



**student**  
**handbook**  
2016-2017



**ALBUQUERQUE PUBLIC SCHOOLS**

# STUDENT HANDBOOK

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## 2016-2017

### Dear Students, Parents/Families, Schools, Community Partners and Visitors,

Welcome to the 2016-2017 school year and to what I believe is the best school system in the state of New Mexico. Albuquerque Public Schools (APS) is dedicated to providing outstanding educational opportunities for all our students and are proud to welcome you back to another school year. This year is a fresh opportunity for our schools, students, parents, and community to work together for the success of our students.

APS teachers, administrators and staff are dedicated to ensuring an inclusive and positive climate and culture at our schools. We work diligently to provide an educational program for each and every student that is rigorous, challenging, engaging and supportive. Graduation begins with the first day of kindergarten and ends with the commencement ceremonies. Parents, students, family members and schools are partners in this journey to provide a quality education for our students.

The APS Student Handbook provides information about the rights, responsibilities and expectations for our students. We hope you find it informative and helpful. Please visit our website, [www.aps.edu](http://www.aps.edu), for more information and current activities in APS. We appreciate your involvement in your student's education and you have our commitment to prepare our students to be productive, responsible citizens for the 21st century.

Sincerely,

**Raquel Reedy**  
Superintendent

APS Board of Education		(district)
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### ALBUQUERQUE PUBLIC SCHOOLS GOALS

<p><b>Goal One: Academic Achievement</b></p> <p>APS will implement an academic plan aimed at improving achievement for all students with an intensified focus on closing the achievement gap.</p>	<p><b>Goal Two: Financial Stewardship</b></p> <p>APS will maintain a transparent, sound, and responsible financial plan that focuses resources to the classroom and advances student achievement, supports family/community involvement, and promotes school safety.</p>
<p><b>Goal Three: Family &amp; Community Involvement</b></p> <p>APS will meaningfully engage families and enhance partnerships with the community to maximize student achievement.</p>	<p><b>Goal Four: School Environment</b></p> <p>APS will provide a safe and supportive climate for learning and working that maximizes student achievement.</p>

The Board of Education is committed to providing a safe, respectful and nurturing environment for all members of the school community including students, staff, parents, community partners and visitors.

This handbook is an official policy statement of the APS Board of Education. Students and parents should review and be familiar with this handbook, as well as, the handbook from the student's school.

The Student Handbook will be reviewed by the Board of Education on an annual basis. Suggested changes should be submitted to the Student, Parent, Employee Service Center (855-9040) at [servicecenter@aps.edu](mailto:servicecenter@aps.edu) by the end of the first semester for consideration for inclusion in the following year's handbook. Copies of this handbook will be made available to students upon registration. It will also be posted on the district's website at [www.aps.edu](http://www.aps.edu). District Policy and Administrative Directives are also available on the district's website. They can be accessed by typing "Policies and Procedural Directives" in the SEARCH engine.

# STUDENT HANDBOOK 2016-2017

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**ALBUQUERQUE  
PUBLIC SCHOOLS**

# ALBUQUERQUE PUBLIC SCHOOLS

## STUDENT HANDBOOK

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

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

The provisions of the Student Handbook are in effect:

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

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

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

**EXPECTATIONS OF STUDENTS**

**ATTENDANCE**

It is essential for students to attend school daily in order to acquire the knowledge, skills and confidence needed to become college and career ready. Regular student participation in daily classroom activities plays a significant role in student’s school success.

Students are expected to attend school regularly and on time. District policy and state law require daily school attendance for those between the ages of 5 and 18, or until graduation from high school.

**ACHIEVEMENT**

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

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

**Social Responsibility**

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

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

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

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

**PARENTS & FAMILIES**

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

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

Achievement

- Support your student in doing their homework and studying at home.
- Make learning a priority.
- Maintain regular communication with your children’s teachers, school administrators and other school staff members.
- Stay informed of your child’s ongoing scholastic achievement and progress, and advocate for your child’s learning needs.

**Social Responsibility**

- Understand our district rules and the rules of your child’s school.
- Support school administrators in enforcing these rules.
- Support the school and the Board of Education in maintaining high expectations of all students.
- Keep the school informed of your current contact information by notifying the school of any change of address or phone numbers.

**STUDENT RIGHTS AND RESPONSIBILITIES**

**EDUCATIONAL OPPORTUNITY**

- A free public school education shall be available to every school-aged person, and each student who enrolls has a corresponding responsibility not to deny this right to any other student.
- To find the school(s) assigned to your address go to [www.aps.edu](http://www.aps.edu) and type your address in the “Find My school” link, or contact the Student, Parent, Employee Service Center at (505) 855-9040.

- A transfer can be requested from a student's assigned school to another APS school of choice following APS transfer guidelines. Transfers are approved according to State and Federal laws, based on site capacity, program availability, and using a random selection process. Transfers can be requested through the Student, Parent, Employee Service Center (855-9050 or 855-9040), or online at [www.aps.edu](http://www.aps.edu) (type transfer in the search engine for links to transfer information and the application form). **The first window of opportunity to apply for a student transfer for the upcoming school year will be from January 1st through January 31st of the current school year.**
- Albuquerque Public Schools affords all students equal educational opportunities, as well as, equal opportunities to participate in extracurricular activities.
- Policy prohibits discrimination and harassment on the basis of ethnic identity, religion, race, color, national origin, sex, sexual orientation, gender identity, mental or physical disability, marital status and pregnancy in any program or activity sponsored by the school district.

#### STUDENT GOVERNMENT

- Each secondary school will establish an elected student government with membership open to all students.
- The student government will establish reasonable standards for candidates for office as outlined by the New Mexico Activities Association (NMAA).
- All students shall be allowed to vote in elections designed to promote careful consideration of the candidates and issues.
- Elementary school personnel are encouraged to introduce students to principles of student government through school and class activities.

The responsibilities of the student government shall be subject to the regulations of the School Board and shall include but not be limited to the following:

- Involvement in the process of developing policies for revisions and additions to the curriculum, school rules and regulations.
- Involvement in the formulation of guidelines for co-curricular activities.
- Involvement in allocation of student funds, subject to established audit controls and the approval of the principal.
- Representatives selected by the student government shall meet regularly with the principal or his/her designee to exchange views and to share in the formulation of school student policies, and to consider revision to the school's curriculum.

#### EXPRESSION AND ASSOCIATION

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

#### PUBLICATIONS

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

#### ORGANIZATIONS AND CLUBS

- Students may form clubs or organizations for any legal purpose.
- These organizations must be open to all students on an equal basis and must operate within procedural guidelines established by the student government, and with the approval of the school principal.

#### CONTROVERSIAL ISSUES

- Students shall have the right to encounter diverse points of view.
- Students shall have opportunities to hear speakers and view presentations representing a wide range of views in classes, clubs and assemblies under guidelines established by the school district.

## DRESS CODE

- Student dress and grooming is to reflect high standards of personal conduct so that each student's attire promotes a positive, safe and healthy atmosphere within the school.
- Schools may customize their individual dress codes to address the needs and standards of their communities and neighborhoods through use of a process that ensures input from students, parents, faculty and staff of the school, and other interested community members.
- Students and their parents/guardians have the responsibility to be aware of the school specific dress codes and to conform to those requirements.
- The responsibility to interpret and enforce the dress code policy rests with each school principal.

