

Question and Answers Prior to Policy Committee Meeting

June 5, 2023

Item IV.A: Presentation of Revisions to Administrative Procedural Directive: Student Suspension, Long-Term Suspension, Expulsion and Due Process Procedures (Exclusionary Discipline)

What strategies does APS have in place for ALL and ANY child/student, but especially the Martinez Yazzie population and Black students, who are expelled, suspended, long term suspended?

Students who are expelled cannot attend the district for the terms of the expulsion. Students who are suspended are allowed to make up work after the suspension. Students who are long-term suspended are referred to the IEP team, Vision Quest (MS), or Continuation School (HS) by the hearing officer. Interventions are to support students prior to the hearing process and upon return. The working group is putting together an intervention sheet for schools to utilize and update throughout the school year to provide consistent interventions across the district.

Do these strategies ENSURE FULL TIME EDUCATION?

When students are short-term suspended, they can make up assignments. Students in special education receive services as outlined in their IEP when long-term suspended or expelled. General education students who are long-term suspended can interview to attend Vision Quest (4.5 days a week) or Continuation School (2 hours a day/4 days a week with online instruction that can be worked on at home). General education students who are expelled cannot attend APS for the duration of the expulsion.

How does APS document those strategies and keep track of these students?

Hearing outcomes are documented in Synergy. Students who remain in an APS program would be tracked through that program. When students do not stay in APS, Synergy is marked with an indication of where they will be attending at the time they disenroll.

How does APS ensure that these students are completing their education?

Students who remain in an APS program would be tracked through that program. When students do not stay in APS, Synergy is marked with an indication of where they will be attending at the time that they disenroll. APS would not have access to student educational records for a student who disenrolls.

(page 16 of the digital packet): Removal of Extra-Curricular Privileges-Discretion can look different and as such may differ for the same infraction depending on who the principal is. Isn't that correct? Leaving this to the principal's discretion will allow for there to be wide differences where one principal that allows latitude and doesn't remove a student where another that doesn't give much leeway will remove a student for the same infraction. I feel this should be more defined so we don't see such differences.

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Removal of extracurricular is for the time period equal to the suspension. This is referring to a student who is suspended from school; they would also be suspended from extracurriculars that occur during the same time period.

3rd bullet should read: Participants are expected to adhere to higher *academic and conduct standards....*

Thank you

(page 17): 3rd paragraph should read: *The burden of proof lies with the school to establish the student violated a provision of the APS Handbook for Student Success warranting a suspension.*

Thank you

5th paragraph: Hearings shall be scheduled no sooner than five (5) nor later than ten (10) school days from *parent/legal guardian's* receipt of the Notice of Discipline Hearing form.

2nd to last paragraph should read: *The school shall make available to the student's parent/legal guardian* all reports/documentary evidence, with the exception of police reports and videos, at least forty-eight (48) hours prior to the hearing.

Thank you

Why do parents have to request copies of APS police reports. They should simply be given to parents without a formal request. Could be an equity issue for some families.

Police reports are official records that must be requested and documented by APS Police.

How are families advised about "alternative educational settings" after a long-term suspension? Is there a list, what assistance is provided to help families locate an alternative setting?

Long-term suspension can be assigned through the hearing process. At the end of a hearing, students in special education are referred to their IEP team. Students in general education are referred to Vision Quest for middle school or Continuation School for high school. The families are given a copy of the brochure and have 3 days to schedule an interview with the alternative school.

(page 18): 3rd paragraph, 3rd sentence needs to be rewritten to clarify the following: *or those with legal representation*

Thank you

2nd bullet under Burden of Proof should read: *The burden of proof lies with school authorities to establish the student violated a provision of this handbook.*

Thank you

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(page 19): Last paragraph, last sentence should read: The APS Handbook for Student Success consequences chart provides specific examples of *student behavior that may lead to an expulsion recommendation*.

Thank you

What does "suspension status" mean? While students are in a suspension status, can they still complete academic assignments? How are assignments communicated? Do students have access to academic support, ie, counselor, teacher, to help complete assignments?

When a student is out-of-school suspended, they would be able to make up the work after the suspension. When a student is in-school suspended, they are typically completing assignments in a location outside of their classroom.

