Dear APS Students and Families:

Public education is all about life lessons. These may include classroom lessons on reading, writing, and problem solving; social lessons on listening, collaborating, and personal responsibility; physical lessons on movement, self-confidence, and risk-taking; as well as cultural lessons on respect, acceptance, and relationship building.

The Albuquerque Public Schools (APS) Student Handbook is a tool to guide students and families through these life lessons. It is a living, breathing document that establishes expectations of students and provides guidelines for student conduct. Updated annually, the APS Student Handbook can help enhance a positive learning environment. It contains information that students and parents/guardians should know to ensure a safe, successful and rewarding school year.

APS students have rights. They have the right to conditions favorable to learning. They have the right to pursue an education free from discrimination. They have the right to express themselves and to associate with others. They have a right to privacy and freedom from harassment. They have a right to due process.

APS students also have responsibilities. They are expected to conduct themselves in a way that is conducive to teaching and learning. Students are expected to uphold academic and personal integrity, to respect the rights of others, to refrain from disruptive, threatening, intimidating, or harassing behavior, or behavior that is harmful to themselves, other people or property.

The APS Student Handbook outlines these rights and responsibilities. Please take the time to review it. It is important that both students and parents/guardians understand expectations, policies, and procedures. Together, we create an atmosphere of respect and responsibility that underlies all learning. We encourage you to call your school if you need clarification of any rule, regulation or policy. You also may contact the APS Student, Parent, Employee Service Center, the customer service center for APS. Contact them at 505-855-9040 or servicecenter@aps.edu.

Thank you. We look forward to a happy and successful 2019-2020 school year.

Sincerely,

Raquel Reedy
Superintendent
Dear APS Students and Families:

Public education is all about life lessons. These may include classroom lessons on reading, writing, and problem solving; social lessons on listening, collaborating, and personal responsibility; physical lessons on movement, self-confidence, and risk-taking; as well as cultural lessons on respect, acceptance, and relationship building.

The Albuquerque Public Schools (APS) Student Handbook is a tool to guide students and families through these life lessons. It is a living, breathing document that establishes expectations of students and provides guidelines for student conduct. Updated annually, the APS Student Handbook can help enhance a positive learning environment. It contains information that students and parents/guardians should know to ensure a safe, successful and rewarding school year.

APS students have rights. They have the right to conditions favorable to learning. They have the right to pursue an education free from discrimination. They have the right to express themselves and to associate with others. They have a right to privacy and freedom from harassment. They have a right to due process.

APS students also have responsibilities. They are expected to conduct themselves in a way that is conducive to teaching and learning. Students are expected to uphold academic and personal integrity, to respect the rights of others, to refrain from disruptive, threatening, intimidating, or harassing behavior, or behavior that is harmful to themselves, other people or property.

The APS Student Handbook outlines these rights and responsibilities. Please take the time to review it. It is important that both students and parents/guardians understand expectations, policies, and procedures. Together, we create an atmosphere of respect and responsibility that underlies all learning.

We encourage you to call your school if you need clarification of any rule, regulation or policy. You also may contact the APS Student, Parent, Employee Service Center, the customer service center for APS. Contact them at 505-855-9040 or servicecenter@aps.edu.

Thank you. We look forward to a happy and successful 2019-2020 school year.

Sincerely,

Raquel Reedy
Superintendent

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 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. 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.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albuquerque Public Schools Goals</td>
<td>1</td>
</tr>
<tr>
<td>School District Authority and Jurisdiction</td>
<td>2</td>
</tr>
<tr>
<td>Expectations of Students, Parents/Guardians and Families</td>
<td>3</td>
</tr>
<tr>
<td>Student Rights and Responsibilities</td>
<td>4</td>
</tr>
<tr>
<td>Dress Code</td>
<td>5</td>
</tr>
<tr>
<td>What To Do If You Believe That Your Rights Have Been Violated</td>
<td>8</td>
</tr>
<tr>
<td>APS School Attendance Guidelines</td>
<td>11</td>
</tr>
<tr>
<td>School Safety</td>
<td>14</td>
</tr>
<tr>
<td>School Interventions for Handling Disruptions of the Educational Process and Unacceptable Conducts</td>
<td>15</td>
</tr>
<tr>
<td>Discipline Matrix</td>
<td>18-19</td>
</tr>
<tr>
<td>District Wide Substance Abuse and Tobacco Policy</td>
<td>23</td>
</tr>
<tr>
<td>Disciplinary Considerations for Students with Disabilities Under IDEA</td>
<td>25</td>
</tr>
<tr>
<td>Disciplinary Considerations for Students Under Section 504</td>
<td>28</td>
</tr>
<tr>
<td>Title IX of the Education Amendments of 1972</td>
<td>28</td>
</tr>
<tr>
<td>Student Records</td>
<td>31</td>
</tr>
<tr>
<td>Child Custody Issues</td>
<td>33</td>
</tr>
<tr>
<td>Glossary of Terms</td>
<td>34</td>
</tr>
</tbody>
</table>
EARLY LEARNING
Early learning begins at home, is nurtured in supportive classrooms as children develop language and number skills, and grows as students become adept at using these skills in a variety of ways.