## SCHOOL/STUDENT DISCIPLINARY INVESTIGATIONS

### QUESTIONING A STUDENT

- If APS personnel, school resource officers, or APS police authorities desire to question a student beyond a preliminary investigation on school premises regarding any alleged suspected criminal acts by the student, the school authorities shall attempt to contact the parent/legal guardian. If a parent/legal guardian cannot be contacted, the minor child shall be advised verbally and in writing that it is their right not to speak to any official without the presence of their parent(s), guardian or attorney.
- Except for a case of emergency, danger to the student or others, or flight risk, if outside police authorities, not assigned to an APS school, desire to question a student on school premises, the principal must contact the APS police department to verify the need to question the student on campus.
- A school administrator or designee must immediately make a good faith effort to notify the parent/legal guardian of a student if the student has been removed from campus by law enforcement authorities.

### SCHOOL LOCKERS

- Lockers or other student storage facilities may be searched without student consent.
- Facilities assigned to students will not be opened by school authorities except for general housekeeping purposes and in instances when, in the judgment of the school administrator, the health, safety or general welfare of the student or school requires such action.
- Neither school nor the district can assume any responsibility for items stored in these facilities.

### SEARCH OF PERSON OR VEHICLE

- Vehicle Searches – Search of a student's vehicle while parked on school property may be conducted only if a certified school employee, school security officer, campus security aide or school bus driver has reasonable suspicion that a crime or breach of the disciplinary code is being committed by the student.
- Physical Searches – Search of a student's person or property may be conducted only where there is reasonable suspicion that the student being searched has committed a crime or a breach of the disciplinary code.
  - Searches such as emptying of pockets, searches of student backpacks and purses, removal of hats, socks and shoes may be conducted by any certified school employee, school security officer, or campus security aide.
  - More intrusive searches such as pat downs and frisks may only be conducted by an authorized person (principal or designee) of the same gender as the student being searched and in the presence of another authorized person of the same gender
  - The most intrusive searches include removal of clothing, such as lowering clothing or inspecting inside clothing to determine if items are being concealed within undergarments or clothing. A school administrator or his/her designee shall determine if the search is necessary; these searches should only be conducted in situations that pose a danger to the student or the school population, including but not limited to situations where there is reasonable suspicion a student is in possession of drugs (over-the-counter, prescription, illicit, look-alikes) or weapons. Administrators who conduct a most intrusive search will report the incident to their appropriate Associate Superintendent. If the school administrator determines that it is necessary to conduct the most intrusive search, School Police shall be contacted and informed about all safety concerns associated with the search.

- In cases of an intrusive search reasonable efforts must be made by the school administrator to contact the student's parent/guardian to notify them about the situation, safety concern and that an intrusive search shall be conducted.
- Field Trips – Approved chaperones of the same gender may assist in checking of luggage or personal items for activity/field trips.
- Transgender students may request which gender they prefer to conduct an intrusive search or in checking luggage or personal items for activity/field trips. The school administrator must make every effort to comply with this request.

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

The Albuquerque Public School system does not discriminate nor condone discrimination by students, employees, or third parties on the basis of ethnic identity, religion, race, color, national origin, sex, gender identity, sexual orientation, genetic information, mental or physical disability or serious medical condition, spousal affiliation or pregnancy in any program or activity of, or sponsored by, the school district and provides equal access to the Boy Scouts and other designated youth groups. The following department has been designated to handle inquiries regarding the nondiscrimination policies:

**Equal Opportunity Services and Title IX**  
 6400 Uptown Blvd. NE, Suite 240 East  
 PO Box 25704  
 Albuquerque, New Mexico 87125-0704  
 (505) 855-9853 or (505) 855-9855

**Section 504**  
 6400 Uptown Blvd. NE, Suite 400 East  
 PO Box 25704  
 Albuquerque, New Mexico 87125-0704  
 (505) 872-6815

**REPORTS**

- Any report will be addressed in accordance with the appropriate procedures as specified in IDEA, Section 504, ADA, Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Age Discrimination Act of 1975, First Amendment, Fourteenth Amendment, New Mexico Human Rights Act, or with the State Board of Education Regulation 6 NMAC 1.4 and any amendments made to these regulations, which are incorporated within this policy statement.

**DENIAL OF RIGHTS**

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

**GRIEVANCE PROCEDURE**

- It is the intent of the Board that students and their parents/guardians be informed of the regulations regarding disciplinary and appeal procedures affecting students within the school.
- Faculty, parents/guardians and students shall attempt resolution of problems affecting students and the education process by informal means.
- If any student or parent/guardian believes that the conditions of the school or decisions made by its staff are not fair or reasonable, a conference shall be held with the principal or designee to discuss the matter.
- **If the student or parent/guardian is not satisfied with the results or handling of the conference, the student or parent shall have the opportunity to meet with a Student, Parent, Employee Service Center staff member regarding the matter, and may call 855-9040 to make an appointment.**

**VIOLATION OF STUDENT RIGHTS**

- Students who believe that their rights have been violated should report concerns to their parents, school administrator, or other appropriate school personnel.

- If the appropriate school personnel do not resolve the concern, a report should be made to the **Student, Parent, Employee Service Center at (505) 855-9040.**

#### INTERNAL COMPLAINT PROCEDURES

Students and parents/legal guardians are encouraged to resolve concerns with the school site administrator. If the site administrator is unable to resolve their concern, they are encouraged to contact the Student, Parent, Employee Service Center for assistance (855-9040).

- Report gender or disability harassment and/or discrimination to the principal, either verbally or in writing.
- Students who have knowledge of inappropriate behavior and fail to contact appropriate personnel, will be subject to disciplinary action.
- Any knowledge of inappropriate behavior must be reported to the principal, assistant principal, teacher, or counselor.
- School personnel who receive reports of harassment and/or discrimination shall immediately inform the principal.
- Upon receipt of notification of sexual or disability harassment and/or discrimination, the principal or the appropriate associate superintendent must contact the Office of Equal Opportunity Services within 72 hours, to report the incident.
- Any school personnel who fail to report incidents of harassment and/or discrimination will be subject to appropriate disciplinary action.
- Fraud, Waste and Abuse Hot line (Silent Whistle): 1 (877) 848-2770 or <https://aps.ethicaladvocate.com>

#### WHO MAY FILE A COMPLAINT

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

#### HOW TO FILE

Contact the Office of Equal Opportunity Services and Title IX or Section 504 Coordinator, in any manner, to report inappropriate conduct.

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

#### RETALIATION

No student will suffer retaliation or intimidation for participating in an inquiry or the internal complaint process.

- Retaliation against any student seeking assistance at his/her school, filing a complaint, or participating in the investigative process is grounds for a subsequent retaliation complaint.
- APS will respect the privacy of the complainant, the respondent, and the witnesses as much as possible, consistent with its legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

#### WHERE TO FILE

Complaints may be addressed with the following offices:

**Equal Opportunity Services and Title IX**  
 6400 Uptown Blvd. NE, Suite 240 East  
 PO Box 25704  
 Albuquerque, New Mexico 87125-0704  
 (505) 855-9853 or (505) 855-9855

**Section 504**  
 6400 Uptown Blvd. NE, Suite 400 East  
 PO Box 25704  
 Albuquerque, New Mexico 87125-0704  
 (505) 872-6815

**US Department of Education**  
 Federal Office Building  
 1244 Speer Blvd., Suite #310  
 Denver, Colorado 80204-35820  
 (303)844-5695

## APPEAL PROCESS

When the Office of Equal Opportunity Services (EOS) has completed an internal investigation, either the complainant or respondent may appeal the decision. This process is as follows:

- The EOS office informs the Superintendent of the determination.
- The determination will state whether the evidence gathered substantiates probable cause or no cause that the respondent violated APS policy and district procedural directives.
- If the complainant or respondent is not in agreement with the determination of the EOS office, he or she will have ten (10) business days from the date of the determination to submit a written appeal to the Superintendent.
- The Superintendent will inform the complainant or respondent of the decision of the appeal, in writing, within fifteen (15) business days of the receipt of the appeal.

