college or university). Transfer students may also be considered for co-valedictorian or co-salutatorian if their grade point average is equal to or greater than either the valedictorian or salutatorian.

The valedictorian and salutatorian will deliver commencement addresses at graduation. Co-honorees, if named will also deliver addresses.

All graduating seniors having a 3.0 (three point zero) GPA (grade point average) at the end of the eighth (8th) semester will be recognized as Honor Students.

Computation of GPA's and Class Ranking

Grade point averages will be based on all courses completed in grades 9 - 12 including the second twelfth grade semester and including all school-approved summer coursework. GPA's will be calculated on a 4.0 (four point zero) scale computed to the hundredth, with honor courses weighted. Initial class rankings will be made at the completion of grade nine. Final ranking will be established at the end of the eighth semester.

See policies 316, 470.

Reporting to Parents 320

All schools within the school system shall report grades and student progress to parents on a timely and regular basis.

Student Records 325

The Walatowa High Charter School shall maintain a cumulative record folder for each student. The cumulative record folder shall contain all permanent written records directly related to a student that are kept by the Walatowa High Charter School unit, with the exceptions noted in policy 326.

For a variety of reasons parents or guardians sometimes choose to have their children called other than their legal surnames. This is permissible but shall be done only when it has been ascertained that it is the request of the legal guardian. It shall be our policy to recognize the wishes of the person having custody. However, for future verification and identification, the legal name shall also be included on any permanent records.

See policies 326, 327.

Confidentiality of Student Records 326

The schools shall make every effort to comply with the Family Educational Rights and Privacy Act and to keep student records confidential.

Classification and Maintenance of Records

- A. The schools shall maintain a cumulative folder for each student. The cumulative record folder shall contain all the written records directly related to a student that are kept by the school unit except:
1. records kept by teachers, counselors, or supervisory or administrative personnel that are in the sole possession of the maker and are not revealed to any other person except a substitute;
 2. employment records of student employees if those records relate exclusively to the student in the capacity as an employee are not made available for any other use and;
 3. records kept by a law enforcement unit of the school if they are maintained solely for law enforcement purposes, and are not disclosed to anyone other than law enforcement officials of the same jurisdiction, and if the law enforcement officers do not have access to the student's cumulative folder.
- B. The following types of records are kept in cumulative record folders:
1. Identification information, including name, sex, race, birthplace, and birth date
 2. Family data
 3. Medical health records and emergency medical information
 4. Attendance records
 5. Scholastic records
 6. Standardized test scores
 7. Records of interest, activities, and honors
 8. Records of educational or vocational plans
 9. Teacher evaluations if shared with anyone else
 10. Counselor evaluations if shared with anyone else
 11. Information pertaining to special services provided for students
 12. Records of incidents of unsatisfactory behavior
 13. Other education records kept by individual school units.
- C. Cumulative record folders shall be kept in the administrative office of the school that the student attends. If the student no longer attends a school within the district, the cumulative record folder shall be stored at in a central location or at each school.
- D. The principal of WHCS is responsible for maintaining the cumulative record folders of students attending that school.
- E. Unnecessary and outdated material may be deleted from the student's record at any time except when a request for a review by a parent or student is pending. At a minimum, the student's records shall be reviewed for unnecessary and outdated information when the student completes elementary school, middle school, and high school.

Rights of Parents to Review and Inspect Records

- A. Those who have the right to inspect and review the cumulative record folder kept about the student include (1) parents of students who are under 18 years of age, (2) parents who claim students who are at least 18 as dependents under the Internal Revenue Code, and (3) students who are at least 18.
- B. It is presumed that parents of students who have not yet reached the age of 21 who are currently attending school claim the student as a dependent for tax purposes. Any student (between the ages of 18 and 21) (at least 18 years of age attending a school within the district) who does not want the parents to have access to the cumulative folder must so inform the principal of the school where the records are kept and prove that the student is not a tax dependent of the parents. If a parent of a student, who is at least 18 and no longer attending a school within the district, wishes to inspect and review the child's cumulative record file, the parent must prove to the principal that the student is claimed as a dependent for federal income tax purposes.
- C. Parents or eligible students who wish to inspect and review the cumulative record folder shall submit a request in writing to the principal of the student's school. When the principal receives a written request for review of the records from a parent or student who has a right to inspect the records, the principal shall schedule the review. The appointment date should be as early as possible but never later than fifteen days after the request was made. The inspection and review shall be made in the office of the principal or at another designated place.
- D. A school official competent in interpreting student records shall be present to explain the implications of the records that are examined.
- E. Parents or eligible students who wish to inspect records and live within fifty miles of the place where the records are kept must do so at the place designated by the school unit. After the inspection, they may request copies of the records they inspected. Parents or students who live farther than 50 miles from the place where the records are kept may request copies of the records without first inspecting them at the school or central office. The copies shall be sent by registered mail, return receipt requested.
- F. The board additionally grants to all students of any age the right to inspect the contents of the student's cumulative record folder, but only in the presence of a building administrator or counselor.

Hearing to Correct Inaccuracies

- A. Parents of a student who has not yet reached the age of 18 and an eligible student have the right to challenge the content of records in the student's cumulative record folder. A parent or student who believes that information contained in the student's cumulative record folder is inaccurate or misleading or otherwise violates the student's rights may request, in writing, that the records be amended by the principal of the school where the records are kept. Not later than five (5) school days after receipt of a request to amend, the principal shall decide whether to amend the records in accordance with the request. If the principal finds that the challenge is not justified, the principal shall inform the person who made the request of the finding and shall also inform that person of the right to request, in writing, a hearing before the superintendent of schools or a designee. If a parent or eligible student requests a hearing, the hearing officer shall set a date for the

hearing as soon as possible but not more than ten (10) school days after the request for the hearing was made and shall give the parent or the student at least two school days advance written notice of where and when the hearing will be held. At the expense of the parent or student an attorney or anyone else of their choice may assist at the hearing.

B. The hearing officer shall render a written decision as soon as possible and must make it within five (5) school days after the hearing. The decision shall be based only on evidence presented at the hearing and shall include a summary of this evidence and the reasons for the decisions.

C. If the hearing officer decides that the information is not inaccurate or misleading or does not otherwise violate the student's rights, the parent or student shall be notified of that decision. At the same time, the parent or student shall be informed of the right to submit to the principal of the school where the records are kept a statement of objection of reasonable length to the information contained in the records. Any explanation submitted by the parent or student shall be placed in the student's cumulative record folder, shall be disclosed by the school whenever the contested portion of the cumulative record is disclosed, and shall not be destroyed unless the contested portion of the cumulative record is destroyed.

E. A parent or student who is dissatisfied with the decision of the hearing officer may appeal to the board of education within fifteen days. The review shall be on the record and not a *de novo* hearing.

Disclosure to Person(s) Other Than Parents or Students

A. Persons Authorized to Have Access. Schools within the system may, without the consent of either the student or the parent, disclose information kept in the student's cumulative record folder to the following persons:

1. School officials who have a legitimate educational interest in examining the information. The term school official includes any teacher, administrator, assigned student teacher, intern, teacher aide, or other professional employee of the district and members of the school board. The principal of the school where the records are kept determines whether a school official is seeking the information to carry out official duty and whether the specific information sought will help in carrying out that duty.
2. Authorized representatives of the Comptroller General of the United States; the Secretary of the U.S. Department of Health, Education, and Welfare; the Commissioner of Education; or officials of the New Mexico State Department of Education if they seek the information in connection with either the audit and evaluation of state or federally funded programs or the enforcement of state or federal legal requirements that relate to these programs.
3. Accrediting organizations that seek the information to carry out their accrediting functions.
4. Persons or organizations conducting studies for or on behalf of the school administrative unit or another educational agency to develop or validate predictive tests, administer student aid programs, or improve instruction. Any report released on the basis of data collected under this paragraph may not include information that personally identifies students or their parents.

5. Persons who seek the information in connection with a student's application for, or receipt of, financial aid.
6. Officials of another school in which the student seeks or intends to enroll. After the principal receives a request from another school in which the student seeks or intends to enroll, the principal of the school where the records are kept shall forward the cumulative record folder without notifying the parents or student of the transfer or seeking their consent. If the parents or the eligible student so request, the principal shall furnish them an unofficial copy of the records to be transferred and give them an opportunity to correct any inaccuracies in accordance with the procedure set out in Rights of Parents to Inspect Records.
7. Persons who seek information in connection with a health or safety emergency that threaten the health or safety of the student or other persons.

ALL EMPLOYEES WHO HAVE ACCESS TO STUDENT RECORDS ARE DIRECTED BY THE BOARD TO MAINTAIN THE MOST SCRUPULOUS PROTECTION OF INFORMATION IN THOSE RECORDS WHICH IS OF A SENSITIVE AND PRIVATE NATURE.

B. Directory Information. The schools may disclose directory information about a student without the consent of either the student (age 18 or above) or the parent, unless the parent or student has objected to the release by delivering a written objection to the principal of the student's school site which states which disclosures are objectionable. Directory information includes the:

1. Student's name
2. Grade in school
3. Name of student's school
4. Eligibility and participation in officially recognized activities, including but not limited to fine arts exhibits, performances, graduation programs, and sports events
5. Weight and height of members of athletic teams
6. Honors and awards received
7. Yearbooks
8. Identification in visual media, including photographs, videotapes, and digital images, depicting school programs or activities

C. Parental or Student Consent. No one else may have access to personally identifiable information from the cumulative record folder, other than directory information, except under one of the following circumstances:

1. When proper written consent to the release of such records has been obtained. If the student is not yet 18, one of his parents must consent to the release. If the student is 18 or older, the student must consent to the release. The consent must be signed and dated and must specify the records to be disclosed, the purpose for disclosure, and the persons or class of persons to whom the disclosure may be made. Upon request, the school shall supply a copy of records released to the parent or the student who gave the consent. If the parent gives consent for a student, the parent may request that a copy of the records released be given to the student even though the student is not yet 18.

2. To comply with a court order or lawfully issued subpoena. Upon receipt of a court order or subpoena, the principal of the school where the records are kept shall immediately send written notice to the student's parents or to the eligible student at their last known address that a court order or subpoena has been received.

When a school official discloses information from the student's cumulative record folder, other than directory information, to anyone other than the parents of the student, the student himself, or other school officials, the office shall inform the person who receives the information that it may not be transferred to any other party without the consent of the parents or the eligible student.

D. Inspection Log. The principal shall maintain in each cumulative record folder for which the principal is responsible a cumulative record inspection log. The inspection log shall include the name and reason for inspection of each person who requests access to the cumulative record folder, but shall not include disclosures to the parents, the student, school officials, or persons who have student or parent consent or disclosures of directory information. The inspection log may be inspected by the student's parents or the eligible student.

Waiver of Rights

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

Notice to Parents or Students

Annual notice of this declaration of compliance with the Family Educational Rights and Privacy Act (FERPA) shall be made by the board of education and said declaration, in substantially the following form, shall be published in a newspaper of general circulation or shall be mailed to each parent of a student currently enrolled or attending Walatowa High Charter School and shall be printed on the district's website. The following information shall also be provided by an effective means of communication annually to parents who have a primary or home language other than English.

TO ALL PARENTS OF STUDENTS CURRENTLY ATTENDING THE WALATOWA HIGH CHARTER SCHOOL AND ALL STUDENTS CURRENTLY ATTENDING THE SCHOOLS WHO HAVE REACHED THE AGE OF 18.

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that governs the maintenance of student records. Under that law, parents of students or students if they are least 18 have both the right to inspect records kept by the school about the student and the right to correct inaccuracies in the record. Access to the records by other than the parents or the student is limited and generally requires prior consent by the parent or the student. The district has adopted a written policy governing all the rights of parents and students under FERPA. Copies of this policy may be found in the superintendent's office and in the principal's office of each school within the system.

As defined by Walatowa High Charter School policy, the district classifies the following as directory information:

- the student's name
- grade in school
- name of school
- eligibility and participation in officially recognized activities, including but not limited to fine arts exhibits, performances, graduation programs and sports events
- weight and height of members of athletic teams
- honors and awards received
- yearbooks
- identification in visual media, including photographs, videotapes and video images, depicting school programs or activities

School officials may release this information to any person without the consent of the parents or the student. Any parent or eligible student who objects to the release of any or all of this information without consent must notify, in writing, the principal of the school where the records are kept within fifteen days following the date of the publication of this notice. The objection must state what information the parent or student does not want to be classified as directory information. If no objection is received by two weeks after the publication of this notice, the information will be classified as directory information until the beginning of the next school year. Complaints about failure of the Walatowa High Charter School to comply with the Family Educational Rights and Privacy Act may be made, in writing, to FERPA Office, Department of Health and Human Services, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Information Supplied to Military Recruiters

In addition, under the provisions of the federal "No Child Left Behind Act" school districts are required to provide student names, addresses, and telephone numbers to military recruiters unless the parent or student (if over 18) specifically requests that the information not be released. Parents and students in grades 9-12 are asked to complete a form consenting to or denying the release of this information. If the form is not completed and returned to the school, the requests will be honored. Forms are available at all schools serving students in grades 9-12.

See policies 325, 327.

Disclosure of Student Names 327

Pursuant to State Regulation 93-17, no district employee, board member or school volunteer shall sell or use student lists or disclose the name of any student for the purpose of marketing goods or services directly to students or their families by means of telephone or mail.

The exceptions to this policy are when a parent or student authorizes in writing the release of a student's name for any of the following legitimate educational purposes:

1. Regionally accredited colleges and universities,
2. Accredited post-secondary and vocational educational entities,
3. Accredited public educational entities providing adult basic educational opportunities,

4. Educational entities offering continuing education opportunities for licensed and/or non-licensed faculty and staff.
5. Educational entities offering tour/travel opportunities which result in educational credits through a regionally accredited college or university, or an accredited post-secondary or vocational school.
6. The Armed Forces of the United States offering educational programs and/or opportunities within the military. See policies 325, 326-4-5.

Married/Pregnant Students 333

Keeping in mind that the schools' main function is to provide educational opportunities to all students, the board of education ensures that married students shall have the same educational opportunities in the school system as unmarried students.

Married, male or female, students and unmarried pregnant students shall not be excluded from participation in, be denied the benefits of, be treated differently from another student or otherwise discriminated against in any interscholastic, intramural and extracurricular activity offered by the school district.

Protection of Pupil Rights 335

The Protection of Pupil Rights Act ("PPRA"), 20 U.S.C. '1232h, provides parents and guardians with the right to inspect certain instructional materials and requires the District to notify parents and guardians and obtain their consent or allow their student to opt out of participating in certain activities. Parents or guardians shall receive notice of the right to inspect instructional materials annually at the beginning of each school year, as well as in any notice of a scheduled activity described in Section B.1.below. In the annual notice, the District will list all known activities, the specific or approximate dates during the school year when the activities are scheduled or expected to be scheduled, a brief summary of the activity, and whether the prior written consent is required or whether the parent or guardian has to right to opt-out of the students participation.

A. Definitions. As used in this policy,

1. "instructional material" means instructional content that is provided to a student, regardless of format, including printed or representational material, audio visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

2. "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

3. "Marketing Surveys" means any instrument used in the collection of personal

information collected from students for the purpose of marketing or for selling information or otherwise providing that information to others for that purpose.

4. "Parent" means a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

5. "Personal" information" means individually identifiable information including:

- (a) a student or parent's first and last name;
- (b) a home or other physical address (including street name and the name of the city or town);
- (c) a telephone number; or
- (d) a Social Security identification number.

6. "Student" means any elementary school or secondary school student.

7. "Survey" means any survey, analysis or evaluation as part of any applicable program;

A. The right to inspect materials. Parents and guardians have the right, upon reasonable request, to inspect all instructional materials, including teacher's manuals, films, tapes or other supplementary material which would be used in connection with (a) any instruction material used as part of the educational curriculum for the student; (b) any Survey and (c) any Marketing Survey.

