

# DCCCHS



**Student Handbook**

**2025-2026**

**Deming Cesar Chavez Charter High School**

**Student Handbook**

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## OUR MISSION

Providing our students an excellent education with effective life skills that builds a positive self-image.

## OUR VISION

To develop responsible, caring individuals who will take advantage of life's opportunities.

### I. INTRODUCTION

Welcome to Deming Cesar Chavez Charter High School. The staff of DCCCHS is here to encourage, motivate and assist you in achieving your dreams of receiving a diploma and continuing with a post Secondary education and a career. Do not hesitate to ask questions and expect guidance!

### II. CHANGE OF RESIDENCE/EMERGENCY INFORMATION

It is the responsibility of parents, guardians, and students over 18, to inform the school of any change of address, telephone number or emergency information. Parents must provide a manner to receive both written (U.S. Mail) and oral communication (telephone, cell) regarding their student—information needed but is not limited to the following:

- 1 Home address and current telephone, including cell phone
- 1 Employment/business addresses and phone numbers
- 1 Relative/Friend's name, address, and telephone numbers authorized to pick up and care for the student in an emergency situation, if the parent/legal guardian cannot be reached. Parents of students with disabilities should also have the name of any other designated adult who can receive their son/daughter in case of an emergency. **Students will not be released to anyone not listed on the emergency card** unless the parent/legal guardian has provided written authorization on a case by case basis. Parents are required to update this information as soon as it is changed.

The school will not be responsible for a parent/guardian/student's failure to update contact information.

### III. EQUAL OPPORTUNITIES/NONDISCRIMINATION STATEMENT

A. **EQUAL OPPORTUNITY.** DCCCHS is committed to providing a working and learning environment that is free from unlawful discrimination and harassment. DCCCHS prohibits discrimination and harassment based on an individual's age, ancestry, color, disability (mental or physical), marital status, national origin, race, religion (including religious accommodation), sex (actual or perceived, including pregnancy, childbirth, or related medical condition), sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. This nondiscrimination policy covers admission or access to, or treatment or employment in, all DCCCHS programs and activities, including vocational education. The lack of English language skills will not be a barrier to admission to or participation in DCCCHS programs or activities. DCCCHS prohibits retaliation against anyone who files a complaint or who participates in a complaint investigation. Federal law, Title IX, State law and DCCCHS policy prohibit anyone from discriminating against any student based on actual or perceived sex, sexual orientation, and gender (including gender identity, marital status, pregnancy, childbirth or related medical condition). Students who feel that their rights are being violated have the right to take action and should not be afraid of trying to correct a situation by speaking to a school administrator, counselor, or trusted adult at school, or filing a complaint. Students are encouraged whenever possible to try to resolve their complaints directly at the school site.

B. PREGNANT OR PARENTING STUDENTS. Pregnant or parenting students, regardless of their marital status, have the right to attend school, and to participate in any program or activity for which they would otherwise qualify in an environment free from discrimination or harassment. Classes, programs and materials offered to pregnant and parenting students must be equal to those offered to other students and students must be provided access to those classes needed to complete their course of study. Pregnant and parenting students have a right to full participation in school classes, programs, and activities and it is the school's responsibility to make reasonable accommodations to keep pregnant students safe on campus and facilitate their continued participation.

C. BICYCLES, MOTORCYCLES, MOPEDS AND AUTOMOBILES – Students who ride bicycles to and from school assume full responsibility for their care and use.

Students operating motorcycles, mopeds, or automobiles to and from school assume the full responsibility for their care and use.

The director may deny the privilege of riding a bicycle to school or driving to school for any student who fails to comply with state law or school rules and regulations. Parents will be notified if privileges are revoked.

D. FOOD

Breakfast and lunch are served for no charge to all students. (Deming Cesar Chavez Charter High School participates in universal free lunch and breakfast through a Memorandum of Understanding—MOU—with Deming Public Schools.)

E. MAKE UP WORK – Make-up work must be completed in a timely fashion. All make-up work will be graded as assignments are completed and submitted. Teachers manage this process, with oversight and support by administrator. It is the responsibility of the student to get from their teachers, all class work missed due to absences and to properly complete all work hand it in to their teacher on time.

F. STUDENT ENTRANCE REQUIREMENTS

***Birth Documentation and Verification of Age and Residence, Immunization of Student***

The parent or guardian of a student entering DCCCHS for the first time must submit a birth certificate or other satisfactory evidence of age and legal name. A proof of address must also be submitted at time of registration.

***New to-the-School Students- Entrance Age - School Admissions***

The Deming Cesar Chavez Charter High School is for all students 14 years (entering the 9<sup>th</sup> grade) up to age 22 (for those who have not finished their high school diploma, who reside within Luna County, legal age being defined as that identified in the NM statutes and local Governing Council policies for determining qualified students.

### ***Immunization of Students***

Immunization records that include proof of immunization with appropriate doctor's signature or New Mexico Department of Health Official's signature are kept appropriately with student records.

**Student and Parent must also sign and agree to Student Behavior Contract in order to attend DCCCHS.**

G. STUDENTS WITH DISABILITIES UNDER SECTION 504. Section 504 of the Rehabilitation Act of 1973 (Section) is a federal civil rights law that prohibits discrimination against individuals with disabilities in programs and activities that receive financial assistance from the U.S. Department of Education. Discrimination/harassment in any form toward individuals based on their actual or perceived disability is unacceptable and will not be tolerated. DCCCHS will promptly investigate all complaints of disability-based discrimination/harassment and take reasonable actions to stop future incidents of discrimination/harassment. Section 504 also requires that students with disabilities be provided a free and appropriate public education (FAPE), a program designed to meet the educational needs of students with disabilities as adequately as the educational needs of students without disabilities. For students who are not eligible for special education services, but meet the federal definition of disabled under Section 504, a Section 504 Plan is developed which indicates the accommodations, supplementary aids and/or services that will be provided to assist the student in accessing the general education program. Parents or guardians must be notified in writing of any DCCCHS decisions regarding the identification, evaluation, and/or educational placement of students and their right to participate in, and/or appeal these decisions under Section 504. See; paragraph B. above for complaint contact information.

H. STUDENTS WITH DISABILITIES AND SPECIAL EDUCATION. Students learn in a variety of ways, with most students learning effectively in a traditional school setting. However, sometimes students with disabilities need services beyond accommodations and modifications to the general education program. Students with disabilities may be eligible to receive special education services as determined by an Individualized Education Program (IEP) team, which includes the student's parent/guardian. Special education services are designed to meet the unique educational needs of students with disabilities and are provided at no cost to parents. To the maximum extent appropriate, students with disabilities must be educated with their nondisabled peers in the general education environment at the school they would attend if they were not disabled. Parents of school aged students who suspect their son/daughter may have a disability who may need special education should contact the administrator. The [Handbook: Parental Rights and Special Education Procedures](http://www.ped.state.nm.us/seo/parents.index.htm) is available at [www.ped.state.nm.us/seo/parents.index.htm](http://www.ped.state.nm.us/seo/parents.index.htm) (Including Procedural Rights and Safeguards) or from the DCCCHS office.

## **IV. IMPORTANT NOTICE INFORMATION**

A. PARENTS' RIGHT TO KNOW ABOUT TEACHERS' CREDENTIALS. Parents could request to be notified of the professional qualifications of their son/daughter's teacher in core academic subjects. This information includes:

- 1 The type of credential the teacher holds.
- 1 The teacher's college degree(s) and major(s).

A parent may also request information regarding the professional qualifications of an educational assistant who provides services to his/her son/daughter. Additionally, schools must provide timely notice to the parents of a

son/daughter who has been assigned to, or has been taught in, a core academic subject for four or more consecutive weeks by a teacher who does not meet the NMPED teacher requirements.

B. RESTITUTION/PARENT LIABILITY. New Mexico Statutes Annotated §32A-2-27 provides that any act of willful misconduct of a minor which results in any injury to the property or person of another, the parent or guardian shall be liable for any damages resulting from willful misconduct.

C. SCHOOL AND PUPIL RECORDS FEDERAL AND STATE LAWS AFFECTING FAMILY EDUCATIONAL RIGHTS AND PRIVACY. The Family Educational Rights and Privacy Act (FERPA) affords parents and student over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. The privacy of school records is protected by federal and state laws which cover nearly every type of pupil record maintained by local schools or school district central offices. Such records might include information about attendance, health, grades, behavior, athletic ability, or activities in class. The law generally prohibits the release of pupil records information without written consent of the parent, or adult students (18 years or older). Records or information maintained by the school official exclusively for personal reference or use are not considered pupil records and are not subject to federal and state privacy laws. Unless otherwise prohibited by law, any natural parent, adopted parent, or legal guardian may have access to and review the educational records of their son/daughter. School employees and officials who have a legitimate educational interest, including district or NMPED officials, have a right to access pupil record information without the consent of the parent or student. A “legitimate educational interest” is defined as a need for the employee/official to access pupil record information in order to perform his/her job duties. In general, other individuals or agencies may be authorized to access, review and /or obtain pupil records by court order, parent/guardian consent, or by statute.

D. STUDENT LEARNING PROGRAM. DCCCHS provides learning programs for **high school age students as well as adult re-engaged students (as per NM Statutes)**. Each of our student learning programs involve instructional oversight AND personal academic advisement on campus. Adult students are expected to meet with a teacher at least one time a week and are encouraged to attend the night program as often as possible Monday through Thursday. Each DCCCHS student will have weekly face to face contact with DCCCHS instructional/counseling personnel.

E. DIRECTORY INFORMATION. Directory information is routine information maintained by DCCCHS about students. It is this special category of student record information that does not require the same level of confidential treatment as educational record information. Under the law, the school may identify certain categories of information as directory information and may publish directory information to certain individuals, officials and organizations without consent. Parents and/or adult students have the right to limit or deny the release of any portion of directory information. Any and all of the following items of directory information relating to a pupil may be released unless a written request is on file to withhold its release. See, attached form.

- 1 Name
- 1 Address
- 1 Telephone
- 1 Date of birth
- 1 Dates of attendance

- 1 Previous school(s) attended

## **V. ADMINISTERING MEDICINES TO STUDENTS**

A. **PRESCRIPTION DRUGS.** For occasions when it is necessary for a student to receive a prescription drug during the school day, the following procedure has been established to ensure the protection of the school and the student and to assure compliance with existing rules and regulations:

1. Administration by school personnel
  - 1 The medication must be prescribed by a physician and sent by the parent.
  - 1 The parent or guardian must provide written permission to administer the medicine to the student. Appropriate forms are available from the school office.
  - 1 The medication must come to the school office in the prescription container as put up by the pharmacist. Written directions from the physician or pharmacist must state the name of the patient, the name of the medicine, the dosage, and the time it is to be given.
  - 1 An administrator may designate a school employee to administer the medication.
  - 1 Each administration of prescription drugs must be documented, making a record of the student having received the medication.
  - 1 Drugs must be kept in their original containers in a locked medicine cabinet.
2. Asthma medication and emergency anaphylaxis self-administration.
  - 1 When the physician feels it is necessary for the student to carry and self-administer either of these medications, the physician shall provide written orders, to be attached to the signed parent permission form, including a written treatment plan for managing asthma or anaphylaxis episodes; and
  - 1 Extra dosages of medication may be provided by the parent as back up. Such medication must come in the prescription container as prepared by the pharmacist with a written permission to administer on an emergency basis from a parent and shall be kept in a locked area in the office.