## HEARING PROCEDURE

- The Board has adopted a formal hearing procedure for students recommended for long-term suspension or expulsion.
- If a hearing is requested or required, school authorities shall prepare and provide the parents/legal guardians with a written notice of the hearing by the fifth day of suspension, either in person or by certified mail.
- The parent/guardian (student if emancipated or at least 18) may, at his/her own expense, choose to be represented by an attorney during any due process hearing. The parent/guardian must notify the hearing office that an attorney will represent the student as soon as possible to enable the school to also seek representation if it so chooses. If either the parent's or school's attorney cannot accommodate the scheduled hearing date due to a scheduling conflict, a parent/guardian may either attend the originally scheduled hearing without legal representation or ask the District to change the hearing date in order to facilitate legal representation.
- The hearing shall be scheduled no sooner than five (5) and no later than ten (10) school days from the date of receipt of notice by the parents. As described above, the hearing may be extended by request of the parent/guardian in circumstances involving legal representation of the student.
- Schools will make available copies of documentary evidence, with the exception of police reports, that will be used at the hearing to families at least two (2) working days before the hearing. In cases where police reports are part of the documentary evidence, parents/guardians may contact the APS Police Department at 243-7712 to ask about obtaining a copy.
- The parent/guardian (student if emancipated or at least 18) may choose to waive the right to a hearing and accept the disciplinary consequences recommended by the school administrator.
- Expulsion hearings cannot be waived.

## HEARING AUTHORITY AND RECORD

- The hearing authority is the appointed hearing officer or designee of the district.
- A record of the proceeding, including an audio recording, shall be kept at the District Hearing Office for a period of one year, after which the recording will be destroyed, except in cases of expulsion where records are kept for longer periods.

## BURDEN OF PROOF

- The hearing is an administrative proceeding for the purpose of deciding issues of fact or law. Though formal rules of evidence will not direct the proceeding, evidence will be admitted and considered by the hearing officer.
- The burden of proving that the student violated a provision of this Student Behavior Handbook is on the school authorities.
- The student or his/her counsel shall have the right to call witnesses on his/her behalf and to question witnesses against him/her.
- The school authorities shall have the right to call witnesses and to question any witnesses who testify.

## DECISION OF HEARING AUTHORITY

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

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

#### APPEAL TO THE SUPERINTENDENT

- The student/parent may appeal the decision of the hearing officer by providing a written notice to the superintendent's designee at the Student, Parent, Employee Service Center within ten (10) school days after the decision has been made.
- The designee shall, within fifteen (15) working days after receipt of the appeal, review the record of the hearing and the decision in this case.
- The designee shall have discretion over whether to permit the aggrieved student and school authorities to submit additional written materials and/or to present their respective views in person at a conference or hearing.
- The designee shall then provide the parties, within ten (10) working days after the review is concluded, his/her decision affirming, overruling, or modifying the decision of the hearing officer.
- The severity of any sanction may not be increased.

#### TIME LIMITS

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

### APS SCHOOL ATTENDANCE GUIDELINES

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

New Mexico law dictates that:

- Students between the ages of 5 and 18 years of age are mandated to attend public school, private school, home school or a state institution.
- Schools will provide intervention strategies that focus on keeping students in school.
- Habitual truants may be reported to appropriate authorities such as the APS Truancy Unit or Juvenile Probation.

It is understood that sometimes families may need support to help their child be successful. School staff can assist with locating possible resources within the school community.

#### ATTENDANCE POLICY

- In accordance with the notification procedure established by the school a parent/guardian must notify the school that the student will be absent each day that a student is absent even if the student will be absent multiple days.
- In accordance with the notification procedure established by the school a parent/guardian must notify the school each day that a student is signing out before the end of the instructional day.
- Teachers will take attendance by class period for each instructional day and record attendance in the district student information system.
- Parent/guardians should review their child's attendance record through Parent/Vue online or at school.
- Absences may be excused for the following reasons with appropriate documentation:
  - Illness, that prevents a child from being at school (including chronic illness documented on a health plan, IEP or 504 plan)

- Limited family emergencies; family deaths
- Medical, health or legal appointments
- Suspensions
- Religious commitment
- College visit for 12<sup>th</sup> grade students or other students with principal approval.
- Deployment of a military parent as defined in the "Military Children" procedural directive
- Limited extenuating circumstances as approved in advance by the school principal
- At least ten (10) days for students who provide documentation of the birth of the student's child and parentage. Additional excused absences to the student after the birth of the child if deemed medically necessary by the student's physician.
- An additional four (4) days for the students who provide appropriate documentation of pregnancy or that the student is the parent of a child under the age of thirteen needing care.
- All absences for other reasons are unexcused including:
  - Non-school sponsored activities or trips
  - Family vacations outside of the normally scheduled school breaks
- In APS, a student is considered **"a student in need of early intervention" (truant) at five (5) unexcused absences and a habitual truant at ten (10) unexcused absences** in a year.
- School staff will make an attempt to contact the parent/guardian if the school has not received notification of absences by a parent for three (3) consecutive days.
- Principals may request additional documentation for excessive excused absences.

#### MAKE-UP WORK

- Students may complete work for all excused and for up to 10 unexcused absences.
- Once a student is identified as a habitual truant (10 unexcused full day absences) make-up work may be provided for the student unless the principal and teacher determine otherwise based on the data provided.
- On the first day back to a class, students are responsible for requesting make-up assignments. Failure to complete make-up work in the time allowed may place students at risk of not earning class credits.
- Students will have the opportunity to complete the work in a period of time equal to the number of days absent unless other arrangements have been mutually agreed upon by the student and the teacher.
- Teachers may need 24 hours from the time of the request to compile assignments.
- It is expected that students will take semester finals on the days that they are scheduled. Students will be permitted to make up finals if they are missed due to an excused absence as listed in this handbook. Requesting permission to take a final exam early is discouraged. Approval of such a request will rest with the teacher in consultation with the principal.

#### EXCESSIVE ABSENCES

- Schools will work collaboratively with parents/families to identify and provide intervention strategies for students with unexcused absences
- School-related activities taking students out of school are not included when evaluating excessive absences. A student is not allowed more than ten (10) school-related absences per class per semester.
- State law requires schools to withdraw a student after ten (10) consecutive days of absence, but only after the school has exhausted its efforts to keep the student in an educational setting through a variety of interventions.
- Schools may not use out of school suspension or expulsion as punishment for truancy.
- Families will be contacted by an automated call if their child has 2 unexcused absences. This is to provide families with the opportunity to work with their child's school to begin interventions. Designated APS staff may contact a family at this time also.
- Families will be contacted by an automated call if their child has 5 unexcused absences. Designated APS staff should make contact with the family and schedule an appointment to work with the parent on strategies and support.
- Families will be contacted by an automated call and will receive a written letter if their child has 10 unexcused absences. Parents/guardians will need to meet with school staff to review prior strategies and develop a more intensive support plan.

- Students that receive more than 10 unexcused absences may be referred to Juvenile Probation
- Interventions for students with disabilities who have IEPs (other than students receiving “gifted” services only) will involve consultation with the IEP team and/or performance of a Functional Behavior Assessment.