1. Parents and guardians may request to inspect the instructional materials used as part of the student's education curriculum at any time by submitting the request in writing to the principal at the student's school. The request should include the specific class(es) for which the review of the curriculum is requested, as well as the particular subject matters, chapters, or materials the parent or guardian wishes to inspect. Within 15 (fifteen) school days from the receipt of the request, a school official will contact the parent or guardian to make arrangements for the parent or guardian's review of the materials at the administrative offices of the student's school.

2. Parents and guardians may request to inspect materials or instruments used in connection with surveys and marketing surveys before such materials are administered by submitting a written request to the Principal at the student's school no later than 15 (fifteen) school days prior to the date of the scheduled activity. The request should indicate the specific survey or marketing survey for which the review is requested. Within 15 (fifteen) school days from the receipt of the request, a school official will contact the parent or guardian to make arrangements for the parent or guardian's review of the materials at the administrative office of the student's school.

B. Required notice, prior written consent/opt-out.

1. Required Notice. Except as provided in Section C.1 below, the District shall notify parents and guardians prior to a student's participation in the following activities:

- a. surveys, analyses or evaluations that reveal information concerning one or more of the following:
 - (i) political affiliations or beliefs of the student or the student's parent or guardian;

- (ii) mental or psychological problems of the student or the student's parent or guardian;
- (iii) sex behavior or attitudes;
- (iv) illegal, anti-social, self-incriminating or demeaning behavior;
- (v) critical appraisals of other individuals with whom respondents have close family relationships;
- (vi) legally recognized privileged relationships, such as those of lawyers, physicians and ministers;
- (vii) religious practices, affiliations or beliefs of the student or student's parents or guardians; or
- (viii) income, other than as required by law to determine program eligibility;

(hereinafter referred to as "Protected Information");

b. the collection, disclosure or use of student information for Marketing Surveys; and

c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student.

In the event that an activity described in this section is not listed on the annual notice, the student's school shall send notice within a reasonable amount of time prior to the scheduled activity.

2. Required Written Consent. For any surveys, analyses or evaluations concerning Protected Information that are funded by the federal Department of Education, the District shall obtain the parent or guardian's prior written consent before a student may participate.

3. Option to Opt-Out. For any activities listed in Section B.1 that are not funded by the Department of Education, the District shall provide parents and guardians with a reasonable amount of time after receiving notice of such activities to opt their children out of participating in such activities.

C. Exceptions. The requirements under PRPA do not apply to the following:

1. Marketing Surveys in which the collection, disclosure or use of personal information collected from students is for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as college or other post-secondary educational recruitment or military recruitment; book clubs, magazines and programs providing access to low-cost literary products; curriculum and instructional materials used by elementary schools and secondary schools; tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data, from such tests and assessments; sale of students of products or services to raise funds for school-related or education-related activities; and student recognition programs.

2. Non-emergency physical examination required by the State of New Mexico.

3. Any survey administered to a student in accordance with Individuals with Disabilities Education Act ("IDEA").

D. FERPA Compliance. The requirements of PPRA do not supersede any of the requirements of FERPA. The District shall maintain Protected Information as confidential under applicable laws. The District shall meet PPRA notice requirements for Marketing Surveys that involve only information designated as "directory information" under FERPA by allowing parents and guardians to opt-out of "directory information" at the beginning of each school year. For any Marketing Surveys that involve the collection, use and disclosure of a student's social security number, the District shall obtain a parent or guardian's prior written consent before administering the survey to the student.

E. Rights transfer to students. The rights provided to parents or guardians under PPRA transfer to the student when the student turns eighteen (18) years old or is an emancipated minor under the laws of the State of New Mexico.

Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

- *Receive notice and an opportunity to opt a student out of* –

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

- *Inspect*, upon request and before administration or use –

- (ix) Protected information surveys of students;
- (x) Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- (xi) Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

The WHCS has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

Student and School Rights and Responsibilities 336

Statement of Policy

A primary responsibility of the Walatowa High Charter School and their professional staff shall be to instill in students an appreciation of our representative form of government, the rights and responsibilities of the individual, and the legal processes whereby necessary changes are brought about.

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

General Provisions

A. Jurisdiction Over Students

All officials, employees, and authorized agents of the public schools whose responsibilities include supervision of students shall stand in *loco parentis* with regard to any students whom they are required to supervise whenever students are lawfully subject to the school control, regardless of place. During such periods, public school authorities shall have the right to supervise and control the conduct of students, and students shall have the duty to submit to the schools' authority.

B. School Authority Over Non-Students

School officials have the following forms of limited authority over non-students whose actions adversely affect school operations or activities.

1. On School Property

The school board has the authority to prohibit entry to and the removal from any school building, grounds or facilities of any person who refuses to identify him/herself and state a lawful purpose for being present. Any person who refuses to do so may be removed by school authorities, who may use such reasonable force as is necessary to accomplish the removal. Alternately, a person who refuses to do so and who also refuses a lawful request to leave school premises may be subject to arrest by law enforcement authorities for a variety of possible criminal offenses, including but not limited to interference with the educational process, disorderly conduct or criminal trespass. A person who identifies him/herself and states a lawful purpose may nevertheless be subject to removal by school officials for engaging in prohibited activities as defined in this policy or to arrest by law officers if (s) he is also engaging in criminal activity.

2. Off School Property

Public school authorities have indirect and limited authority over the activities of non-students off school property. To the extent that non-students' conduct at or near schools or school-sponsored activities may constitute a criminal offense, including the crimes of disorderly conduct, criminal trespass (after refusing a lawful custodian's request to leave) or interference with the educational process, school authorities may request the assistance of law enforcement agencies to remove or arrest the offenders.

C. Definitions

For the purpose of this policy, any words, terms, or phrases defined herein shall have the meanings stated.

1. "Administrative authority" means the superintendent, a principal, or a person authorized by either to act officially in a matter involving school discipline or the maintenance of order.

2. "NMSA 1978" means the 1978 compilation of NMSA Statutes annotated.
3. "Parent" means the natural parent, a guardian, or other person or entity having custody and control of a student who is subject to the Compulsory School Attendance Law, or the student himself if (s)he is not subject to compulsory attendance.
4. "Public School" means the campus of and any building, facility, vehicle, or other item of school property owned, operated, controlled, or in the possession of the school district. For purposes of student discipline, the term also includes any non-school premises being used for school-sponsored activities.
5. "Student" means a person who is enrolled in one or more classes in the school system or a person who was a student during the previous school year, and is participating in a school-sponsored activity connected with his or her prior status as a student.

Rules of Conduct for the Walatowa High Charter School

The following acts are prohibited in all schools within the WHCS.

A. Prohibited Activities

The commission of or participation in the activities designated and defined below is prohibited in all public schools in the district and is prohibited by students whenever they are subject to the control of school authorities.

1. Acts Prohibited by this Policy

a. Criminal and delinquent acts which include, but are not limited to:

- (1) Willful interference with the educational process of any public school, threatening to commit or inciting others to commit any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures, or functions of a public school; impair, interfere with or obstruct the lawful mission, processes, procedures, or functions of a public school;
- (2) Arson;
- (3) Assault and/or battery;
- (4) Criminal damage to property;
- (5) Criminal libel;
- (6) Criminal trespass;
- (7) Unlawful assembly or disturbing lawful assembly;
- (8) Extortion;
- (9) Larceny, robbery or burglary;
- (10) Illegal sale, possession, transportation or use of
 - (a) alcoholic beverages, controlled substances,
 - (b) firearms or other weapons, or
 - (c) explosives;
- (11) Possession or use of tobacco products;
- (12) Sexual harassment or misconduct;

- (13) Hazing;
- (14) Gang activity.

b. Disruptive conduct includes, but is not limited to:

- (1) Willfully obstructing or preventing freedom of movement or use of property, facilities, or parts of any public school, or the right of ingress or egress;
- (2) Willfully committing any act which does, attempting, threatening or inciting others to commit any act which would reasonably be expected to disrupt, impair, interfere with or obstruct the lawful mission, purposes, processes or procedures of the public schools;
- (3) Willfully impairing the ability of the public schools in their efforts to provide instruction.

c. Refusal to identify self;

d. Refusal to cooperate with school personnel covers situations where students willfully disobey lawful instructions or orders from school

personnel or agents such as volunteer chaperons whose responsibilities include supervision of students. This regulatory offense includes, but is not limited to, a student's:

- (1) Willfully refusing a direction to cease any conduct which a supervisory person in charge of a class or other activity has clearly identified to the student as a hindrance to the activity;
- (2) Willfully refusing a direction to cease engaging in disruptive conduct;
- (3) Willfully refusing or failing to leave a school facility or school-sponsored activity after being directed to do so by an administrative authority;
- (4) Willfully refusing or failing to abide by restrictions on student privileges or other lawful conditions imposed by an administrative authority as a disciplinary measure.

2. Definitions for Prohibited Acts

a. "Criminal Acts" are acts defined as criminal under the Criminal Code and the Liquor Control Act. Such acts include the crime of willful interference with the educational process of any school within the district.

b. "Disruptive Conduct" means willful conduct which

- (1) materially and in fact disrupts or interferes with the operation of the public schools or the orderly conduct of any public school activity, including individual classes, or
- (2) leads an administrative authority reasonably to forecast that such

disruption or interference is likely to occur unless preventive action is taken.

c. "Refusal to Identify Self" means a student's willful refusal, upon request from school personnel known or identified as such to the student, to identify himself or herself accurately.

d. "School Personnel" means all members of the staff, faculty, and administration employed by the school board, and includes bus drivers and their aides. The term also includes authorized agents, such as volunteer chaperons, whose responsibilities include supervision of students.

e. "Refusal to Cooperate with School Personnel" means a student's willful refusal to obey the lawful instructions or orders of school personnel whose responsibilities include supervision of students.

B. Regulated Activities

All other areas of student conduct shall be regulated within legal limits by the board as they deem appropriate. Conduct by non-students which affects school operations shall be regulated within legal limits pursuant to any of the forms of authority described above.

1. Legal Limits

"Legal Limits" include the requirements of the federal and state constitutions and governing statutes, standards, and regulations, and also include the fundamental common-law requirement that rules of student conduct be reasonable exercises of the schools' authority in pursuance of legitimate educational and related functions.

2. Activities Subject to Board Policy within legal limits include, but are not limited to:

a. School attendance;

b. Use of and access to the public buildings, including:

(1) restrictions on vehicular traffic on school property;

(2) prohibition of or conditions on the presence of non-school

persons on school grounds or in school buildings while school is in session, and

(3) reasonable standards of conduct for all persons attending school-sponsored activities or other activities on school property;

c. Student's dress and personal appearance;

d. Speech and assembly within the public schools;

e. Publications distributed in the public schools;

f. Participation in extracurricular activities;

g. The existence, scope and conditions of availability of student privileges.

Enforcing Rules of Conduct

A. Basis for Disciplinary Action

A student may appropriately be disciplined by administrative authorities for violating rules

governing "prohibited" or "regulated" activities as defined in this policy or in other rules of conduct promulgated by an administrative authority pursuant to school board authorization. The existence of a specific rule is not a prerequisite for disciplining a student for conduct which endangers the health or safety of students, school personnel, or others for whose safety the public school is responsible or for conduct which reasonably appears to threaten such dangers if not restrained.

B. Selection of Disciplinary Sanctions

Within legal limits, the board has the discretion to determine the appropriate sanction(s) to be imposed for violations of rules of student conduct. The board authorizes administrative authorities to make such determinations at such levels and in such decisional framework(s) as appropriate.

1. School Discipline and Criminal Charges

Appropriate disciplinary actions may be taken against students regardless of whether criminal charges are also filed in connection with an incident.

2. Nondiscriminatory Enforcement

Administrative authorities shall not enforce school disciplinary rules or impose punishments in a manner which discriminates against any student on the basis of race, religion, color, national origin, ancestry, sex, or handicap, except to the extent otherwise permitted or required by law or regulation. This policy shall not be construed as requiring identical treatment of students for violation of the same rule; it shall be read as prohibiting differential treatment which is based on race, religion, color, national origin, ancestry, sex, or handicap rather than on other differences in individual cases or students.

3. Corporal Punishment

Board policy forbids corporal punishment. For details, see policy 345. The board also encourages the development and use of other effective means of maintaining orderly, safe schools.

4. Detention, Suspension and Expulsion

Where detention, suspension, and/or expulsion is determined to be the appropriate penalty, it may be imposed only in accordance with procedures that provide at least the minimum safeguards prescribed below. Suspensions or expulsions of special education students shall be subject to the further requirements of the following subsection.

5. Procedures for Long-Term Suspension or Expulsion of Students with Disabilities

A. Initial Determinations

1. Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program. However, the individual educational

needs of such children must be met to the extent that state and federal law requires. Accordingly, before a long-term suspension or expulsion may be imposed on a student with a disability or a student whom the administrative authority has reason to suspect may have a disability, the following procedures shall apply:

a. The administrative authority shall conduct an informal administrative conference to determine if disciplinary action is warranted.

b. The purpose of the conference shall be to:

* conduct interviews;

* afford the child an opportunity to explain the alleged misconduct;

* determine whether the child has an IEP or a accordance with Section 504 of the Rehabilitation Act of 1973 (hereinafter "504") in effect and whether the IEP or 504 plan contains alternative disciplinary strategies; and

* determine whether a referral for formal evaluations should be made if an IEP or 504 plan is not in effect and a disability is suspected.

2. The administrative authority shall make a determination as to whether the conduct warrants long-term suspension or expulsion.
3. Nothing herein shall preclude the administrative authority from imposing a short-term suspension and/or seeking an injunction from a court of competent jurisdiction.

B. Parent Notification

1. 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.
2. Upon a determination by the administrative authority that the student's IEP or 504 plan sets forth alternative discipline strategies for the behavior, the administrative authority shall implement the alternative strategies and notify the parent(s) accordingly.
3. 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.

4. Upon a determination by the administrative authority that long-term suspension or expulsion will be pursued and that an IEP or 504 plan is in effect for the student, the administrative authority shall notify the parent(s) as follows:

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

b. contemplated disciplinary action.

C. Manifestation Inquiry

1. The administrative authority shall convene the IEP or 504 meeting to determine if the student's behavior is a manifestation of the disability and whether the student's IEP or 504 plan is appropriate.
 - a. If the determination is made that the behavior is a manifestation of the disability, the IEP/504 Committee shall revise the IEP or 504 plan as needed to address the needs of the student. The student may not be suspended or expelled from school for more than ten (10) school days unless the school district obtains an order from a court of competent jurisdiction to remove the student from school or to change the student's placement.
 - b. If the determination is made that the behavior is not a manifestation of the disability, but that the student's program is inappropriate, the IEP/504 Committee shall revise the IEP/504 plan. The student may not be suspended or expelled from school for more than ten (10) school days unless the school district obtains an order from a court of competent jurisdiction to remove the student from school or to change the student's placement.
2. If the determination is made that the misbehavior is not a manifestation of the disability and the child's program is appropriate, the administrative authority may proceed to initiate long-term suspension or expulsion proceedings.

D. Special Rule

1. This rule shall apply when a child with a disability is determined to have brought a weapon to school (see policy 347).
2. A student who has a disability in accordance with Part B of the Individuals with Disabilities Education Act and who is determined to have brought a weapon to school may be immediately placed in an interim alternative educational setting for not more than forty-five (45) calendar days during the manifestation inquiry. The interim alternative educational setting shall be determined by the IEP Committee, which includes the student's parents. Parental consent to the alternative placement is not required.
3. If the parent(s) of student placed in an alternative educational setting pursuant to this special Rule request(s) a due process hearing pursuant to Part B of the Individuals with Disabilities Education Act, the student shall remain in the alternative educational setting during

the pendency of any proceedings, unless the parent(s) and administrative authority agree otherwise.

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

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

1. Alternative educational services for a student with a disability upon whom a long-term suspension or expulsion has been imposed for behavior not related to the disability shall be provided as follows:
 - 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 series that is individually designed to meet his or her unique learning needs. Such services may be provided in the home, in an alternative school, or in another setting.
 - b. School districts may cease educational services to students who are disabled pursuant to 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.

2. 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.
 - c. If the parent(s) request a due process hearing, the student shall remain in the alternative educational setting.
3. Local school boards shall adopt policies stating whether a student will receive grades and/or credit during the period of long-term suspension or expulsion.