I recommend language regarding LTS describing the review/approval process. I was confused by the distinction between a hearing officer vs. hearing authority? Who reviews/oversees the hearing authority/Officer to ensure impartiality?

Authority was changed to officer for consistency under the title Decision of the Hearing Officer.

Hearing Officers are not full-time employees to help ensure impartiality. The hearing officers are trained on due process and the code of conduct by the Executive Director of the Service Center and Legal Counsel. The Executive Director is available for questions and retraining as is legal representation.

We need a section describing the reporting process back to board about annual data, etc...

The data report that is requested in this procedural directive is being gathered and put together. Based on your questions and input during that report, the team would continually improve upon the reporting.

Pg. 20 last paragraph should read: *Appeals of the hearing officer's determination shall be submitted.....The superintendent or designee's determination shall be....*

Thank you

Item IV.B: Presentation of Revisions to Administrative Procedural Directive: Student Participation in Activities and Athletics: Restrictions Related to Controlled Substance, Alcohol and Tobacco Use

When and where is PIP offered? What is the data for the last 2.3 years on this process? What is the overall impact/outcome in reducing recidivism? Demographics on who is attending by zone.

- High School PIP: Each high school has a full-time Crossroads Counselor. Therefore, the PIP schedule is different at each high school based on the needs of the school community. All PIP does have the same requirements, such as requiring parent/guardian approval and participation.

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- Middle School PIP: There are two Crossroads Counselors that serve APS middle schools. Therefore, PIP is offered at City Center two times per month except in December and May.

All parents are offered PIP for the first violation. If there is a second violation and the parent/guardian did not choose PIP for the first violation, they are offered to attend PIP for the second violation.

Because PIP procedures this past school year were different at each high school, data is not consistent. For the 23-24SY, we will work with all schools on a consistent data collection for PIP and will collaborate with Athletics to determine if/how suspensions overall affect athletic participation.

Section indicating "subject to community service" - Who determines community service? Where and what is currently directed as community service. Again demographics about students participating in this service.

When community service is used, it is assigned by the site administrator. This could be used in an effort to allow students to participate in events.

(page 23): Suspension of Extra-Curricular Privileges-If a student is suspended during the try-out period & can't participate in try-outs doesn't this put them at a disadvantage as the team roster could be filled even if they are allowed to try out once their suspension is served?

Bullet 3 - A student serving a suspension cannot participate in a "try-out" during that suspension, however, a coach shall provide a tryout opportunity to a student once the suspension is complete. This extension does not guarantee membership on the team or activity.

Are coaches mandated to keep open spots for those who couldn't try out due to a suspension? Tryouts occur over a time-period, and suspended students are allowed to try out after suspension (bullet 3). The team is not determined until the end of tryouts.

Who does this procedural directive disproportionately affect, females, males, Hispanics, African Americans etc.? I'd like to know the percentage of various sub-groups that this directive has affected in the past.

We need to review how this data is entered into the synergy system regarding athletics and ensure there is consistency.

If athletes (according to this directive) can practice after possession or distribution of nicotine products why can't they at least attend try-outs during their suspension?

It does not specifically say they cannot try out, just that they cannot participate in games for the timeframes noted.

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(page 24): 2nd & 3rd bullets-Why do the 2nd & 3rd violations have the same consequences? In the judicial system, I believe there is progressive discipline, but I don't see that here. Are the consequences for a 3rd violation with or without completion of a PIP?

Completion of PIP allows for a third violation, whereas not completing PIP removes privileges for the remainder of the year on a 2nd violation.

PIP is required for the first violation, correct? And then after that, if they do not participate, consequences increase.

It is required to offer PIP, parents can refuse or not show up after being scheduled. Because life happens, PIP is offered a 2nd time.

(page 25): Why was the word Disposition added after School Consequences?

Disposition is the word used in Synergy to indicate the consequence. We are aligning language.

Item IV.C: Presentation of Revisions to Administrative Procedural Directive: Student Dress

Is APS documenting the dress code violations trend of male, female, LGBTQ students? What were the numbers before our new dress policy? What are the numbers now?

Violations are entered in Synergy for offenses that result in in-school or out of school suspension. Dress code cannot have either as a consequence and therefore that data is not in synergy.

What are the consequences for a student not adhering to graduation dress?

Students not adhering to dress code requirements could be kept from walking.