B. **OVER-THE-COUNTER MEDICATION.** When it is necessary for a student to receive a medicine that does not require a prescription order but is sold, offered, promoted, and advertised to the general public, the following procedure has been established to ensure the protection of the school and the student:

1. Administration by school personnel.
  - 1 Administration of specific over-the-counter drugs.
  - 1 Any over-the-counter drug or medicine sent by the parent to be administered to a student must come to the school office in the original manufacturer's packaging with all directions, dosages, compound contents, and proportions clearly marked.

- 1 An administrator may designate a school employee to administer a specific over-the-counter drug.
- 1 Each instance of administration of an over-the-counter drug must be documented in the daily log.
- 1 Over-the-counter drugs must be kept in their original containers in a locked medicine cabinet.

## **MEDICAL CANNABIS USE TO QUALIFIED STUDENTS IN SCHOOLS**

### **I. PURPOSE**

To outline the appropriate guidelines and process for medical cannabis storage and administration that complies with New Mexico Code 6.12.10

### **RULES**

Administration of medical cannabis products to qualified Deming Cesar Chavez Charter High School students shall be in accordance with this policy separate from District Policy Administration of Medication at School -370.

Medical cannabis cannot be administered to a qualifying student/patient while aboard a school bus or at a school-sponsored event.

This policy conveys no right to any student or to the student's parents/guardians or other caregiver to demand access to any general or particular location on school or district property, a school bus or at a school-sponsored event to administer medical cannabis.

If the federal government indicates that the district's federal funds are jeopardized by this policy, the Board declares that this policy shall be suspended immediately and that the administration of any form of medical cannabis to qualified students on school property shall not be permitted. The district shall post notice of such policy suspension and prohibition in a conspicuous place on its website

### **DEFINITIONS**

For purposes of the medical marijuana cannabis, the following definitions shall apply per New Mexico Administrative Code 6.12.10:

**A. "Cannabis"** means all parts of the plant cannabis, including any and varieties, species and subspecies of the genus cannabis, and excludes the plant cannabis sativa L. and any party of the plant, whether growing or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent on a dry weight basis.

**B. "Cannabis producer"** means a person or entity licensed by the Department of health to possess, produce, dispense, distribute, and manufacture cannabis

and cannabis products and sell wholesale or by direct sale to qualified patients and primary caregivers.

**C. “Certifying practitioner”** means a health care practitioner who is licensed in New Mexico to diagnose a qualified patient and recommend medical cannabis as a course of treatment.

**D. “Designated school personnel”** means a school employee whom a public school, charter school, or school district authorizes to possess, store and administer medical cannabis to a qualified student in accordance with the provisions of Chapter 261, Laws of 2019, this rule, the Lynn and Erin Compassionate Use Act, and New Mexico department of health rules regarding the Lynn and Erin Compassionate Use Act.

**E. “Hemp”** means the plant cannabis sativa L. and any part of the plant, whether growing, or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent on a dry weight basis, and is exempt from the New Mexico Controlled Substances Act.

**F. “License”** means written authorization to licensees issued by the New Mexico department of health to implement the provisions of Chapter 261, Laws of 2019, this rule, the Lynn and Erin Compassionate Use Act, and New Mexico department of health rules regarding the Lynn and Erin Compassionate Use Act.

**G. “Licensee”** means a person or entity issued a license issued by the New Mexico department of health pursuant to the Lynn and Erin Compassionate Use Act and includes school districts, local school boards, locally chartered charter schools, state-chartered charter schools and governing bodies of state-chartered charter schools.

**H. “Licensee representative”** means designated school personnel who work for a licensee and possess, store, or administer medical cannabis to a qualified student in a school setting.

**I. “Medical Cannabis”** means cannabis:

(1) recommended for treatment of a debilitating medical condition as defined in the Lynn and Erin Compassionate Use Act, in a written certification by a certified practitioner;

(2) dispensed by a cannabis producer that has received approval from the New Mexico department of health to conduct sales of medical cannabis;

(3) is in the form of a capsule, extract, or concentrate to be ingested through the mouth that:

(a) may be safely divided into measurable doses;

(b) is not an aerosol product consumable through smoking or in particulate form as a vapor or by burning;

(c) is not a food or beverage product;

(d) is not a salve, balm or other topical product;

(e) does not require refrigerated storage; and

(4) is provided to a school in package or container clearly labeled with:

(a) the student’s name and date of birth; and

(b) the dosage allotment.

**J. “Primary caregiver”** means a parent, guardian or other person designated by a certifying practitioner as taking responsibility for managing the well-being of a qualified student authorized as a qualified patient with respect to the medical use of cannabis pursuant to the provisions of the Lynn and Erin Compassionate Use Act.

**K. “Qualified patient”** means a person who has:

- (1) been diagnosed by a certifying practitioner;
- (2) received written certification from a certifying practitioner; and
- (3) is currently enrolled in the New Mexico department of health’s medical cannabis program and has received a current and valid registry identification card pursuant to the Lynn and Erin Compassionate Use Act.

**L.** provisions of the Lynn and Erin Compassionate Use Act.

**M. “Qualified patient”** means a person who has:

- (1) been diagnosed by a certifying practitioner;
- (2) received written certification from a certifying practitioner; and
- (3) is currently enrolled in the New Mexico department of health’s medical cannabis program and has received a current and valid registry identification card pursuant to the Lynn and Erin Compassionate Use Act.

**N. “Qualified student”** means a student who demonstrates evidence to the school that the student is authorized as a qualified patient pursuant to the Lynn and Erin Compassionate Use Act to carry and use medical cannabis.

**O. “Self-administering”** means the ingestion of medical cannabis by a qualified student without the presence of a primary caregiver or designated school personnel in a school setting.

**P. “School”** means a public school, including a charter school.

- (1) in a qualified student’s medical records or in the written treatment plan statement;
- (2) certifying that the qualified student has a debilitating medical condition pursuant to the Lynn and Erin Compassionate Use Act;
- (3) certifying that the certifying practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the qualified student; and
- (4) signed by the certifying practitioner.

**Q. “Written treatment plan”** means a document developed by the primary caregiver in collaboration with the certifying practitioner that:

- (1) describes the qualified student’s, and the certifying practitioner’s diagnosis of a debilitating medical condition per the Lynn and Erin Compassionate Use Act;
- (2) describes the plan for recommended treatment with medical cannabis, including:
  - (a) the recommended dosage allotment;
  - (b) the recommended frequency of administration of medical cannabis

in a school setting; and

(c) is signed by the primary caregiver and the certifying practitioner. [6.12.10.7 NMAC – N, 8/27/2019]

## ADMINISTRATION OF MEDICAL CANNABIS TO QUALIFIED STUDENTS ON SCHOOL DISTRICT PROPERTY

### A. ADMINISTRATION OF MEDICAL CANNABIS USE AT SCHOOL

1. School nurses or health care personnel or school administration staff are **not allowed** to administer, store/hold or transport medical cannabis in any form.
2. Qualifying students are **prohibited** from self-administering medical cannabis in a school setting.
3. A parent/caregiver may administer medications/treatments to their child or a qualified student/patient during the school day. The parent/caregiver is responsible for safely administering and transporting the medication/treatment to and from school each day. A **written treatment plan** must be completed by a **certifying practitioner** for all medication/treatments that a parent/primary caregiver will be administering to their child during the school day, acknowledging that the parent/ caregiver will be administering the medication/treatment.
4. District or school administration determines, in its sole discretion, the location of administration of a permissible form of medical cannabis that do not create risk of disruption to the educational environment or exposure to other students.
5. District or school administration develops a Section 504 plan, with input from the qualified student's parent/guardian and written treatment plan that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical cannabis to the qualified student/patient. The school administrator, the qualified student (if capable), the qualified student's parent/guardian, and the caregiver (if applicable) shall sign the written plan.

### B. REQUEST BY PARENT/GUARDIAN FOR AUTHORIZATION FOR THE USE OF MEDICAL CANNABIS TO BE ADMINISTERED AT SCHOOL

1. The District allows for the administration of medications/treatments, including medical cannabis, when administration cannot reasonably be accomplished outside of school hours. The primary caregiver should administer the medical cannabis at home whenever possible to qualified students who require the use of medical cannabis for a medical condition.
2. Parent/guardian of a qualifying student requesting the administration of medical cannabis to the student at school, need to submit a written request to the principal.
3. Qualified students who require the use of medical cannabis for a medical condition while at school, would receive the medical cannabis by their primary caregiver as ordered/recommended by a **certifying practitioner** on school grounds in the Nurse's office or at the location designated by the principal.
4. A school administrator must serve witness to the administration of the medical cannabis to the qualifying student in a school setting.
5. A documentation log for dispensation will be maintained by the administrator and the designated school health professional shall enter the treatment information into the student information

system.

### C. EXTENUATING CIRCUMSTANCES

Any administration of medical cannabis that requires consideration outside of the rules outlined within this policy must be reviewed and approved by the Superintendent's Office. Parents may make requests for consideration through the school principal.

#### RESPONSIBILITIES OF PARENT/CAREGIVER:

1. Require that the qualified student/patient's caregiver shall be responsible for providing the permissible form of medical cannabis to be administered to the qualified student.
2. A parent/guardian of a qualifying student requesting the administration of medical cannabis to the qualified student while on school grounds must submit a written request to the Principal at least 5 days in advance, excluding weekends and holidays, requesting authorization to administer medical cannabis pursuant to the policy.
3. Annually, the parent/guardian must provide the principal a copy of the current Department of Health Medical Cannabis License for the qualifying student/patient and the primary caregiver, and a valid form of picture ID.
4. Annually, the qualified student's parent/guardian provides the school, with a **written treatment plan** completed by a **certifying practitioner** and signed by the parent/ guardian for the administration of medical cannabis to the qualified student during the school day, acknowledging that a parent/caregiver will be administering the medical cannabis. The form must be submitted to the principal/designee every school year, and when there are any changes to the medication and the type of preparation (i.e., oils, tablet). The completed written treatment plan shall include the type, amount, time to be administered, possible side effects and any special instructions regarding the medication.
5. Annually, the qualified student's parent/guardian must submit a written release of liability that:
  - (a) releases from civil liability the following persons and entities for acting in accordance with the provisions of Chapter 261, Laws of 2019 and this rule, as well as the Lynn and Erin Compassionate Use Act and applicable department of health rules:
    - (i) school districts, school district personnel and volunteers, schools, school personnel and volunteers, local school boards, and local school board members;
    - (ii) charter schools, charter school personnel and volunteers, governing bodies of charter schools, and governing body members;
  - (b) releases the persons and entities listed in Subparagraph (a) of Paragraph (4) of Section B of 6.12.10.10 NMAC, above, from any liability and reimbursement claims for costs associated with accidental spillage or waste of medical cannabis;
  - (c) acknowledge that the qualified student shall not be entitled to the implementation of the provisions of Chapter 261, Laws of 2019 and this rule, as well as the Lynn and Erin Compassionate Use Act and applicable department of health rules, outside of this state
6. The qualified student's primary caregiver must submit to the school a signed Health Insurance Portability and Accountability Act (HIPAA) authorization, using the HIPAA authorization form posted on the New Mexico department of health's website, that permits the school to obtain current

information from the department of health regarding the enrollment status of the qualified student in the department of health's medical cannabis program. The HIPAA authorization form shall be retained as a medical record

## **RESPONSIBILITIES OF PRINCIPALS/ADMINISTRATORS:**

Upon review and approval of the documentation submitted by the parent, the Principal will:

- 1.** Coordinate the development of the Section 504 plan for Medical Cannabis Treatment. The plan includes the following information;
  - a.** The specific location and time(s) where the parent/primary caregiver shall report to administer the medical marijuana;
  - b.** Administrator who the parent/primary caregiver must coordinate with at the school for administration of the medical cannabis to the qualifying student.
  - c.** Safeguard measures that will prevent risk of disruption to the educational environment or exposure to other students.
- 2.** Provide the parent/guardian with a copy of Policy Medical Cannabis Use to Qualified Students in Schools and review the written Section 504 Plan for medical cannabis use at school with parent/guardian.
- 3.** Report to the Superintendent's Office any incidence of student/parent/caregiver dispensation of substances other than the permissible forms of medical cannabis as specified on the **written treatment plan**, signed by the parent/guardian and physician and take action in accordance with Policies for Student and School Rights and Responsibilities-336, Medication at School-370
- 4.** Consult with Student Health Services and Director's Office as needed.