F. Search and Seizure

A student's person or property while under the authority of the schools, and school property assigned to a student, are subject to search, and items found are subject to seizure. **For all details see policy 339.**

G. Enforcing Attendance Requirements

The board of education shall initiate the enforcement of the provisions of the Compulsory School Attendance Law for students enrolled in the schools of the district and an administrative authority who has reason to believe a student is violating the Compulsory Attendance Law shall:

1. Initiate the prescribed statutory procedures for enforcement by sending written notice by certified mail to the parent, and
2. Proceed with whatever administrative sanctions are considered appropriate. If the violation continues after the parent has received the written notice, the administrative authority shall report the matter to the local Children's Court as required by statute. If there is an indication that the continued violation can be ascribed to the parents' act or omission, the administrative authority shall also consider whether to seek or initiate a criminal action against the parent.

H. Procedure for Detentions, Suspensions, and Expulsions

The authority of the board to prescribe and enforce standards of conduct for public school students must be exercised consistently with the constitutional safeguards of individual student rights. The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violation of school rules. But it is a property right which may only be denied where school authorities have adhered to the procedural safeguards required to afford students due process of law.

The administrative authority shall have the power to suspend from the privileges of the school any student guilty of gross misconduct or continual insubordination to school organization and/or regulations. Any student who is disruptive to other students with particular reference to gang activity, vandalism, truancy, fighting, gambling, insubordination, hazing, foul and abusive language, sexual harassment, use of drugs or alcohol or possession of weapons may be suspended at the option of the building principal and the superintendent of schools subject to certain conditions for reinstatement.

When a student is suspended or expelled from school, he is not to be on any school campus or attend any school-sponsored activity for the duration of the suspension or expulsion. Failure to comply may result in legal or other disciplinary action against the student.

The right to expel a student, however, is a power retained by the board of education.

1. Immediate Removal. "Immediate Removal" means the removal of a student from school for one school day or less under emergency conditions and without a prior hearing. Students whose presence pose a continuing danger to persons or property or an ongoing threat of interfering with educational process may be immediately removed from school, subject to the following rules:
 - a. A rudimentary hearing, as required for temporary suspensions, shall follow as soon as possible.
 - b. Students shall be reinstated after no more than one school day unless within that time a temporary suspension is also imposed after the required rudimentary hearing.
 - c. The school shall exert reasonable efforts to inform the student's

parent of charges against the student and the action taken as soon as practicable. If direct contact is not established by the middle of the school day following the immediate removal, the school shall forth with prepare a written notice with the required information and deposit the notice for mailing to the parent's address of record.

2. Temporary Suspension. "Temporary Suspension" means the removal of a student from school for a specified period of ten (10) school days or less after a rudimentary hearing conducted in accordance with the requirements below.

A student facing temporary suspension shall first be informed of the charges against him or her and if she/he denies them shall be told what evidence supports the charge(s) and be given an opportunity to present his/her version of the facts. The following rules apply:

- a. The "hearing" may be an informal discussion and may follow immediately after the "notice" is given.

- b. Unless the administrative authority decides a delay is essential to permit a fuller explanation of the facts, this discussion may take place--and a temporary suspension may be imposed within minutes after the alleged misconduct has occurred.

- c. A student who denies a charge of misconduct shall be told what act(s) he/she is accused of committing, shall be given an explanation of the evidence supporting the accusation(s), and shall then be given the opportunity to explain his or her version of the facts. The administrative authority is not required to divulge the identity of informants other than school personnel. She/he is required to disclose the substance of all evidence on which she/he proposes to base a decision in the matter.

- d. The administrative authority is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charge(s) or to call witnesses to verify the student's version of the incident, but none of the foregoing is prohibited.

- e. The school shall make reasonable efforts to inform the student's parent of the charges against the student and their possible or actual consequence as soon as practicable. If direct contact has not been established by the end of the first full day of suspension, the school shall on that day deposit a written notice with the required information for mailing to the parent's address of record.

3. In-School Suspension. "In-school suspension" means suspending a student from one or more regular classes while requiring the student to spend the time in an alternate classroom or other designated area at the same school or elsewhere.

In-school suspension may be imposed with or without further restrictions of student privileges. Any student who is placed in an in-school suspension which exceeds ten school days must be provided with an instructional program that meets both local educational requirements and the Educational Standards for New Mexico Schools.

Student privileges, however, may be restricted for longer than ten (10) days.

In-school suspensions of any length shall be accomplished according to the procedures for a temporary suspension as outlined above.

4. Detention. "Detention" means requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school. Detention may be imposed in connection with in-school suspension, but is distinct from in-school suspension in that it does not entail removing the student from any of his or her regular classes.
5. Long-Term Suspension and Expulsion. "Long-term suspension" means the removal of a student from school for a specified time exceeding ten (10) days. "Expulsion" means the removal of a student from school either permanently or for an indefinite time exceeding ten (10) school days. The superintendent or his designee will initiate procedures leading to long-term suspensions or expulsion. A temporary suspension may be imposed while the procedures for long-term suspensions or expulsion are activated. However, where a decision following the required formal hearing is delayed beyond the end of the temporary suspension, the student must be returned to school pending the final outcome of the hearing.

a. Definitions.

(1) Hearing Authority: Disciplinarian. "Hearing Authority" means the principal or his designee who is designated to hear evidence and determine the facts of a case at a formal hearing authority. The same person will perform both functions, but no person shall act as hearing authority, or disciplinarian, in a case in which (s)he has previously been involved, except as an initiating administrative authority.

(2) "Review Authority" is the school board who will review the hearing authorities' final decision to impose a long-term suspension or expulsion if the aggrieved student after the formal hearing wishes to exercise this right to review the decision.

b. Initiation of Procedures. An administrative authority shall initiate procedures for long-term suspension or expulsion of a student by designating a hearing authority and disciplinarian, scheduling a formal hearing in consultation with the hearing authority and preparing and serving a written notice meeting the requirements below.

(1) Service of Notice. The written notice shall be addressed to the student, through his or her parent(s), and shall be either personally delivered or mailed to the parent.

(2) Timing of Hearing. The hearing shall be scheduled no sooner than five (5) nor later than ten (10) school days from the date of delivery or ailing of the notice whichever is earlier. The hearing authority may grant or deny a request to delay the hearing.

(3) Contents of Notice. The written notice must contain all of t

following information.

(a) The school rule(s) alleged to have been violated, a concise statement of the alleged act(s) of the student on which the charge(s) are based, and a statement of the proposed penalty;

(b) The date, time and place of the hearing, and a statement that both the student and parent are entitled and urged to be present;

(c) A clear statement that the hearing will take place as scheduled unless the hearing authority grants a delay or the student and parent agree to waive the hearing and comply voluntarily with the proposed disciplinary action, and a clear and conspicuous warning that a failure to appear will not delay the hearing and may lead to imposition of the proposed penalty by default;

(d) A statement that the student has the right to be represented at the hearing by legal counsel, a parent, or some other designated representative;

(e) A complete description of the procedures which will govern the conduct of the hearing;

(f) The name, business address, and telephone number of a contact person through whom the student, parent, or designated representative may request a delay or seek further information, and

(g) Any other information, materials, or instructions deemed appropriate by the administrative authority who prepares the notice.

c. Delay of Hearing; Student's Status During Delays. The hearing authority shall have discretion to grant or deny a request by the student or the appropriate administrative authority to postpone the hearing. Where a student has been suspended temporarily and a postponed hearing will not occur until after the temporary suspension has expired, the student shall be returned to school at the end of the temporary suspension unless

(1) the student and parent have knowingly and voluntarily waived the student's right to return to the school pending the outcome of the formal proceedings, or

(2) the appropriate administrative authority has conducted an interim hearing pursuant to a written local school board policy made available to the student which affords further due process protection sufficient to support the student's continued exclusion pending the outcome of the formal procedures, or

(3) the provisions of the following paragraphs apply.

d. Waiver of Hearing; Voluntary Compliance or Negotiated Penalty. A student and his or her parent may elect to waive the hearing and review and negotiate a mutually acceptable penalty with the hearing authority. Such a waiver and compliance agreement shall be knowing, intelligent, and made voluntarily, and shall be

evidenced by a written document signed by the student, the parent(s), and the hearing authority.

e. Procedure for Hearing and Decision. The following rules govern the conduct of the hearing and the ultimate decision.

(1) The school shall have the burden of proof of misconduct;

- (2) The student and his or her parent shall have the following rights, any of which may be waived in writing.
- (a) The right to be represented by legal counsel or other designated representative;
 - (b) The right to present evidence, subject to reasonable requirements of substantiation at the discretion of the hearing authority and exclusion of evidence deemed irrelevant or redundant;
 - (c) The right to confront and cross-examine adverse witnesses, subject to reasonable limitation by the hearing authority;
 - (d) The right to have a decision based solely on applicable legal rules, including the governing rules of student conduct, and the evidence presented at the hearing.
- (3) The hearing authority shall determine whether the alleged act(s) of misconduct have been proved by a preponderance of the evidence presented at a hearing at which the student and/or a designated representative have appeared.
- (4) If no one has appeared on the student's behalf within a reasonable time after the announced time for the hearing, the hearing authority shall determine whether the student, through the parent, received notice of the hearing. If so, the hearing authority shall review the schools' evidence to determine whether it is sufficient to support the charge(s) of misconduct.
- (5) The hearing authority who is also a disciplinarian shall impose the proposed sanction or other appropriate measure if he/she finds that the allegations of misconduct have been proved.
- (6) Arrangements to make a tape recording or keep minutes of the proceeding shall be made by the administrative authority who scheduled the hearing and prepared the written notice.
- (7) The hearing authority may announce a decision on the question of whether the allegation(s) of misconduct have been proved at the close of the hearing. The hearing authority who is also the disciplinarian may also impose a penalty at the close of the hearing.
- (8) The hearing authority shall prepare and mail or deliver to the student, through the parent, a written decision including reasons therefore within five working days after the hearing. The hearing authority shall include in the report a statement of the penalty, if any, to be imposed.

(9) The hearing authority's decision shall take effect immediately upon notification to the parent, either at the close of the hearing or upon receipt of the written decision. If notification is by mail, the parent shall be presumed to have received the notice on the fifth calendar day after the date of mailing.

f. Effect of Decision. If the hearing authority decides that no allegation(s) of misconduct have been proved, or declines to impose a penalty despite a finding that an act or acts of misconduct have been proved the matter shall be closed. If the hearing authority imposes any sanction on the student, the decision shall take effect immediately upon notification to the parent, even if the student subsequently appeals to the review authority.

g. Right of Review. A student aggrieved by the hearing authority's decision after a formal hearing shall have the right to have the decision reviewed by the school board if the penalty imposed was at least as severe as a long-term suspension or expulsion, an in-school suspension exceeding one school semester, or a denial or restriction of student privileges for one semester or longer.

h. Conduct of Review. The school board shall be bound by the hearing authority's factual determination unless the student persuades the review authority that a finding of fact was arbitrary, capricious, or unsupported by substantial evidence or that new evidence which has come to light since the hearing and which could not with reasonable diligence have been discovered in time for the hearing would manifestly change the factual determination. Upon any such finding, the review authority shall have discretion to receive new evidence or conduct a *de novo* hearing.

i. Effect of Review Authority's Decision. The school board's decision shall be the final administrative action to which a student is entitled.

See policies 222 Drug-Free Schools and Campuses and Drug-Free Workplace

337 Sexual Harassment--Students

338 Hazing

339 Searches of Students

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465-2 Communicable Diseases

Sexual Harassment—Students 337

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

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

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

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

The board of education therefore forbids harassment of any student on the basis of sex. The board will not tolerate sexual-harassment of students by employees or by other students.

The intent of this policy regarding conduct between employees and students is clear and straightforward: No employee of the school district may engage in any conduct of a sexual nature with any student, regardless of the student's age, ability to consent, or actual consent.

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

A. Definitions and Standards of Conduct

Between an employee and a student, sexual harassment is any conduct of a sexual nature. Between students, sexual harassment is **unwelcome** conduct of a sexual nature. Special definitions follow:

1. Conduct of a Sexual Nature:

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

- verbal or physical sexual advances, including subtle pressure for sexual activity;
- sexually oriented touching, pinching, patting, staring, pulling at clothing, or intentionally brushing against another;
- showing or giving sexual pictures, photographs, illustrations, messages, or notes;
- writing graffiti of a sexual nature on school property;
- comments or name-calling to or about a student regarding alleged physical or personal characteristics of a sexual nature;
- sexually-oriented "kidding," "teasing," double-entendres, and jokes; and
- any harassing conduct to which a student is subjected because of or regarding the student's sex.

2. Standard of Conduct for Employees:

No employee may engage in conduct of a sexual nature with a student at any time or under any circumstances, regardless of whether such conduct takes place on school property or in connection with any school-sponsored activity.

3. Standard of Conduct for Students: Unwelcome Conduct of a Sexual Nature.

- a. Verbal or physical conduct of a sexual nature by one student of another may constitute sexual harassment when the conduct, by its nature, is clearly unwelcome or inappropriate, even if the allegedly harassed student has not indicated that it is unwelcome.
- b. A student who has initially welcomed conduct of a sexual nature by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

B. Reporting, Investigation, and Sanctions

1. Reporting:

It is the express policy of the board to encourage students who feel they have been sexually harassed by a school employee or by another student or students to report such claims.

a. Report of Sexual Harassment by a School Employee:

-- Any student who believes he or she has been subject to any conduct of a sexual nature by a school employee may tell a counselor or principal.

-- If a student who believes he or she has been sexually harassed by a school employee feels uncertain about who to tell, or feels uncomfortable telling any counselor or principal, the student should tell his or her parent(s) about the problem, and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.

-- If a student believes he or she has been sexually harassed by a counselor or a principal, or by any other administrator the student should seek the assistance of his or her parent(s) in reporting such harassment to the superintendent or to a member of the board.

b. Report of Sexual Harassment by a Student or Students:

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

-- If a student who believes he or she has been sexually harassed by another student or students, and who feels uncertain about who to tell, or feels uncomfortable telling any counselor, or principal, the student should tell his or her parent(s) about the problem, and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.

c. Reporting by Employees Mandatory:

Any employee who receives any report of sexual harassment of a student, whether the report is given by a student, a parent, or another employee, must notify his or her immediate supervisor or the superintendent of such report, regardless of whether the employee receiving the report considers the report credible or significant.

2. Investigation:

All reports of sexual harassment of students will be appropriately and promptly investigated by the superintendent or his or her designee. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.

3. Sanctions:

a. Employees:

Any employee found to have engaged in conduct of a sexual nature with a student shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to any applicable procedural requirements.

b. Students:

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

See policies 230, 231, 336-11.

Hazing/Harassment/Intimidation/Bullying/Menacing 338

The Board is committed to providing a positive and productive learning and working environment. To this end, hazing, harassment, intimidation, menacing or bullying by students, staff or third parties are strictly prohibited and shall not be tolerated in the District.

A. Definitions.

1. **“Bullying”** means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student upon another which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.

2. **“District”** includes WHCS facilities, district premises and non-district property if the student or employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events where students are under the control of the district or where the employee is engaged in district business.

3. **“Electronic expression”** means written, verbal, or pictorial communication conveyed through any form of electronic medium, including, but not limited to, desktop or laptop computers (e.g., the internet, email, instant messaging, websites, web-cameras, chat rooms), cell phones (e.g., text messaging, digital photographs or movies), and instant messaging devices.

4. **“Harassment”** means knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress. Harassment includes, but is not limited to, any act which subjects an individual or group to unwanted, degrading, humiliating or abusive behavior of a nonverbal, verbal, written or physical nature, on the basis of age, race, religion,

color, national origin, disability, sexual orientation or ethnicity. Verbal and nonverbal harassment includes speech or gestures which are lewd, indecent, profane or obscene and libel.

5. "Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment. Examples include, but are not limited to, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene, degrading or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate a particular person or group.

