

SECTION H STUDENT CONDUCT

(Adopted by Governing Council on August 9, 2001 and amended August 30, 2001, November 1, 2001 and February 7, 2002)

(Amended by Governing Council on 06/20/11)

H.1 STUDENT DISCIPLINE POLICY

- H.1.1. PAPA seeks to develop and maintain a safe and respectful learning community, fostering personal integrity, responsibility, creativity, productivity and academic excellence. The staff at PAPA strives to uphold highest levels of positive behavior. Our goal is to have all students and staff exhibit respect for each other in all aspects of the education process including behavior, dress, and communication. Guidelines in this policy follow 6.11.2 NMAC.
- H.1.2. PAPA administration will implement open, fair and just procedures for student discipline. PAPA will seek to involve students in learning and developing mechanisms for taking responsibility for actions, displaying respectful behavior and developing skills in dispute resolution. The goal of the discipline process is to change students' negative behaviors. Therefore, investigation, communication, and/or parent involvement will be used to evaluate misbehavior and assign consequences.
- H.1.3. Each teacher has a set of classroom rules and policies that will be reviewed at the beginning of the year with their students. When a student fails to follow the rules set forth by his/her teacher, it becomes a distraction to the teacher and to the class as a whole and disrupts the education process. Failure to follow classroom rules and regulations will be treated as insubordination and will result in disciplinary action.
- H.1.4. Student and school property shall be subject to search by certified school personnel; when there is reasonable cause or suspicion that a breach of rules or a crime is occurring or has occurred or the search is necessary to maintain school discipline. School property, as well as student vehicles on campus may be searched with or without students present. Physical searches must be by persons of the same sex and must not be excessively intrusive in light of the student's age, sex and the nature of the infraction. Illegal items or legal items that may threaten safety or disrupt or interfere with the educational process may be seized. Seized items may be released to appropriate authorities or a student's parent or returned to the student when and if the Executive Director deems appropriate.
- H.1.5. Minor disciplinary situations involving classroom misbehavior will be handled by individual teachers who may determine reasonable consequences and the necessity of parental involvement. When a teacher's attempts to resolve behavior issues are not effective, students may be referred to the Executive Director for further intervention.
- H.1.6 Any staff member may refer a student to the Executive Director for discipline. The Executive Director or designee will evaluate the situation and assign consequences accordingly. Each situation will be evaluated for cause and severity, while

considering past behavior. Repetitive misbehavior may result in the student being put on a behavior contract and/or long-term suspension or expulsion.

H.2. REGULATIONS

Violations of the following regulations or of any other PAPA policy may result in the full range of disciplinary measures up to and including expulsion. These regulations apply to students both on campus and while on school-sponsored activities. Violations of the local, state or federal law, even if committed off campus, may result in disciplinary action at the school. Likewise, disciplinary action by the school shall not preclude reporting of the incident to the police or local or other authorities for any action by them.

- H.2.1. All forms of dishonesty, including but not limited to academic dishonesty such as cheating and plagiarism, knowingly furnishing false information, forgery, or alteration of documentation;
- H.2.2. Any act of violence towards any person, including but not limited to physical or emotional abuse, intimidation and harassment, or threat thereof, and acting with reckless disregard for the safety of others;
- H.2.3. Theft or unauthorized possession of school, personal or public property;
- H.2.4. Any criminal or delinquent act, gang related activity, sexual harassment or disruptive conduct;
- H.2.5. Damage to or misuse or destruction of any school, personal or public property;
- H.2.6. Any action disruptive or potentially disruptive to school activities, including teaching, administration, disciplinary actions, school sponsored events and public functions and the rights of other students to participate freely therein (which shall include, but not be limited to, use of foul language and backtalk);
- H.2.7. Repeated or willful failure to obey the reasonable directions of a teacher or staff member, refusal to identify self or refusal to cooperate with school personnel;
- H.2.8. Possession, use or distribution of alcohol or any controlled substance, (including any legal drug that is not prescribed for use by that student), being under the influence thereof, or advocating the use of drugs or other controlled substances;
- H.2.9. Possession or use of tobacco unless under direct adult supervision while being used as a prop for a dramatic performance;
- H.2.10. Possession or use of a weapon of any kind at PAPA facilities or in connection with PAPA-sponsored activities, unless used exclusively as required equipment in a martial arts, fencing or similar class or extracurricular activity at or sponsored by PAPA, or as a prop for a dramatic performance, provided that such possession and use is under the direct supervision of an adult instructor;
- H.2.11. As required by Section 22-5-4.7 NMSA 1978 and 6.11.2.9(B) NMAC, a student who is determined to have knowingly brought a weapon (defined for purposes of this paragraph H2.11 only to be (i) any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion, or (ii) any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device) to school shall be suspended for a period of not less than one year;
- H.2.12. Unexcused tardiness or absence;