### Interventions for Students with Excessive Absences

Unexcused Full Day Absences	2	5	10	10+
Parent/Guardian Contact	•	•	•	•
School Interventions and Strategies	•	•	•	•
Written Notice to Parents from District			•	
Phone Call to Parent from District	•	•		
Parent & Student Conference with School Staff		•	•	
Referral to District Attendance Office			•	•
Community Truancy Crisis Team Intervention			•	•

Students who miss more than ½ of their school day are considered absent a full day.

#### TARDY

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

#### STUDENT DROP OFF/PICK UP/VISITS

It is not safe to drop children off more than 15 minutes before school or to leave them more than 15 minutes after the school day ends.

- Parents must not leave their children on a school campus longer than fifteen (15) minutes either before or after the school day.
- School grounds are not supervised except during the school day.
- If extenuating circumstances prevent a family from picking up a student on time, the school must be notified within fifteen minutes of the end of the school day.
- If students are repeatedly left on campus outside of the school day hours, an administrator will attempt to contact the family to discuss and resolve the problem.
- If the problem continues, the student may be considered abandoned and the police will be notified. Such children may be subject to transportation to a designated state shelter.
- APS schools will do their best to abide by parenting plans provided to them but are not responsible to enforce specific pick-up days.
- Parents/guardians on campus during the school day need to check-in at the main office and wear a visitor or volunteer nametag at all times.
- Visits to classrooms should be arranged 24 hours prior to the visit and should be limited to twenty minutes. Parents/guardians may only visit classrooms where their child is enrolled.

#### DISRUPTION OF THE EDUCATIONAL PROCESS

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

Acts of misconduct are subject to the disciplinary action by appropriate school personnel. Unacceptable conduct is defined as whether or not it disrupts or has the potential to disrupt the educational process. Consequences will result for cases such as bullying, fighting, harassment, inappropriate use of cell phones or other electronic devices, use or possession of e-cigarettes and other forms of disrupting the educational process, or violation of laws, rules and regulations. This handbook follows APS, State, and Federal guidelines. **See the Glossary of Terms at the back of this handbook for definitions of acts of misconduct.**

#### PHYSICAL MANAGEMENT GUIDELINES

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

#### CONSEQUENCES FOR UNACCEPTABLE CONDUCT

The school is a community, and the rules and regulations of a school are the laws and expectations of that community. The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violation of school rules.

- Consequences have been established and must be expected for any violation.
- Schools must notify the parents or legal guardian of the student in any circumstances where the school's disciplinary response will exceed administrator/student contact.
- Administrative response to unacceptable behavior will follow the Student Handbook and the school's student handbook.

#### SUSPENSION

A suspension is the removal of a student from a class or classes and all school-related activities for any period of time. Suspension may include in-school suspension alternatives to long-term removals from school of one year or longer.

- The school administration must provide notification of any form of suspension to the parent/guardian and teachers of any student being suspended. The notification must be documented in writing and should occur on the same day, or as soon as possible if the parents cannot be contacted. Written notification should follow upon parent request if the notification is made by phone or in person.
- The school administration must keep on file a copy of the notification for any suspension occurring during a school year.
- The principal of the school is responsible for notification, compliance and documentation at his/her school.
- Copies of suspension notification may be discarded at the beginning of each academic year for prior year actions, except for any long-term suspensions or expulsions still in effect.

#### SHORT-TERM SUSPENSION

Short-term suspension will be at the discretion of the school administrator and will address behaviors that disrupt the educational process. Administrators may impose consequences beyond minimum mandatory in order to maintain the safety and security of the school population.

- Short-term suspension will be limited to no more than five (5) days.
- Each school will have its own method for developing alternative educational settings for students who have been short-term suspended.

#### LONG-TERM SUSPENSION (LTS)

Long-term suspension is defined as the removal of a student from instruction and all school-related activities for more than ten (10) days and up to the balance of the semester, or longer as determined by the hearing officer in cases which are near the end of a given semester.

- A student receiving a long-term suspension may lose credit for the semester unless placed in an alternative school setting.
- A student must be given the opportunity for a due process hearing prior to the suspension.
- The student may, at his/her own expense, choose to be represented by an attorney at the hearing.
- At the principal's discretion, students may be suspended pending a due process hearing.
- Transfer students will have their transfer revoked for the school they are attending at the time of their long-term suspension for the remainder of the school year. The transfer revocation date for students assigned to an Alternative Educational Setting (AES or IAES), through a LTS hearing, will be determined by the IEP team in consultation with school and district administration. Upon completion of a long-term suspension a student may return to his/her assigned school, apply for a transfer for the next school year, or explore alternative options.

### EXPULSION

Expulsion is the suspension of a student from all regular schools in Albuquerque Public Schools for a period exceeding one (1) semester. In some cases, expulsion may be a permanent removal from this school system. When appropriate, a student who is expelled may be placed in an alternative program.

- A student receiving an expulsion will lose credit for the semester in which the expulsion occurs, unless the student is engaged in an alternative program.
- A student must be given a due process hearing prior to expulsion.
- The student may, at his/her own expense, choose to be represented by an attorney at the hearing.
- Transfer students will have their transfer revoked for the school they are attending at the time of their expulsion for the remainder of the school year. Students assigned to an Alternative Educational Setting, through a LTS hearing, will have their transfer revoked at the completion of their expulsion. Upon completion of an Expulsion a student may return to his/her assigned school, apply for a transfer for the next school year, or explore alternative options.

### FIREARMS

The Gun Free Schools Act provides for a mandatory expulsion of a period of not less than one year for a student who is determined to have brought or to have possessed a firearm at school or any setting that is under the control and supervision of school officials. Only the Superintendent may modify in writing the one-year expulsion requirement on a case-by-case basis. All school related incidents of firearm possession must be reported to the APS Police Department. This includes

- Possession, selling or otherwise furnishing a firearm.
- Possession of any explosive device as defined in the Gun Free Schools Act.

### REFERRAL FOR LEGAL ACTION

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

### SUSPENSION OF EXTRA-CURRICULAR PRIVILEGES

Students may be removed, at the discretion of the principal, from any part or all of extra-curricular privileges for time periods up to one (1) full calendar year.

- Participation in extra-curricular activities is a privilege offered to and earned by students.
- Because participants are serving as representatives of their school and community, they are expected to exemplify high standards at all times.
- Participants are expected to adhere to higher standards of academics and conduct than established for the general school population in order to maintain their extra-curricular privileges.
- **Participation in extra-curricular activities is not a student right, and suspension of such privileges does not require a due process hearing procedure.**

### DISTRICT WIDE SUBSTANCE ABUSE AND TOBACCO POLICY

Albuquerque Public Schools supports a safe and healthy learning environment for all students which is free from alcohol, tobacco, and drug use and abuse.

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

Administrators may impose consequences beyond minimum mandatory, where there is documented evidence of prior intervention and/or progressive discipline, or in the case of extenuating circumstances, as determined by the principal. In using a progressive discipline approach, consequences may vary from student to student. Consequences may also vary when a student is covered by provisions of IDEA (Individuals with Disabilities Education Act).

Incidents of misbehavior which do not reach the level of administrative attention will continue to be resolved by the classroom teacher/staff member.

Principals must report Sexual Harassment or Discrimination Complaints to the Office of Equal Opportunity Services (OEOS) within 72 hours.

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

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

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



## Substance Abuse Policy

Albuquerque Public Schools prohibits the sale, use, possession, transfer of, or being under the influence of alcohol, tobacco, e-cigs, narcotics, hallucinogens, inhalants, or drugs, look-alikes or possession of drug paraphernalia on district property or at any district-sponsored activity. Any student found to be engaging in any of the above behaviors shall be subject to appropriate interventions and/or disciplinary measures. Students who are involved in extracurricular activities are subject to additional consequences for violating the Substance Abuse Policy.