6. "Intimidation" includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience in accessing school facilities, educational or school sponsored programs or subject another to offensive physical contact or inflict serious physical injury which may, but need not be based on the basis of race, color, religion, national origin or sexual orientation.

7. "Menacing" includes, but is not limited to, any assault intended to place a school employee, student or third party in fear of imminent physical injury.

8. "Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at inter-district and intra-district athletic competitions or other school events.

B. Complaint Procedures.

1. Any student, employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of hazing, harassment, intimidation, bullying or menacing conduct in violation of this policy shall report his/her concerns immediately to the building principal or superintendent. The building principal have overall responsibility for all investigations. Complaints against the building principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chairman. A student also may report concerns to a teacher or counselor who shall be responsible for notifying the appropriate district official.

2. All complaints of conduct that may be in violation of this policy shall remain confidential. Complaints may be made anonymously. All complaints about behavior that may violate this policy shall be promptly investigated. Complaints and the identity of the complainant shall be kept confidential, except to the extent necessary for communicating in the investigative process with administrators and staff on a "need to

know” basis. The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

C. Discipline/Sanctions.

1. Hazing, harassment, intimidation, menacing or bullying conduct shall be subject to discipline or sanctions if it (a) substantially interferes with a student’s educational benefits, opportunities or performance; (b) takes place on school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop; and (c) has the effect of (i) physically harming a student or damaging a student’s property, (ii) knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property, or (iii) creating a hostile educational environment by causing substantial emotional distress.

2. Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Disciplinary decisions shall comply with state and federal IDEA requirements. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the principal or Board. Individuals who engaged in conduct in violation of this policy also may be referred to law enforcement officials.

3. Retaliation, reprisal or false accusations against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint is substantiated, and shall be subject to disciplinary consequences. False charges also shall be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

4. The principal shall be responsible for ensuring notice of this policy is provided annually to students, staff and third parties and posted at each school site, and the development of administrative regulations, including reporting and investigative procedures. In addition, the promotion of anti-bully behavior and conduct shall be included as part of the health education curriculum as set forth in 6.30.2.19 NMAC.

Statutes and Regulations: NMSA 1978 §§ 30-11-1, 30-3-1, 30-3-9, 30-3-9.1, 30-3A-2, 30-3A-3, 30-20-13; NMAC 6.12.7 *et seq.*

Grievance Review Request
Hazing/Harassment/Intimidation/Bullying/Menacing
CONFIDENTIAL

Instructions: Individuals alleging conduct which is considered Hazing/Harassment/Intimidation/Bullying/
Menacing are requested to complete this form and submit it to the Building Principal. Verbal complaints should be reported on
this form by the person receiving the complaint.

1.

Name of Grievant:

Home Address: _____ Zip: _____ Home: _____ Telephone: _____

School/Office:

2.

Nature of Your Grievance:

Please describe the action you believe may be in violation of Policy ____, and identify any person(s) you believe may be
responsible. (Attach additional sheets if necessary.)

PLEASE ATTACH ANY STATEMENTS, NAMES OF WITNESSES, REPORTS, OR OTHER DOCUMENTS WHICH YOU FEEL ARE RELEVANT TO YOUR GRIEVANCE.

I certify that the foregoing is true and correct.

Print Name: _____

Signature: _____

Date: _____

_____ **Initials of Parent certifying that a copy has been made available to them. Parent's Signature**

WHCS USE ONLY: Date Received: _____ Initial _____

Searches of Students 339

School official shall be guided by the following in determining if a search should take place and the scope of that search:

1. Student and School Rights:

Students have the right to be protected from unreasonable searches. School officials have the right and duty to maintain order and discipline and to provide for an appropriate and safe educational environment.

2. Who May Search:

Licensed school personnel and school security personnel are "authorized persons" to conduct searches when a search is permissible. An authorized person who is conducting a search may request the assistance of some other person(s), who upon consent become(s) an authorized person for the purpose of that search only.

School bus drivers are "authorized persons" to conduct searches under the following guidelines. If safety considerations make a search advisable, the driver may require a student to empty clothing pockets or to disclose the contents of purses, bookbags, backpacks and items of a similar nature. The student's person is not to be touched. Drivers are encouraged to request school employees to search when safety permits delay for that purpose.

3. Scope and Extent of Searches of Students:

The scope and extent of the search must be reasonably related to the reason for the search. For example, the scope of the search for a stolen pen would be more limited than the search for a weapon. If the scope of the search is very minimal, e.g., "Show me your hands," the school official will not necessarily need to have an individualized suspicion that the student is violating the law, or the rules or policies of the school.

More intrusive searches, such as pat-downs, may be conducted only on the basis of reasonable suspicion of the individual student to be searched. The more intrusive the search of a student's person, the greater the necessity that school officials be able to articulate the specific basis of the suspicion justifying such a search. The following are offered as examples only:

A. If gum is contraband, those students chewing gum can be required to empty their pockets. School officials should not, however, search any student without such reasonable belief that the particular student has violated the rule.

B. A student smelling of marijuana can be searched for contraband, but other students should not be searched without an individualized suspicion that they are violating the law or school rules.

Prior to a search of his or her person, a student may request that his or her parent be

present for such search. Unless school officials reasonably perceive a risk of grave bodily harm unless the search is carried out immediately, a reasonable effort shall be made to contact the parent and to allow him or her to be present for the search.

Searches of a student's person beyond such minimal levels as "show me your hands," shall be conducted by a person of the same sex as the student, and, shall be conducted in the presence of another authorized person of the same sex.

School employees are expressly forbidden to conduct strip searches. If there is compelling reason to believe that grave bodily harm is imminent or possible from a weapon which could be seized only after a strip search or that illegal substances or evidence of a criminal act is similarly concealed, the following procedures will be used:

A. The student will be isolated from all other students immediately and be subject to constant adult supervision.

B. Police authorities will be alerted to the danger and asked to take appropriate action immediately.

C. Every reasonable effort will be made to notify the student's parent(s) of the above actions as quickly as possible.

4. Scope and Extent of Searches of Student Property:

School property such as lockers, desks, and similar storage facilities remain under the control of the school, although students are expected to assume full responsibility for the security of their property. Lockers, desks and similar storage facilities may be searched by school officials at any time, with or without notice or consent. Students may not use personal locks on school lockers unless access is made available to school authorities. Personal locks may be destroyed if school authorities conduct a search of lockers.

The school retains the authority to conduct patrols of vehicles brought onto school premises by students and to inspect such vehicles from their exteriors. Searches of the interiors of such vehicles may be conducted when a school official has a reasonable suspicion that it contains an object or substance in violation of law or of school policy or rules.

Purses, wallets, bookbags, backpacks and similar items of a student's personal property may be searched.

5. Use of Dogs:

In any of the foregoing actions, the school district is authorized to use dogs whose reliability and accuracy for sniffing and detecting illegal or unauthorized substances and objects 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. An 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.

6. Seizure of Items:

Illegal items, legal items which threaten the safety or security of others, items which evidence prohibited activities or items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items may be released to appropriate authorities or a student's parent or returned to the student later as the administrative authority deems appropriate. When a search discloses illegally possessed contraband material or evidence of some other crime, the administrative authority should consider whether circumstances justify notification of the local Children's Court attorney, district attorney, or other law enforcement officers.

7. Notice to Students:

This policy shall be published in student handbooks provided to students at the beginning of the school year or upon admission to students entering during the school year.

See policies 336-11, 363-7,8.

Prohibiting Violence, Intimidation, and Hostile or Offensive Conduct 340

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

A. Definitions

1. "Unlawful harassment" means verbal or physical conduct based on a student's actual or perceived race, color, national origin, gender, religion, or disability and which has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile or offensive environment. Sexual harassment of students is further addressed by a separate policy of the Board. See Policy No. 337
2. "Bullying" means intimidating verbal or physical conduct towards another student when such conduct is habitual or recurring.
3. "Name-calling" means the chronic, habitual, or recurring use of names or comments to or about a student regarding the student's actual or perceived physical or personal characteristics when the student has indicated by his or her conduct, that the names or comments are unwelcome, or when the names or comments, by their nature, are clearly unwelcome, inappropriate, or offensive.

B. Prohibitions

1. It is the policy of the Board of Education to prohibit violence, threats, name-calling, bullying, intimidation, assault, battery, extortion, robbery, vandalism, and other victim-based misconduct that creates an intimidating, hostile or offensive environment, regardless of motive or reason. The Board will not tolerate such victim-based misconduct by students or staff.

2. It is the express policy of the Board to encourage students who are victims of such physical or verbal misconduct to report such claims. Students or their parents may report such conduct to any principal, assistant principal, or counselor.

C. Reporting

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

D. Investigation

1. All reports of physical or verbal misconduct in violation of this policy shall be promptly investigated by the school principal or his/her designee.

2. In assessing the existence of a violation of this policy and the appropriate discipline, the principal or designee shall consider the nature and extent of the conduct, the age of the student(s) involved, the context in which the alleged conduct occurred, and any prior history of conduct prohibited by this policy on the part of the violator.

E. Sanctions

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

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

Student Activities 342

Student activities shall be regarded as a vital part of the total educational program and shall be used as a means of developing wholesome attitudes and good human relations as well as knowledge and skills.

A parent or guardian may request that a student from the family be excused from certain types of student activities for religious or physical reasons. The administration will consider the request in terms of the welfare of all students as well as the individual.

All student activities shall be carried on under the authority of the board of education and its delegated administrators. Residual funds from inactive student organizations shall revert to the general student body fund unless otherwise designated.

See policies 302-2, 304, 355, 530.

Internet Policy 343

Walatowa High Charter School purpose in providing access to the internet is to support research and education by providing access to unique resources. The use of an account must be in support of education and research consistent with the educational objectives of the school district. Sending or receiving of any material in violation of any U.S. or state regulation is prohibited.

The use of the internet is a privilege, not a right, and its inappropriate use will result in cancellation of those privileges. The system administrators will decide what is inappropriate use and their decision is final. The system administrators may close an account at any time as required. The administration, faculty, and staff of Walatowa High Charter School may request the system administrator to deny, revoke, or suspend specific user accounts. Before access is granted, each user must receive training. Parents have the option of denying their individual child access to the internet. Guidelines for use will be provided so everyone is aware of the responsibilities that come with using the internet. If a Walatowa High Charter School user violates any of these rules, his or her account will be terminated and future access could be denied. The signatures on this document are legally binding and indicate that those who have signed have read the terms and conditions carefully and understand their significance.

Corporal Punishment 345

Part of the educational mission of the schools is to instill in students a sense of respect for themselves and for others. In keeping with that purpose, the Board of Education has determined that there is no place for violence in a learning environment, neither by students nor against students. Accordingly, the board has determined that it is in the educational

interests of the school community that corporal punishment of students be abolished and any form of physical mistreatment of students be prohibited.

In carrying out that determination through this policy, the board has taken account of the circumstances employees may face from time to time that call for extraordinary action. In addition, teachers, counselors and other education professionals frequently observe the educational value of friendly physical contact to reward or encourage students as appropriate in view of the students' age and sex. It is not the purpose of this policy to prohibit or inhibit the types of appropriate friendly contact between professional staff and students that frequently takes place as part of the educational process--for example, pats on the back, shoulder, arm, or head. The board believes professional staff members can readily distinguish between appropriate and inappropriate contact in the exercise of sound professional judgment, as well as pursuant to the term of this policy. To the extent any uncertainty exists on the part of individual staff members, questions should be directed to the administration.

Physical Mistreatment Prohibited: The WHCS forbids physical mistreatment by any employee of any student, including the administration of corporal punishment by any employee upon any student. Employees are prohibited from physically mistreating students themselves and from directing or suggesting physical mistreatment of a student by another student.

Definition of "Physical Mistreatment": For purposes of this policy, physical mistreatment is defined as any form of corporal punishment or any action administered upon or directed to the body, including, but not limited to:

- A. Spanking, paddling, striking, squeezing or pinching any part of the body, or forcefully grabbing the body or clothing of a student;
- B. Requiring a student to assume uncomfortable positions (e.g., hands held over head);
- C. Restraining or restricting physical movement through binding or taping;
- D. Enclosing a student in a confining space such as a closet, locker, or similar cubicle;
- E. Using exercise as a punishment (e.g., pushups, laps); provided that reasonable exercise may be used as a disciplinary or motivational measure for students in physical education classes, or for students participating in athletic programs, provided that such activity is appropriate to the physical and emotional condition of each student.

Exceptions: The following actions are excepted from this policy, and will not constitute a violation of this policy:

- A. An employee may reasonably restrain a student whose conduct is violent or physically disruptive.
 - ◆ if the student's conduct is directed toward any person, including, but not limited to, any employee, another student, or the student

himself/herself, or

◆ if the student's conduct is directed toward school property or the property of another on school premises.

B. In any instance in which a student has refused valid directives to proceed to, to leave, or to avoid entering any part of the school premises, and the student's refusal creates a disruption or potential disruption of the operations of the school, it is not a violation of this policy for an employee to exercise a reasonable grasp upon, or restraint of, the student for the purpose of moving or removing the student, or for the purpose of preventing the student from entering the premises.

C. It is not a violation of this policy for a teacher or administrator to use reasonable physical work as a punishment, analogous to the concept of "community service," including such tasks as sweeping, cleaning, etc., provided no student shall be assigned to do any heavy or strenuous labor, nor any work unsuitable to the student's age, gender, and physical capacity.

Interpretation: In assessing an employee's conduct under this policy, consideration will be given to the totality of the circumstances, including what the employee reasonably perceived, what the employee reasonably intended, and whether the employee's conduct was reasonable under the circumstances and in view of the employee's professional status.

Discipline: An employee who is found to have violated this policy shall be subject to discipline, which may include suspension or discharge for any violation. In addition, instances of physical mistreatment of students by employees will be referred to law enforcement and child protective agencies as required by law.

See policies 336-7, 233.

Gang Activity 346

The board recognizes that the harm done by the presence and activities of gangs in the public schools exceeds the immediate consequences of such activities such as violence and destruction of property.

Gang-related activities also create an atmosphere of intimidation in the entire school community.

Both the immediate consequences of gang activity and the secondary effects are disruptive and obstructive of the process of education and school activities.

Therefore, gangs and gang-related activities are prohibited in the Walatowa High Charter School, according to the following:

A. **Definition:** For purposes of this policy a "gang" can be represented by an individual or groups of two or more persons whose purpose include the commission of illegal acts or acts in violation of disciplinary rules of the Walatowa High Charter School.

B. Prohibitions: No student on or about school property shall

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

C. Application and Enforcement:

1. In determining, as part of the application and enforcement of this policy, whether acts, conduct, or activities are gang related, school officials are encouraged to exercise discretion and judgment based upon current circumstances in their schools, neighborhoods, and areas.
2. The removal of gang-related graffiti shall be a priority in maintenance of school property. All such graffiti on school property shall be removed or covered within twenty-four (24) hours of its first appearance to school officials, or as soon thereafter as possible, unless additional time is needed to obtain replacements for damaged items.
3. School officials should also encourage private property owners to promptly remove or cover gang-related graffiti on private property in school neighborhoods.
4. School officials are strongly encouraged to work closely with local law enforcement officials in controlling gang-related activities. Local law enforcement can provide school officials with information regarding gang related activities in the area, including names and characteristics of local gangs.

5. The principal, in consultation with the appropriate building principals, should report instances of gang-related criminal acts or acts of serious disruption to local law-enforcement authorities for further action.

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

See policies 348, 336-3, 336-11.

Weapons in School 347

The board of education recognizes that the presence of weapons in school not only creates unacceptable risks of injury or death, but also creates a climate that undermines the educational purposes of the schools. Accordingly, it is the policy of the board of education to forbid the possession, custody, and use of weapons by unauthorized persons in or around school property. This policy is enacted to implement the requirements of the federal Gun Free Schools Act of 1994, *33 U.S.C. 3351 (a)(1)*, and it is the intention of the board that it be interpreted to conform to provisions of that referenced law.

Definitions:

Weapon: For purposes of this policy, a "weapon" is any firearm, knife, explosive, or other object, even if manufactured for a nonviolent purpose, that has a potentially violent use, or any "look-a-like" object that resembles an object that has a potentially violent use, if, under the surrounding circumstances, the purpose of keeping or carrying the object is for use, or threat of use, as a weapon.