(page 29): 8th bullet-What does this mean, torn jeans, skirts with slits, one arm blouses etc.?
Need to clarify.

Clothing without all sides in the garment is referring to clothing items with no front, back or sides. Typically a clothing item with only one side.

"Schools may impose consequences such as lunch detention, loss of recess, etc..." What has been imposed and where is this occurring. Who reviews this to assure it is fair and equitably applied?

Students cannot be removed from the educational setting for a dress code violation. These consequences would occur at the school site. Dress code violations are not necessarily entered in Synergy.

(page 30): Do you feel that students not following dress code has become such a problem in our district that it warrants punishment? Should APS punish their students based on their clothing choices?

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There is an expectation for students to follow school rules, and there are consequences for not following them. The procedural directive requires community input into school dress codes and the dress codes are in school handbooks for students and families.

What if a parent is not able to bring their child a change of clothes are they given some grace? How is punishment for dress code violations determined?

Dress code and consequences are determined at the school level with the procedural directive giving some options that are utilized at many schools. Most consequences for dress code occur with repeated violations and reminders. Many schools have alternative clothing for students to wear for the remainder of the day, or until parents are able to bring a change of clothing.

Bullet 3 says "students could have consequences" so is there a list of consequences that every principal could give out based on the number or severity of dress code violations? Are there some dress code violations that are more severe & does every principal know what those are and give out the same consequences?

Consequences would be outlined in the school handbook. No educational/classroom time should be lost for a dress code violation. Consequences could be lunch detention, loss of recess, etc.

(page 31): Can you give examples of some elective courses that have specific dress & hair requirements? So students who won't or perhaps can't adhere to these requirements have no choice but that of being removed from these courses & placed in a different elective?

- Military/ROTC courses
- Welding/Auto classes that require safety clothing items

Item IV.D: Presentation of the 2023-2024 APS Handbook for Student Success

Section on infractions, etc....

What are "interventions?" Do we have any data on "interventions" and efficacy? What is the most common infraction? What type of data do we maintain regarding movement through violations (1st to 2nd to 3rd, etc...) Are there schools that struggle more than others? Are there populations impacted greater than others?

The Principal Working Group is putting together a prevention/intervention document for the 23-24 school year to help support consistency. The group is working with different departments to align language (restorative practices, SEL). We do not have consistent data at this time. All schools will utilize Synergy for all handbook violations for the 2023-24 SY.

(page 10 of handbook): What is included in educational records, give examples. Why are examples of educational records not included here?

2nd bullet should read: *Educational institutions where the student is enrolled or seeks to enroll*

This is procedural directive language and the procedural directive is not being updated at this time. The recommendations will be considered at the next revision.

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(page 12 of handbook): I would like to suggest that the APS Service Center information be moved to the top of the page under "Numbers You Need to Know"?

Thank you

(page 13 of handbook): 1st paragraph, 2nd sentence should read: *Students can also look at and/or make school choices using the school transfer process.*

That section is specific to registration and custody documentation forms, not to school choice options. Transfers and school choice are covered in another section.

(pages 31-32 of handbook): Why were the Bus Disruption consequences changed? They seem to have been made more lenient? Bus drivers have been attending Board meetings asking us for stricter consequences and yet these seem to be the opposite. How will the child who is physically harmed feel when the person doing the harm is back on the bus after 10 days?

The consequences are more defined and actually stricter than last year (page 33). These are the consequences that were put out through email that principals have been utilizing since those board meetings. A child being physically harmed by another falls under severe disruption with removal for the remainder of the year.

(page 33 of handbook): The section introducing Dress Code violations reads like a series of incomplete sentences. Could it be amended to something like: Students are expected to follow the district and school dress code, as well as their school handbook. Non-compliance with specific school dress codes HAS WHAT CONSEQUENCE? Is there a consequence other than those listed in the procedural directive (listed below)? Additionally, why were the consequences removed from the handbook?

"Students Not Following School Dress Code

Students are expected to follow the dress code at school. When students do not dress appropriately the following steps will be followed.

- Offer other clothing options if available
- Call parent/guardian to bring other clothing
- Students could have consequences such as lunch detention, loss of recess, etc."