## EXTRACURRICULAR SUBSTANCE ABUSE AND TOBACCO POLICY

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

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

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

- Any Minor in Possession (MIP) or Offense by a Minor Citation
- Written documentation from legitimate law enforcement/school/security reports
- Personal acknowledgment by the student in question and/or their guardian

The following bullets apply to a Suspension of Extra-Curricular Privileges:

- The suspension applies to all NMAA sanctioned athletic and non-athletic activities.
- Students will not be withdrawn from classes co-curricular with activities.
- A student serving a suspension cannot participate in a "try-out" during that suspension.
- Suspensions can carry over from one school year to the next for underclassmen.
- Participation in summer programs for students on suspension will be interpreted in the same way as scholastic eligibility for athletics in the summer (i.e., students may participate in on-campus/intramural activities only).

## USE AND/OR POSSESSION OF CONTROLLED/ILLEGAL SUBSTANCES

- **First Offense** – Student's loss of all NMAA sanctioned extra-curricular privileges and eligibility for 45 school days for controlled/illegal substances from the date determined by a site administrator. The loss of privileges includes practice and competition. Summer school is not considered as school days for this policy. Students will be required to complete the Parent/ Family Engagement Program or other appropriate intervention programs approved by the site administrator.
- **Second Offense** – Student is ineligible to participate in NMAA sanctioned extra-curricular activities for the remainder of the academic year or longer under special circumstances.

## USE AND/OR POSSESSION OF TOBACCO PRODUCTS

The term "tobacco product" means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, among other products, cigars, cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco and e-cigarettes.

- **First Offense** – Student's loss of all NMAA sanctioned extra-curricular privileges and eligibility for 10 school days for tobacco products, from the date determined by a site administrator. The loss of privileges includes practice and competition. Summer school is not considered as school days for this policy. Students will be required to complete the Tobacco Cessation Program or other appropriate intervention programs approved by the site administrator.
- **Second Offense** – Student is ineligible to participate in NMAA sanctioned extra-curricular activities for 45 school days.

If a student is in violation of this policy at a time in which the handbook is in force (see page

2), other disciplinary consequences may apply. This may include suspension of extra-curricular activities, including but not limited to attendance/participation in school activities such as athletic events, open campus, dances, clubs, and other privileged events (including commencement exercises), as determined by a site administrator.

Senior students who receive consequences under this policy during the last quarter of the school year may be assigned community service, to be served prior to participation in privileged events such as commencement exercises. The site administrator will assign community service.

**SALE OR DISTRIBUTION OF CONTROLLED/ILLEGAL SUBSTANCE**

- Student is ineligible to participate in NMAA sanctioned extra-curricular activities for the remainder of the academic year or longer under special circumstances.

**Participation in extra-curricular activities is not a student right, and suspension of such privilege does not require a due process hearing.** A grievance procedure is available under the provisions of this handbook in the section called "WHAT TO DO IF YOU BELIEVE THAT YOUR RIGHTS HAVE BEEN VIOLATED" (see Table of Contents).

The Extra-Curricular Substance Abuse and Tobacco Policy is in effect twenty-four hours a day, seven days a week, at all times/locations from the first day of fall sports practices to the end of the school year. Additional sanctions may apply above and beyond the minimum mandatory consequences of this policy for violations that occur when this handbook is in force (i.e. on school property, during school time, or at school events.)

**SCHOOL ALTERNATIVES FOR HANDLING UNACCEPTABLE CONDUCT**

Each school develops its own set of methods appropriate to the student's age and level of development in dealing with unacceptable conduct. Some of the actions which may be used are listed below by categories. These and others may be specified in each school's own student handbook.

**CONTRACTS**

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

**REFERRALS**

- Each school has a Health and Wellness Team (H/W/T) whose goal is to help reduce students' barriers to learning and provide integrated health/mental health supports to students and their families. Parents or staff members may make referrals. Parents not wanting their child to receive support from the school's H/W/T should submit a written request to the school principal to convey that information.
- Students may be referred to the school counselor, Student Assistance Team, School Health and Wellness Team, or the School Safety Team.
- Student and school authority may call parent/guardian to discuss problem and solution.
- Student may be referred to peer jury as designed by the school, but only upon student's waiver of educational records privacy rights.
- Student and parents may be referred to and required to attend the Parent Involvement Program (PIP), Crossroads Program, the Tobacco Cessation Program or other appropriate intervention programs as an alternative to suspension.
- Student may be formally referred for legal action.
- Student may be referred to the Student Safety Team (SST) to address concerns regarding threats and to make informed decisions on how to manage threats and ensure safety of all students and staff. Each school's SST may include members of the Health and Wellness Team, an administrator, and staff member who has information about the student. Situations that may warrant conducting a SST meeting include verbal and/or physical threats to do harm, threats of use or involvement

with weapons or explosives, and any other concerns to be determined at the discretion of the administrator.

- A Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) may be used to identify and address behaviors that are impeding education.

#### REMOVAL FROM CLASS

- Student may be removed from class or activity but remain at school pending conference with appropriate school personnel and parents/guardians must be informed
- Student may be placed in an alternative educational setting until satisfactory resolution is reached and parents/guardians must be informed.
- The authority of the schools is to supervise and control the conduct of students and includes the authority to impose reasonable periods of detention during the day or outside normal school hours, as disciplinary measures.
- Reasonable periods of detention may be imposed with the procedures for temporary suspension.

#### BUS MISCONDUCT

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

- First Offense – A warning to the student with a report to the parent/guardian will be issued. It is expected that the parent/guardian will help to prevent a recurrence.
- Second Offense – Depending on the seriousness of the behavior disciplinary action will be taken at the discretion of the school administrator. It is recommended that the student be placed on probation and receive written documentation of the offense to take to his/her parent/guardian.
- Third Offense – Suspension of riding privileges may result. The length of suspension will depend on the seriousness of the infraction. There will be parent/guardian conference.
- Severe Disruption – The following inappropriate and dangerous behavior will result in automatic suspension of transportation privileges:
  - Physical harm to other students
  - Physical harm to the driver and/or bus assistant
  - Physical damage to the bus
- For students receiving special education services for a disability
  - For students who have IEPs that include behavior needs, the IEP team shall provide relevant information to the bus company.
  - To determine if the conduct in question is or is not a manifestation of the student's disability, the IEP team must conduct a Manifestation Determination Review Meeting. Please see APS Procedural Directives – Special Education – Discipline of Students with Disabilities/Behavior – Manifestation Determination.
  - The driver, bus assistant or administrator has discretion in handling day to day minor infractions for students receiving special education services. For circumstances in which the district is considering suspension from transportation services that exceeds 10 days, the matter will be reported and referred to the student's IEP Team.
  - If a student who is suspended requires special transportation according to the IEP, please see APS Procedural Directives – Special Education – Discipline of Students with Disabilities/Behavior.

#### **DISCIPLINARY CONSIDERATIONS FOR STUDENTS WITH DISABILITIES UNDER INDIVIDUALS WITH DISABILITIES EDUCATIONAL ACT (IDEA)**

Students with disabilities receiving special education services are subject to the same expectations as students receiving general education services and are expected to follow the District's disciplinary process. While IDEA provides federal guidelines covering the discipline procedures to be followed for students with disabilities receiving special education services, consequences for behavior violations, including school removals of more than ten days, may still occur. Discipline safeguards, as covered under IDEA, do not apply to students identified under the eligibility of "gifted" unless such students also have a disability eligibility.