COLLEGE AND CAREER READINESS
All students will graduate – without the need for remediation – having the skills, attitudes and characteristics to prepare them for post-secondary education, careers and life in an ever-evolving global community.

DEVELOPING THE WHOLE CHILD
Students develop physically, mentally, emotionally, socially and intellectually in safe and welcoming environments that remove barriers to learning, embrace individuality and connect to their community.

ATTENDANCE
We emphasize school attendance because our students cannot succeed if they are not in school. We are committed to monitoring absences, staying in touch with families, and helping students and families understand that every class and every day matters!

FAMILY AND COMMUNITY ENGAGEMENT
Families are our students’ first teachers. They play a vital role in the education of their children, so it is important that we listen to them, keep them informed, engage them in the classroom and school, and support them in partnerships that help build student success.
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 student, 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, PARENTS/GUARDIANS AND FAMILIES

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:
• Make sure your student(s) attend(s) school, on time, every day.
• Keep your contact information up to date at the school.
• 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.
• Sign up for and use Parent Vue to get information about your child’s attendance, assignments and much more.
• Attend parent-teacher student led conferences to discuss your student’s progress and how you can support their success.

Social Responsibility
• Understand and follow 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.
• Time permitting, volunteer at your child’s school. Schools have many areas in which parents can assist. Volunteers must have a current background check.
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 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 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 (type transfer in the search engine for links to transfer information and the request 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.
• Some schools have adopted student dress policies in addition to the regular dress code.
• All schools that have adopted a uniform dress code policy also allow students to wear:
  □ “Docker” style pants in black, navy or khaki color; and
  □ Solid color Polo style shirts in white, light blue, dark blue or green
  □ Schools may accept other colors of pant and shirt styles as well.
• No student shall miss instructional class time for the first two weeks of the school year or within the first two weeks of the student’s date of enrollment (whichever is later) because they do not have a school uniform. However, the student’s dress must meet the regular dress code as outlined above. If your family cannot provide a school uniform, please let the school know and they will support you.
• Students and their parents/guardians have the responsibility to be aware of the school specific dress codes and must conform to those requirements.
• The responsibility to interpret and enforce the dress code policy rests with each school principal.
STUDENT USE OF PERSONAL ELECTRONIC DEVICES

• Students who possess a personal electronic device are solely responsible for its care. The school/district is not responsible for damage, loss or theft.
• Personal electronic devices include but are not limited to cell phones, smart watches, laptops, and tablets.
• Student possession of personal electronic devices on school campuses, busses or school activities is permitted.
• Student electronic devices shall be kept powered off and out of sight during the school day, during any school sponsored activity and during practices held on APS property.
• Students may use devices before and after school as determined by the school administration. High School students may use devices during lunch as determined by the school administration.
• Students may have devices on in the following circumstances with the permission of school administration:
  □ Special medical circumstances for student or family member
  □ Using the device for an educational or instructional purpose with the teacher’s permission
• Students shall not use personal devices on school property during the school day to access and/or view internet websites that are otherwise blocked at school. Blocked sites may include, but are not limited to social networking sites.
• Student use of personal electronic devices that disrupts the instructional day may result in disciplinary action and/or confiscation of the personal device. When a personal device is confiscated, it shall only be released and/or returned to the student’s parent/legal guardian. It is the student’s parent/legal guardian’s responsibility to retrieve the device according to school procedures. Each school will have specific procedures for their school when a device is confiscated.
• Students using personal devices at appropriate times should follow common courtesies such as not taking photographs of others or posting photographs of others on social media without their permission and putting phones away when speaking to others.