## **CONSEQUENCES OF RULE VIOLATION**

- 1.** Permission to administer medical cannabis to a qualified student/patient may be limited or revoked if the qualified student/patient or the student's caregiver violate this policy or demonstrate an inability to responsibly follow this policy's parameters.
- 2.** At no time shall the qualifying student/patient have the medical cannabis in their possession except during the administration process, through dispensation by the designated primary caregiver, per the Section 504 Plan.
- 3.** Consequences for sale/attempted sale/transmittal of any medical cannabis products or substances held out and represented to be medical cannabis, may result in disciplinary actions as outlined in the Policies for Student and School Rights and Responsibilities-336, Medication at School-370.
- 4.** Student possession, use, or being under the influence of marijuana or marijuana derivatives inconsistent with this policy may be considered a violation of Board Policy

Student and School Rights and Responsibilities- 336, Medication at School-370 and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy, and may require consultation with local law enforcement.

5. Dispensation by parent/caregiver of medical cannabis in any form other than specified on the *written treatment plan*, signed by the parent/guardian and physician may be treated as a violation of School Board Policy for possession, use, or being under the influence of unauthorized substance, which are expellable offenses.

D. PROTECTION OF STUDENTS. Use or administration of medication on school premises may be disallowed or strictly limited if it is determined by the Director, in consultation with medical personnel, that a threat of abuse or misuse of the medicine may pose a risk of harm to a member of the student population.

## VI. ATTENDANCE POLICY

Students must attend classes each day, as their educational plan and attendance contract mandate. Also, New Mexico law requires that class attendance be taken for every instructional day in every public school. Attendance at DCCCHS is essential for each student to be successful.

A. TARDY POLICY. All tardies are considered unexcused unless excused by an administrator. A student who is more than 20 minutes late to class will be marked absent from that class, unless authorized by an administrator to be counted present or another designation. Students who are repeatedly tardy will have a conference with the Director or Principal. Enrollment at DCCCHS is a Choice, and students may not have habitual tardiness, as per the signed enrollment contract.

B. ABSENCES:

1. ALL absences must be documented. Parent phone calls or notes are required for all absences.

C. SCHOOL TRUANCY POLICY:

1. Notification of Absences: The following actions will be taken to ensure that parent(s)/guardian(s) are aware of student absenteeism and school attendance policies:

1 First and second unexcused absence - the school will contact the student's parents and or guardians. If the student is over the age of 18, the student will be required to meet with the Social Service Coordinator to discuss the truancy policy.

1 Third unexcused absence – **1st letter will be mailed** via certified mail to the parent/guardian or student over 18 explaining New Mexico's Compulsory Attendance law.

1 Fourth unexcused absence – the school will again contact the student's parents and or guardians. If the student is over the age of 18, the student will be required to meet with the Social Services Coordinator to further discuss the truancy policy.

1 Fifth Unexcused absence - a **2<sup>ND</sup> letter will be mailed** via certified mail to the

parent/guardian or student over 18 explaining New Mexico's Compulsory Attendance law.

Additionally, the student will be placed on an **Attendance Contract**, to be signed by the student and parents, or only the student if he/she is over the age of 18. Further, a notice of truancy will be sent via certified mail to the parent(s)/guardian. The notice will also include the date, time and place for a meeting with DCCCHS officials to develop intervention strategies that focus on keeping the student in an educational setting. If parents do not or cannot attend this conference the school's social services coordinator will conduct a home visit for support/intervention. Students over the age of 18 will be expected to attend this meeting.

- 1 Sixth through Eighth unexcused absences – Parent contact each time or student contact if over the age of 18 to review attendance, contract, and potential consequences of continued unexcused absences.
- 1 Ninth unexcused absence - a certified letter will be mailed to the parent/guardian or student over 18. The parent/guardian and student will be required to attend a conference with the Director and/or Principal and Counselor to review and revise the attendance contract. If parents do not or cannot attend this conference, the community liaison will provide a home visit for support/intervention. Upon the tenth (10<sup>th</sup>) unexcused absence, a certified letter will be mailed to the parent/guardian notifying the parent/guardian and the student of the student's habitual truancy and that the student will fail the course(s) for the semester if all work and time missed are not satisfactorily made up through arrangements approved by the school (see Appeals). This notice includes the date, time and place for a meeting with DCCCHS officials and probationary service officers. If the parents fail to attend this meeting or if the unexcused absences continue, the school is required to report the matter to the probation services office of the judicial district in which the student resides for an investigation as to whether the student shall be considered to be a neglected son/daughter or a son/daughter in need of services because of habitual truancy. These actions will also be followed up by the social services coordinator.
- 1 After DCCCHS has exhausted the above described efforts to keep the student in the educational setting, without a meaningful attempt on the part of the student to attend school, students 18 years old or above will be dropped from the school's roll after ten consecutive days of unexcused absences. Students under 18 years old will have Court papers filed with the JPO office.
- 1 **EVENING STUDENTS** are required to attend night school at minimum one (1) full evening session a week in order to receive attendance credit for the week.

#### **E. APPEALS OF ATTENDANCE-RELATED ACTIONS:**

Actions taken by a student's teacher due to absences may be appealed to the Committee for Academic Excellence.

1. Students or parent/guardian must appeal in writing to the Committee, which will be composed of the Director and/or social services coordinator and at least two certified employees. After reviewing the appeal, and any response by the teacher, the committee will render a written decision as to whether the action taken should be upheld, modified, or overturned. The review and decision of the Committee shall be subject to and in accordance with the School's Grade Change Policy.
2. The decision of the committee is FINAL, and a record of the appeal and decision will be placed in the student's working file.

## F. WITHDRAWAL AND TRANSFERS.

Students must check out officially through the Counselor's office to clear records for release to another school, the military, etc. All students are also required to "check out" of school on the last day of the school year including graduating seniors. Check out forms will be distributed by teachers and collected at the end of the final day. Any student missing finals or leaving school without prior permission before taking finals will receive a grade of "F" or "0" for the final exams missed. Except under extenuating circumstances arranged in advance with the Director, finals will not be given to any student earlier than scheduled. If a student disenrolled before the final exam of a class, the grade will reflect an "F" or "0" for the final exam. This procedure is followed at all grade levels.

## G. LEAVING CAMPUS.

Any student aged 14-17 leaving campus for any reason must have parent/guardian permission on file in the office. Parents/Guardians and students over 18 are encouraged to schedule doctor, dental and other appointments to occur after school. The office must speak to the student's parent/guardian before the student maybe released from school early. A note is not sufficient for early dismissal of the student from the school. The student may only be excused when leaving with parents or permission from parents if a written pass from the office has been issued. In the event that a parent or other adult comes to school to check out a student for early release, office personnel must check the student's records to determine if, in fact, that person is allowed to check out the student.

## H. LUNCH (*Closed Campus*)

DCCCHS has a closed campus for lunch with the opportunity for an incentive day on the Thursday of every week at the discretion of administration. On the incentive day, students will be able to leave campus within walking distance and **MAY NOT AT ANY TIME GET INTO A VEHICLE**. Violations will result in immediate sanctions, i.e. late one day lose privilege for the next week, gradually increasing for repeated violations until at the discretion of the Director the student's privilege is revoked.

## VII. DRESS CODE

**Students are required to adhere to the dress policy of the school, which exists to promote a positive, non-disruptive, safe and healthy atmosphere within the school.**

### A. DRESS CODE AND STUDENT UNIFORM.

1. All students are required to wear officially sanctioned DCCCHS tops (male and female).
2. Shorts, skirts, and jumpers will not be allowed if more than 3 inches above the knees and should not ride-up excessively when a student is sitting.
3. No clothing or article worn or carried by the student may display words or symbols of gangs, drugs, alcohol, tobacco, violence, racism or inappropriate or implied inappropriate language or images.
6. Gang-associated attire is prohibited.
7. All footwear shall be hard soled or rubberized. Shoes with wheels are not permitted.
8. Backpacks must be free of graffiti. Only the student's name and brand name or logo will be permitted on backpacks.
9. Clothing that is sexually suggestive, brief or extremely tight or low-cut is not appropriate for school:
  - 1 All tops should reach at least 2 inches below the top of the pants or skirt and should not ride up excessively when the student is sitting.  
Hats and/or sunglasses must not be worn in the school building.
  - 1 No spandex or undergarments may be worn as outerwear. This includes: Boxer shorts,

sleeveless undershirts, muscle shirts, as well as sports bras.

- 1 Buckles, bracelets, chains or rings that can be used as weapons (i.e., spiked jewelry) are prohibited.

10. Casual Thursdays – Students who attend school for each day for the week prior to Thursday (Thursday, Monday, Tuesday, Wednesday) may dress down or casually on Thursday. This is monitored by the attendance clerk using the attendance tree in the main corridor. Regular dress code must be adhered to.

## B. VIOLATIONS.

**Violations of the Dress Code** will result in the following consequences:

1. First Violation: Conference with the Director and or Principal, attire adjusted to follow dress code.
2. Second Violation: Conference with the Director and or Principal and parent(s), attire adjusted to follow dress code, student placed on behavior contract.
3. Third and Subsequent Violations: In accordance with the behavior contract.

## **VIII. VISITORS TO SCHOOL CAMPUS**

All campus visitors must have the consent and approval of the Director/designee. permission to visit must be given at the time requested if possible or within a reasonable period of time following the request. Students who are not enrolled at the school are not to be on the campus unless prior approval of the Director has been obtained. Visitors may not interfere, disrupt or cause substantial disorder in any classroom or school activity. DCCCHS property or by students and visitors at any school –sponsored events. Visitors are expected to:

Follow the established school policy in requesting a classroom visitation

- 1 Complete a visitor's permit upon arrival at the site
- 1 Visitors must sign in upon arrival and sign out before departing
- 1 Enter and leave the classroom as quietly as possible
- 1 Not converse with the students, teachers and/or instructional aides during the visitation
- 1 Do not interfere with any school activity
- 1 Keep the length and frequency of classroom visits reasonable
- 1 Follow the school's established procedures for meeting with the teacher and/or Director after the visit, if needed
- 1 Return the visitor's permit to the point of origin before leaving the campus.
- 1 Any individual who disrupts a school site or fails to follow school rules and/or procedures is subject to removal from the school site and may be further restricted from visiting the school in the future.