Since the exclusion of a student with a disability from his/her education program for more than a total of ten (10) days during a school year may constitute a change in placement, the following considerations must be addressed:

- When considering long-term suspension or expulsion, an Individualized Education Program (IEP) team must first determine whether the behavior of concern is a manifestation of the student's disability.
- To determine if the conduct in question is or is not a manifestation of the student's disability, the IEP Team must conduct a Manifestation Determination Review Meeting and then determine:
  - if the conduct in question was a direct result of the Local Educational Agency's failure to implement the IEP; or
  - if the conduct in question was caused by, or had a direct and substantial relationship to the child's disability.
- If the IEP Team determines that the behavior is related to the student's disability, no further disciplinary proceedings shall occur unless weapons, guns/knives, illegal drugs or serious bodily injury offenses occur. (Refer to IAES below.) Recommendations: Review IEP, add services and supports, develop/update a Functional Behavior Assessment (FBA), Behavior Intervention Plan (BIP), and/or change services, if appropriate.
- If the IEP Team determines that the behavior is not a manifestation of the student's disability, disciplinary actions may be taken in accordance with the procedures in this handbook.
- Should the disciplinary procedures include long-term suspension or expulsion, the District must continue to provide educational services, including access to the general education curriculum and related services, as determined in the IEP.
- Any suspension that excludes a student from his/her IEP services must be counted when calculating the total number of suspension days (up to 10 cumulative days or beyond the 10 days may constitute a change of placement).
- The decision to change a student from his/her IEP placement to an AES or IAES due to imposition of discipline must be made by the IEP team and consider the student's individual needs on an individual basis.

Interim Alternative Education Setting (IAES) is an off campus placement up to 45 school days for offenses which include:

- Weapons: objects used to cause bodily harm and used in a threatening way,
- Guns/knives (blade must be 2½ inches or longer): possession/carrying,
- Illegal drugs: possession/sale/distribution/solicitation (not to include alcohol or tobacco),
- Serious bodily injury: student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function,
- Placement in IAES for "special circumstances" may be no longer than 45 days. Removals may extend past the 45 school days only if the student has been long-term suspended or expelled through the APS Hearing Process because the conduct was not a manifestation of disability. During the IAES period for "special circumstances" in which the conduct was a manifestation, the IEP team is to meet to develop strategies and interventions to bring the student back into her/his typical placement as soon as appropriate.

Alternative Educational Setting (AES). On campus AES refers to special education services provided on the campus where the student is currently enrolled for the duration of a suspension period of more than 10 days. Typically, on campus AES settings are for students suspended for violations that do not involve drugs/weapons/ serious bodily injury. The IEP team determines the student's AES. The IEP team is also responsible for ensuring completion of a Functional Behavior Assessment (FBA) and the development of a Behavior Intervention Plan (BIP). If one already exists, it would need to be updated.

- APS will follow the federal guidelines regarding the continuation of educational services for suspended special education students with disabilities.
- Procedural safeguards ensure that parental/guardianship due process rights are afforded.
- Students with disabilities are entitled to a due process hearing.
- A student with a disability should not be suspended for a period of time longer than a student without a disability would be suspended.

## **WHAT IS SECTION 504?**

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

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

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

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

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

## **HOW DOES THIS PROCESS WORK?**

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

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

If you believe that either part of Section 504 is not being followed you may make a report and request a resolution.

- Parents may request mediation between themselves and the school staff to resolve the situation informally. This request should be made to the principal.
- If parents are not satisfied with the informal resolution, they may request a due process hearing. That hearing is a formal process with the district appointed 504 Hearing Officer. The hearing will provide opportunity for participation by the parent, students and their representative or legal counsel.
- Parents may also file a complaint directly with the Office of Civil Rights.

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

No. A student may have a health plan or a behavior plan instead of a 504 Plan. These plans are written documents describing what accommodations will be provided by teachers, nurses, counselors or other school staff. They are reviewed periodically and may be updated or changed if at any time the parents, students or staff believes other accommodations are required. These plans are developed with parents and students, and changes are only made with parent communication and agreement. Section 504 applies only if the impairment substantially limits a major life activity. APS encourages school personnel, parents and students to work cooperatively to avoid getting mired down in definitional disputes, and focus on ensuring that the student is able to equally access the programs, benefits and services that APS offers, regardless of whether through a health plan, behavior plan, Section 504 plan or other process.

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

Questions about how to develop a 504 Plan for your student, or concerns you may wish to express about equitable treatment of a special education student, start with your child’s principal and teacher. Your student’s principal may refer you to the school counselor or to the chair of the Student Assistance Team (SAT) for immediate help.

The principal may request that the District 504 Coordinator attend and participate in your child’s 504 planning conference or to be involved in mediation. The 504 Coordinator is charged with ensuring that school staffs understand the requirements of Section 504 and helps to ensure that these requirements are implemented. The District 504 Coordinator can serve as an impartial third party to help with planning or mediation. As a parent, you may request that the District 504 Coordinator attend a planning conference.

If you feel that the staff at your child’s school has not adequately responded to your request you may contact the APS Student, Parent, Employee Service Center at 855-9040. The Student, Parent, Employee Service Center will give direction on how to address your concerns or will connect you with the District 504 Coordinator for support.

**DISABILITY HARASSMENT/DISCRIMINATION**

Numerous situations may constitute disability harassment or discrimination. Mocking, taunting, ridiculing, criticizing or punishing a disabled student because of his/her disability are a few examples of what may constitute disability harassment or discrimination. Examples of circumstances that may constitute disability harassment include:

- Making remarks out loud during class that a student with dyslexia is “retarded” or “deaf and dumb” and does not belong in the class.
- Repeatedly placing classroom furniture or other objects in the path of classmates who use wheelchairs, impeding the student’s mobility.
- Habitually subjecting a student to inappropriate physical restraint because of conduct related to his disability.
- Repeatedly denying a student with a disability access to lunch, field trips, assemblies, and extra-curricular activities as punishment for taking time off from school for required services related to the student’s disability.
- Repeatedly belittling and criticizing a student for using accommodations in class.
- Taunting and belittling a student with mental retardation by mocking and intimidation.

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

**DISCIPLINARY CONSIDERATIONS FOR STUDENTS UNDER SECTION 504**

Students with 504 accommodations are not immune from the district’s disciplinary process once identification and placement procedures are properly followed. Students with 504 accommodations being considered for removal from school for 10 or more days must receive a manifestation determination review prior to action. The committee must determine if the conduct in question was caused by or had

a direct and substantial relationship to the student's disability. If yes, was the conduct in question the direct result of the school's failure to implement the student's 504 plan? If the behavior is a manifestation of the disability, any disciplinary recommendation for a change of placement should be withdrawn. If the behavior is not a manifestation of the disability, the student may be disciplined in the same manner as non-disabled students.

## **TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

### **GENDER DISCRIMINATION**

Albuquerque Public Schools and federal law prohibit discrimination on the basis of gender.

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

### **SEXUAL HARASSMENT**

Sexual harassment is a form of gender discrimination as defined in Title IX of the Education Amendments of 1972. Sexual harassment:

- Is a violation of Federal Law, APS Board Policy, District Procedural Directives and School Policy.
- Is illegal under state human rights statutes and may be considered a criminal offense under state and local assault and child abuse laws.
- Includes sexual advances, requests for sexual favors, and written or verbal conduct of a sexual nature.
- extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.

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

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

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

### **SEXUAL MISCONDUCT**

Sexual misconduct includes, but is not limited to:

- Physical acts of aggression.
- Force or threat against another student.
- Threatening to force or coerce sexual acts.
- Touching of private/intimate parts of the body
- Coercing, forcing or attempting to coerce or force sexual intercourse.