H.2.13. Violation of any other published policy or regulation of the school or engaging in any activity prohibited by federal, state or local law pertaining to schools.

H.3. SANCTIONS

H.3.1. In all cases, the sanction imposed should be proportional to the severity of the offense and may take into account the student's disciplinary history. Corporal punishment shall be prohibited. Outlined below are the most serious sanctions but any number of other consequences may ensue, including but not limited to curtailment of student privileges and appropriate counseling.

Restitution: A student may be required to pay for financial losses in a case of damaged property or injury or to otherwise perform activities designed to provide restitution for a violation.

Detention: A student may be required to remain inside or be otherwise restricted at times when other students are free for recess or to leave school.

Probation: A student may be placed on probation for a specific period of time during which the student is expected to make restitution, demonstrate improved behavior or other requirements. Failure to comply with the terms of probation may result in summary imposition of a pre-determined sanction.

Temporary Suspension: A student is separated from the school for a pre-determined period not to exceed 10 school days. The student may be required to make up the academic work that is missed during the period of suspension.

H.3.2. Suspended or expelled students are not allowed entry to the school campus without the express permission of the Executive Director.

H.3.3. Probation is not a necessary pre-condition for any other sanction.

H.3.4. Since PAPA is a school chartered by Albuquerque Public Schools, ('APS'), suspension or expulsion from PAPA constitutes suspension or expulsion from APS.

H.3.5. A student who has been suspended or expelled is not entitled to receive any educational services from PAPA or from APS during the period of exclusion from school.

H.3.6. Long-Term Suspension and Expulsion Procedure and Appeal. "Long-term suspension" means the removal of a student from school for a specified period of time exceeding nine (9) consecutive school days. Both temporary and long-term suspension may be used where appropriate. Where the need for suspension is immediate, temporary suspension may be invoked while complying with the mechanics for activating long-term suspension. Regardless of what other disciplinary action may also be considered appropriate, where the administrative authority assigns long-term suspension or expulsion, the administrative authority shall within two (2) days after such recommendation:

1. Mail the parent of the student written notice, by certified mail at least five (5) school days before the commencement of that contemplated disciplinary action, that such action is pending;
2. The notice of disciplinary action must include a copy of this rule, and must advise the student, through his parent, of the following;
 - a) Subject to the procedure set forth herein, if satisfactory evidence to refute the alleged reasons for the contemplated disciplinary action, or a

- request for hearing, is not submitted to the administrative authority within ten (10) school days from the date of mailing, the disciplinary action will be effected;
- b) The right to a hearing, the time and place of the hearing, not to exceed fifteen (15) school days from the date of mailing, and the right of the student to be represented by legal counsel of his parent;
3. Students who admit allegation of misconduct to the administrative authority and accept the penalty are not required to have a disciplinary hearing.
 4. Subject to the procedure set forth herein, if satisfactory evidence to refute the recommendation of disciplinary action is not submitted to the administrative authority within ten (10) days from the date of mailing and if no hearing is requested, the disciplinary action will be effected.
 5. If a written request for hearing is timely received, the student shall be afforded a hearing following due process..
 6. The Hearing Officers, a majority of the Governing Council, shall impose the requested sanction or other appropriate measure if he / she finds by a preponderance of the evidence that the allegations are correct.
 7. A tape recording or minutes of the proceedings shall be kept by the administrative authority, but a verbatim transcript or transcript setting forth the substance of the evidence presented is not required.
 8. Within five (5) school days after the hearing, the Governing Council shall prepare and mail to the student, through his parent, a written decision and the reasons therefore.
 9. If the Governing Council decides in favor of the student, the matter shall be closed. If the Governing Council decides against the student, the assigned consequence stands.