## **IX. PARKING AND DRIVING ON CAMPUS.**

Any vehicles driven to school by students must be parked in the student parking lot at DCCCHS. The DCCCHS parking area is provided as a convenience for DCCCHS students who drive to school, and the privilege is conditioned on the student's adherence to the school's regulations. Students desiring to park in the student parking lot may do so long as they comply with regulations and normal safe driving procedures and only after presenting a registration, proof of insurance and driver's license to the school's business office. Vehicles parked on school property are subject to the search and seizure provisions of this handbook. Chronic or persistent violations will be reported to parent(s)/guardian(s) and the legal authorities. Students are not to loiter in or

around their cars. Designated student parking is on the south side of the high school. The school assumes no responsibility for the vehicles or their contents.

## **X. FOUR-YEAR PLANS AND GRADUATION REQUIREMENTS**

The New Mexico law requires that every New Mexico high school student complete a “next step plan”. Next Step plans begin at the end of the eighth grade as students are registering for the ninth grade. The plan lays out the courses that the student plans to take over the next four years to reach graduation requirements and college entrance requirements, if applicable.

The focus for all of these required activities is to help the student prepare for graduation and a successful life after graduation. The school will assist students in preparing next-step plans. Below are the minimum graduation unit requirements prescribed by the New Mexico Public Education Department:

2020-2021 *incoming ninth graders*. Successful completion of the requirements of the New Mexico diploma of excellence shall be required for graduation for students entering the ninth grade beginning in the 2020-2021 school year. Successful completion of a minimum of twenty-six units aligned to the state academic content and performance standards shall be required to earn a New Mexico diploma of excellence at Deming Cesar Chavez Charter High School. These units shall be as follows:

- 1 4 units in English, with major emphasis on grammar, nonfiction writing and literature;
- 1 4 units in mathematics, of which one shall be the equivalent to or higher than the level of Algebra 2;
- 1 3 units in science, two of which shall have a laboratory component;
- 1 3.5 units in social studies, which shall include United States history and geography, world history and geography and government and economics, and one-half unit of New Mexico history;
- 1 1 unit in physical education;
- 1 8 elective units that meet department content and performance standards. Work Study opportunities shall be offered as an elective.
- 1 2 unit of Career Cluster or Work Readiness
- 1 .5 unit of Health
- 1 1 unit of Advanced Placement, Distance Learning, or Dual Enrollment
- To graduate, students must pass all subject areas of the SAT for Reading, Writing, and Math, the New Mexico Assessment of Science Readiness (NM-ASR), and a History End of Course (EOC) Exam, or the NM Alternative Demonstration of Competency Rubric.

There will be one commencement for all semesters in May of each school year. Students must have passed all competency exam subject areas and must have completed all credits to participate in the graduation ceremony.

## **XI. ANTI-BULLYING/HAZING AND HARASSMENT POLICY**

Effective education of our students requires a school environment in which students feel safe and secure. DCCCHS is committed to maintaining an environment conducive to learning in which students are safe from violence, threats, name-calling, intimidation, and unlawful harassment. DCCCHS will not tolerate bullying or any behavior that infringes on the safety or well-being of students, employees, or any other persons within

the school's jurisdiction; and will not tolerate retaliation in any form when bullying or harassment has been reported. This rule governs conduct while in school, at school related events, and traveling to and from school.

## A. Definitions

1a. "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person, and can include but is not limited to verbal or physical conduct based on a student's actual or perceived race, color, national origin, gender, religion, disability, age or sexual orientation and any other protected class which has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile or offensive environment. Sexual harassment of students and hazing are further addressed below.

Examples of harassing behavior (not a complete list):

- 1 Telling, passing around or forwarding by technology; offensive jokes, stories, etc.
- 1 Teasing or kidding with sexual, racist or bigoted overtones or innuendo.
- 1 Use of offensive, coarse language, including slurs, slang and vulgarity; or
- 1 Displaying offensive or suggestive objects or pictures, cartoons, calendars, etc.
- Inappropriate physical contact

2b. "Bullying" Bullying is an aggressive behavior that involves an imbalance of real or perceived physical or psychological power among those involved. Bullying behavior includes any repeated and pervasive written, verbal or electronic expression, physical act or gesture. Typically, the behavior is repeated over time and includes the use of hurtful words and/or acts.

Examples of bullying behaviors are:

- 1 Verbal: Hurtful name-calling, teasing, gossiping, making threats, making rude noises, or spreading hurtful rumors.
- 1 Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
- 1 Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, biting, spitting, or destroying property.
- 1 Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, ostracizing, using peer pressure, or rating or ranking personal characteristics.
- 1 Cyber bullying: Sending insulting or threatening messages by phone, e-mail, web sites or any other electronic or written communication.

3c. "Name-calling" means the chronic, habitual, or recurring use of names or comments to or about a student regarding the student's actual or perceived physical or personal characteristics when the student has indicated by his or her conduct that the names or comments are unwelcomed, or when the names or comments are clearly unwelcome, inappropriate or offensive.

## **B. Prohibitions**

1. It is the policy of DCCCHS to prohibit violence, threats, name-calling, bullying, unlawful harassment, intimidation, assault, battery, extortion, robbery, vandalism, and other victim-based misconduct that creates an intimidating, hostile or offensive environment, regardless of motive or reason. DCCCHS will not tolerate such victim-based misconduct by students or staff.
2. No person shall be subject to reprisals for good faith reporting, or participating in the investigation, of a potential violation of this policy.
3. No employee or student may knowingly give false reports or information under this policy.

## **C. Reporting**

4. It is the express policy of the Board to encourage students who are victims of or witnesses to such physical or verbal misconduct to report such claims. Students or their parents may report such conduct to the Director, the school's counselor or any teacher if a representative of the administration is not available.
5. Any person (student, staff, or faculty) who, as a result of personal observation or a report, has reason to believe that a student is a victim of bullying, harassment or other conduct prohibited by this policy, whether the conduct is by another student or by an employee, shall notify the Director of such observation immediately.

## **D. Investigation**

6. Any Staff Member who receives complaints of conduct which violates this policy shall report the complaints to the Director.
7. All reports of misconduct in violation of this policy shall be promptly investigated by the Director or his/her designee.
- 3 In assessing the existence of a violation of this policy and the appropriate discipline, the Director or designee shall consider the nature and extent of the conduct, the age of the student(s) involved, the context in which the alleged conduct occurred, and any prior history of conduct prohibited by this policy on the part of the violator.



4. If crimes/delinquent acts are suspected or discovered, the Director shall notify law enforcement authorities.
5. Retaliation against someone who reports bullying/harassment or who cooperates with an investigation is prohibited.

**E. Confidentiality**

The identities of those reporting violations of this policy and those cooperating in the investigation of alleged violations shall be kept confidential to the extent consistent with the requirements of a full and fair investigation, the due process rights of persons charged with violations, and state and federal law.

**F. Sanctions**

8. Any student who is found to have engaged in conduct prohibited by this policy shall be subject to discipline, including, but not limited to, suspension or expulsion, subject to applicable procedural requirements, and to any applicable limitations imposed by state and federal disabilities law.
9. Knowingly making false reports shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

**HAZING**

“Hazing” is dangerous to the physical and psychological welfare of students and is prohibited.

**A. Definition.**

Hazing includes, but is not limited to:

Engaging in offensive or dangerous physical contact, restraint, abduction, isolation, or subjecting a student to any dangerous, painful, offensive or demeaning conduct, or conduct likely to terrorize or create extreme mental distress, for any purpose, including as a condition of membership or initiation into any class team, group, or organization, sponsored by, or permitted to operate under the auspices of, the school.

**B. Prohibition.**

Hazing is prohibited at DCCCHS at any time and any place while on DCCCHS campus. Any conduct that could be construed as hazing is prohibited during school, during all school sponsored activities and events, whether held on or off school property.

**C. Enforcement and Reporting.**

1. School officials, employees, and volunteers
  - 1 Shall not permit or tolerate hazing, and
  - 1 Shall intervene to stop hazing that is threatened, found, or is reasonably known or suspected to be occurring, and
  - 1 Shall report known or suspected hazing to the school Director.

2. Any student who believes he or she or another person has been the victim of hazing shall report the matter to the school Director.

**D. Investigation.**

1. All reports of hazing shall be investigated by the school Director or his/her designee.
2. Upon completion of the investigation, the Director shall prepare a written report and make a decision regarding student discipline. Where violations of law may have occurred, the Director shall notify the appropriate law enforcement agency.
3. Retaliation against someone who reports hazing or who cooperates with an investigation is prohibited.

**E. Discipline**

Students found to have engaged in hazing shall be subject to discipline by the Director according to applicable procedural requirements. Such discipline may include suspension or expulsion

**SEXUAL HARASSMENT**

**A. Definitions.**

Sexual Harassment is inappropriate or unwelcome conduct of sexual nature.

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

- 1 Verbal or physical sexual advances, including subtle pressure for sexual activity;
- 1 Repeated or persistent requests for dates, meetings and other social interactions;
- 1 Repeated or persistent use of obscene, profane or words having sexual connotations after being asked to stop such conduct including but without limitation, writing or drawing graffiti on school property containing sexual content;
- 1 Sexually oriented touching, pinching, patting, staring, pulling at clothing, or intentionally brushing against another;
- 1 Taking, showing or giving sexual pictures, photographs, illustrations, messages, or notes, this includes but is not limited to “sexting” (the act of sending a nude or sexually suggestive photo or video of oneself or an explicit text message to another person’s cell phone);
- 1 Comments or name calling to, or about a student regarding alleged physical or personal characteristics of a sexual nature;
- 1 Sexually oriented kidding, teasing, double-entendres, and jokes and
- 1 Any harassing conduct to which a student is subjected because of or regarding the student’s sex.

**B. Reporting.**

Students who feel they have been sexually harassed by a school employee or by another student or students should report such claims.

1. Reporting Sexual Harassment by a School Employee:
  - 1 Any student who believes he/she has been subjected to sexual harassment/ conduct of a sexual nature by a school employee should tell a counselor or the Director.
  - 1 If a student believes he/she has been sexually harassed by a school employee feels uncertain about who to tell, or feels uncomfortable telling any counselor, Director, or Principal, the student should tell his/her parent(s) about the problem and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.
  - 1 If a student believes he/she has been sexually harassed by a counselor or the Director, or by any other administrator, the student should report the conduct to the Governing Board or seek the assistance of his/her parent(s) in reporting such harassment to the Governing Board.
  
2. Reporting Sexual Harassment by a Student or Students:
  - 1 Any student who believes he/she has been subjected to sexual harassment/conduct of a sexual nature by another student or other students should report the conduct to a teacher, counselor, or Director.
  - 1 If a student believes he/she has been sexually harassed by another student or students, and feels uncertain about who to tell, or feels uncomfortable telling any counselor or Director, the student should tell his/her parent(s) about the problem and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.

**C. Investigation.**

All reports of sexual harassment of students will be appropriately and promptly investigated by the Director or his/her designee. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred will be investigated. Retaliation against anyone who reports harassment or cooperates with an investigation is prohibited.

- D. Sanctions.** Any student found to have engaged in sexual harassment will be subject to discipline, including but not limited to, suspension or expulsion. If crimes/delinquent acts are suspected or discovered, the Director shall notify law enforcement authorities.

**X. Drug and Alcohol-Free Campus**

**ALCOHOL, TOBACCO, E-CIGARETTES, VAPING AND OTHER DRUGS**

**I. PURPOSE**

To enact a school-wide policy on alcohol, tobacco, e-cigarettes, vaping and other drugs and to designate

the Director to enforce, monitor and evaluate all school programs and procedures related to this policy.