These acts should be reported to the APS Police Department or the Albuquerque Police Department.

### **PREGNANCY**

Regulations promulgated pursuant to Title IX of the Education Amendments of 1972 prohibit discrimination against pregnant or parenting teens. Pregnant teens:

- May voluntarily elect to stay at their home school during their pregnancy.
- May enroll at New Futures School.
- Are to receive a comparable curriculum and academic opportunities as they would at their home school.
- Are allowed to retain their enrollment status at New Futures and participate in extra-curricular activities at their home school.

- Retain their academic standing, which cannot be altered due to their “medical condition”.

#### VIOLATION OF STUDENT RIGHTS

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

#### STUDENT RECORDS

Student records kept by the Albuquerque Public Schools will be open to review by parent/guardians and/or students and will be treated in a confidential manner, as prescribed by local Board policy, New Mexico State Board of Education Regulations and the Family Educational Records and Privacy Act of 1974. The implementation of this policy is reflected in an Instructional Procedural Directive that is on file in all offices.

APS maintains the following education records directly related to students:

- Academic records.
- Personal information records.
- Disciplinary records.
- Attendance records.
- Health records.
- Progress records.
- Standardized testing records.

Access to education records is limited to:

- Parents of students under 18.
- Parents of students over 18 if such student is a dependent as defined in the Internal Revenue Code.
- Students.
- Officials of this school district who have a legitimate educational interest.
- State and local officials to whom information is required to be reported.
- Certain testing organizations.
- Accrediting organizations.
- Appropriate persons in connection with an emergency.
- Pursuant to subpoena or court order.
- A school or schools in which a student seeks or intends to enroll.
- Any person with verifiable written consent of the parent/guardian of students under 18 or the student over 18.

#### THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act (FERPA) specifies rights related to educational records.

This act gives the parent or guardian the right to:

- Inspect and review his/her child’s educational records.
- Make copies of these records.
- Receive a list of all individuals having access to those records.
- Ask for an explanation of any item in the records.
- Ask for an amendment to any report on the grounds that it is inaccurate, misleading or violates the child’s rights.
- A hearing on the issue if the school refuses to make the amendment.

#### THE PROTECTION OF PUPIL RIGHTS AMENDMENT

The Albuquerque Public Schools will be developing and adopting policies implementing the Protection of Pupil Rights Amendment (PPRA) to the Family Educational Rights and Privacy Act (FERPA). The PPRA:

- Requires APS to obtain parental consent as a condition for students to participate in certain types of surveys, analyses, or evaluations that require the disclosure of private information.
- Allows parents the right to inspect certain survey and curriculum information.
- Provides parents the opportunity to opt their child out of certain activities involving the collection,

disclosure, or use of personal information, the administration of certain surveys, and non-emergency, invasive physical examinations or screenings.

These policies, and a more comprehensive version of this notice, will be made available for review on the APS website or upon request from the APS Student, Parent, Employee Service Center.

#### STUDENT DIRECTORY INFORMATION

Student directory information may be released without prior consent unless the parent or student informs the principal within a reasonable period of time that any or all of the information should not be released.

**Parents may choose to have their student's name and directory information removed from any of the following: military recruiter lists, college/university lists, or other requested lists.** Exemption forms can be picked up at the school site and are available in the student information section of the APS website. They should be returned to the school upon completion.

#### APS POLICY REGARDING RECORDS

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

#### CHILD CUSTODY ISSUES

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

#### RELEASE OF STUDENTS DURING THE INSTRUCTIONAL DAY

Principals shall only authorize the removal of a student during the instructional day under the conditions of the procedural directive "Release of Students During the Instructional Day." The directive includes provisions for removal by law enforcement officers, parents/guardians, and others with the permission of the parent/guardian.

**GLOSSARY OF TERMS**

1. **Absences, Excessive**  
Attendance, which falls below 95% in a grading period.
2. **Alternative Educational Setting (On Campus AES)**  
On campus AES refers to special education services provided on the campus where the student is currently enrolled for the duration of a suspension period of more than 10 days. Typically, on campus AES settings are for students suspended for violations that do not involve drugs, weapons, or serious bodily injury.
3. **Arson**  
Maliciously, willfully and/or neglectfully starting, by any means, a fire or causing an explosion on school property or at any school-related activity. Arson I: less than \$200 damage; Arson II: \$200 to \$999 damage; Arson III: \$1000 damage or more.
4. **Assault**  
A verbal threat or physical attempt of bodily harm.
5. **Assault, Aggravated**  
Unlawfully assaulting or attempting to strike at another person with a weapon, instrument or any means of force likely to produce bodily injury. Assaults on staff members are included in this definition.
6. **Battery, Aggravated**  
An actual and intentional touching or striking of another person against his or her will with the use of a weapon or intentionally causing bodily harm to an individual.
7. **Battery/Fighting**  
Unlawful, intentional touching or application of force to another person, when done in a rude, disrespectful or angry manner.
8. **Behavior Intervention Plan (BIP)**  
The documentation of interventions, methods and strategies that are used in the school environment to address the behavior issues impacting a student's school success.
9. **Bomb Threat and/or False Alarm**  
Bomb Threat – Falsely and maliciously stating to another that a bomb or other explosive has been placed in such a position that a person or property is likely to be injured or destroyed.  
False Alarm – Interfering with the proper functioning of a fire alarm system or giving a false alarm, whether by means of a fire alarm or otherwise.
10. **Bullying**  
Using power aggressively in which a person/group is subjected to intentional, unwanted and unprovoked hurtful verbal and/or physical actions. The aggression is repeated on more than one occasion and can include either: physical, verbal, emotional, racial, sexual, written, electronic, damage to property, social exclusion, and intimidation. Cyberbullying is defined as electronic communication that targets a specific student/group with intent to harm; is published with the intention that the communication be seen or disclosed to the targeted student/group; is in fact seen or disclosed to the targeted student/group; and creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student's/group's educational benefits, opportunities or performance. Those who encourage bullying in a digital or cyber environment may be subject to corrective action on any occasion.
11. **Bus Disruption**  
Deliberately or inadvertently interfering with the safe operation of a school bus which is stopped or moving; behaving in a manner adversely affecting an individual or any property on or near the bus itself, at bus stops or at pick-up areas.
12. **\*Controlled Substance, Paraphernalia Possession\*\*\***  
Possessing any paraphernalia, such as but not limited to rolling paper, pipes or bongs.
13. **\*Controlled Substance, Possession\*\*\***  
Possessing any substance capable of producing a change in behavior or altering a state of mind or feeling; having a "look-alike,"\*\* a substance that looks like a controlled substance.
14. **\*Controlled Substance, Sale or Distribution**  
Selling or distributing a substance capable of producing a change in behavior or altering a state of mind or feeling; including a "look-alike,"\*\* or an item sold as a controlled substance.

**15. \*Controlled Substance, Use**

Absorbing a substance capable of producing a change in behavior or altering a state of mind or feeling, including a "look-alike,"\*\*\* or an item sold as a controlled substance.

**16. Dress Code Violation**

Non-compliance with specific school dress codes.

**17. Expulsion**

The removal of a student from all regular schools in APS for a period exceeding one (1) semester. In some cases expulsion may be a permanent removal from this school system.

**18. Extortion**

Using intimidation or the threat of violence to obtain money, information or anything else of value from another person.

**19. False Accusations**

False Accusations are defined in accordance with New Mexico Criminal Code Statute; falsely reporting crimes or purposely giving false information to a School administrator or other investigator during the process of an investigation.