H.4. ANTI-BULLYING

Any display of bullying behavior (as determined by an investigation of school administration) at PAPA is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. “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, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation that a reasonable person under the circumstances should know will have the effect of:

- Placing a student in reasonable fear of physical harm or damage to the student’s property; or
- Physically harming a student or damaging a student’s property; or
- Insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school’s educational mission or the education of any student.

Bullying must not be confused with student disagreements or mutual harassment.

H.4.1 Students and parents may file verbal or written complaints concerning suspected bullying behavior to school personnel and administrators. Any report of suspected bullying behavior will be reviewed. If acts of bullying are verified, prompt disciplinary action may be taken against the perpetrator, up to and including suspension and/or expulsion.

H.5. COOPERATION WITH LAW ENFORCEMENT

The following provisions govern schools 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.

H.5.1 Official Contact with Students in Schools

1. Law enforcement officers, including investigators employed by public agencies authorized to investigate child abuse, may not be permitted contact with any student except by the Executive Director or his / her designee.
2. Prior to a student being produced by the Executive Director for any contact with officers, the Executive Director or his / her designee shall:
 - a) Copy/record information from the badge of the officer(s), and write down the date and time of appearance.
 - b) Confirm by telephone with the agency that employs the officer(s) their identity and authorization in seeking contact with the student.
 - c) In instances in which the officer(s) is acting pursuant to an arrest warrant, a search warrant, or other court document, the Executive Director shall obtain a copy of such document.
 - d) Contact the student's parent(s) or guardian (unless otherwise directed by the officer(s)), notify them of the contact, and record the time of notification and the name of the person notified;

H.5.2 Administrative Monitoring of Contact with Students

1. After completion of the Verification, Documentation, and Parental Notification Procedures, and upon administrative authorization, a law enforcement officer may conduct an investigation within the school building and upon school grounds and interview students as possible witnesses in the Executive Director's office or other administrative office.
2. The Executive Director or his / her designee shall be present during the interview.
3. Reasonable attempts shall be made to keep the identity of those interviewed confidential.
4. Neither the Executive Director nor his / her designee shall disclose any written statements made or the content of statements given during the interview, except he / she may disclose statements made or the content of statements given during the interview to:
 - a. the student interviewed and to his / her attorney or parents;
 - b. to the district attorney, or other law enforcement agencies; and

- c. if the Executive Director 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 Executive Director and the police officer shall follow the general guidelines set forth in this policy with respect to interrogation, search, and arrest.
- 6. The school Executive Director shall keep a record of the procedural steps followed by the police in conducting interrogations, and any instance in which the Executive Director 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.

H.6. STUDENT DRESS CODE

PAPA expects student dress and grooming to reflect high standards of personal conduct so that each student's attire promotes a positive, safe and healthy atmosphere within the school. Student dress may not present a health or safety hazard, violate municipal or state law or present a potential for disruption to the instructional program. Attire or accessories which advertise, display or promote any drug, including alcohol or tobacco, sexual activity, violence, disrespect and/or bigotry towards any group are not acceptable. Unacceptable clothing and accessories include, but are not limited to, gang-related attire, excessively tight or revealing clothes, short shorts, bare midriff, low-cut and/or off the shoulder blouses, spiked jewelry, chains, belts with more than 2 inches excess. "Sagging", or the wearing of pants below the waist and/or in a manner that allows underwear or bare skin to show, and "bagging", or the wearing of excessively baggy pants with low hanging crotches are prohibited. As a matter of common courtesy and respect, hats/caps are not to be worn while inside buildings except when there are specific instructional, safety, religious or medical reasons. *(Adopted August 30, 2001)*

H.7. SPECIAL EDUCATION

PAPA shall comply with the applicable provisions of the New Mexico Administrative Code ('NMAC'), the Individuals with Disabilities Education Act ('IDEA'), and any other applicable law, in disciplinary actions involving a special education student with a disability. Without limiting the generality hereof, PAPA shall comply with Section 6.11.2.11 NMAC.