Firearm: For purposes of this policy, and for purposes of compliance with the federal Gun-Free Schools Act, a "firearm" is 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.

Prohibitions:

It is the policy of the board that no student shall bring a weapon into a school zone, nor carry or keep any weapon in a school zone or while attending or participating in any school activity, including during transportation to or from such activity.

Enforcement:

A. This policy shall be enforced according to the board's Student Search and Seizure Policy 336. Disciplinary actions pursuant to this policy shall follow the procedures detailed in Board Policy 336 regarding due process hearings.

B. Any student who brings a firearm or weapon onto school premises or is in possession of a firearm or weapon while at a school activity or being transported to or from a school activity shall, in addition to penalties imposed under school board policy, be referred to appropriate law enforcement authorities for prosecution.

Penalties for Violations:

A. Any student found to be in violation of this policy shall be subject to discipline, including long-term suspension and expulsion.

B. In compliance with the federal Gun Free Schools Act, any student found to be in violation of this policy due to possession of a firearm, as defined in this policy, shall, **at a minimum**, be expelled from school for a period of not less than one year, provided, that the superintendent or the board of education may modify such penalty in appropriate cases in their discretion.

C. This policy shall be interpreted in a manner consistent with the Individuals with Disabilities Education Act (IDEA).

(1) In accordance with the provisions of 20 U.S.C. 1415e(3)(B) of the IDEA, a child with a disability who is determined to have brought a weapon to a school under the jurisdiction to the school board may be placed in an interim alternative educational setting as specified by the IEP team.

(2) If the parent or guardian requests a due process hearing, the child shall remain in the alternative educational setting during the pendency of such proceedings, unless the parents and school officials agree otherwise.

(3) For further details, see policy 336-9.

Walatowa High Charter School Standard of Dress for Students 348

Students are expected to be neat, clean and appropriately dressed for learning.

Shirts

-Any solid color

-Short or long sleeve

-No printing is allowed except for school-spirit shirts

Sweaters, jackets, sweatshirts, vests, and blazers

- May be worn over a shirt
- Any solid color
- No printing is allowed except for school-spirit logo

Pants, shorts, skirts, dresses, or jumpers

- Any solid color
- Any material including cotton, polyester or blends- jeans are allowed
- No shorter than the point where extended fingers end when the student is standing up straight
- No skin should show between the bottom of the shirt and the top of the pant or skirt
- Pants must be worn around the waist in an appropriate manner (no sagging)

Shoes must be worn at all times.**The following items are prohibited:**

1) Clothing, jewelry, or hairstyles that disrupt the education process or endanger students. Including, but not limited to:

- Body piercing jewelry (Exception- earrings worn in the ear)
- Muscle shirts, spaghetti-strap shirts, tank tops, or other shirts intended as undershirts
- Shirts that are shredded, off the shoulder, low-cut or transparent
- Headgear of any kind such as hats, bandanas, hairnets, and indoor sunglasses (Exception- hats may be worn inside the gymnasium during after-school and evening events)
- Spandex or other form fitting fabrics
- Belt loop or chain wallets, spiked jewelry, and extended belts
- Pants with dragging cuffs or holes in material

2) Clothing, tattoos, or accessories which advertise, display, or promote any drug (including tobacco and alcohol), sexual innuendo, violence, weaponry, profanity, hatred or bigotry toward any group. No inappropriate face painting will be allowed.

3) Clothing, tattoos, or accessories which display gang affiliation or abuse.

Threats of Violence by Students 349

1. Threats of violence toward other students, school staff members, or school facilities generally are prohibited and may result in suspension or expulsion, regardless of whether the student has engaged in such conduct previously.

2. All employees and students are required to report evidence of threats of violence to their building principal, or to the Principal/Superintendent. Such reports shall be investigated by the building principal or his/her designee.

3. All such reports shall be documented by the Principal or his/her designee, and, in regard to any that are regarded as not sufficiently credible to warrant investigation, all reasons and bases for such conclusion shall be stated in the documentation.

4. In cases of threats that may constitute a violation of the criminal law, the Superintendent shall notify law enforcement authorities.

5. Regular education students who are charged with violations of this policy shall be

placed on short-term suspension pending investigation of the charge. Those found through a due process hearing to have violated this policy shall be subject to discipline, including long-term suspension (temporary or indefinite removal from school) or expulsion (permanent removal from school).

6. As a condition or conditions of a student's return to school from short-term or long-term suspension for a violation of this policy, the Principal or his/her designee shall consider, and may impose, the following, individually or in any combination, as well as other conditions deemed necessary or appropriate:

a) That the parent of such student shall provide a documented opinion by a licensed professional that the student does not represent a threat of harm to himself/herself or to others, and, for a period to be determined by the Superintendent or his/her designee, that the parents provide regular documented updated of such opinion;

b) That the parent of such student agree that, for a period to be determined by the Principal or his/her designee, a parent shall check the student for weapons at home, and shall accompany the student to the school office upon arrival at school at the beginning of each school day, at which time the student shall be searched for weapons or other contraband by school personnel;

c) That the parent of such student agree that, for a period to be determined by the Principal or his/her designee, the student shall be prohibited from leaving campus during the school day, and that during any non-class time, the student shall remain in a monitored, segregated environment;

d) That the parent of such student agree that, for a period to be determined by the Principal or his/her designee, the student shall be transported home from school by the parent at the end of the school day;

e) That the parent agree that for a period to be determined by the Principal or his/her designee, the student shall not be permitted to participate in any extracurricular activities, or school functions except classroom instruction during the school day; and

f) That the parent agree that, for a period to be determined by the Principal or his/her designee, the student will not be permitted to enter or be present on school premises except during the regular school day, and that the parent will enforce such prohibition by appropriate means.

7. In permitting a student to return to school from a short-term or long term suspension, conditions imposed by the Principal or his/her designee, including those set forth in paragraph 6, shall be incorporated into a written agreement to be signed by the parents or parent of the students in question.

8. In permitting a student to return to school from a short-term or long-term

suspension, the Principal or his/her designee shall document the reasons and bases for permitting such return, and such documentation shall include reasons and bases for imposing or not imposing the conditions set forth in paragraph 6.

9. Similar problems with special education students shall be addressed under the specific procedures applicable to special education students according to state and federal law.

Publications 351

Student publications (**both printed and filmed materials**) are important elements of the instructional program and contribute directly to the accomplishment of the schools' goals.

The board recognizes the students' constitutionally protected right to freedom of expression. Freedom of expression in our schools shall be interpreted as including, and not being contrary to

1. development of student responsibility in distinguishing between freedom and license.

2. consideration by the faculty of the maturity levels of students and of appropriate standards of journalistic taste.

3. care for the development of skills of written expression among students.

Any student or student group deprived of freedom of expression under this policy shall have the right to request a hearing to determine whether such deprivation is justified under these rules. Such a hearing must be held as soon as possible after the request before a committee which includes representatives of the faculty and the student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of this policy. At the conduct of such hearings, the school shall have the burden of justifying its actions. The student or student group has the right to appeal the decision of the hearing authority to the local school board. Such appeal shall be a review of the procedure and the findings of the hearing authority and shall not be set aside unless it is established, by a preponderance of the evidence presented, that insufficient cause existed for the decision.

The schools are entitled to set high standards and to exercise control in regard to publications produced or distributed under school auspices and will not permit or sponsor the publication or dissemination of student expression that is biased or prejudiced; vulgar, profane, obscene or lewd; unsuitable for immature audiences; defamatory or otherwise intrusive upon the rights of others; inadequately researched, ungrammatical or poorly written; or that will, or is likely to, disrupt or impede the work of the schools, on the basis of articulable, objective facts.

The schools may control production or distribution of school publications so long as some

valid educational purpose is served by such control. Publications may not be deemed disruptive merely because they express unpopular or controversial views. Building principals are hereby authorized to act under the guidance of this policy taking community standards into account. See policy 352.

Distribution and Sale of Unauthorized Materials 352

No one including students shall, on any school grounds, publish, distribute, or sell materials, papers, supplies, or any other matter considered inflammatory or potentially disruptive of classes, school program, or student morale without first obtaining the written consent of the principal wherein such publication, distribution, or sale is proposed to be made. To petition to distribute or sell, the petitioner must submit a written request to the principal detailing the nature of the item in question. The principal shall approve or disapprove the request within ten (10) workdays. In event of disapproval of a request by students a review may be requested by a review committee appointed by the superintendent composed of two instructors, two students, and the assistant superintendent for instruction. They shall make their determination known in writing to the petitioner and principal within ten (10) workdays after receipt of the request. In event of disapproval of a request by others a review by the superintendent may be requested, a determination in writing to be made within ten (10) workdays.

See Policies 351, 354.

Student Freedom of Expression 354

The non-disruptive expression of opinions by students in the public schools, or by non-students near the schools, is protected by the free-speech guarantees of the United States and New Mexico Constitutions. However, a person's right of expression may be restrained when, because of the time, place or manner of the speech or expressive conduct, it infringes on the schools' compelling interest in maintaining undisrupted school sessions conducive to learning.

The primary liberties in a student's life have to do with the process of inquiry and learning, of acquiring and imparting knowledge, and of exchanging ideas. This process requires that students have the right to express opinions, to take stands, and to support causes, publicly and privately. There should be no interferences in the schools with these liberties, or with the students' access to or expression of controversial points of view, except as provided below:

1. Bulletin Boards

School authorities may restrict the use of certain boards to school announcements. Bulletin board space shall be provided for the use of students and student

organizations, including a reasonable area for notices relating to out-of-school activities or matters of general interest to students. The following general limitations on posting may be applied:

- a. School authorities shall prohibit material which is obscene according to current legal definitions, which are libelous, or which inflames or incites students so as to create a clear and present danger of the commission of unlawful acts or of physical disruption to the orderly operations of the school.
- b. Identification shall be required on any posted notice of the students or student group issuing same.
- c. The school shall require that notices or other communications be dated before posting and that such material be removed after a prescribed reasonable time to assure full access to bulletin boards.

2. Distribution of Printed Material and Circulation of Petitions

Students shall be free to distribute handbills, leaflets, and other printed materials and to collect signatures on petitions concerning either school or out-of-school issues, whether such materials are produced within or outside the school. The following limitations will be applied:

- a. The time of such activity shall be limited to periods before school begins, after dismissal, and during lunch time, if such limitation is necessary to prevent interference with the school program.
- b. The place of such activity shall be reasonably restricted to permit the normal flow of traffic within the school and at exterior doors.
- c. The manner of conducting such activity shall be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining signatures on petitions. The danger of littering is not a sufficient ground for limiting the right of students to distribute printed material.
- d. The school shall require that all printed matter and petitions distributed or circulated on school property bear the name of the sponsoring organization or individual.

In case of petitions presented by students to the school authorities, students shall have the right to have their petitions considered and to receive an authoritative reply thereto.

In imposing limitations on student expression for any reason under any of the foregoing provisions, the school must ensure that its rules are applied on a non-discriminatory basis and in a manner designed to assure freedom of expression to students. Any student or student group deprived of freedom of expression under any of these provisions shall have the right to request a hearing to determine whether such deprivation is justified under these rules. Such a hearing must be held as soon as possible after the request before a committee which will include representatives of the faculty and the student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of the policy in question. At the conduct of such hearings,

the school shall have the burden of justifying its action.
See policy 351.

Equal Access for Student Groups 355

The board does not require each secondary school in the district create an open forum or meeting place for non-curriculum-related student groups to meet on school premises during instruction or non-instructional time. However, if the principal of any secondary school within the district allows non-curriculum related student groups (e.g. chess club) to meet on school premises during non-instructional time before or after school, student-initiated religious, political, and philosophical groups shall have the right, guaranteed by the Equal Access Act of 1984, to meet on the same basis and are subject to the same controls as any other student-initiated non-curriculum group. Subject to reasonable control of the time, place, and manner of the speech, the secondary school shall not use the content of student speech to discriminate against those students requesting access to the forum if an open forum is provided other students. Authorization to meet for any such student group will be contingent on the group having an employee sponsor.

Activities, traditionally sponsored by the school, but not directly related with the curriculum, such as athletic activities, school plays, and school talent shows, etc., shall not be considered as creating a "limited open forum". A "limited open forum" for a school would be created if student initiated groups can meet on school premises during non-instructional time and the subject matter of the group is not directly related to the school's curriculum. Subject matter is related to the curriculum under these circumstances.

- the subject matter of the student groups is actually taught in a regularly offered course;
- if the subject matter of the student group concerns the body of courses as a whole;
- if participation in the student group is required for a particular course; or
- if participation in the student group results in academic credit.

The principal shall have the authority to determine other requirements for the access to the open forum that satisfy the spirit and letter of the Equal Access Act and also satisfy minimum standards of fairness. In satisfying the secondary school's obligations under the Equal Access act, where an open forum is provided, school employees shall not:

1. Influence the content of any prayer or other religious activity in the school;

2. Require any person to participate in prayer or other religious activity in the school;
3. Provide any public funding of any religious activity other than the cost incidental to the space for the student meetings;
4. Compel school employees to attend any meeting if content of the speech at the meeting is contrary to the beliefs of the employees.
5. Sanction meetings which would otherwise be unlawful;
6. Attend such religious meetings other than in a non-participatory capacity;
7. Allow meetings which materially and substantially interfere with the orderly conduct of educational activity within the school;
8. Allow non-school persons to direct, conduct, control, or regularly attend activities of such religious meetings;
9. Limit the authority of the school to maintain order and discipline on school premises, to protect the well being of students and faculty, to assure that attendance at such religious meetings is voluntary, and to make such regulations as required by considerations of space, safety, and the common good. The superintendent shall report annually to the board the status and nature of "equal access" groups formed at Walatowa High Charter School.

Student and Staff Wellness Policy 356

Family, School and Community Involvement

Definition:

Family, school and community involvement means an integrated family, school and community approach for enhancing the health and well-being of students by establishing a health advisory committee that has the responsibility to make recommendations to the WHCS in the development or revision, implementation and evaluation of the wellness policy.

The family, school and community involvement component promotes long-term effective partnerships between families, schools, and communities in the planning and implementation of health promotion projects and events both within the school and throughout the community. The partnership can encourage and sustain environmental changes that support healthy lifestyles for children and their families.

Requirement:

Each local board of education shall establish a district school health advisory council that consists of parent(s), school food authority personnel, school board member(s), school administrator(s),

school staff, student(s), and community member(s).

The school health advisory committee shall have the responsibility to make recommendations to the local school board in the development or revision, implementation, and evaluation of the WHCS wellness policy.

The school health advisory council shall meet for this purpose a minimum of two times annually.

Goal:

The goal of family, school and community involvement within a coordinated school health approach is to create a total school environment that is conducive to student health and academic achievement. This inclusive atmosphere features a shared responsibility that supports healthy children and families. Effective partnerships between families, schools and communities support the development and the maintenance of this comprehensive learning environment.

Activities:

The activities below are broken up into two components. Component one (I) includes the Public Education Department (PED) requirements that are outlined in the school district wellness policy rule (6.12.6.6 NMAC). The PED required activities are expected to be included in every wellness policy submitted to the PED. Component two (II) includes other activities each school health advisory council can create in addition to the requirements that are specific to the needs of the local school district.

I. PED required activities:

- ⌚ Assign responsibilities to School Health Advisory Committee members (SHAC) to develop, implement, monitor and evaluate the wellness policy.
- ⌚ Create guidelines to provide physical activity opportunities to students before, during and/or after school.
- ⌚ Create nutrition guidelines for a la carte offerings minimally meeting guidelines as stated in the competitive food sales rule.
- ⌚ Create guidelines for school sponsored fund raisers during normal school hours minimally meeting guidelines as stated in the competitive food sales rule.
- ⌚ Create guidelines for school sponsored fund raisers before and after school hours ensuring that at least 50% of the offerings shall be healthy choices as stated in the competitive food sales rule.
- ⌚ Create guidelines for a planned, sequential, K-12 health education curriculum that addresses the physical, mental, emotional, and social dimensions of health and is aligned to the health education content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.
- ⌚ Create guidelines for a planned, sequential 9-12 physical education curriculum that provides the optimal opportunity for all students to learn and develop skills, knowledge and attitudes necessary to personally decide to participate in lifetime healthful physical activity and is aligned to the physical education content standards with benchmarks and performance standards as set forth in 6.30.2.20 NMAC.
- ⌚ Create a plan addressing the behavioral health needs of all students in the educational process by focusing on students' social and emotional well-being.
- ⌚ Create a school safety plan at each school building focused on supporting health and safe environments and including but not necessarily limited to prevention, policies and procedures, and emergency response.
- ⌚ Create a plan addressing the health services needs of students in the educational process.