**20. Firearm, Possession/Use\*\*\***

Possession or use of any weapon which will propel a projectile by the action of an explosive, and other weapons as defined in the United States Code: Title 18, Section 921. This definition does not apply to items such as toy guns, cap guns, bb guns, and pellet guns, but does include bombs, grenades and some explosives. (Also see weapon possession.)

**21. Functional Behavior Assessment (FBA)**

A procedure by which problematic behavior is examined to determine the cause, consequences and nature of the behavior, in order to develop effective interventions to address that behavior.

**22. Gang-Related Activity**

Gang-related activity can be intimidating to students, faculty and staff and is disruptive to the educational process. Although this list is not all-inclusive, examples of inappropriate and unacceptable behaviors are such things as gang graffiti on school property, intimidation of others, gang fights and/or initiation rituals, wearing gang attire or "colors." A "gang" can be any group of students and/or non-students whose group behavior is threatening, delinquent or criminal. Since gang behavior, markers and colors are variable and subject to rapid change, school administrators and staff must exercise judgment and their individual discretion based upon current circumstances in their neighborhood schools when evaluating gang-related activity. Gang-related indicators that will be considered should include:

- The student associating with admitted or known gang members.
- The student wearing attire consistent with gang dress.
- The student displaying gang logos, graffiti and/or symbols on personal possessions.
- The student displaying gang hand signs or signals to others.
- The student talking about gang activities to others.
- Hostile contact with others in which two or more students have contributed to a situation causing bodily harm on another.

**23. General Disruptive Conduct and/or Defiance**

Any behavior or conduct that disrupts or interferes with the operation of the public schools, including individual classes. This can also be behavior that leads a school authority to reasonably forecast that such an interruption or interference is likely to occur unless preventive action is taken. Refusing to comply with any reasonable demand or request by any school official or sponsor at places and times where school personnel have jurisdiction is included in this definition.

For example: use of cell phone during instructional time; misuse of cell phones and other forms of technology (see the Board Policy and Procedural Directive, "Student Acceptable Use of Personal Electronic Devices", for more information); failure to provide school identification upon request; dress code violation; inappropriate display of affection; making false accusations regarding staff or students; and so forth.

Note: It is the responsibility of the parent/legal guardian of the student to retrieve confiscated cell phones or other electronic devices according to the school procedures. The school may keep items for extended periods of time for repeat offenses.

**24. Harassment**

Any gesture or written, verbal or physical act that is reasonably perceived as being motivated by any actual or perceived characteristic, such as race, religion, national origin, sex, gender identity, sexual orientation or disability; which has the effect of harming another individual/group, damaging his/her/their property, placing the individual/group in reasonable fear, or has the effect of causing a disruption to the educational process.

- Disability: Conduct including but not limited to the following: mocking, taunting, intimidating, criticizing, or punishing a student/group with a disability because of his/her/their disability. (see Section 504 and the Americans with Disabilities Act).
- Sexual: Gender discrimination as defined in Title IX of the Education Amendments of 1972. Examples include but are not limited to the following: sexual assault, unwanted touching, inappropriate comments or conversation, certain non-verbal behaviors and gestures which threaten or belittle others on the basis of gender. (see Title IX, Students' Rights) The school principal or designee should report incidents to the APS Equal Opportunity Services (EOS).

**25. Interim Alternative Educational Setting (Off Campus IAES)**

Off campus IAES options are for students with disabilities whose continued presence on campus poses a safety risk. Off campus IAES settings are typically used when a student with a disability carries a dangerous weapon; uses, or is in possession of illegal drugs, or sells or solicits the sale of controlled substances (not including alcohol or tobacco); or has inflicted serious bodily injury upon another person.

**26. Language, Profane and/or Abusive**

Using language that is crude, offensive, insulting or irreverent; use of coarse words to show contempt or disrespect; swearing.

**27. Materials, Obscene**

Displaying material that is indecent and has the potential of being disruptive.

**28. Physical Management**

Physical management is defined as any means of attempting to control, touch or otherwise manage a student through the restriction of movement. It does not include the use of touch for guidance or instructional purposes.

**29. Restitution**

Compensation for loss or damage.

**30. Robbery**

Taking of property of another through means of force or fear.

**31. Search, Minimally Intrusive**

Emptying of pockets, searches of student backpacks and purses, removal of hats, socks and shoes, conducted by any certified school employee, school security officer, campus security aide.

**32. Search, More Intrusive**

Pat downs and/or frisks, conducted by an authorized person of the same sex as the student being searched.

**33. Search, Most Intrusive**

A strip search shall be conducted only upon reasonable suspicion of a serious crime or a safety concern and shall be conducted by a school administrator or designee of the same sex and in the presence of another authorized person of the same sex.

**34. Student in Need of Early Intervention (Truant)**

A student who has accumulated five unexcused absences within a school year.

**35. Suspension, Long Term**

The removal of a student from instruction and all school-related activities for more than ten (10) days and up to the balance of the semester.

**36. Suspension, Short Term**

A suspension, not to exceed five school days, which is at the discretion of the administrator and will address behaviors that disrupt the educational process.

**37. Tardy**

Student is not in the class or assigned activity when it is scheduled to begin.

**38. Theft**

Unauthorized possession and/or sale of property of another without consent of owner.

**39. Tobacco Possession\*\*\***

Possession of tobacco, including e-cigarettes, anywhere on a school campus or at a school related event is prohibited. In addition, students found in possession of tobacco products are subject to the provisions of the Substance Abuse and Tobacco Policy. Cessation Programs available: Tobacco Education Program (TEG), Brief Intervention Motivational Interviewing (BIMI), Tobacco Cessation Program Referral (TAP), and Parent Involvement Program (PIP). Contact Health and Wellness for information.

**40. Tobacco Use**

Using ANY form of tobacco is prohibited. Students using any form of tobacco are subject to the provisions of the Substance Abuse and Tobacco Policy. "Tobacco" means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. Among other products, e-cigarettes are included in this category.

**41. Trespassing/Unauthorized Presence**

Entering or being on school grounds or in a school building without authorization.

**42. Vandalism**

Deliberately or maliciously destroying, damaging and/or defacing school property or the property of another individual. Vandalism I: less than \$200 damage; Vandalism II: \$200 to \$999 damage; Vandalism III: \$1000 damage or more.

**43. Weapon Possession\*\*\***

Possessing a weapon such as but not limited to: a firearm, any type of gun, knife, club, fire cracker, explosive, spiked wrist band, chains or other item that may cause or is intended to cause injury or death. This specifically includes "look-alike" guns and knives, such as toys. (Weapons covered by the Gun-Free Schools Act are defined under Firearm, Possession/Use.)

**44. Weapon Use**

Use of any weapon to threaten, intimidate, attack, injure or kill any person.

\* Any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind.

\*\* "Look-alikes" are specifically included whether or not they are capable of producing a change in behavior or altering a state of mind.

\*\*\* "Possession," as used herein, includes not only possession on one's physical person, but also custody and control. Thus, a student may be found in possession of any item if the item is in the student's backpack, locker, car or elsewhere, if subject to the student's custody and control.



## **Student, Parent, Employee Service Center**

6400 Uptown Blvd. NE Suite 100 West

**P.O. Box 25704, Albuquerque, NM 87125-0704**

HOT LINE: 855-9040

FAX: 855-9051

[servicecenter@aps.edu](mailto:servicecenter@aps.edu)

The Student, Parent, Employee Service Center assists the APS and Albuquerque community by providing information, policy explanation, problem-solving support, and related student services in a collaborative and cooperative manner which promotes student success.



*ALBUQUERQUE PUBLIC SCHOOLS*

# **student handbook**

**2016-2017**

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**English Version**