Thank you. Consequences were left out of the district handbook because in- and out-of-school suspension are not options like the other violations. The Principal Working Group felt strongly about not putting any required consequences but did leave the sections so that parents were aware to read the school handbook.

(pages 33-34 of of handbook): I see the consequences are the same for 4-5th and middle and high school for General Disruption/Defiance. Are the intervention strategies different? And why don't the older students have heftier consequences upon their 1st-3rd violation?

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(page 34 of handbook): Same question as above for the profane language section.

(page 36 of handbook): Same question for the obscene material section. Surely a middle and/or high schooler sharing obscene material has a better understanding of what it is they are sharing than a 4th or 5th grader and should therefore have more stringent consequences upon numerous violations?

All remaining consequences - same question. Why would 4th and 5th graders have the same consequences as middle and high schoolers? The only place where the consequences seem to vary are in the Audio/Video recording section, Hate Incident, Gang Affiliated Activity, Controlled Substances, Assault/Intimidation, Fighting, and Aggravated Battery sections.

These recommendations were made through the Principal Working Group and have been reviewed by all Principals. Schools are seeing a rise in behaviors at younger ages. The interventions that will be provided to school will provide a variety of options to assist teachers in the classroom and other school staff with behaviors happening on campus. The working group felt that the up to language assists in allowing school staff to provide interventions and teach appropriate behaviors while also holding students accountable to following rules.

No elementary students were brought to a hearing for the 2022-23 school year and only 3 for the 2021-22 school year, as the focus is and has been on interventions and teaching appropriate behaviors.

(Page 47 of the handbook): "students shall not use...to photograph or record handbook violations". So can they do so depending on the violation?

When the violations state that "evidence is required," that is the evidence collected by school staff to show that a student has committed the violation and posted or shared an inappropriate photograph.

(pages 54-56 of handbook): Controlled Substances. I would suggest adding language in this section that the consequences are different for student athletes per the procedural directive we reviewed earlier in the packet. Just a simple statement would do since the consequences are laid out further along in the handbook.

Thank you

(page 96 of the handbook): Threats - The increased consequences are necessary. We can no longer give threats a "pass". They affect the mental health and well-being of our students and staff.

Safety and wellbeing of all students are important.

(pages 97-99 of the handbook): Weapons and Firearms - The differing definitions of firearms in the two sections might need to be elaborated on or parsed out. I see the specific definition of a firearm in the Gun-Free Schools Act but most people will just read "firearm" and assume a gun.

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So if there is a difference between "firearm" and "firearm as defined by the Gun-Free Schools Act" then maybe that should be highlighted.

APS Police determine if the "weapon" is considered a firearm as indicated in the United States Code. Utilizing APS Police for these determinations ensures that students are appropriately charged and issued the correct school violations. (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.)

(pages 99-100): Firearm Possession and Use - I am in favor of the permanent expulsion consequences.

Thank you

What resources are needed to intervene appropriately with students with an IEP? Do we have sufficient resources? An IEP shouldn't exempt a student from learning appropriate social interactions. The timeline and amount of support in learning may be different.

In addition to the support provided to all students in APS, the Special Education Department works to support schools in providing equitable access and opportunity in a safe, supportive, inclusive environment that addresses the individual needs of all students with special needs. Supports that we provide to schools and students:

1. ESDS - Exceptional Student District Specialist

- Work with building principals to identify areas of need as they relate to special education
- Monitor the delivery of programs and services to ensure compliance with legal guidelines
- Engage and support special education staff in the implementation of effective teaching practices
- Empower and support students and families through leadership, guidance and support

2. District Resource Trainers - Training needs for school.

- NVCi certification
- Crisis dynamic practices
- Mindful movement and exercises to enhance educator and student well-being
- CASEL 3 Signature Practices
- SEL Relationship Skills
- SEL Competencies and Assessments
- SEL-Self-Awareness-Teaching students to identify values
- SEL-Social Awareness-Teaching Empathy
- SEL and Academics-Making the Connection
- Trauma informed self management
- ACCEPT, IDENTIFY, and MOVE (AIM)-A Behavior Analytical SEL curriculum

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- Trauma Informed Restorative Practices
- Integrating Restorative Practices into SEL to support youth and those who work with them
- SEL-Self Awareness-Teaching Self-as-Context
- Demystifying SEL
- Introduction to Self-Awareness
- How to get students in school and keep them there (integrating Restorative Practices)
- SEL and Self-Management Introduction
- SEL and Responsible Decision Making
- SEL, Social Awareness, and cultural equity
- Teaching and Leading with SEL in Mind
- FBA/BIP support

All schools have an option to have a regular meeting with their District Resource Trainer, to review case management and offer site based strategy and support specifically catered to the site. This time can be used for above trainings or site specific requested trainings. Our District Resource team also provides individual student support to address a variety of needs.