- ⌚ Create a plan addressing the staff wellness needs of all staff that minimally ensures an equitable work environment and meets the American with Disabilities Act Part III.
- ⌚ Create a plan for measuring implementation and evaluation of the wellness policy.
- ⌚ Designate one or more persons within the school district, or at each school, as appropriate, charged with operational responsibility for ensuring that each school fulfills the district's wellness policy.

Health Education

Definition:

Health Education means the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease and reduce health-related risk behaviors. It allows students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills, and practices. It meets the content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Requirement:

The wellness policy shall include a planned, sequential, 9-12 health education curriculum that addresses the physical, mental, emotional and social dimensions of health and is aligned to the health education content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Note: Districts should align health education curriculum to the health education content standards with benchmarks and performance standards for implementation in the 2006-07 school year.

Goal:

The goal of a comprehensive health education curriculum within a coordinated school health approach is to acquire life skills in order to attain personal, family, community, consumer and environmental health.

Activities:

The activities below are broken up into two components. Component one (I) includes the Public Education Department (PED) requirements that are outlined in the school district wellness policy rule (6.12.6.6 NMAC). The PED required activities are expected to be included in every wellness policy submitted to the PED. Component two (II) includes other activities each school health advisory council can create in addition to the requirements that are specific to the needs of the local school district.

I. PED required activities:

- ⌚ The wellness policy shall include a planned, sequential, 9-12 health education curriculum that addresses the physical, mental, emotional and social dimensions of health.
- ⌚ The health education curriculum will be aligned to the health education content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

⌚ All schools will provide activities in comprehensive health education that align with the New Mexico health education content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

⌚ All school district shall implement a policy that will insure that parents have the ability to request that their child be exempted from the parts of the health education curriculum that addresses the sexuality performance standards. The policy includes but is not limited to:

- the process for parents to request an exemption from the parts of the health education curriculum that addresses the sexuality performance standards and
- how alternative lessons are established for the exempted parts of the curriculum.

⌚ All school district shall provide instruction about HIV and related issues in the curriculum of the required health education content area to all students in the elementary grades, in the middle/junior high school grades, and in the senior high school grades as set forth in 6.12.2.10.C NMAC.

Health Services

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Definition:

Health services means services provided for students to apprise, protect and promote health. These services are designed to ensure access or referral to primary health care or behavioral health services or both, foster appropriate use of primary health care services, behavioral health services, prevent and control communicable disease and other health problems, provide emergency care for illness or injury, promote and provide optimum sanitary conditions for a safe school facility and school environment and provide educational and counseling opportunities for promoting and maintaining individual, family and community health

Requirement:

The wellness policy shall include a plan addressing the health services needs of students in the educational process.

Goal:

The goal of health services is to provide coordinated, accessible health and mental health services for students, families and staff.

Activities:

The activities below are broken up into two components. Component one (I) includes the Public Education Department (PED) requirements that are outlined in the school district wellness policy rule (6.12.6.6 NMAC). The PED required activities are expected to be included in every wellness policy submitted to the PED. Component two (II) includes other activities each school health advisory council can create in addition to the requirements that are specific to the needs of the local school district.

I. PED Required Activities:

- ⌚ Create a plan addressing the health services needs of students in the educational process.

Healthy and Safe Environment

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Definition:

Healthy and safe environment means the physical and aesthetic surroundings and the psychosocial climate and culture of the school. It supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness and freedom from discrimination and abuse.

Requirement:

The wellness policy shall include school safety plans at each school building focused on supporting healthy and safe environments and including, but not necessarily limited to, prevention, policies and procedures and emergency response plans.

Goal:

The goal of a healthy and safe environment is to promote a climate and culture before, during and after school for students, teachers, staff, parents and community members that supports academic achievement.

Activities:

The activities below are broken up into two components. Component one (I) includes the Public Education Department (PED) requirements that are outlined in the school district wellness policy rule (6.12.6.6 NMAC). The PED required activities are expected to be included in every wellness policy submitted to the PED. Component two (II) includes other activities each school health advisory council can create in addition to the requirements that are specific to the needs of the local school district.

I. PED Required Activities:

- ⌚ Create school safety plans at each school building focused on supporting healthy and safe environments and including, but not necessarily limited to, prevention, policies and procedures and emergency response plans.
- ⌚ Perform 12 emergency drills in each public school in New Mexico. Emergency drills shall consist of 9 fire drills, 2 shelter in place drills and one evacuation drill at the intervals set forth in subsection M of 6.30.2.10 NMAC.

Nutrition

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Definitions:

Nutrition means programs that provide access to a variety of nutritious and appealing meals that accommodate the health and nutrition needs of all students.

Nutrition Education aims to teach, encourage and support healthy eating by students. Nutrition Education and healthy eating will allow for proper physical growth, physical activity, brain development, ability to learn, emotional balance, a sense of well-being, obesity prevention and the ability to resist disease.

Requirement:

The wellness policy shall include nutrition guidelines for a la carte offerings minimally meeting guidelines set forth in Subsection B of 6.12.5.8 NMAC.

The wellness policy shall include guidelines for school sponsored fund raisers during normal school hours minimally meeting guidelines in Paragraph (1) of Subsection C of 6.12.5.8 NMAC.

The wellness policy shall include guidelines for school sponsored fund raisers before and after

school hours ensuring that at least 50% of the offerings shall be healthy choices in accordance with the requirements set forth in Paragraph (2) of Subsection C of 6.12.5.8 NMAC.

Goal:

The goal of nutrition is to promote the role of nutrition in academic performance and quality of life, and to ensure the adoption of school policies which provide adequate nutrition opportunities.

Activities:

The activities below are broken up into two components. Component one (I) includes the Public Education Department (PED) requirements that are outlined in the school district wellness policy rule (6.12.6.6 NMAC). The PED required activities are expected to be included in every wellness policy submitted to the PED. Component two (II) includes other activities each school health advisory council can create in addition to the requirements that are specific to the needs of the local school district.

I. PED required activities:

- ⌚ Create nutrition guidelines for a la carte offerings minimally meeting guidelines set forth in Subsection B of 6.12.5.8 NMAC.
- ⌚ Create guidelines for school sponsored fund raisers during the normal school hours minimally meeting guidelines set forth in Paragraph (1) of Subsection C of 6.12.5.8 NMAC.
- ⌚ Create guidelines for school sponsored fund raisers before and after school hours ensuring that at least 50% of the offerings shall be healthy choices in accordance with the requirements set forth in Paragraph (2) of Subsection C of 6.12.5.8 NMAC.
- ⌚ All schools will provide nutrition education activities that align with the New Mexico health education content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Physical Education

Definition:

Physical education means the instructional program that provides cognitive content and learning experiences in a variety of activity areas. It provides the opportunity for all students to learn and develop the skills, knowledge and attitudes necessary to personally decide to participate in a lifetime of healthy physical activity. It meets the content standards with benchmarks and performance standards as set forth in Section 6.30.2.20 NMAC.

Note: Physical activity is a component of, but is not a substitute for, quality physical education. Physical education is an instructional program taught by a certified physical educator and focuses on developing skills, knowledge, and attitudes necessary to personally decide to participate in a lifetime of healthful physical activity.

Districts should align health education curriculum to the health education content standards with benchmarks and performance standards for implementation in the 2006-07 school year.

Requirement:

A planned, sequential, 9-12 physical education curriculum that provides the optimal opportunity for all students to learn and develop skills, knowledge and attitudes necessary to personally decide to participate in lifetime healthful physical activity and is aligned to the physical education

content standards with benchmarks and performance standards as per 6.30.2.20 NMAC.

Goal:

To provide every student with daily physical education during which a certified physical educator uses appropriate practices to teach the skills, knowledge, and attitudes needed to be physically fit and active for a lifetime. Activities are based on goals and objectives which are appropriate for all children, and are planned after referring to a curriculum which has an obvious scope and sequence which aligns with the content standards with benchmarks and performance standards.

Activities:

The activities below are broken up into two components. Component one (I) includes the Public Education Department (PED) requirements that are outlined in the school district wellness policy rule (6.12.6.6 NMAC). The PED required activities are expected to be included in every wellness policy submitted to the PED. Component two (II) includes other activities each school health advisory council can create in addition to the requirements that are specific to the needs of the local school district.

I. PED required activities:

⌚ The wellness policy shall include a planned, sequential, 9-12 physical education curriculum that provides the optimal opportunity for all students to learn and develop skills, knowledge and attitudes necessary to personally decide to participate in lifetime healthful physical activity.

⌚ The physical education curriculum will be aligned to the physical education content standards with benchmarks and performance standards as per 6.30.2.20 NMAC.

Physical Activity

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Definition:

Physical activity means body movement of any type which includes recreational, fitness and sport activities.

Note: physical activity is a component of, but is not a substitute for, quality physical education. Physical education is an instructional program taught by a certified physical educator and focuses on developing skills, knowledge, and attitudes necessary to personally decide to participate in a lifetime of healthful physical activity.

Physical education is one source, but should not be the only source of physical activity before, during and/or after school.

Requirement:

The wellness policy shall include guidelines to provide physical activity opportunities to students before, during and/or after school.

Goal:

The goal of physical activity within the coordinated school health approach provides students with increased opportunities to engage in moderate to vigorous physical activity before, during and/or after school.

Activities:

The activities below are broken up into two components. Component one (I) includes the Public

Education Department (PED) requirements that are outlined in the school district wellness policy rule (6.12.6.6 NMAC). The PED required activities are expected to be included in every wellness policy submitted to the PED. Component two (II) includes other activities each school health advisory council can create in addition to the requirements that are specific to the needs of the local school district.

I. PED required activities:

⌚ Create guidelines to provide physical activity opportunities to students before, during and/or after school.

⌚ All schools will provide education on the health benefits of physical activity that align with the New Mexico health education content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Social and Emotional Well-Being

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Definition:

Social and Emotional well-being means services provided to maintain and/or improve student's mental, emotional, behavioral and social health.

Requirement:

The wellness policy shall include a plan addressing the behavioral health needs of all students in the educational process by focusing on students' social and emotional well-being.

Goal:

The goal of social and emotional well-being is to collaborate with students, parents, staff and community to influence student success by building awareness and promoting strategies to maintain and/or improve student mental health.

Activities:

The activities below are broken up into two components. Component one (I) includes the Public Education Department (PED) requirements that are outlined in the school district wellness policy rule (6.12.6.6 NMAC). The PED required activities are expected to be included in every wellness policy submitted to the PED. Component two (II) includes other activities each school health advisory council can create in addition to the requirements that are specific to the needs of the local school district.

I. PED Required Activities:

⌚ Create a plan addressing the behavioral health needs of all students in the educational process by focusing on students' social and emotional well-being.

Staff Wellness

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Definition:

Staff wellness means opportunities for school staff to improve their health status through activities such as health assessments, health education and health-related fitness activities. These

opportunities encourage school staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale and a greater personal commitment to the school's overall coordinated school health approach.

A staff wellness program allows the staff to learn and practice skills to make personal decisions about health-enhancing daily habits.

Requirement:

The wellness policy shall include a plan addressing the staff wellness needs of all school staff that minimally insures an equitable work environment and meets the Americans with Disabilities Act, Part III.

Goal:

The goal of staff wellness is to promote activities for staff that are designed to promote the physical, emotional and mental health of school employees as well as to prevent disease and disability.

Activities:

The activities below are broken up into two components. Component one (I) includes the Public Education Department (PED) requirements that are outlined in the school district wellness policy rule (6.12.6.6 NMAC). The PED required activities are expected to be included in every wellness policy submitted to the PED. Component two (II) includes other activities each school health advisory council can create in addition to the requirements that are specific to the needs of the local school district.

I. PED Required Activities:

☺ Create a plan addressing the staff wellness needs of all school staff that minimally insures an equitable work environment and meets the Americans with Disabilities Act, Part III.

Immunization 357

No student will be enrolled in any school in the district unless he has been immunized, as required under the rules and regulations of the State of New Mexico and can provide satisfactory evidence of such immunization. If the student produces satisfactory evidence of having begun the process of immunization, he may enroll and attend school as long as the immunization process is being accomplished in the prescribed manner. It is unlawful for any parent to refuse or neglect to have his child immunized unless the child is properly exempted. Out-of-state students shall have a one week period after enrollment to become immunized or to provide proof of immunization.

Exemptions

Any minor child through his parent or guardian may file with the principal of the school the certificate of a duly licensed physician stating that the physical condition of the child is such that immunization would seriously endanger the life or health of the child.

Any minor child through his parent or legal guardian may file affidavits or written affirmation from an officer of a recognized religious denomination with the state health agency, Health and Social Services Department, stating that such child's parents or guardian

are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing.

Any minor child through his parent or legal guardian may file affidavits or written affirmation with the State Health Agency, Health and Social Services Department, stating that such child's parents or legal guardians religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent. Upon filing and approval of such certificate, affidavit, or affirmation, the child is exempt from the legal requirement of immunization for a period not to exceed nine months on the basis of any one certificate, affidavit, or affirmation.

Transportation 360

At the elementary level, students shall be transported to and from school if they reside at a distance of one mile or more from the school. At the high school level, students shall be eligible to be transported to and from school if they reside at a distance of one and one-half miles or more from the school, and at the senior high level, students shall be eligible to be transported to and from school if they reside two or more miles from the school.

Students of any grade may be transported a lesser distance than that provided in this policy due to extremely hazardous walking conditions as determined by the school board.

Feeder routes shall be established at the discretion of the board of education and reimbursed at existing rates.

Students riding school buses shall be under the supervision, direction and control of the driver. The driver shall report in writing all disciplinary cases to the principal concerned and when deemed necessary the principal shall report individual disciplinary cases to the superintendent of schools. Bus riding privileges can be suspended for disciplinary reasons by the school administration.

Decisions regarding any extension of service shall consider both safety and the availability of funds in the transportation budget. It is the intent of the board that all costs for to-and-from school transportation must be met from the funds allocated by the state for that purpose, with no contribution from the district's operational budget.

The administration of the pupil transportation program shall at all times be consistent with the current regulations and statutes of the State of New Mexico as published in the State Department of Education's School Transportation Manual.

See policies 223, 336-7-10.

Law Enforcement Agencies 363

The following policy shall be observed in connection with all contacts by law enforcement agencies with students. A copy of this policy shall be provided to all local law enforcement

and social service agencies so that mutual cooperation may be promoted.

The following provisions govern school personnel's cooperation with law enforcement and social services agencies in regard to criminal law enforcement and child abuse investigations, and are not in derogation of the customary authority of school administrators to conduct interviews and investigations, or otherwise to take action as part of the enforcement of school discipline and order.

I. Official Contact with Students in Schools

A. Administrative Authorization Required: Law enforcement officers, including investigators employed by public agencies authorized to investigate child abuse, are not permitted contact with any student except by the building principal or designee, or by the superintendent, and pursuant to the procedures and requirements set forth in this policy.

B. Verification, Documentation, and Parental Notification Procedures: Prior to any student being produced by a school principal for any contact with officers, the principal or designee shall:

1. Write down the name, badge number, and agency of the officer(s), together with the date and time of appearance.

2. Confirm by telephone with the agency that employs the officer(s) their identity and authorization in seeking contact with the student, and record the name and position of the person confirming such information and the time of such confirmation; and
a. in instances in which the officer(s) appears at the school to inter-view or make an arrest of a student for suspected criminal activity, the principal shall also determine and write down the agency's justification for conducting an interview or arrest of a student at school when such criminal activity has not been:

(1) committed at the school,

(2) committed during school-sponsored activities,

(3) committed on school grounds, or

(4) when such criminal activity involves crimes committed at the school for which assistance has not been requested by the principal; and

b. in instances in which the officer(s) is acting pursuant to an arrest warrant, a search warrant, or other court document, the principal shall obtain a copy of such document.

