

## 5120 Compulsory School Attendance

Regular school attendance by school age persons at all grade levels is an essential component of the learning process, and preparation for post-secondary training, education and employment. It is also a requirement of this New Mexico's Compulsory School Attendance Law, NMSA 22-12-1, *et seq.* (2009). Unless excused by the law, all school age persons subject to the law shall attend school until attaining the age of majority during the established District school year.

### A. Definitions

- (1) Age of majority: any person who has reached his eighteenth (18) birthday;
- (2) Parent: parent or legal guardian;
- (3) "Qualified Student" or "Student";
- (4) is regularly enrolled in one-half, i.e. two, or more of the minimum course requirements approved by the Public Education Department for public school students.

### B. Exemptions from the Law

A person shall be excused from this requirement if:

- (1) the person is specifically exempted by law from the provisions of this section;
- (2) the person has graduated from a high school;
- (3) with the written consent of the parent/legal guardian or person having custody and control of the Person to be excused, the person is excused from the provisions of this section by the Superintendent of the Schools.

C. A person subject to the provisions of the Compulsory School Attendance Law NMSA 22-12-1, *et seq.* (2009) ("Law") shall attend school for at least the length of time of the school year that is established in the school District in which the person is a resident.

D. Any parent/legal guardian or person having custody and control of a person subject to the provisions of The Compulsory School Attendance Law is responsible for the school attendance of that person.

E. Each local school board and each governing authority of a private school shall enforce the provisions of The Compulsory School Attendance Law for students enrolled in their respective schools.

Student discipline in Roswell Independent School District should serve to educate youth regarding citizenship and a system of rules and consequences for their violation. Discipline should serve to teach appropriate behavior.

Rights to due process of students accused of violating the student code of conduct will be assured.

Each year the Board of Education shall approve the administrative procedures concerning student behavior and each school building's rules of conduct (should they be different from the Administrative Procedures).

## **Alcohol, Drug (Controlled Substance)**

The Roswell Independent School District recognizes that alcohol and drug abuse is a treatable health problem. Health problems of youth are primarily the responsibility of the home and community, but the schools share that responsibility because misuse, abuse and dependency problems often interfere with school behavior, student learning, and the maximum possible development of each student. The schools shall intervene with persons manifesting a sign of misuse or abuse and make an effort to educate and aid them.

The schools shall endeavor to educate and counsel students and staff concerning abuse of alcohol, illegal drugs and/or controlled substances. Every reasonable effort shall be made to provide for students and staff, an environment that is free of alcohol, illegal drugs and/or controlled substances.

School authorities shall give consideration to the health, safety, and educational rights of all students when prescribing disciplinary action(s) for students who use, are under the influence of, possess or distribute alcohol, illegal drugs and/or controlled substances on school premises or while engaged in school-sponsored activities.

Intervention Description: If a staff member suspects a student of use of alcohol, other illegal drugs, unauthorized drugs or controlled substances, the student shall be referred to the principal or his/her designee to determine future courses of action.

### Consequences: Use or Possession of a Controlled Substance.

Description: A staff member witnesses, or can substantiate a student's use or possession (actual or constructive) of alcohol, other illegal drugs, drug paraphernalia, unauthorized drugs or controlled substances while at school, on school property (at any time) or at a school-sponsored activity. See "Athletic and Activity Drug and Alcohol Policy".

#### 1. First Offense

- a. The staff member will inform the principal or other administrators of the details immediately.
- b. The administrator or designee will make a reasonable effort to notify the parent/legal guardian and law enforcement authority will be notified. If under the influence, the student may be released to parent/legal guardian and/or police. If in possession, the student may be released to the police. (Refer to Policy 5350: Law Enforcement Personnel)
- c. The student will be suspended pending a parent conference and successful completion of a substance abuse assessment.
- d. The parent/legal guardian will be given material and information on available community resources.
- e. The student cannot be reinstated until a meeting is held with the principal, parent/legal guardian, student and others as deemed necessary by the principal. A no-use contract will be signed by the student and witnessed by the parent/legal guardian. As a part of the reinstatement, the parent/legal guardian must agree to the student's participation in a rehabilitation and/or educational program. This may include community service, professional drug use/abuse evaluation, urinalysis, counseling, etc. The parent/legal guardian and student will present a written plan of action that is acceptable to the principal.
- f. The student will not be allowed to participate in any school activities during a suspension nor practice with the team.

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#### 2. Second Offense (Use or Possession of a Controlled Substance)

- a. The staff member will inform the principal or other administrator of the details immediately.

- b. The administrator or designee will notify the law enforcement authority and will attempt to notify the parent/legal guardian. If under the influence, the student will be released to parent/legal guardian and/or police. If in possession, the student may be released to the police.
- c. Following a rudimentary hearing, the student will be suspended while the procedures for long term suspension are activated. If the hearing authority finds the student guilty, the student may be given a long term suspension for the remainder of the school year.