FIELD TRIPS/ACTIVITY TRIPS

• Students have the right to attend field trips and activity trips.
• Field trips are school-sponsored trips which provide first-hand educational experiences to supplement curriculum and instructional goals away from campus.
• Activity trips are trips sponsored by school activity clubs or trips that are non-educational in nature and are used to reward academic, athletic, or behavioral accomplishments.

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, HIV status, mental or physical disability or serious medical condition, age, veteran status, spousal affiliation or pregnancy, and/or any other protected status as defined by law 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:

<table>
<thead>
<tr>
<th>Equal Opportunity Services and Title IX</th>
<th>Section 504</th>
</tr>
</thead>
<tbody>
<tr>
<td>6400 Uptown Blvd. NE, Suite 510 West</td>
<td>6400 Uptown Blvd. NE, Suite 510 West</td>
</tr>
<tr>
<td>PO Box 25704</td>
<td>PO Box 25704</td>
</tr>
<tr>
<td>Albuquerque, New Mexico 87125-0704</td>
<td>Albuquerque, New Mexico 87125-0704</td>
</tr>
<tr>
<td>(505) 855-9833 or (505) 855-9831</td>
<td>(505) 855-9831</td>
</tr>
</tbody>
</table>

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) 395-2782 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:

<table>
<thead>
<tr>
<th>Equal Opportunity Services and Title IX</th>
<th>Section 504</th>
<th>US Department of Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>6400 Uptown Blvd. NE, Suite 510 East</td>
<td>6400 Uptown Blvd. NE, Suite 510 West</td>
<td>Federal Office Building</td>
</tr>
<tr>
<td>PO Box 25704</td>
<td>PO Box 25704</td>
<td>1244 Speer Blvd., Suite #310</td>
</tr>
<tr>
<td>Albuquerque, New Mexico 87125-0704</td>
<td>Albuquerque, New Mexico 87125-0704</td>
<td>Denver, Colorado 80204-35820</td>
</tr>
<tr>
<td>(505) 855-9853 or (505) 855-9831</td>
<td>(505) 855-9831</td>
<td>(303)844-5695</td>
</tr>
</tbody>
</table>

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.
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 provides instruction 180 of the 365 days in a year. This provides students with limited time to learn all that is needed at each grade level so they can successfully and confidently proceed to the next school year and beyond. Significant changes were made to State Law regarding student attendance during the 2019 legislative session for the 2020-2021 school year. APS policy will be adjusted to follow the new regulations. Please check the APS website for updated information.

UNEXCUSED ABSENCES
- The State of New Mexico requires that students between the ages of 5 and 18 attend a public or private school (including charter and alternative schools) or register with the Public Education Department if a parent is providing home school or the student is in a state institution.
- Schools will provide intervention strategies to support students and help parents in getting their student to school each day.
  - The State of NM and APS define a student with 5 unexcused absences as a Student in Need of Early Intervention Services.
  - The State of NM and APS define a student with 10 unexcused absences as a Habitual Truant.
  - The State of NM and APS may report students who are defined as habitual truants and for whom interventions have not been successful in improving attendance to Juvenile Probation for additional intervention. Juvenile Probation may forward the case to the District Attorney where the parent may face fines or possible jail time.

ALL ABSENCES
- An enrolled student is chronically absent if they have missed 10% or more of the academic year, for any reason (excused or unexcused). This amounts to approximately two (2) or more days of school within a month (excused or unexcused).
- A student must attend more than half of the school day in which they are enrolled to be considered present for the day.
- Schools will support students with interventions to help stop excessive absences.
- Schools will do what they can to minimize absences.
  - School related activities that take a student out of class will not count toward excessive absence totals.
  - Schools will not allow more than 10 school-related absences per class per semester.
  - Schools may not suspend students for excessive excused or unexcused absences.
  - Schools may withdraw for absences only if the parent has not contacted the school, and the school cannot reach the student or family to provide supports.