3. Contact the student's parent(s) or guardian, notify them of the contact, and record the time of notification and the name of the

person notified;

a. If, upon the initial request for contact by the officer(s) or agency, the principal is directed by either not to attempt to notify the student's parent(s) or guardian or to obtain the attendance of the student's parent(s) or guardian,

(1) that direction should be added to the information recorded by the principal pursuant to this section, and

(2) the officer should be asked to sign the statement, and

(3) if the officer refuses to sign the statement, the principal should note on the statement that the officer refused to sign.

C. Administrative Monitoring of Contact with Students

1. After completion of the Verification, Documentation, and Parental Notification Procedures, and upon administrative authorization, as described in this policy, a law enforcement officer may conduct an investigation within the school building and upon school grounds and interview students as possible witnesses in the principal's office or other administrative office.

2. The principal or designee shall be present during the interview.

3. Reasonable attempts shall be made to keep the identity of those interviewed confidential.

4. Neither the principal nor designee shall disclose any written statements made or the content of statements given during the interview, except

to disclose statements made or the content of statements given during the interview to:

a. the student interviewed and to the student's attorney or parents,

b. to the district attorney, Tribal Courts and/or other law enforcement agencies, and

c. if the principal deems it appropriate to legitimate disciplinary goals, to other school officials

5. If the investigation focuses on a particular student as a suspect of a crime, the school principal and the police officer shall follow the general guidelines set forth in this policy with respect to interrogation, search, and arrest. In addition, the principal shall follow the advice of rights provisions of Section II.B. below.

6. The school principal shall keep a record of the procedural steps followed by the police in conducting interrogations, and any instance in which the principal acts to preclude or terminate an interrogation.

7. All writings and records created pursuant to these procedures shall be retained as part of the school's records.

II. Police Contacts

A. Investigation and Assistance

1. **Police Investigations at the Request of School Authorities:** A school principal may exercise discretion in determining whether to request assistance of police in investigating any crime contrary to the laws of the State of New Mexico or of the United States, or any allegation of such crimes, including crimes committed at school or on school grounds during school hours, or during school-sponsored activities.

2. **Police Investigation Without Request of School Authorities:** It should not ordinarily be necessary for police officers to interview students at school during school hours for criminal activity not committed at the school, during school-sponsored activities, or on school grounds, or for crimes committed at the school for which assistance has not been requested by the principal.

a. If the police have determined that exigent circumstances exist to interview students at school regarding such crimes, the law enforcement agency shall first contact the school principal regarding the planned visit and shall give the principal the reason for conducting the investigation during school hours, school-sponsored activities, or on school property and shall obtain his/her approval;

b. The principal shall approve and cooperate with the police during the investigation unless the principal determines that the investigation is being conducted for the purpose of harassment or for reasons not related to a criminal investigation. In the event that the principal declines to approve the interview, this decision shall be reported immediately to the superintendent, who shall notify and discuss the opposition with the appropriate police supervisor. Approval shall not be unreasonably withheld.

c. A principal shall not, in any event, prevent the appropriate law enforcement agency from serving or executing court process (i.e. summonses, warrants, subpoenas) or court orders upon school grounds during school time, provided that the procedures set forth in section I are first observed.

d. A principal may also designate a reasonable time and place

for law enforcement contact with students, including for service of process upon students under his control, in order to ensure that the educational process is not disrupted.

e. In all cases of police interview or interrogation or removal from school of students, the principal shall ensure that a school employee is present with the student during the police-student interaction while the student is on campus.

3. Requests for Police Assistance

a. Building principals are authorized, upon consultation with the superintendent or designee, to summon and seek assistance from law enforcement authorities in any case in which the activities of students or others is creating a threat to the health or safety of students or of others, or is disrupting or threatening to disrupt the educational program, normal operation, or lawful functions of the school.

b. Such requests shall be directed to the law enforcement agency (State Police, Sheriff's Department or local police) having jurisdiction over the geographical area in which the school is located.

B. Interrogation of Student Suspects in School

1. By or for Police: If law enforcement officers deem it necessary to interrogate student suspects in school during school hours or school-sponsored activities, and if criminal prosecution is anticipated by the law enforcement officers or the school principal, **no interrogation shall commence unless:**

a. A parent or guardian is present to counsel the student; or

b. The student suspect has been advised of his basic rights and, understanding those rights, has knowingly and voluntarily waived those rights as follows:

Before interrogation, the police officer shall

... advise the student of the nature of the crime for which the student is a suspect,

... advise the student of the right to remain silent, that anything said by the student may be used in criminal or juvenile court and of the right to have an attorney present, or a court-appointed attorney if the parents are indigent, and of the right of the student or parent to stop the interrogation at any time in order to have an attorney present at further interrogations.

c. The school principal or designee cannot waive these rights on behalf of the student, nor compel the student to submit to an interview or interrogation.

d. The school principal shall use discretion and knowledge of a student's age and mental or physical condition and shall not permit interrogation in an instance in which a parent is not present and the principal does not believe that the student can knowingly, intelligently, and voluntarily waive his/her rights.

e. It is not the responsibility of the school principal to advise the student suspect of his basic rights as set forth in the Children's Code, Section 32-1-27, NMSA 1978.

f. The school principal shall not permit a student suspect age thirteen or under to be photographed or fingerprinted unless the law enforcement officer presents a court order authorizing it.

2. By School Personnel at Request of Police: WHCS employees are **not** to undertake the interrogation of student suspects at the request or instigation of the police for law enforcement purposes.

C. Arrests of Students in Schools

1. General Policy: It should not ordinarily be necessary for police officers to arrest students at school during school hours for criminal activity not committed at the school, during school-sponsored activities, or on school grounds, or for crimes committed at the school for which assistance has not been requested by the principal.

2. Arrests with Advance Notice: In cases where a law enforcement agency deems it necessary to arrest a student during school hours or activities at school, the agency should notify the principal of the intended arrest prior to dispatching officers to the school, and the principal should request that a non-uniformed officer make the arrest if possible or that the services of school security officers be used if available.

3. Arrests in Emergency Circumstances: In emergency situations, where the immediate arrest of a student is deemed necessary by the policy, including instances where the commission of a felony or serious breach of the peace has been witnessed by a police officer or if the police officers is in "hot pursuit" of the student for such crime, the police shall be entitled to take action to arrest the student on school property without a warrant.

a. In cases in which an arrest of a student has been made in an emergency situation in which the police have taken custody of a student without providing school authorities the opportunity to conduct the Verification, Documentation, and

Parental Notification Procedures outlined in section I.B., school authorities shall make every reasonable effort to have the arresting officer(s) comply with the Verification, Documentation, and Parental Notification Procedures before removing the student from school grounds.

b. If the student has been removed from school grounds by law enforcement officers prior to compliance with the Verification, Documentation, and Parental Notification Procedures, school authorities shall contact the arresting agency and complete the Verification, Documentation, and Parental Notification Procedures as soon as possible after learning of the removal.

D. Search and Seizure by the Police

1. On Request of School Authorities

a. Emergency Circumstances

Upon request of a school principal, police officers may make a general search of students' lockers and desks, or students' automobiles on school property, for drugs, weapons, or items of an illegal or prohibited nature if, in the principal's judgment, public health or safety is threatened.

b. Non-Emergency Circumstances

If a principal has received reliable information, which he believes to be true, that evidence of a non-school-related crime or stolen goods is located in a certain student's locker, desk, or in a student's or a non-student's automobile parked on school property, and there is no immediate threat to the health or safety of students or employees the principal shall request police assistance for a search by the police pursuant to a search warrant.

2. Without Request of School Authorities

a. Police officers may not search a student's locker, desk, or automobile unless they have a search warrant, or a knowing, intelligent, and voluntary consent is given by the student.

b. A student's person may not be searched in school unless:

(1) police have a search warrant, or

(2) the student is under arrest, or

(3) the police are acting upon probable cause to believe that the student is concealing contraband, or

(4) a knowing, intelligent, and voluntary consent is given

by the student.

c. Notwithstanding the foregoing, a search of a student's person, locker, automobile on school grounds, or desk, may be conducted by any police officer on school grounds during school hours if emergency circumstances exist and the police are acting upon probable cause to believe that the health and safety of the student or of others requires a search.

d. A school official may not consent to a warrantless search of a student's locker, desk, or automobile, by police unless police are acting at the direction and under the supervision of the school administration.

e. The student, if then available, shall be present during any search of his/her locker, desk, or automobile.

f. In all searches authorized by this section, the principal or designee shall accompany the officer(s) in conducting such searches.

III. Child Protective Agency Contacts-Tribal Social Services

A. Duty to Report Suspected Child Abuse and Neglect

Pursuant to Section 32-1-15 NMSA 1978, it is the duty of any school nurse and school teacher or administrator who knows or suspects that a child is or has been abused or neglected upon penalty of fine to report this information immediately to either (1) the criminal prosecution division of the district attorney's office, (2) the county social services office of the Human Services Department, or (3) the juvenile probation services office of the local district court. School employees and officials shall cooperate with investigators of the above-named agencies investigating suspected instances of child abuse and neglect, subject to the safeguards and procedures provided by this policy.

B. Investigations of Child Abuse and Neglect

Verification, Documentation, and Parental Notification Requirements:

Investigators employed by public agencies authorized to investigate child abuse, including those seeking to remove students from school for purposes of maintaining protective custody as part of a child-abuse investigation, are subject to the Verification, Documentation, and Parental Notification Procedures set forth in Section I, except:

1. In observing the Verification, Documentation, and Parental Notification Procedures, the school principal or designee shall determine from the investigator whether it is appropriate to notify the parent or guardian of the requested interview or the removal of the student from the school. The principal or another school employee shall be present during all investigator-student interaction on school

property.

2. In the event the investigator directs that such notice not be given, as in cases where a parent or close family member is the suspected abuser, the principal shall record such direction as part of the Verification, Documentation, and Parental Notification Procedures.

See policy 339--Searches of Students.

See policy 375--Release of Students.

See policy 293--Reporting Child Abuse and Neglect.

Admission of Students Expelled by a New Mexico School District 364

The right to attend school in New Mexico is conferred on school-age students by the Constitution New Mexico. N.M. Const. art. XII, § 1 (“A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained.”). The constitutional right to attend public school is implemented by statute.

N.M.Star.Ann. § 22-12-4 (1993 Repl.).

The right to attend public school, however, is not absolute. It is conditioned upon each student’s observation of the obligation to abide by the rules and policies of the school community and the state. See State Board of Education Regulation 81-3 at 3-02-005 (May 22, 1981). The right may be taken away through expulsion of a student who has seriously or repeatedly violated the rules and policies of the school community. *Id.* At 3-02-015.

The WHCS Governing Board and the administration are responsible for maintaining a safe secure environment that is conducive to the educational mission of the schools, and the interests of the students, *id.* At 3-02-005, and may validly expel students whose conduct endangers the health or safety of students, school personnel, or others for whose safety the school is responsible, through the procedures prescribed by SBE Reg. 81-3. *Id.* at 3-02-009 and 010. When a student has been validly expelled for such a reason by a New Mexico school district, the expulsion constitutes a determination that the student’s presence constitutes an unacceptable threat to the school community, and the student’s constitutional right to attend public school in New Mexico has been extinguished. A student who has been expelled for such reason by any New Mexico school district poses the same threat to other New Mexico school districts. Moreover, his or her right to attend public school in New Mexico has been lost as a result of the expulsion. In the case of a student who has been expelled for such conduct in another state, it may be necessary for the administration to institute proceedings to determine whether the student’s presence in the schools of this district constitutes an unacceptable threat to the health or safety of the school community.

Accordingly, it is the policy of the WHCS Governing Board that a student seeking admission to the high-school level may be denied admission if such student has been validly expelled from another New Mexico school district for conduct that, in the view of this district’s administration, constitutes an unacceptable threat to the health or safety of the school community. This policy shall be implemented by the following:

- A. The administration will produce a form, to be filled out by students claiming the right to admission to WHCS- high-school level, requiring disclosure of any prior expulsions, the reason(s) for such expulsions, and other pertinent information.
- B. Any student who has been validly expelled by a school district in New Mexico for conduct which, in the view of the administration, constitutes an unacceptable threat to the health or safety of the school community, may be denied admission.
- C. The administration may contact the prior school district of students claiming admission to school in this district at the high-school level, in order to confirm or clarify information about the circumstances of such student's departure from the district in which he or she formerly attended school.
- D. In case of a student who has been expelled by a school district in another state, the administration will conduct appropriate proceedings to determine if such student's presence in the schools of this district constitutes an unacceptable threat to the health or safety of the school community.

Student Substance Abuse 366

It shall be the policy of the Walatowa High Charter School to maintain and enforce "Drug-Free Schools" and "Smoke-Free Schools."

The Board of Education for the Walatowa High Charter School recognizes that abuse of alcohol and other drug use are problems afflicting our society and that they are treatable health-related problems. Health problems of youth are primarily the responsibility of the home and community. The school shares that responsibility because substance-abuse problems often interfere with school behavior, student learning, maximum possible development, and the educational process.

Due to the serious nature of substance abuse, the schools will seek to intervene with students manifesting signs of use of alcohol, drugs and tobacco products. WHCS will educate students, aid them, and pursue disciplinary actions aimed at protecting the educational process and the welfare of other students. The principal of each school shall establish and oversee the work of an interdisciplinary referral and assessment team for students, the Student-Teacher Assistance Team (STAT). The counseling staff may be included as available and needed. Individual team members may exclude themselves as necessary because of personal considerations relative to specific clients and/or situations. The superintendent may assign other duties in other assistance areas such as guidance and training for supervisors and employees regarding the implementation of this policy. In order to help ensure a safe, positive, and productive learning environment, no student shall distribute, dispense, possess, use, transport, give, sell, or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor, tobacco products or unlawfully manufacture, distribute, dispense, possess or use, give, sell, or

transport or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C., Statute 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15, or use, possess, dispense, sell, give or transport any drug paraphernalia, prescription drugs without a prescription, solvents, or other substances used for intoxication, mind or mood alteration or "look-alike" drugs, before, during, or after school hours at school, during any school programs, or in any other school premises as defined below.

"School premises" means in any school building or on any school premises; in any school-owned vehicle or in any other school approved vehicle used to transport students to and from school or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

"School program" means any school-sponsored or approved activity, event, or function on or off school premises where students are under the jurisdiction of the district; or during any period of time when school employees are supervising students on behalf of the district.

As used in this policy, "drug paraphernalia" means equipment or apparatus designed for or used for the purpose of measuring, preparing, packaging, distributing, or facilitating the use of controlled substances or other substances prohibited by this policy.

A student who violates the terms of this policy may be suspended from extracurricular activity participation or suspended or expelled from school, at the discretion of the board, and/or be required to satisfactorily participate in a drug abuse assistance or rehabilitation program approved by the board. If such student fails to satisfactorily participate in such program, the student shall be suspended or expelled from school, at the discretion of the board. The board shall also possess the discretion to require non-discriminatory random drug testing of students who are engaged in any interscholastic activity which is under the jurisdiction of the New Mexico Activities Association. Sanction against students shall be in accordance with prescribed school district administrative regulations and procedures.

See policies 291, 336-3, 336-11, 367, 543.

Student CORE Teams 367

It shall be the policy of the board of education for the Walatowa High Charter School to maintain Student Core Teams at each of its schools.

Student Core Teams will function in the capacity of intervening in verified and suspected cases of student substance abuse, i.e., the use of alcohol, tobacco, or illegal drugs. It is the position of the Walatowa High Charter School that any use constitutes abuse in this population.