The following is a brief outline of the requirements:

H.7.1. The exclusion of a student who is disabled pursuant to IDEA, (including a student who has not yet been formally evaluated), from his/her education program for more than a total of 10 days during a school year, constitutes a change in educational placement. The following considerations must be addressed:

H.7.1.1 When considering suspension or expulsion, an Individualized Education Program ('IEP') Team must first determine whether the behavior of concern is a manifestation of the student's disability and whether his/her program is appropriate;

H.7.1.2 If the IEP Team determines either that the behavior is related to the student's disability or that the student's program is not appropriate, then the student may not be suspended and must receive an appropriate program;

- H.7.1.3 If the IEP Team determines both that the behavior is not a manifestation of the student's disability and that the student's program is appropriate, then disciplinary actions may be taken in accordance with PAPA's policies and procedures;
- H.7.1.4 Should the disciplinary action include any suspension that would, in total (including any prior suspension), exclude the student from his/her IEP services for more than 10 days during a school year, PAPA shall continue to provide the educational services defined in the IEP;
- H.7.2. These considerations apply to a student with a disability who has an education plan in accordance with Section 504 of the Rehabilitation Act of 1973 in effect, save that PAPA may cease educational services to such a student during any periods of suspension or expulsion. *(Adopted August 9, 2001, Amended February 7, 2002)*

H.8. STUDENT TECHNOLOGY ACCEPTABLE USE

- H.8.1. PAPA provides technology resources to its students for educational purposes. The goal in providing these resources is to promote educational excellence in PAPA by facilitating resource sharing, innovation, and communication among our students. This policy governs the use of Internet, Intranet, and e-mail resources by our students.
- H.8.2. The use of PAPA technology resources is a privilege granted to students primarily for the enhancement of the education process. Students also may have limited access to these resources for personal use, if they comply with the provisions of this policy. Violations of this policy may result in the revocation of this privilege. Depending upon the severity of the infraction, students may also face disciplinary action up to and including expulsion, and/or criminal prosecution for misuse of this resource.
- H.8.3 PAPA does not attempt to articulate all possible violations of this policy. In general, users are expected to use PAPA computers and computer networks in a responsible, polite, and respectful manner. Users are not allowed to:
1. Knowingly send, receive, or display sexually oriented images, messages, or cartoons;
 2. Knowingly send, receive, or display communications that ridicule, disparage, or criticize a person, a group of people, or an organization based upon race, national origin, sex, sexual orientation, age, disability, religion, or political beliefs;
 3. Knowingly send, receive, or display communications that demean, threaten, insult, harass, or defame others;
 4. Knowingly send, receive, or display communications that disparage or berate Governing Council members, or students, or employees, or diminish employee productivity and/or professionalism. Nothing contained in this paragraph shall be construed to interfere with the conduct of official PAPA business;
 5. Violate any local, State, or Federal statute or regulation including, but not limited to copyright laws;
 6. Solicit, endorse, or proselytize others for commercial ventures, outside organizations, or religious, social, or political causes;
 7. Disrupt, disable, damage, or interfere with services, equipment, or other users;
 8. Access, assist, or allow others to access equipment, files, passwords, user codes, or information without authorization.

H.8.3. PAPA reserves the right to review, audit, intercept, access, and disclose all matters on PAPA computers, Internet access, and e-mail systems, as business conditions and/or security considerations warrant, with or without notice, during or after school hours. The use of a PAPA-provided password by a student does not restrict PAPA's right to access electronic communications. While PAPA may or may not regularly monitor electronic communications, students using this resource should have no expectation of privacy in their e-mail or on the Internet. Accordingly, students must ensure at all times that their electronic communications are appropriate, lawful, and in compliance with the provisions of this policy. As a condition of use of these resources, students agree to PAPA review and disclosure of e-mail and Internet records. *(Adopted November 1, 2001)*