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
- Please notify the school each day your child is absent even if you know he or she will be absent for multiple days. Check with your child’s school to determine the best way to let them know about your child’s absence(s).
- Report your child’s absences within three days of the absence.
- If your child needs to leave school early for any reason, please notify the school and follow the school’s rules for early dismissal.
- Absences may be excused for the following reasons with appropriate documentation:
  - Illness, which 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 12th grade students or other students with principal approval
• Limited extenuating circumstances as approved in advance by the school principal

Absences must be excused for the following reasons with appropriate documentation:
• At least ten (10) days, per school year, after the birth of their child for students who notify the school of the child’s birth and provide proper documentation to the school. Both the mother and the father of the child are entitled to the excused absences. 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, per semester, for the students who provide appropriate documentation of the pregnancy or that the student is the parent of a child under the age of thirteen needing care.
• Deployment of a military parent as defined in the “Military Children” procedural directive

Absences will be unexcused for the following reasons:
• Illness of another sibling, parent or family member that is not an emergency.
• Family activities or trips during the school day.

APS understands that life is sometimes complicated and seeks to support academic success for every student. Please reach out to staff at your child’s school if you are having problems getting your son or daughter to school on time.

MAKE-UP WORK
• Upon return from an absence(s), students shall request makeup work and will have one day per one day of absence to make up the missed work unless the teacher and/or school administrator allow additional time.
• Teachers will provide make up work but may need one full school day to gather the make-up work.
• If families know ahead of time when an absence will occur, it is best practice to ask for make-up work before the absence occurs.
• Students will be provided make up work for excused absences and up to 10 unexcused absences.
• Students who have been identified as Habitually Truant (more than 10 unexcused absences) may request make up work.
• The teacher and school administrator may grant the request or may request a meeting with the parent/guardian to determine if makeup work will be completed.
• Students will be expected to take final exams and End of Course exams on the day they are scheduled. Students may be allowed to make up finals or End of Course exams if the absence is excused. Students requesting to make-up a final or End of Course exam will require advanced approval from the teacher and/or school administrator.

INTERVENTIONS
• Families of elementary aged students will be provided a safety call in the morning if the student is absent or comes to school after the automated call is scheduled.
• Families will be provided a call in the evening notifying the parents of each child’s absence for any part of the day so parents can accurately track their child’s attendance.
• Families will receive an automated call if their child has 5 unexcused absences.
• 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.

Parents/guardians are asked to schedule an appointment with their child’s school to discuss the absences and develop a plan to improve attendance.
• School staff may contact the family and schedule an appointment to team with the parent on strategies and support.
Interventions for Students with Excessive Absences

<table>
<thead>
<tr>
<th>Unexcused Full Day Absences</th>
<th>2</th>
<th>5</th>
<th>10</th>
<th>10+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent/Guardian Contact</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
</tr>
<tr>
<td>School Interventions and Strategies</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
</tr>
<tr>
<td>Written Notice to Parents from District</td>
<td></td>
<td></td>
<td></td>
<td>•</td>
</tr>
<tr>
<td>Phone Call to Parent from District</td>
<td>•</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parent &amp; Student Conference with School Staff</td>
<td>•</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Referral to School Attendance Team and/or Principal</td>
<td></td>
<td></td>
<td></td>
<td>•</td>
</tr>
</tbody>
</table>

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

TARDY
Students who come to school after the tardy bell has rung are missing important learning opportunities and are a disruption to the learning process for other students.

- Students who come late to school will need to check in at the front office. Elementary aged children must be taken into the office by a parent/guardian.
- Students who are often late may need to make up the lost instructional time. Check with your child’s school to find out if your child needs to make up the lost instructional time and when it will happen.
- Middle school and high school students who miss more than 50% of a class period will be counted as absent for that class period.
- Schools may provide additional supports to discourage tardiness and encourage on time attendance.

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 your child is often on school grounds during unsupervised times school staff may provide parents/guardians with information on before and after school programs in the area.
- Schools are required to contact law enforcement if a child is left on school grounds during unsupervised times and the parent/guardian cannot be reached.
- 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.
Albuquerque Public Schools is committed to providing a safe, secure and respectful learning environment for students, staff, families and visitors to our schools. All schools have site safety plans specific to their location, which include detailed instructions for a host of possible emergency situations.