## II. **BACKGROUND**

The Governing Council believes that involvement and/or use of controlled substances will seriously impair students' ability to achieve academically and to live healthy lives. To this end, the Council will not tolerate the possession, use, or sale of alcohol, tobacco, e-cigarettes, vaping or other drugs on school locations.

## III. **POSITION**

- A. The school policy will conform to all local, state, and federal laws and regulations governing elementary and secondary students. The goal will be to employ prevention and early intervention strategies, as well as progressive discipline and consequences, including expulsion.
- B. The Governing Council shares responsibility for ensuring drug-free campuses and will work with school staff, students, parents, law enforcement, public agencies, and community organizations.
- C. The Director is responsible for ensuring that all school property is identified as a Drug-Free School Zone as mandated by New Mexico Statute (30-31-1 NMSA 1978).

## IV. **REVIEW**

This policy will be reviewed in accordance with the Council's policy review process.

### **A. Deming Cesar Chavez Charter School is Tobacco Free.**

Possession or use of any tobacco and/or vape products or substitutes, lighters and/or matches by students is prohibited on school buses, in any school building, on school grounds or during any school-sponsored activity whether on or off campus.

Consequences are as follows:

1<sup>st</sup> Offense – 1-day Suspension

2<sup>nd</sup> Offense – 3-day Suspension

3<sup>rd</sup> Offense – 5-day Suspension

4<sup>th</sup> Offense – 10-day Suspension

Additional Offenses – Possible long-term Suspension

\*Discipline could be based on an individual basis dependent of severity of the offense.

### **B. Student Drug and Alcohol Abuse Policy**

- 1. DEFINITIONS. The terms used in this policy are defined as follows:
  - a. *Alcohol*- Any liquor, wine, beer or other beverages containing alcohol.
  - b. *Drug*- Any drug including illegal drugs, marijuana, inhalants, legal prescription and over-the-counter drugs used for unauthorized purposes and counterfeit (look-alike) substances

- c. Drug paraphernalia, equipment or apparatus- Any item designed for or used for the purpose of measuring, packing, distributing or facilitating the use of drugs.
2. **USE PROHIBITED.** It is a violation of the DCCCHS drug and alcohol policy to possess, sell or use or be under the influence of alcohol or drugs (except as medically prescribed), or to possess drug paraphernalia, lighters, equipment or apparatus on school property, school buses or while involved in school activities on or off campus. Drug dogs may be utilized for searches.
3. **BASIS FOR DISCIPLINARY ACTION.** A student may appropriately be disciplined by administrative authorities for violating Drug, Alcohol, and Substance Policy. The existence of a specific rule is not a prerequisite for disciplining a student for policy violations which endangers the health or safety of students, school personnel, or others for whose safety the public charter school is responsible for.

### Selection of Disciplinary Sanctions

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

### SCHOOL DISCIPLINE AND CRIMINAL CHARGES

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

### NONDISCRIMINATORY ENFORCEMENT

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

### DETENTION, SUSPENSION AND EXPULSION

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

### DISCIPLINE OF SPECIAL EDUCATION STUDENTS

Special Education students are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program. However, the individual educational needs of exceptional children must be met to the extent that state and federal law requires. Accordingly, before a long-term suspension or expulsion may be imposed on a special education student, school authorities shall seek to determine whether the objectionable conduct is caused by a failure to provide the student with an appropriate educational plan. It is the policy of Deming Cesar Chavez Charter High School Governance Council to comply with all state and federal regulations governing the discipline of students with disabilities, as set forth in the Code of Conduct.

1. **PROGRAM PRESCRIPTIONS:** A special education student's Individual Educational Program (IEP) need not affirmatively authorize disciplinary actions which are not otherwise in conflict with this regulation. However, the IEP Team may prescribe or prohibit specified disciplinary measures by including appropriate provisions in a student's IEP. Administrative authorities shall adhere to any such provisions contained in a special education student's IEP, except that an IEP Team may not prohibit the initiation of proceedings for long-term suspension or expulsion, which are conducted in accordance with this regulation.
2. **IMMEDIATE REMOVAL:** Nothing herein shall be construed as limiting the administrative authority's ability to remove a special education student from school immediately under emergency conditions. However, an IEP Team meeting shall be held within ten (10) days of removal to determine whether the misconduct is part of the student's handicapping condition. If the behavior is due to the handicapping condition, an alternative placement must be implemented prior to accumulation of ten (10) days of suspension.

**Enforcing Consequences\* for Violation of Student Drug, Alcohol, and Substance Policy:**

CONSEQUENCES and ACTIONS may include, but not limited to, one or more of the following:

1. Investigation of violation by Administrative staff.
2. Student conference and monitoring.
3. Parent/Student Conference.
4. Referral to Counseling.
5. Referral for needed student support.
6. In School Suspension.
7. Short term suspension (1-10 days).
8. Long term suspension (11 days to one semester).
9. Expulsion (suspension for more than one semester).
10. Alternative educational program offered.
11. Document actions and supports offered by school and/or outside agency.

\*It is important to note that students suspended long term (up to one semester) or expelled (suspended for more than one semester, not allowed to return to DCCCHS) will be provided an appeal hearing. This due process policy will be given to parent (hard copy) and explained to the parent and student during conference with school

official.

## **PROHIBITED CONDUCT/STUDENT ITEMS AT SCHOOL**

- A. **PROHIBITED CONDUCT.** Any student found to have committed any of the acts below will be subject to a full investigation and, if applicable, all appropriate disciplinary actions, which may include detention, suspension, expulsion, and/or referral to law enforcement. The following acts are not permitted:
1. **Weapon Possession.** "Weapon" means: (1) any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion; and (2) any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter-ounce, mine or similar device.
  2. **Assault or Threat of Assault against Teachers, Employees or Other Students.** A threatened assault is any willful attempt or threat to inflict injury, coupled with an apparent present ability to do so, such as would give the victim reason to fear or expect bodily harm. A physical assault is the willful use of actual force or physical violence against a teacher, school employee or other student.
  3. **EXTORTION.** Using intimidation or the threat of violence to obtain money, information, or anything else of value from another person.
  4. **GRAFFITI.** Gang, drug, weapon symbols or vulgar pictures in writing or other markings in student possession including note books, clothing, lockers and other items can result in disciplinary action. If school property such as desks or books is defaced, students should notify their teachers immediately.
  5. **VANDALISM AND PROPERTY DAMAGE.** STUDENTS WHO DESTROY OR VANDALIZE SCHOOL PROPERTY WILL BE REQUIRED TO PAY FOR LOSSES OR DAMAGES. Parent(s)/guardian(s) will be held responsible for losses. In addition, students' who willfully destroy school property will be subjected to disciplinary action. If something is damaged by accident, it should be reported to a teacher or the office immediately.
  6. **THEFT.** Students will respect the property rights of others. Those students who take property belonging to others without owner(s) permission are subject to disciplinary action.
  7. **FIGHTING.** Students who are involved in fighting on school grounds, on the bus for school related activities, or at school activities may be suspended from school immediately. Students who instigate or promote the start or continuation of a fight by spreading rumors, carrying messages, crowding around, cheering, or other means are also subject to disciplinary action.
  8. **CHEATING OR PLAGIARISM.** Students shall receive a zero (0) for the work on which they were found cheating or plagiarizing. Teachers shall notify the student's parent(s)/guardian(s). Cheating can be cause for further disciplinary action. Plagiarism is the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one's own original work.
  9. **PUBLIC DISPLAYS OF AFFECTION:** Students may not display affectionate behaviors such as kissing, hugging and other physical contact. Parent(s)/guardian(s) will be notified when the administration

determines that disciplinary action is implemented.

10. GANG ACTIVITY, see section C., below
11. INTIMIDATION AND/OR HARASSMENT, See Section IX above.
12. REFUSAL TO COOPERATE WITH SCHOOL PERSONNEL
13. REFUSAL TO COOPERATE WITH EMERGENCY PROCEDURES
14. GIVING SCHOOL PERSONNEL FALSE INFORMATION
15. ALTERING SCHOOL DOCUMENTS PROVIDING A FALSE SIGNATURE ON DOCUMENTS, OR USING ANOTHER STUDENT PASSWORD OR I.D.
16. REFUSAL TO ADHERE TO THE DRESS CODE
17. REFUSAL TO IDENTIFY ONESELF OR FALSELY IDENTIFYING ONESELF
18. FAILURE TO CARRY A SCHOOL ISSUED IDENTIFICATION CARD
19. ACADEMIC DISHONESTY
20. OBSCENITY, PROFANITY, LIBEL, SLANDER, AND “FIGHTING” WORDS OR SYMBOLS
21. SEXUAL HARRASMENT, See Section IX, above.
22. INTERFERING WITH THE EDUCATIONAL PROCESS
23. THROWING OBJECTS AT OTHER PERSONS OR PROPERTY

B. WEAPON FREE SAFE SCHOOL. Any student who is determined to have knowingly have possession of a weapon while on school premises or to a school sponsored activity shall be subject to expulsion from school, for a period of not less than one year. “Possession” includes, but is not limited to, storage in lockers, purses, backpacks, automobiles. The DCCCHS Governing Board or Director may modify the expulsion requirement on a case-by-case basis; the special rule provisions of set forth below apply to students with disabilities.

C. GANG ACTIVITIES PROHIBITED. DCCCHS recognizes that a school must create and maintain a safe and orderly environment in which learning can take place. The presence of gangs, gang affiliations and gang related activities within a school disrupts that learning environment by threatening the safety of students, staff and parents in the school building and causing a disruption to and interference with the academic process. As a result of those beliefs, DCCCHS hereby bars all gangs, gang affiliations and gang related activities from school buildings, school related activities and school property at all times.

A “Gang” is defined as: A formal or informal ongoing organization, association or group of three or more individuals or persons who:

1. Have a common name or common identifying signs, colors or symbols;
2. Have a common interest and/or activity characterized by the commission of or involvement in, a pattern of criminal or delinquent conduct;
3. Are generally perceived by others or themselves as being a denotable group, association or organization.

Prohibited Gang – Related Activities

- 1 No gang insignia may be worn, possessed, used, distributed, displayed, carried or sold by any student on school grounds or at school related activities at any time. This includes, but is not limited to: literature, photographs, hats, caps, jackets, headbands, shirts or other clothing that have come to be identified with a gang.

- 1 Tattoos or other material imprinted on the body which are either intended to be permanent or are easily removed will not be allowed to be displayed by any student on school grounds or at school related activities at any time.
- 1 Medallions or other jewelry which identify gang members or gang affiliation or which have come to represent a gang may not be worn, possessed, used, distributed, displayed, carried or sold by any student on school grounds or a school related activities at any time.
- 1 Students are not permitted to send gang signs either through their body language or in the manner in which they wear their clothing.
- 1 Gangs are not permitted to meet or congregate on school premises or at school related activities at any time. Such meeting or congregation is contrary to, disrupts and interferes with the purpose of an educational institution and will be considered trespassing. Trespassers will be prosecuted to the fullest extent of the law.
- 1 Activities including recruitment, initiations, hazing, intimidation, retaliation and/or related activities which could potentially cause bodily danger, physical harm, personal degradation or disgrace and result in physical or mental harm to students will not be allowed on school grounds or at school related activities at any time.
- 1 Any other attributes that lead school officials to reasonably believe that such behavior, apparel, activities, acts or other attributes are association related and would disrupt or interfere with the school environment or activity and/or education objectives will not be allowed on school grounds or at school related activities at any time.
- 1 Employee Reports. All employees have the responsibility to report to their immediate supervisor any suspected gang related activities. Furthermore, the reporting employee shall be without fear of reprisal from the administrator as a result of such reporting.
- 1 Reporting of Gang Affiliation. If an administrator verifies a student's involvement in gang activity, the parent or guardian will be informed and referred to an appropriate social service agency, or other community resource. A record of all known gang activity on school grounds or at school related activities will be compiled and held by school personnel. This record will contain the names of all those involved in known gang activity. These records will be maintained by the administrator as confidential behavioral records pursuant to FERPA and state law and shall only be disclosed as authorized by law. Nothing in this policy prevents school personnel from contacting appropriate law enforcement officials to investigate a violation of or enforce any local, state, or federal law on school grounds or at district sponsored activities.