Consequences: Distributing or Selling a Controlled Substance

Description: A staff member witnesses and/or can substantiate that a student is distributing and/or selling alcohol and/or other illegal drugs, unauthorized drugs or controlled substances while at school, on school property, (at any time) or at a school sponsored activity.

1. First Offense (Distributing or Selling a Controlled Substance

- a. The staff member will inform the principal or administrator of the details immediately.
- b. The administrator or designee will make a reasonable effort to notify the parent/legal guardian and law enforcement authority will be notified. If under the influence, the student may be released to parent/legal guardian and/or police. If in possession, the student may be released to the police.
- c. Following a rudimentary hearing, the student will be suspended while the procedures for long term suspension are activated. If, the Hearing Authority finds the student to have been in possession he/she will be suspended for the remainder of the school year and expulsion may be recommended. (Elementary: Possible school year suspension) Before re-entry into school he/she will be required to have a professional drug abuse evaluation, the results of which will be reported to the coordinator of the school's Student Assistance Team.

2. Second Offense (Distributing or Selling a Controlled Substance

Expulsion may be recommended to the hearing authority

Athletic and Activities

The sale, distribution, transportation, use of, or possession of alcohol or any type of drug or medication considered illegal or which there is no valid prescription, by any student participating in extra-curricular activities sponsored by the Roswell Independent School District will result in the suspension from said activities. This procedure is in effect during the activities period (as set by the state activities association) and for the academic year for those extra-curricular activities for which there is no activity period designated by the state activities association.

First Offense

- A. A substantiated violation of the drug and alcohol policy by a student at school, on school property, or at a school-sponsored event will result in the suspension of said student from school pending a parent conference and successful completion of a substance abuse assessment.
- B. The student shall lose eligibility for all activities for the next 15 school days. The student will not be allowed to participate, practice, suit out or travel with the team or activity for the first ten (10) days of the athletic/activity suspension. The student may be allowed to practice, but not suit out for competition or travel with any activity group the last five (5) days of their fifteen (15) days.
- C. The student will be referred for a professional drug use/abuse evaluation as soon as possible to be completed prior to re-entry in school.

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- D. The student must attend the appropriate Student Assistance Group (counseling) provided by the school to be eligible to return after the 10 days. Cooperation in the rehabilitation as determined by the principal, coach/sponsor, counselor

and/or Student Assistance Team may enable the student to regain practice eligibility at the conclusion of the first 10 days of suspension from athletics/activities.

- E. A substantiated in-season violation of the drug and alcohol policy outside the school setting shall result in suspension from all activities for 15 school days. The student may practice but not suit out for competition or travel with the activity group. Item (c), and (d) above will apply as will the carry over component of item (b).

#### Second and Subsequent Offense

- A. A substantiated second, and subsequent, violation of the drug and alcohol policy will result in loss of eligibility for all activities for 365 days for each offense and may result in long term suspension from school.

### **Alternative Program**

Students recommended for long term suspension may be referred for an alternative program. This may consist of a variation of the homebound program. The school, however, will not supply an instructor. The student will be allowed to work at home on individually selected course work. If work is satisfactorily completed and approved by the instructor and principal, credit may be earned. Students involved in an alternative program are not allowed to participate or attend school related activities.

### **ATHLETIC AND ACTIVITIES, DRUGS AND ALCOHOL** (added 6/16)

The sale, distribution, transportation, use of, or possession of alcohol, drugs or any type of drug paraphernalia or medication considered illegal or which there is no valid prescription, by any student participating in extra-curricular activities sponsored by the Roswell Independent School District will result in the suspension from said activities. . A student involved in extracurricular activities may not use or have possession of alcohol, drugs or paraphernalia (actual or constructive) at any time during the school year. The school year is interpreted as the first day of fall practice through the last day of school. The term constructive is defined as being *in the company of* or any person who is in the sale, distribution, transportation, use of, or possession of alcohol or illegal drug(s) or paraphernalia.

#### First Offense

- A. A substantiated violation of the drug and alcohol policy by a student at school, on school property, or at a school-sponsored event will result in the suspension of said student from school pending a parent conference and successful completion of a substance abuse assessment.
- B. The student shall lose eligibility for all activities for the next 45 (forty-five) school days. The student will not be allowed to participate, practice, suit out or travel with the team or activity for the first 35 (thirty-five) days of the athletic/activity suspension. The student may be allowed to practice, but not suit out for competition or travel with any activity group the last 10 (ten) days of their 45 (forty-five) days.
- C. If the student athlete violation occurred outside of the competitive season, the suspension will begin the first day of official practice.
- D. If the student is an underclassman the suspension will carry over into the next school year if not completed in the current school year.
- E. The student will be referred for a professional drug use/abuse evaluation as soon as possible to be completed prior to re-entry in school.
- F. The student must attend the appropriate Student Assistance Group (counseling) provided by the school to be eligible to return after the 35 (thirty-five) days. Cooperation in the rehabilitation as determined by the principal, coach/sponsor, counselor and/or Student Assistance Team may enable the student to regain practice eligibility at the conclusion of the first 35 (thirty-five) days of suspension from athletics/activities.
- G. The district maintains the authority to require drug testing at the expense and discretion of the district.