- Schools are required to conduct fire drills monthly.
- Schools are required to practice lockdown, shelter-in-place and evacuation drills during the school year.
- School safety plans are reviewed annually and include site and school-specific instructions relevant to each school, depending on the design and layout of the building(s).
- Albuquerque Public Schools Police Department have school resource officers and security officers assigned to many of our schools and have field officers who respond to incidences at all sites.
- Albuquerque Public Schools Police Department works closely with the Albuquerque Police Department and the Bernalillo County Sheriff’s Office.
- Visitors to our schools are required to check in at the front office and wear a visitor’s badge while on campus.
- Volunteers at a school must have a current background check.
- Visits to classrooms should be arranged 24 hours in advance and should be limited to twenty minutes. Parents/guardians may only visit classrooms where their child is enrolled.
- Students and staff are expected to be responsive and follow the directions of all APS personnel and public safety responders.
- All schools and most school buses have security cameras.
- Any time a student or staff member sees a suspicious person on campus or encounters a person who is being disruptive, they are asked to contact a police officer, safety officer or administrator.
- Every threat or rumor of a threat to students, staff or schools is taken seriously. Immediate investigations are conducted and disciplinary action taken if necessary.
- Anyone who hears of a possible threat to a school is encouraged to contact a school administrator or police. The APS Police Department can be reached at 505-243-7712.

We all have a role to play in ensuring our schools continue to be a safe place for learning, and it is incumbent on all of us to be vigilant and supportive of one another. If you see or hear something, say something. You can contact APS School Police at 505-243-7712.
SCHOOL INTERVENTIONS FOR HANDLING DISRUPTION OF THE EDUCATIONAL PROCESS AND UNACCEPTABLE CONDUCT

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. The right to a public education is not absolute, it may be taken away, temporarily or permanently, for violation of school rules. 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.

RESTORATIVE JUSTICE PRACTICES

Restorative justice practices are based on respect, responsibility, relationship building and relationship repairing. Restorative justice practices give priority to repairing harm done to individuals and school communities, and providing student accountability by assuming responsibility and taking action to repair the harm they caused. It aims to keep students in school and to create a safe environment where learning can flourish.

All APS schools use progressive discipline practices for student misbehavior. Progressive discipline includes more restrictive or more serious consequences for repeated misbehavior or behaviors displaying more serious risk to self or others. Disciplinary consequences will be appropriate for a student’s age and ability level. Progressive discipline may include restorative practices as part of the continuum of consequences. In the 2019-20 school year, some schools may be using more restorative justice practices to address student misbehavior. This means they may use restorative justice practices that are not included in the district matrix for student infractions such as:

- Student mediation
- School community service
- Verbal or written apologies
  - Adapted from the National Institute of Justice, Centre for Justice and Reconciliation, We Are Teachers and US Department of Education

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.
- Not honoring the conditions of the contract will result in continuing progressive discipline up to and including long-term suspension.

REFERRALS

- Each school has a Health and Wellness Team (H/WT) 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/WT 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, Tobacco Intervention 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. Every threat is taken seriously. 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.

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 (except students placed in accordance with their IEP) for the school they are attending at the time of their long-term suspension. The transfer revocation date for students in Special Education assigned to an Alternative Educational Setting (AES or IAES), through a LTS hearing, will be determined at the end of the suspension period 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, request 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 may 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. Students in special education assigned to an Alternative Educational Setting, through an expulsion 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, request 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

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.
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 Intervention 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/illegal substances.