Consequences for gang related activities. Students violating this policy may be subject to appropriate disciplinary action, including suspension and/or recommendation for expulsion review.

**D. USE OF CELL PHONES, IPODS, EARPHONES, EAR BUDS, HEADPHONES, AND OTHER ELECTRONIC DEVICES.** Use of cell phones, iPods, any listening device, and other electronic devices is prohibited in ALL classrooms at all times, as they disrupt the learning environment and distract students

from the primary purpose of education. Therefore, cell phones, iPods, listening devices, and other electronic devices may only be used during lunch and must be docked in the phone dock in the front office. If cell phones, iPods, listening devices, or other electronic devices are used by the student during class, the item(s) will be confiscated for the remainder of the day and returned at the end of the day. Continued violation of this policy will result in a suspension and/or expulsion from school. Information stored in a student's cell phone/electronic device shall not be accessed by the school absent reasonable suspicion necessitating search/seizure. See Search/seizure policy.

E. **SCHOOL COMPUTER AND TECHNOLOGY USE.** Students will use school computers for educational purposes **ONLY**, any access to unauthorized websites is prohibited. Students violating this policy may be subject to appropriate disciplinary action, including suspension and/or recommendation for expulsion review.

F. **PERSONAL ITEMS AT SCHOOL. DO NOT BRING VALUABLE PERSONAL ITEMS TO SCHOOL.** The school is not responsible for a student's personal items if lost, stolen or damaged on school property or during a school sponsored event. Items that are not permitted in class include, weapon look alike including squirt guns, fireworks, lasers, stink bombs, stereos, headphones, two-way radios, paintballs, MP3/4 players, iPod, DVD players, and similar electronic devices.

G. **LOST AND FOUND.** Articles found in the school should be turned in to the "lost and found" at the Front Office.

## **XII. CONSEQUENCES FOR VIOLATING SCHOOL RULES**

### **A. SEARCH AND SEIZURE.**

1. Who may search: An "Authorized Person" (defined as the Director, Principal, Social Services Coordinator, Administrative Assistant, or any designated staff member by Director) may conduct a search of a student, student property located on school property, school property assigned to a student, or property under the authority of the school when:

- a. there is a reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred; or
- b. there is reasonable cause to believe that a search is necessary to help maintain school discipline.

2. Conduct of searches; witnesses. The following requirements govern the conduct of permissible searches by authorized persons:

- a. School property, including desks and school buses, may be searched with or without students present. When students are not present for locker or desk searches, another authorized person shall serve as a witness whenever possible. Locks furnished by students should not be destroyed unless a student refuses to open one or circumstances otherwise render such action necessary in the judgment of the administrative authority.
- b. Student vehicles when on campus or otherwise under school control and students' personal effects which are not within their immediate physical possession may be searched in

accordance with the requirements for locker and desk searches.

Illegal items, legal items which threaten the safety or security of others and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parent or returned to the student when and if the administrative authority deems appropriate.

The administrative authority shall have discretion to notify the local district attorney or other law enforcement officers when a search discloses illegally possessed contraband material or evidence of some other crime or delinquent act.

**B. STUDENT MISCONDUCT.** Any student who engages in conduct that is in conflict with school policies or directives, who engages in behavior which disrupts or has the potential to disrupt the educational process, who engages in conduct prohibited by law or regulation, who refuses to cooperate with school personnel, and/or who engages in conduct which endangers or reasonably threatens to endanger the health and safety of students, school personnel, or others for whose safety the school is responsible, will be subject to disciplinary action.

**C. CONSEQUENCES FOR MISCONDUCT.** DCCCHS will impose discipline in accordance with state regulations. Administrative response to misconduct/unacceptable behavior may vary, depending upon the circumstances: however, every effort shall be made to respond consistently and appropriately to each infraction. DCCCHS will make a good faith effort to notify the parents or legal guardian of the student in any circumstances where the school's disciplinary response will exceed administrator/student contact, e.g. when making a report to the authorities.

At the discretion of DCCCHS administration the following sanctions may be imposed: including, confiscation of prohibited item(s), exclusion from class/school, parent notification/conference, removal from school, suspension (in-school or out-of-school), police notification, verbal reprimand, detention, loss of privileges, suspension of bus privileges, loss of parking spot, legal action (referral to city/district attorney), expulsion.

**D. SUSPENSION/EXPULSION.** Suspension is the removal of a student from a class or classes and all school-related activities for any period of time and includes long-term removals up to one year or longer.

1 The school administration will provide verbal and/or written notification to each of a student's teachers and to the student's parents/legal guardians within one (1) school day of imposing any form of suspension.

1 The school administration will keep on file a copy of the notification for any suspension occurring during a school year.

1 The school administrator is responsible for notification, compliance and documentation.

1 Any student suspended from school shall be delivered directly by a school official to the student's parent/guardian or an adult designated by the parent/guardian, or kept on school grounds until the usual end of the school day if a parent/guardian cannot be reached.

1. Short-term suspensions. Short-term suspension will be at the discretion of the school's administrator and will address unsafe behaviors and those that disrupt the educational process. Only a rudimentary hearing (notice of violation and opportunity to state his/her side of the matter) to a school administrator is required and will be given prior to imposing short-term suspension. Short-term suspension will be limited to no more than ten (10) days.
  2. Immediate removal. Students whose presence poses a continuing danger to persons or property or an ongoing threat of interfering with the educational process may be immediately removed from school. A rudimentary hearing with the Administrator shall follow within one day, after which the student shall either be reinstated or short-term suspended. The school shall make reasonable efforts to inform the parent/guardian of the charges against the student and the action taken as soon as practicable. If the school has not communicated with the parent/guardian by telephone or in person by the end of the school day following the immediate removal, the school shall on that day mail a written notice with the required information to the parent/guardian's address of record.
  3. Long-Term Suspension. 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 in cases which are near the end of a given semester.
    - A student receiving a long-term suspension will lose credit for the semester.
    - A student may be given the opportunity for a due process hearing prior to suspension. See Article XIII below.
      - The student may, at his/her expense, choose to be represented by an attorney at the hearing.
    - 1 At the Director's discretion, students may be suspended pending a due process hearing for up to 10 days.
  4. Expulsion. Expulsion is the removal of a student from the school for a period exceeding one (1) semester. In some cases, expulsion may be a permanent removal from the school.
    - 1 A student receiving an expulsion will lose credit for the semester in which the expulsion occurs.
    - 1 A student must be given a hearing prior to expulsion. See Article XIII below.
- E. REFERRAL FOR LEGAL ACTION. Any illegal action by a student taking place at school or a school-sponsored or school-related activity will be referred to the appropriate authorities or law enforcement agency.
- F. SUSPENSION FROM EXTRA-CURRICULAR PRIVILEGES. Students may be removed, at the discretion of the administrator, from any part or all extra-curricular privileges for time periods up to one (1) semester.
- 1 Participation in extra-curricular activities is a privilege offered to and earned by students.
  - 1 Student conduct is expected to exemplify high standards at all times.

Participation in extra-curricular activities is not a student right, and suspension of such privileges for one

semester or less does not require a hearing or review procedure. Removals for longer than one semester are subject to the long-term suspension procedure and review process described below.

### **XIII. PROCESS FOR SUSPENSION AND EXPULSION**

A. **SHORT-TERM SUSPENSION.** A student facing in-school or out-of-school suspension for fewer than ten (10) days is not entitled to a formal hearing, but is entitled to notice and an opportunity to be heard as follows:

1. Before the student is placed on short-term suspension, the student shall meet with the Administrator or designee and shall be informed of the charges against him or her and, if (s) he denies them, shall be told what evidence supports the charge(s). The student shall be given an opportunity to present his or her version of the facts and refute the charges in that meeting. The administrative authority is not required to divulge the identity of informants, although (s) he should not withhold such information without good cause. The Administrator or designee shall disclose the substance of all evidence on which (s) he proposes to base a decision in the matter. The meeting may be an informal discussion and may follow immediately after the notice of charges is given.
2. If the student denies the charge(s), the Administrator or designee may delay the suspension in order to conduct further investigation but is not required to. The discussion with the student may take place and a temporary suspension may be imposed within minutes after the alleged misconduct has occurred.
3. The school shall make reasonable efforts to inform the student's parent or guardian of the charges against the student and the possible or actual consequence as soon as practicable. If the school has not communicated with the parent/guardian by telephone or in person by the end of the first full day of suspension, the school shall on that day mail a written notice with the required information to the parent/guardian's address of record.

B. **IN-SCHOOL SUSPENSIONS.** Of any length shall be accomplished in the same manner as short-term suspensions, provided that in-school suspensions exceeding one semester may be appealed to the Governing Council Due Process Committee pursuant to the process described in subsection of the Long-Term Suspension section below. Any student placed in an in-school suspension which exceeds ten (10) school days must be provided with an instructional program that meets both state and local educational requirements.

C. **INTERIM PLACEMENT.** Where prompt action to suspend a student long-term is deemed appropriate, a short-term suspension may be imposed while the procedures for long-term suspension or expulsion are activated. However, where a decision following the required formal long-term suspension hearing is delayed beyond the end of the short-term suspension, the student must be returned to school pending the final outcome unless waived by the parent/guardian.

### **APPEAL PROCESS FOR SUSPENSION AND EXPLUSION**

A. **SHORT TERM SUSPENSION.** Decisions to impose a short-term suspension may be are a final decision made by the Director. No appeals may be made.

B. LONG-TERM SUSPENSION OR EXPULSIONS. A student recommended for long-term suspension (more than ten (10) days) suspension shall be scheduled by the school for a hearing before a third-party Hearing Officer designated by the Governing Council. The Hearing Officer hears the matter and makes binding factual findings, and, if appropriate, recommends sanctions to the Administrator. The Administrator may accept or reject any sanction recommended by the Hearing Officer.

1. Waiver of Formal Hearing: A student may waive his or her right to a long-term suspension hearing, or the parent/guardian may choose to waive the student's right to a hearing before the Hearing Officer, and comply voluntarily with the proposed penalty, or they may waive the hearing and review and negotiate a mutually acceptable penalty with the Administrator. Such a waiver and compliance agreement shall be made voluntarily, with knowledge of the rights being relinquished, and shall be in writing signed by the student, the parent/guardian and the Administrator.