In accordance with state law, Section 22-5-4.4, NMSA, "Reporting Substance Abuse," any Walatowa High Charter School employee who knows or suspects any student of using or abusing alcohol or other drugs shall report such use or abuse to the principal or the Student CORE

Team in the school where that student is registered.
See policies 222-3, 291.

Student Teacher Assistance Teams (STAT) 368

New Mexico Special Education Regulations (6.31.2.10) mandate that “Local school districts shall provide for pre-referral interventions through a student assistance team.”

The regulations go on to say that pre-referral interventions are to “ensure that adequate screening has been completed to rule out other possible causes of the child’s educational difficulties; consider, implement and document such pre-referral interventions as a properly constituted multidisciplinary team believes are appropriate under the circumstances; and if pre-referral interventions are not effective within a reasonable time, refer the child for a full special education evaluation.”

The Student Assistance Team (SAT) is a problem-solving team that is in place to assist students, teachers and families seeking positive solutions to create a learning environment that contributes to the achievements, well-being and success of students. It provides an opportunity for teachers, other school personnel and parents to present concerns about the student. After discussion and study, the team collaboratively plans a course of action, mobilizes and coordinates resources, assigns responsibilities, and monitors results. The SAT provides for a system of accountability with measurable outcomes. At the heart of this process is the belief that the school and home must work together to support the educational process. The goal of the Student Assistance Team is to support students so that they become successful in the general education classroom and to help teachers develop successful strategies and intervention to use with students. Another benefit for the SAT process is the development of resiliency skills in students. Those resiliency factors include: bonding with family members, teaching life skills, setting and consistently enforcing boundaries for rules at the home and school, creating high expectations for success, providing students with caring and support, and providing students with opportunities for meaningful participation and contribution. The Student Assistance Team includes the most important people in the student’s life, parents or caregivers, teachers, counselors, specialists, school administrators and any other school or community members who can provide support.

The SAT process involves a meeting of parents, teachers, administrators, nurse, counselor, and others as needed. A facilitator leads the group through the process and a recorder completes appropriate paperwork. The group talks about student strengths, gathers pertinent history and information, and discusses present interventions. The team discusses concerns, brainstorms interventions, and chooses actions to complete a plan. The team decides on a follow-up date. Members record their attendance at the meeting. Participants are given a written copy of the plan at the conclusion of the meeting. At the follow-up meeting, the team updates information and evaluates the previously agreed upon interventions. If interventions have not been successful a new course of action is set or makes appropriate referrals for assessment for special education or to other available programs/services. If interventions were successful the team can celebrate the success

and provide closure to the case.

Student Use of Tobacco Products 369

Use of tobacco products by students is forbidden in school buildings or on school property or in any vehicle used to transport students to and from schools or school-related activities. For purposes of this policy a school vehicle is defined as any vehicle used to transport students to and from any school or school-related function and which has school-sponsored chaperons.

Use of tobacco products shall be strongly discouraged in all schools through a compulsory program of instruction regarding the effects of the use of such products.

See policy 224.

See policies 336-6, 366, 367.

Custodial Rights of Parents 372

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

Release of Students 375

No student shall be released into the custody of any organization, institution, individual, or other, without prior consent from or communication with the parents or legal guardians. This includes law enforcement officers who in performing their assigned duties request permission to remove a student from the campus. In any case where officials investigating suspected child abuse come to school to place a child or children in protective custody, the documentation procedures outlined in policy 363 must be followed, with the exception of notice to parents or guardians if they are suspected of committing or aiding in the abuse.

See policy 363.

Closed Campuses 380

All campuses are closed. Students are permitted to leave during the school day only under any of the following conditions:

1. Written parental permission has been given.
2. The school principal has given express permission.
3. The student has completed the day's schedule.
4. The student is reporting to an off-campus location for class-related activity or duty.

SPECIAL EDUCATION: ELIGIBILITY DETERMINATIONS 381

I. Purpose

To ensure that the Walatowa High Charter School determines eligibility for special education services in compliance with federal and state laws and regulations.

II. Position

The School District will determine students' eligibility for special education services through interventions, evaluations, and other assessments, as provided by federal and state laws and regulations.

III. Consent

Some actions, including but not limited to evaluation, re-evaluation, initiating services, and administering tests not given to all children, require parental consent, subject to certain exceptions under New Mexico regulations. No action that requires prior written parental consent will be taken without first obtaining that consent.

SPECIAL EDUCATION: DISCIPLINE 382

I. Purpose

To ensure that the Walatowa High Charter School discipline procedures for exceptional students comply with applicable laws and regulations.

II. Position

The School District will strive to provide for the basic welfare, educational opportunity, and safety of all its students. The procedural safeguards regarding discipline are not applicable to students who are solely identified as gifted. Special education students are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other students in the program. Nevertheless, the individual needs of exceptional students must be met to the extent required by state and federal law.

III. Additional Requirements to General Discipline Policy

The School District will comply with applicable state and federal laws and regulations pertaining to long-term suspension or expulsion of special education students, or with any other disciplinary change of the student's current educational placement, as specified in the federal regulations implementing the reauthorization of the Individuals with Disabilities Education Act ("IDEA") 2004. The School District will implement disciplinary procedures for special education students. These procedures will include, but not be limited to, the following topics:

- A. Initial determination(s) as to whether the student's conduct warrants disciplinary action, including long-term suspension or expulsion;
- B. Parental notification of the incident for which discipline is considered or implemented;
- C. A manifestation determination inquiry to ascertain whether the student's

behavior is a manifestation of the disability. Relevant members of the IEP team will conduct the inquiry and apply the two prong inquiry.

D. Specific rules are applicable when a student with a disability is charged with the following conduct while on school premises or at a school function under the jurisdiction of the local educational agency (“LEA”): possession of a weapon, possession or use of illegal drugs, or inflicting serious bodily injury upon another person.

E. Functional behavioral assessments and behavioral intervention plans; and

F. Alternative educational services during any period of long-term suspension or expulsion.

G. The school administrator will contact either the special education director or the site special education supervisor before proposing long term suspension/expulsion.

IV. Student Status

Where long-term suspension or expulsion is imposed upon a student with a disability for behavior that was not a manifestation of the disability, the School District will provide alternative educational services determined by the IEP team to be in compliance with, and to the extent required by, applicable state and federal law.

V. Nothing in this policy prevents a school from reporting a crime committed by a student with a disability to appropriate authorities.

Evaluations will be conducted within 60 days of receiving informed written parental consent.

IV. Evaluations and Re-Evaluations

Evaluations are provided at no cost to parents. Referrals for individualized evaluations are completed within a reasonable time and are documented appropriately. Evaluation materials are not discriminatory and are provided in the child's primary language or mode of communication unless it is clearly infeasible to do so. A variety of assessment tools are used for evaluation, and limited English proficiency is not used to measure a child's need for special education and related services. Evaluations will use a variety of assessment tools and strategies to get information regarding students functional, developmental and academic information about the student. The choice of technically sound assessment instruments will be determined by the evaluator.

A re-evaluation is done if the IEP team determines conditions warrant or at the request of the parent or teacher.

Full and individual evaluations will first be conducted before the initial provision of special education and related services.

V. Failure to Consent

If the parent fails to respond or refuses to consent to the initial evaluation or initial placement in special education the school district is not in violation of federal or state regulations governing the provision of a Free Appropriate Education.

SPECIAL EDUCATION: IDENTIFICATION OF ELIGIBLE STUDENTS 383

I. Purpose

To ensure that the Walatowa High Charter School operates in compliance with applicable laws and regulations regarding the identification of, and provision of appropriate services to, exceptional students.

II. Position

Each eligible special education student in the Walatowa High Charter School will be afforded a full educational opportunity. This goal will be met consistent with the state's goals through ensuring the provision of a free appropriate public education ("FAPE"), complying with state and local procedures, and improving performance goal indicators.

III. Definition of Disability

A. Categories of disability as defined in the applicable state and federal laws include autism, deaf-blindness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, specific learning disabilities, speech or language impairment, traumatic brain injury, visual impairment, and developmental delay. Developmental delay is limited to children ages 3-9.

B. Students who have been determined to have one of the identified areas of disability who as a of such disability requires the provision of specialized instruction will considered for special education eligibility by a properly constituted IEP/MDT team.

IV. Age Limits

The School District's special education policies and procedures apply to students from ages 3 through 21 (or those turning 3 through 22 during the school year) with disabilities who reside within the jurisdiction of the Walatowa High Charter School and who are eligible for special education and related services.

VI. Gifted Children

A. A "gifted child" means a school-age person as defined in NMSA 1978 Section 22-13-6(D) whose intellectual ability paired with subject matter aptitude/achievement, creativity/divergent thinking, or problem-solving/critical thinking meets the eligibility criteria in 6.31.2.12 NMAC and for whom a properly constituted Individual Education Plan ("IEP") team determines that special education services are required to meet the student's educational needs. The School District will have procedures to identify students who are enrolled in its public schools and who may be gifted.

B. Procedures regarding child find, evaluations, and services for students with disabilities do not apply to school-age gifted children who are (1) attending private school, (2) schooled at home, (3) in state-supported educational programs, or (4) in detention and correctional facilities.

SPECIAL EDUCATION: INDIVIDUALIZED EDUCATION PLAN 384

I. Purpose

To ensure that the Walatowa High Charter School operates in compliance with

applicable laws and regulations regarding educational plans serving exceptional students.

II. Position

An Individualized Education Plan (“IEP”) is developed for each eligible special education student in the WHCS, except for gifted students enrolled in private or home schools.

III. Team Members

The WHCS will provide an IEP team for each eligible special education student. Members of a given IEP team will be chosen in accordance with applicable state and federal laws and regulations. WHCS personnel who will participate are the following: (1) not less than one regular education teacher, (2) not less than one special education teacher; (3) school site representative or designee, who shall meet the federal definition of an LEA representative; (4) person who can interpret the educational impact of testing results; and (5) others as appropriate. Other public agencies may be invited to participate in a student’s IEP process, particularly with respect to transition services such as the provision of adult services for individuals with disabilities after graduation or at the point of exiting from the high school program.

IV. Development, Review, and Revision

IEPs are developed, implemented, reviewed, and revised in accordance with applicable federal and state laws and regulations, and in no event less than once every twelve (12) months. Statements pertaining to transition services beginning when a student reaches the age of fourteen (14) and to transition service needs will be developed in conformity with applicable laws and as deemed appropriate by the IEP team.

V. Least Restrictive Environment Considerations

Educational placements and services for students with disabilities are provided in the least restrictive environment (“LRE”) appropriate to individual needs, except for students who are convicted as adults and incarcerated in adult prisons. To the maximum extent appropriate, all students with disabilities are educated with students who are non-disabled. Special classes, separate schooling, or other removal of students with disabilities from the regular education environment occurs only if the nature or severity of a disability precludes the student from achieving satisfactorily in the regular education environment, even when supported by supplementary aids.

Students enrolled in the WHCS who, for reasons of illness or other disabilities, are prevented from attending regular classes in their schools may receive instruction in their homes. The School District will provide instructional programs at all levels for homebound special education students in accordance with state and federal laws and regulations. Such instruction will be provided by the School District at no cost to the parents.

A student with a disability who is placed in, or referred to, a private school facility by the School District is entitled to receive full and equal special-education-related services. If parents place a student in a private school or facility because of a disagreement about FAPE, due process may be used to resolve the issue, in accordance

with state and federal laws and regulations.

SPECIAL EDUCATION: NOTICE OF PROPOSED ACTIONS 385

I. Purpose

To ensure that the Walatowa High Charter School provides notice regarding proposed WHCS actions to the parents of special education students affected by these actions, in compliance with federal and state laws and regulations.

II. Position

The WHCS will give written notice¹ to the parents of a student with a disability within a reasonable time² before the WHCS proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education (“FAPE”) to the student. If the notice relates to a proposed action that also requires parental consent³, the WHCS may give notice at the same time it requests parental consent.

III. Content of Notice

The notice of proposed action will include:

- A. (1)A description of the action proposed or refused by the WHCS,
(2)A description of the action proposed or refused by the parent/guardian;
- B. (1)An explanation of why the WHCS proposes or refuses to take the action,
(2)An explanation of why the parent proposes or refuses the action;
- C. A description of each evaluation procedure, assessment, record, or report the School District used as a basis for the proposed or refused action;
- D. A statement that the parents of a student with a disability have protection have protection under the federal regulations and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- E. A description of other options that the student’s Individualized Education

¹Referred to as either Prior Written Notice or Written Notice of Proposed Action.

²This usually will occur at the IEP team meeting.

³Consent is required at initial evaluation, re-evaluation and initial placement into special education.

Plan (“IEP”) team considered and the reasons those options were rejected; and
F. A description of other factors that are relevant to the School District’s proposal or refusal.

IV. Notice in Understandable Language

The notice of proposed action shall be written in language understandable to the general public, provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the parent’s native language or other mode of communication is not a written language, the WHCS shall take steps to ensure that (1) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; (2) that the parent understands the content of the notice; and (3) that there is written evidence that the two requirements listed herein have been met.

A parent of a special education student may elect to receive notices of proposed actions by electronic mail, if the School District makes that option available.

SPECIAL EDUCATION: TRANSFER OF PARENTAL RIGHTS TO STUDENTS 386

I. Purpose

To ensure that the Walatowa High Charter School transfers parental rights to special education students in compliance with federal and state laws and regulations.

II. Position

When a special education student becomes 18 years old, by operation of state law the School District will transfer all parental rights to the student, unless the student has been determined to be incompetent, by a court, under state law.

III. Determination of Competence

A person’s age of majority begins on the first instant of his or her eighteenth birthday, and a person who has reached the age of majority is an adult for all purposes not otherwise limited by state law. A guardianship proceeding under the probate code is the only way an adult in New Mexico legally can be determined to be incompetent and have the right to have his or her decisions taken away. Under New Mexico law, neither the WHCS nor any student’s Individualized Education Plan (“IEP”) team has the power to make such determinations.

IV. Rights Transferred

When a student with a disability reaches age 18 and does not have a court-appointed general guardian, limited guardian, or other person who has been authorized by a court to make educational decisions on the student's behalf or who has not signed a power of attorney as provided under New Mexico law, the WHCS, by operation of law, will transfer all rights accorded to parents under federal and state law to the student.

V. Notice Requirements

Each annual IEP review for a student who is 16 or older will include a discussion of the rights that will transfer when the student turns 18 and, as appropriate, a discussion of the parents' plans for obtaining a guardian before that time. Each student's IEP beginning not later than when the student turns 17 should include a statement that the student and his or her parent have been informed of the rights that will transfer to the student at age 18.

SPECIAL EDUCATION: TRANSITION 387

I. Purpose

To ensure that the Walatowa High Charter School develops transition plans for special education students in compliance with federal and state laws and regulations.

II. Position

Appropriate post-secondary transition planning for students with disabilities is essential. The School District will integrate transition planning into each special education student's Individualized Education Plan ("IEP") process for grades 8 through 12, and the WHCS will establish and implement appropriate policies, procedures, programs, and services to promote successful post-secondary transitions for students with disabilities.

III. Transition Services

Transition services for special education students aged 14 through 21 are a coordinated set of activities for a student with a disability that emphasizes special education and related services designed to meet unique needs and prepare the student for future education, employment, and independent living. Such services are designed to be within a result-oriented process focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation as determined appropriate for each student by the IEP team.

Transition services will be based on the individual student's needs, taking into

account the student's strengths, preferences, and interests. Accordingly, the transition planning incorporated into a student's IEP should include as appropriate for each individual student instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and (when appropriate) acquisition of daily living skills and the provision of a functional vocational evaluation. The IEP must comply with federal regulations regarding appropriate measurable post-secondary goals, and the transition services (including courses of study) needed to assist the student in reaching those goals.

IV. Termination of Transition Services

Once a student either (1) graduates from secondary school with a regular diploma, or (2) reaches the age of 22, the WHCS will provide the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her post-secondary goals. If the student turns 22 during the school year, the student shall be allowed to complete the school year and shall continue to receive special education and related services, including transition services, during that school year. If the student turns 22 prior to September 1 of the school year, the student is no longer eligible to receive special education and related services, including transition services.