<table>
<thead>
<tr>
<th>OCCURRENCE</th>
<th>BEHAVIOR VIOLATION</th>
<th>MINIMUM CONSEQUENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any</td>
<td>Arson I (damage of less than $200)</td>
<td>• • • • •</td>
</tr>
<tr>
<td>Any</td>
<td>Arson II (damage of $200 - $999)</td>
<td>• • • • • •</td>
</tr>
<tr>
<td>Any</td>
<td>Arson III (damage of $1000 damage or more) # if greater than $10,000</td>
<td>• • • • # • •</td>
</tr>
<tr>
<td>Any</td>
<td>Assault</td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td>1st</td>
<td>Assault, Aggravated</td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td>2nd</td>
<td>Battery, Aggravated</td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td>Any</td>
<td>Battery/Fighting</td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td>1st</td>
<td>Bullying/Cyberbullying</td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td>2nd</td>
<td></td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td>Any</td>
<td>Bus Disruption</td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td>1st</td>
<td>Controlled Substance Possession (or Paraphernalia)</td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td>2nd</td>
<td></td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td>Any</td>
<td>Controlled Substance Sale or Distribution</td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td>1st</td>
<td>Controlled Substance Use or Under the Influence</td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td>2nd</td>
<td></td>
<td>• • • • • • • • • • • •</td>
</tr>
<tr>
<td></td>
<td>1st</td>
<td>2nd</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Extortion</td>
<td>• • • •</td>
<td></td>
</tr>
<tr>
<td>False Accusations</td>
<td>• •</td>
<td></td>
</tr>
<tr>
<td>Firearm Possession/Use (1 year Expulsion per &quot;Gun-Free Schools Act&quot;)</td>
<td>• • • •</td>
<td></td>
</tr>
<tr>
<td>Gang Related Activity (severe cases may result in greater consequences)</td>
<td>• • • •</td>
<td></td>
</tr>
<tr>
<td>General Disruptive Conduct and/or Defiance</td>
<td>• • • •</td>
<td></td>
</tr>
<tr>
<td>Harassment</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Language, Profane and/or Abusive</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Materials, Obscene</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Robbery</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Theft</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Threats of Violence against School and/or False Alarms</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Tobacco, Possession, Use or Distribution (including e-cigarettes)</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Trespassing/Unauthorized Presence</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Vandalism I (damage of less than $200)</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Vandalism II (damage of $200 - $999)</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Vandalism III (damage of $1000 or more) # if greater than $10,000</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Weapon Possession (gun with projectile by explosive action is considered Firearm)</td>
<td>• • • • •</td>
<td></td>
</tr>
<tr>
<td>Weapon Use (gun with projectile by explosive action is considered Firearm)</td>
<td>• • • • •</td>
<td></td>
</tr>
</tbody>
</table>
• 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 but no later
than 72 hours prior to the hearing to enable the school to also seek representation if it so chooses.
If either the parent’s or the 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 two years.

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 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 if the alleged behavior violations are substantiated 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 student/parent 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.

**PHYSICAL RESTRAINT LAW**

In order to provide safe and effective Interventions with students who are demonstrating dangerous behaviors, physical restraint may be necessary at times. See the Glossary for the definition of Physical Restraint.

**22-5-4.12. Use of restraint and seclusion; techniques; requirements.**

A. A school may permit the use of restraint or seclusion techniques on any student only if both of the following apply:
   1. the student’s behavior presents an imminent danger of serious physical harm to the student or others; and
   2. less restrictive interventions appear insufficient to mitigate the imminent danger of serious physical harm.

B. If a restraint or seclusion technique is used on a student:
   1. school employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use;
   2. the restraint or seclusion technique shall end when the student’s behavior no longer presents an imminent danger of serious physical harm to the student or others;
   3. the restraint or seclusion technique shall be used only by school employees who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon those trained school employees;
   4. the restraint technique employed shall not impede the student’s ability to breathe or speak; and
   5. the restraint technique shall not be out of proportion to the student’s age or physical condition.

Any time a physical restraint occurs, school authorities should provide the student’s parent/guardian with written or oral notice on the same day the incident occurred followed by a written report of the incident completed on the appropriate district form no more than twenty-four hours later. 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 restraint, except in emergency situations.

**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 that requires special transportation according to the IEP, please see APS Procedural Directives – Special Education – Discipline of Students with Disabilities/Behavior.
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/illegai 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 parent/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/illegai 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, POSSESSION AND/OR POSSESSION OF TOBACCO PRODUCTS, E-CIGARETTES AND NICOTINE LIQUID CONTAINERS
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, e-cigarettes and nicotine liquid containers.
- **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 Intervention 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.)
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 address:
  • whether, the conduct in question was a direct result of the Local Educational Agency’s failure to implement the IEP; or
  • whether, 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 discipline shall occur other than removals for special circumstances under IDEA. (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 disabilities 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 ten (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 EDUCATIONAL AMENDMENTS OF 1972

In compliance with Title IX of the Educational Amendments of 1972, the Albuquerque Public Schools affirms its commitment to the rights of students, parents and employees, as set forth in Federal and State statutes, for nondiscriminatory treatment in relation to disability, race, ethnicity, color, sex, sexual orientation, gender identity, national origin or ancestry, religion, age, veteran status, HIV status, pregnancy and/or any other protected status as defined by law, in all its programs and activities. Nondiscrimination shall include freedom from harassment and retaliation based on disability, race, ethnicity, color, sex, sexual orientation, gender identity, national origin or ancestry, religion, age, veteran status, HIV status, pregnancy and/or any other protected status as defined by law. If there is belief that students, parents or employees have encountered discrimination or feel that their Title IX rights have been violated, please reference the APS Title IX Grievance Procedures link listed below, student handbook or any site administrative office.