3. Math and Reading Resource Teams

- Curriculum training and support
- UDL
- Scheduling
- Mentoring

4. BMS Support

5. BCBA Support

6. Social Workers

Does expulsion include expulsion from all alternative programs? How are we working with other entities to create interventions that address the issues that caused the expulsion?

Expulsion means removal from APS, with the exception of a student with an IEP. A student with an IEP is still provided services as determined through the IEP process following an expulsion determination.

In Suspension of Extra-Curricular Privilege, what does the NMAA actually say? I hear different things at NMSBA meetings. I am glad that there are progressive steps in the consequences. NMAA does not provide specific requirements or consequences for disciplinary actions. The Athletics Office and the policy analyst reviewed the Athletics and Activities handbooks for multiple districts around the state last year and wrote the procedural directive. The PD is being adjusted to ensure alignment with the Code of Conduct for all students. Athletic directors felt the

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previous 45-day suspension was too stringent and meant a student would not have the motivation of activities or athletics that keeps many students in school.

What are the demographics of PIP participants? Which students qualify? How is success measured and what is the rate? Is the program reflective of most recent research and best practices? In even the past 5 years there have been groundbreaking developments in substance treatment.

- High School PIP: Each high school has a full-time Crossroads Counselor. Therefore, PIP schedule at each high school is built around the needs of the school community. All PIP does have the same requirements, such as requiring parent/guardian approval and participation.
- Middle School PIP: There are two Crossroads Counselors that serve APS middle schools. Therefore, PIP is offered at City Center two times per month except in December and May.

All parents are offered PIP for the first violation. If there is a second violation and the parent/guardian did not choose PIP for the first violation, they are offered to attend PIP for the second violation.

Because PIP procedures this past school year were different at each high school, data is not consistent. For the 23-24SY, we will work with all schools on consistent data collection for PIP and will collaborate with Athletics to determine if/how suspensions overall affect athletic participation.

PIP is an intervention program. Cross Road and other school counselors do refer families for treatment programs when applicable. Research shows that, although there are multiple challenges around youth substance abuse intervention programs, current standards of “best practices” include the engagement of youth and their families (Laurie Chassin, Future of Children). This is the foundation of PIP. Parents/guardians must attend with their child.

The issue of student privacy and the student directory continue to be of concern to me. What oversight is there that this information is not used illegally? At the very least, can the order of paragraphs be altered so that the ability for a family to opt out leads?

This is procedural directive language and the procedural directive is not being updated at this time. The recommendations will be considered in the next revision. Opt-out is part of the registration process in ParentVUE again this year and reports are directly pulled from Synergy by schools and the Custodian of Records Department.

Is the denial of enrollment to an expelled student a statutory requirement?

The new language in the handbook is from NM Statutes - Section 22-1-4, paragraph 5:

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- (5) rules pertaining to grounds for denial of enrollment or re-enrollment at schools within the school district and the school district's hearing and appeals process for such a denial. Grounds for denial of enrollment or re-enrollment shall be limited to:
 - (a) a student's expulsion from any school district or private school in this state or any other state during the preceding twelve months; or
 - (b) a student's behavior in another school district or private school in this state or any other state during the preceding twelve months that is detrimental to the welfare or safety of other students or school employees.

WHERE ARE RESTORATIVE PRACTICES?

The Principal Working Group is creating additional documents to support schools in these areas. The Principal Working Group is working with other departments to ensure alignment of the resources and language. There is a task force working on conflict mediation and restorative practices and what this looks like in schools and in the classroom.

Can this language be made more clear:

Pre-K to 3rd

Utilize intervention strategies

General practice is PK-3 is not suspended more than 3 days for a single incident and is not brought to hearing.

Additional consequences approved with Associate approval

Yes, thank you