*Expulsion hearings are required and cannot be waived.*

3. Hearing Officer.

a. The Hearing Officer is the person designated by the school Governing Council to hear recommendations for long-term suspensions and expulsions. No person shall act as Hearing Officer or reviewing authority in cases where he/she was directly involved or witnessed the incident(s) in question, or if he/she has prejudged disputed facts or is biased for or against any person who will actively participate in the hearing.

b. Transcript. A tape recording or transcript of the proceedings before the Hearing Officer shall be recorded and kept at the school for a period of one year, after which the recording/transcript will be destroyed, except in cases of expulsion where records are kept for longer periods.

3. Hearing Officer Procedure.

a. Notice. School authorities shall prepare and serve the student and his/her parents or legal guardian with a written notice of the long-term suspension or expulsion, and the date, time, and place of the hearing thereon, hand-delivered or by certified mail, return receipt requested. The notice shall contain notice of the school rule(s) alleged to have been violated, a concise statement of the alleged acts of the student, a statement of the possible penalty, the date/time/place of the hearing, a statement that both student and parent are entitled and/or urged to be present, a clear statement that the hearing will take place as scheduled unless the Hearing Officer grants a delay, a clear and conspicuous warning that a failure to appear will not delay the hearing and may lead to the imposition of the proposed penalty by default, a statement that the student has the right to be represented at the hearing by legal counsel, a parent or some other representative designated in a written notice filed at least 72 hours before the hearing, a description of the procedures governing the hearing, the name/business address/telephone number of a contact person through whom the student/parent/representative may request a delay or seek further information, and any other information/materials/instruction deemed appropriate by the

administrative authority preparing the notice. The school shall provide copies of documents supporting its actions and a list of its witnesses to the student and his/her parents/legal guardians at least two (2) working days in advance of the hearing.

b. Scheduling. The hearing shall be scheduled no sooner than five (5) days and no later than ten (10) school days from the date of receipt of notice by the parents or legal guardians. The Hearing Officer shall have discretion to grant or deny a request by the student or the school to postpone the hearing for valid reasons given.

a. Burden of Proof.

- 1 The hearing is an administrative hearing, not a trial, and formal rules of evidence shall not govern the conduct of the hearing.
- 1 The burden of proof of misconduct is on the school authorities.

b. Witness and Time Limits.

- 1 The student may, at his/her own expense, choose to be represented by legal counsel or other designated representative during the hearing.
- 1 The student or his/her counsel may present evidence and shall have the right to call witnesses on his/her behalf and to question witnesses against him/her, subject to exclusion of evidence/testimony deemed irrelevant or redundant by the Hearing Officer.
- 1 The school authorities including legal counsel, shall have the right to call witnesses and to question any witnesses who testify.
- 1 The Hearing Officer must schedule adequate time to hear the matter but may impose reasonable time limits on the parties' presentations.

c. Failure to Appear. If no one has appeared on the student's behalf within a reasonable time after the announced time for the hearing, the Hearing Officer shall determine whether the student, through the parent, received notice of the hearing. If so, the Hearing Officer shall review the school's evidence to determine whether it is sufficient to support the charge(s) of misconduct.

d. The school's Administrator may observe but may not participate in the proceedings at a formal hearing.

4. Decision of Hearing Officer.

- a. The Hearing Officer shall determine first whether the alleged act(s) of misconduct have been proved by a preponderance of the evidence presented at the hearing. If the misconduct is so proved, the Hearing Officer then shall decide upon the appropriateness of the disciplinary action taken, or in the case of a proposed expulsion, whether expulsion is appropriate. The decision shall be based solely on the evidence presented at the hearing and the applicable legal rules, including the student handbook.
- b. The Hearing Officer shall report its findings, together with any recommended sanction, to the Administrator promptly after the hearing. The Hearing Officer may announce a decision on the question of whether the allegations of misconduct have been proved at the close of the hearing. The Administrator may thereupon also

announce his/her decision at that time.

- c. The Hearing Officer shall serve its written decision on the parties stating a summary of the evidence upon which the Hearing Officer based its factual findings, and its findings, conclusions and recommended sanctions, by certified mail, return receipt request and/or by hand-delivery, within five (5) school days after the hearing.
- d. Upon receipt of the Hearing Officer's written decision, the Administrator shall prepare a written decision, including the penalty imposed and the reasons therefore, and send via certified mail or hand deliver it to the student, through the parent/guardian, within five (5) working days of receipt of the Hearing Officer's decision.
- e. If the Hearing Officer decides that no allegations of misconduct have been proved, or if the Administrator declines to impose a penalty despite a finding that an act or acts of misconduct have been proved, the matter shall be closed.
- f. The Administrator's decision shall take effect immediately upon notification of the student and his/her parent/guardian and shall continue in force during any subsequent appeal. If the notification is by mail, the parent/guardian shall be presumed to have received the notice on the fifth calendar day after the date of mailing, unless a receipt for certified mail indicates an earlier date of receipt.

5. Appeal to the Governing Council Due Process Committee.

- a. The student, parent or guardian may appeal the decision of the Hearing Officer to the school Governing Council Due Process Committee by serving a written Notice of Appeal to the Council President or designee within five (5) days after the Hearing Officer's decision has been served.
- b. The Governing Council Due Process Committee shall be a three-member committee composed of and appointed by the members of the Governing Council to hear due process appeals.
- c. The Due Process Committee shall then review the record of proceedings before the Hearing Officer, the decisions of the Hearing Officer, and a summary of the transcript, within ten (10) calendar days of receipt of the Notice of Appeal.
- d. No new information shall be considered in the appeal, and the Due Process Committee shall be bound by the Hearing Officer's Findings of Fact, unless the student persuades the Governing Council Due Process Committee that a finding of fact was arbitrary, capricious or unsupported by substantial evidence, or that new evidence which has come to light since the hearing and which would not with reasonable diligence have been discovered in time for the hearing would manifestly change the factual determination. Upon any such finding, the Due Process Committee shall have the discretion to receive new evidence, reconsider evidence introduced at the hearing or conduct a de novo hearing. In the absence of such finding, the review shall be limited to an inquiry into the appropriateness of the sanction(s) imposed.
- e. After reviewing the record and all materials presented at the hearing before the Hearing Officer, the Due Process Committee shall render a decision within fifteen (15) school days after a student's written request for review is received, which affirms, overrules, or modifies the decision of the Hearing Officer.
- f. The Due Process Committee shall prepare a written decision, including concise reasons, and mail or deliver it to the Administrator, the Hearing Officer, and the student through the parent/guardian, within ten (10) working days after the review is concluded.
- g. The Due Process Committee may modify or overrule the Hearing Officer's decision, but

- may not impose a harsher punishment.
- h. The Due Process Committee decision is the final administrative review to which a student is entitled.

## **IX. DISCIPLINARY CONSIDERATIONS FOR STUDENTS WITH DISABILITIES**

**SPECIAL EDUCATION STUDENTS.** Special education students are not immune from the schools disciplinary process once placement procedures are properly followed.

1. **Immediate removal.** Students whose presence poses a continuing danger to persons or property or an ongoing threat of interfering with the educational process may be immediately removed from school pursuant to the process outlined above.
2. **Short-term suspension.** Students with disabilities may have short term suspension imposed in accordance with the “Suspension/Expulsion” section herein, provided that the student is returned to the same educational placement after the short-term suspension, and unless a short-term suspension is prohibited pursuant to the student’s IEP. Students may be suspended or removed to an appropriate interim alternative educational setting or another setting for not more than 10 consecutive school days. Additional removals may occur in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement pursuant to 34 CFR Sec. 300.536 and 6.11.2.11(G) NMAC.
3. **Long-term suspension/expulsion/disciplinary changes of placement.** 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 significant change in placement, the following considerations must be addressed:
  - 1 Manifestation Determination: when considering long-term suspension or expulsion or disciplinary changes of placement as specified in 34 CFR 300.530 through 300.536, an Individualized Education Program (IEP) Team must first determine whether the behavior that gave rise to the violation is a manifestation of the student’s disability, or whether the conduct in question was the direct result of the school’s failure to implement the IEP.
  - 1 If the IEP Team determines that the behavior is related to the student’s disability or was the direct result of the school’s failure to implement the IEP, then no further disciplinary proceeding shall occur. Any deficiencies in IEP implementation shall immediately be remedied and the IEP Team shall comply with 34 CFR 300.530(f).
  - 1 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 above in the same manner and for the same duration as the procedures would be applied to students without disabilities, provided that a student with a disability who is removed from the student’s current placement continues to receive special education and related services pursuant to the provisions of 34 CFR Sec. 300.530(d).
  - 1 The decision to change a student from his/her current placement must be made on an individual basis.

Changes in placement occur if the student is removed from the student's current placement for more than ten consecutive days, if the student is removed from current placement for more than ten school days in a school year, or other reason specified in 34 CFR 300.536.

- 1 On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school shall notify the parents of that decision, and provide the parents the procedural safeguards notice described in 34 CFR Sec. 300.504.

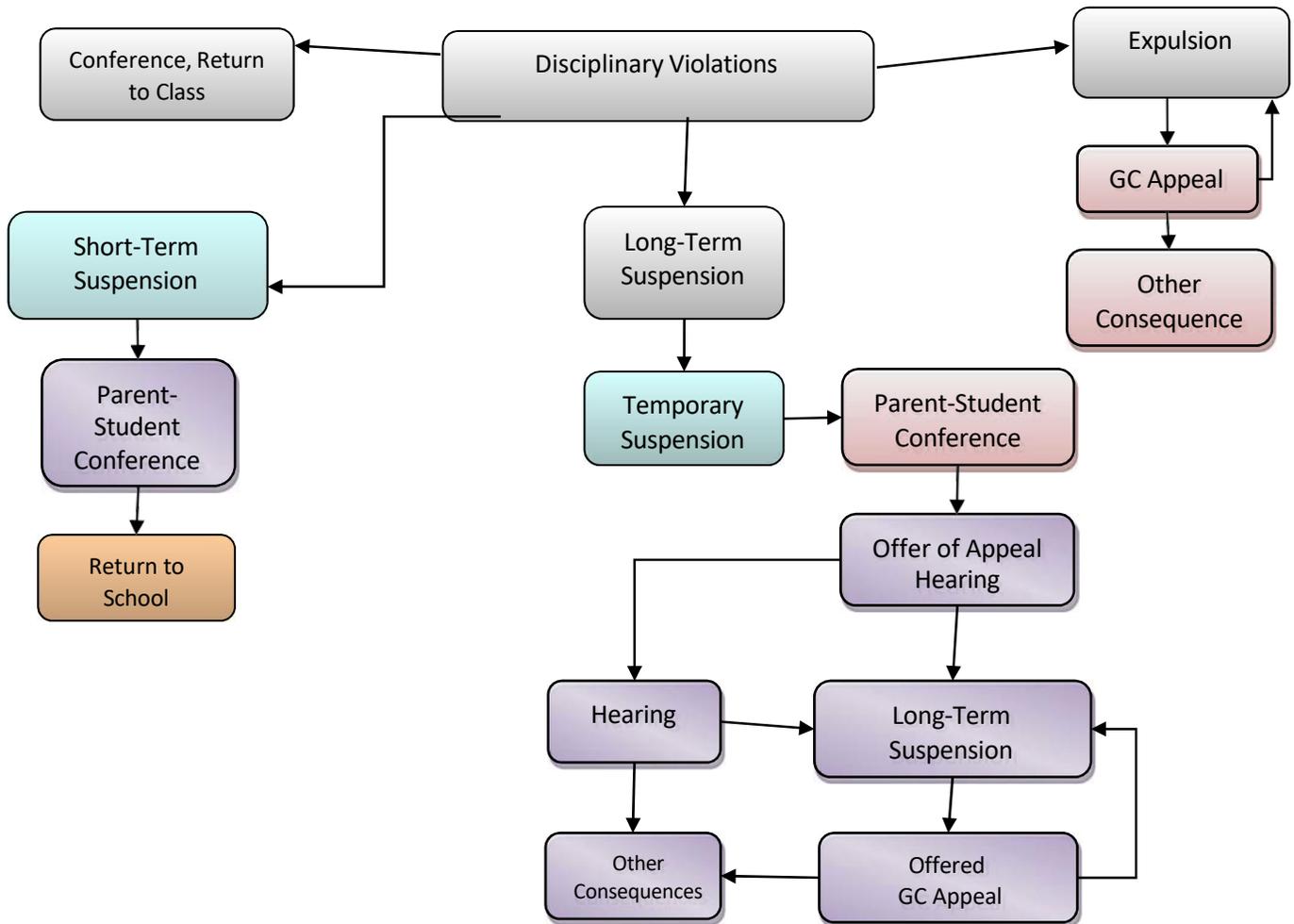
**4. Removal to Interim Alternative Educational Setting without Manifestation Determination.** In accordance with 34 CFR Sec. 300.530(g) and (i), school personnel can remove a student to an interim alternative educational setting (as determined by the student's IEP Team) for not more than 45 school days without regard to a manifestation determination (described below), if the student (1) carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function; (2) knowingly possesses or uses illegal drugs, or sells them at school; (3) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. The student's IEP team determines the interim alternative educational setting for services.