PURPOSE
Title IX includes sexual harassment, sexual misconduct and sexual violence. Any report of gender/sex discrimination made to an employee must be addressed in a timely manner by school administration or the supervisor and reported to the Title IX Coordinator at the Office of Equal Opportunity Services. The
The purpose of these procedures is to secure, at the lowest possible level, prompt and equitable resolutions of complaints based on sex or disability discrimination, including complaints of sexual harassment or sexual violence, in violation of Title IX of the Educational Amendments of 1972 ("Title IX"), and violation of District policies that prohibit these types of discrimination. These procedures apply only to complaints alleging discrimination prohibited by Title IX (including sexual harassment and sexual violence). “The following policies and procedures apply to complaints in which a student or employee alleges harassment or any and all related wrong doings performed by any other employee, student or third parties. Examples of third parties include audiences and competitors at intra-district athletic competitions, service contractors, school visitors, and employees of businesses or organizations participating in cooperative work or school programs with the District in relation to the incident at issue.”

SEXUAL HARASSMENT/BULLYING
Sexual Harassment/Bullying is a form of gender-based harassment that is considered a misuse of power. Sexual harassment generally may fall under one of two categories: quid pro quo and hostile environment.

QUID PRO QUO sexual harassment generally occurs when an individual explicitly or implicitly conditions another individual’s participation in an activity or program or bases a decision on the individual’s submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature, whether or not the individual submits to the conduct. This generally involves a person in an authority position over a subordinate.

HOSTILE ENVIRONMENT harassment generally occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature by a student, employee or a third party are sufficiently severe, persistent or pervasive so as to limit the individual’s ability to participate in or benefit from a program or activity of the District or to create a hostile or abusive educational work environment.

If behavior toward another individual results in that individual feeling intimidated, uncomfortable or if the individual feels threatened, that behavior may be considered sexual harassment even if the harasser did not intend for his/her actions to be offensive. This prohibition against sexual harassment applies whether the harassment is between people of the same or different gender.

Examples of possible sexual harassment are: unwelcome pressure for sexual activity; unwelcome, sexually motivated or inappropriate physical contact; unwelcome verbal or written words or symbols directed at an individual because of gender (whether that gender is the same as the harasser or aimed at the opposite sex); and use of authority to coerce sexual favors.

SEXUAL VIOLENCE
Sexual violence is a broad term and includes conduct that is also criminal in nature such as rape, sexual assault, child sexual abuse, sexual exploitation, human trafficking, unwanted sexual contact, sexual harassment, exposure and similar offenses. Although sexual violence may also be considered sexual harassment, criminal sexual violence against students within the District’s jurisdiction needs to be reported to the APS School Police Department and the District’s Title IX Coordinator. APS is committed to effectively train its APS personnel for whom implement the Title IX procedures, to take appropriate action to eliminate sexual harassment, sexual violence, prevent its recurrence and to address and correct its discriminatory effects as promptly and thoroughly as possible.

RESPONSIBILITY
All APS employees, particularly supervisors, have a responsibility for keeping our work environment free of harassment or discrimination. Any employee, who becomes aware of an incident of harassment or discrimination, whether by witnessing the incident or being told of it, must report it to their immediate supervisor or to the office of Equal Opportunity Services (EOS) at APS. When the District becomes aware of the existence of harassment or discrimination, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the District to proceed or not.
The initiation of a criminal complaint does not mitigate the District’s obligation to complete a prompt and equitable resolution of every complaint alleging sexual discrimination.

These procedures shall be available in every school site administrative office, posted on the District website, and included in student handbooks.

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 7.

For more information about Title IX, please check the website at https://www.aps.edu/about-us/policies-and-procedural-directives/procedural-directives/j.-students/discrimination-and-harassment-students or contact:

Title IX claims (students/employees filing an internal complaint):
Socorro Rodriguez, Director, Title IX Coordinator
APS, 6400 Uptown Blvd. NE; Suite 510W
Albuquerque, NM
505-855-9831
Rodriguez_so@aps.edu

OR

US Department of Education, Office for Civil Rights
(students/employees filing complaint through human rights agency):
1244 Speer Blvd., Suite 310
Denver, CO 80204-3582
303-844-5695
OCR.Denver@ed.gov
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. Place a statement in the record about their view of the contested information if after the hearing the school decides not to change the record.

THE PROTECTION OF PUPIL RIGHTS AMENDMENT

The Albuquerque Public Schools abides by 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 (over the age of 18) informs the District within a reasonable period of time that any or all of the information should not be released. Directory information includes a student’s name, mailing address, phone number and grade level. 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. Parents can exempt their children from Directory Information during the enrollment process, through on-line registration or while completing a registration card at the school. 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. 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.

2. 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.

3. Assault
   A verbal threat or physical attempt of bodily harm.

4. 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.

5. 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.

6. Battery/Fighting
   Unlawful, intentional touching or application of force to another person, when done in a rude, disrespectful or angry manner.

7. 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.

8. 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.

9. 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.

10. Chronic Absenteeism
    An enrolled student is chronically absent if they have missed 10% or more of the academic year, for any reason (excused or unexcused). This amounts to approximately two (2) or more days of school within a month (excused or unexcused).

11. *Controlled Substance, Paraphernalia Possession***
    Possessing any paraphernalia, such as but not limited to rolling paper, pipes or bongs.

12. *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.

13. *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.
14. **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.

15. **Dress Code Violation**
Non-compliance with specific school dress codes.

16. **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.

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

18. **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.

19. **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.)

20. **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.

21. **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.

22. **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 or lying to or intentionally misleading any school official 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.
23. **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).

24. **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.

25. **Language, Profane and/or Abusive**
Using language that is crude, offensive, insulting or irreverent; use of coarse words to show contempt or disrespect; swearing.

26. **Materials, Obscene**
Displaying material that is indecent and has the potential of being disruptive.

27. **Physical Restraint**
The use of physical force without the use of any device or material that restricts the free movement of all or a portion of a student's body, but "physical restraint" does not include physical escort.

28. **Restitution**
Compensation for loss or damage.

29. **Robbery**
Taking of property of another through means of force or fear.

30. **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.

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

32. **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.

33. **Student in Need of Early Intervention (Truant)**
A student who has accumulated five unexcused absences within a school year.

34. **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.

35. **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.

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

37. **Theft**
Unauthorized possession and/or sale of property of another without consent of owner.
38. Threats of Violence against the School and/or False Alarm
Threats of Violence against the school in any form, verbal, written or via social media. 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.

39. Tobacco
Tobacco means any tobacco products made or derived from tobacco that are intended for human consumption, including any component, part or accessory of a tobacco product. This includes among other products, cigarettes, cigars, pipe tobacco, roll-your own tobacco, dissolvable tobacco and smokeless tobacco. E-cigarette means any electronic oral device, or any part of it, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or any other product, name or descriptor; but does not include any product regulated as a drug or device by the US Food and Drug Administration. Nicotine liquid container means a bottle or other container of any substance containing nicotine where the substance is sold marketed or intended for use in an e-cigarette.

40. Tobacco Possession***, Use and/or Distribution
Possession, use and/or distribution of tobacco, including all tobacco products, e-cigarettes, and nicotine liquid containers anywhere on a school campus or at a school related event is prohibited. In addition, students found in possession, distributing or using tobacco are subject to the provisions of the Substance Abuse and Tobacco Policy. Tobacco intervention and support resources are available and referral to intervention programs and/or Parent Involvement Program (PIP). Contact Health and Wellness Teams for information.

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. Volunteer
An unsalaried person (parents, guardians, family, or community members) authorized by APS to perform volunteer services for the district more than once and/or on a regular basis.

44. Weapon Possession***
Possessing a weapon such as but not limited to: a firearm, any type of gun, knife, club, firecracker, explosive, spiked wristband, 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.)

45. 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.
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.