**5. Appeals** The parent/guardian of a student with a disability who disagrees with any decision regarding a disciplinary-related placement or the manifestation determination, or an administrative authority that believes that maintaining the current placement of a student is substantially likely to result in injury to the student or others, may appeal the decision by requesting a hearing pursuant to the procedures specified in 6.31.2.13 NMAC.

When an appeal has been filed by either the parent/guardian or the administrative authority, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the disciplinary time period, whichever occurs first, unless the parent/guardian and administrative authority agree otherwise.

**6. Disciplinary Considerations for Students under Section 504 -** Students with 504 accommodations are not immune from the school's disciplinary process once identification and placement procedures are properly followed. Students with Section 504 accommodations being considered for removal from school for 10 or more days must also 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, and whether 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.

## DUE PROCESS



## **X. COMPLAINT RESOLUTION PROCESS**

A. **INFORMAL RESOLUTION.** Inquiries or concerns from a parent or student regarding a specific DCCCHS staff member or program (NOT A STUDENT) should first be directed to the staff member involved or responsible for such program. If a parent or student (hereinafter “parent/student”) is not sure who is the responsible staff member, or, if the parent/student has an inquiry or concern of a broad nature, the parent/student should contact the administrator for clarification on the steps to follow.

B. **REFERRAL TO NEXT LEVEL.** If the parent/student feels the issue has not been satisfactorily handled at the individual staff member level, the issue should be referred to the administrator. A written summary of a good faith effort between the parent/student and the administrator shall be prepared and delivered to the parent/student, if the matter is not resolved. If the parent/student feels the issue has not been satisfactorily resolved at the administrative level the parent/student may take the issue to the DCCCHS Governing Council for disposition. The Governing Council, in its sole discretion, may decide whether any particular issue submitted to them is appropriate for Governing Council intervention. Typically, the Governing Council will NOT review administrative decisions regarding the following: student discipline less than a long term suspension (10 days or more) or expulsion, student placements (in special education or regular education classes), complaints about a staff member’s performance (except the Director), matters particularly within the expertise of the educational staff and administration.

C. **REVIEW BY GOVERNING COUNCIL.**

1. The parent/student may submit his/her grievance in writing to the DCCCHS Governing Council within five days of a failed good faith effort to resolve the dispute. The letter must be in writing, signed by the parent/student and delivered to the Governing Council at the school. If the parent/student does not submit a written grievance within five days from the date the written summary prepared by the administrator is delivered to the parent/student, the complaint will be deemed “resolved.”
2. The grievance submitted to the Governing Council should include specific reasons why the parent/student is not satisfied with the administrator’s decision; any specific school policy that the member believes has been violated, and any other relevant information and documentation that supports the grievance. The written grievance must be dated and signed by the person submitted the complaint.
4. The Governing Council will decide at the first meeting immediately following receipt of the written grievance whether it will hear the matter, and if it agrees to hear the matter, it will schedule a time for the meeting, which shall not be unreasonably delayed. Depending on the substance of the complaint, the Governing Council will also decide whether the grievance shall be heard as an informal meeting of the concerned parties, an informal hearing with each party being allowed to present his/her side of the story or any other procedure the Governing Council deems appropriate.

5. DCCCHS Governing Council members who are interested parties or who may have an actual or apparent conflict of interest shall disclose such conflict and be excused from the grievance meeting if the Governing Council deems the excusal necessary to provide the complaining parent/student a fair consideration of the grievance.
  
6. Any meeting or hearing concerning a matter that relates to personnel issues, that is confidential, or that implicates an individual's privacy rights may be held in a closed meeting in accordance with the Open Meetings Act.
  6. A decision will be established by a majority vote of the members of the DCCCHS Governing Council hearing the issue. The DCCCHS Governing Council may designate a committee of the Governing Council to meet with or conduct the hearing; any final action required to be taken by the Governing Council will be made after the committee's recommendation is presented to the full Governing Council.
  
7. If additional information or investigations are necessary after the initial meeting or hearing, the meeting or hearing may resume as soon as is practical after further information has been gathered or an investigation has been conducted. The Governing Council will issue a final written decision regarding the grievance. The decision of the Governing Council is final.

#### **Advertising/Soliciting**

DCCCHS will not be an advertising agent for outside groups. The administration must approve all activities, fundraisers, and items posted in or around the school campus. In addition, any fundraisers using the DCCCHS logo will not be permitted unless approved by the Director.

### **F.E.R.P.A. NOTICE STUDENT RECORDS Student Records, Policies and Procedures for DEMING CESAR CHAVEZ CHARTER**

#### **SCHOOL DEFINITIONS**

#### **DEFINITIONS**

For the purposes of this policy, Deming Cesar Chavez Charter High School (DCCCHS) has uses the following definitions:

1. Students—any person who attends or has attended a school in DCCCHS.
2. Eligible student—a student or former student who has reached age 18 or is attending a postsecondary school.

3. Parent—either natural parent of a student, a guardian, or an individual acting as a parent or guardian in the absence of the student’s parent or guardian.
4. Education Records—any record (in handwriting, print, tapes, film, or other medium) maintained by DCCCHS, or an agent of DCCCHS which contains information directly related a student except:

### **ANNUAL NOTIFICATION**

Parents will be notified of their FERPA rights annually by publication in their son/daughter’s student handbook.

### **PROCEDURE TO INSPECT EDUCATION RECORDS**

Parents or eligible students should submit to the student’s school Director a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The Director will make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. Access will be given in 45 days or less from the date of receipt of the request.

When a record contains information about students other than a parent’s son/daughter or the eligible student, the parent or eligible student may not inspect and review the portion of the record which pertains to other students.

### **REFUSAL TO PROVIDE COPIES**

DCCCHS reserves the right to deny a parent or eligible student a copy of the student’s education records in the following circumstances, unless failure to provide a copy would effectively prevent the parent or eligible student the right to inspect and review the records:

1. The parent or student has an unpaid financial obligation to DCCCHS.
2. The education record requested is an exam or set of standardized test questions. (An exam or standardized test which is not directly related to a student is not an education record subject to FERPA’s access provisions.)

### **FEEES FOR COPIES OF RECORD**

The fee for copies will be \$.05 per page.

**DISCLOSURE OF EDUCATION RECORDS  
F.E.R.P.A. NOTICE**

DCCCHS may disclose educational records to the following individuals without prior consent of the parent or student:

1. To School officials who have a legitimate educational interest in the records.

*A school official is:*

- 1 A person employed by the School as an administrator, supervisor, instructor, or support staff member, including health or medical staff;
- 1 A person elected to the DCCCHS Governing Council;
- 1 A person employed by or under contract to DCCCHS to perform a special task, such as an attorney, auditor, medical consultant, or therapist;
- 1 A person who is employed by School Resource Officer; or
- 1 A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.

*A school official has a legitimate educational interest if the official is:*

- 1 Performing a task that is specified in his or her position description or by a contract agreement;
- 1 Performing a task related to a student's education;
- 1 Performing a task related to the discipline of a student;
- 1 Providing a service or benefit relating to the student or student's family, such as healthcare, counseling, job placement, or financial aid; or
- 1 Maintaining the safety and security of the campus.

2. To officials of another school, upon request, in which a student seeks or intends to enroll.
3. To certain officials of the U.S. Department of Education, the Comptroller General, and State and local educational authorities, in connection with audit or evaluation of certain State or federally supported education programs.
4. In connection with a student's request for or receipt of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. To State and local officials or authorities if specifically required by a State law that was adopted before November 19, 1974.
6. To organizations conducting certain studies for or on behalf of DCCCHS.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student if the student is a dependent for income tax purposes.
9. To comply with a judicial order or a lawfully issued subpoena.
10. To appropriate parties in a health or safety emergency.
11. To individuals requesting directory information so designated by DCCCHS.

## **RECORD OF REQUESTS FOR DISCLOSURE**

DCCCHS will maintain a record of all requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom the information may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parents or eligible student.

## **DIRECTORY INFORMATION**

DCCCHS designates the following items as Directory Information: student name, parent's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of member of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended and photograph. DCCCHS may disclose any of those items without prior written consent, unless notified in writing to the contrary by (see form).

## **CORRECTION OF EDUCATION RECORDS**

Parents or eligible students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. Parents or the eligible student must ask DCCCHS to amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy rights.
2. DCCCHS may comply with the request or it may decide not to comply. If it decides not to comply, DCCCHS will notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy rights.
3. Upon request, DCCCHS will arrange for a hearing, and notify the parent's or eligible student, reasonably in advance, of the date, place, and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of DCCCHS. The parents or eligible student shall be afforded full and fair opportunity to present evidence relevant to the issue raised in the original request to amend the student's education records. The parents or student may be assisted by one or more individuals, including an attorney.
5. DCCCHS decides will prepare a written decision based solely on evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If DCCCHS decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the parents or eligible student, in writing, that the record has been amended.
7. If DCCCHS decides that the challenges information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or statement setting forth reasons for disagreeing with the decision.

8. The statement will be maintained as a part of the student’s education records as long as the contested portion is maintained. If DCCCHS discloses the contested portion of the record it must also disclose the statement.

**Deming Cesar Chavez Charter High School**  
**ACKNOWLEDGEMENT OF RECEIPT**

We, \_\_\_\_\_ and my parents/guardian \_\_\_\_\_ have

received a copy of and have read the DCCCHS Student Handbook and the FERPA Notice. We fully understand our responsibilities as a family with a student attending Deming Cesar Chavez Charter High School. We understand and agree that if at any time we have a question regarding the policies and procedures of DCCCHS that we will contact the administration office and seek further clarification.

\_\_\_\_\_  
Student’s Signature

\_\_\_\_\_  
Date

ACKNOWLEDGED AND AGREED:

\_\_\_\_\_  
Parent’s Signature

\_\_\_\_\_  
Date

\*Sign and return this page to the school to be placed in the student’s file.