#### Second and Subsequent Offense

- A. A substantiated second, and subsequent, violation of the drug and alcohol policy will result in loss of eligibility for all activities for 365 days for each offense and may result in long term suspension from school. If a student is an underclassman the suspension will carry over into the next school year if not completed within the current school year.

## **Attendance** (Revised 8/12)

New Mexico's Compulsory School Attendance State Law requires every student in the state who is five (5) years of age and not more than eighteen (18) years of age to attend school. When students exhibit a pattern of nonattendance, the principal and/or designee will refer students to the Student Assistance Team. Students who have been absent from class ten (10) or more times per school year may be subject to loss of grades. SAT will determine whether grades will be awarded.

The Roswell Independent School District shall maintain an attendance policy that:

- A. Provides for early identification of students classified as a student in need of early intervention and habitual truant and provides intervention strategies that focus on keeping students in need of early intervention and habitual truants in an educational setting and prohibit out-of-school suspension and expulsion as the punishment for truancy.
- B. Requires that class attendance be taken for every instructional day in every school or school program in the district.
- C. Reports unexcused absences and habitual truancy rates to the Department in a form and at such times as the department determines. (NMSA 22-12-7 and 22-12-8)
- D. Elementary schools will notify the principal's designee for attendance after (5) unexcused absences. Upon receipt of the referral, the principal's designee for attendance will make contact with the parent/guardian for the purpose of determining why the student has continued to miss school.
- E. Middle schools will notify the principal's designee for attendance after (5) unexcused absences. Upon receipt of the referral, the principal's designee for attendance will make contact with the parent/guardian for the purpose of determining why the student has continued to miss school.
- F. High schools will notify the principal's designee for attendance after (5) unexcused absences. Upon receipt of the referral, the principal's designee for attendance will make contact with the parent/guardian for the purpose of determining why the student has continued to miss school.
- G. As used in this section and Sections 22-12-7 and 22-12-8 NMSA 1978:
  - (1) "habitual truant" means a student who has accumulated the equivalent of ten or more unexcused absences within a school year;
  - (2) "student in need of early intervention" means a student who has accumulated five unexcused absences within a school year;

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- (3) "unexcused absence" means an absence from school or classes for which the student does not have an allowable excuse pursuant to the Compulsory School Attendance Law or rules of the local school board or governing authority of a private school.

A. An unexcused absence of two or more classes up to fifty percent of an instructional day shall be counted as one-half day absence, and the unexcused absence of more than fifty percent of an instructional day shall be counted as one full-day absence.

- H. Any qualified student and any person who because of his/her age is eligible to become a qualified student as defined by the Public Education Department until attaining the age of majority shall attend a public school, a private school, a home school or a state institution. A person shall be excused from this requirement if:
  - (1) the person is specifically exempted by law from the provisions of this section;
  - (2) the person has graduated from a high school;
  - (3) the person is at least seventeen years of age and has been excused by the local school board or its authorized representative upon a finding that the person will be employed in a gainful trade or

occupation or engaged in an alternative form of education sufficient for the person's educational needs and the parent, guardian or other person having custody and control consents; or

(4) with consent of the parent of the person to be excused, the person is excused from the provisions of this section by the superintendent of schools of the school district in which the person is a resident and the person is under eight years of age.

- I. A person subject to the provisions of the Compulsory School Attendance Law shall attend school for at least the length of time of the school year that is established in the school district in which the person is a resident. (NMSA Section 22-12-2B)
- J. Any parent of a person subject to the provisions of the Compulsory School Attendance Law is responsible for the school attendance of that person. (NMSA Section 22-12-2C)
- K. Each local school board and each governing authority of a private school shall enforce the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools." (NMSA Section 22-12-7A)

## **Bullying, Cyberbullying, and Unlawful Harassment (Prohibiting and Preventing)**

The Roswell Independent School District believes that providing an educational environment for all students, employees, volunteers, and families, free from unlawful harassment, intimidation, cyberbullying or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse. Therefore, harassment, cyberbullying, or bullying are forms of dangerous and disrespectful behavior that will not be tolerated and are prohibited within the District. 6.12.7.8(C)(2) NMAC (2006).

To assist with ensuring compliance with this policy, the Superintendent shall develop administrative regulations for the implementation of this policy, including any necessary reporting forms.

**A. Other District Policies.** This Policy incorporates all other relevant District policies relating to student conduct and acceptable use of the District Electronic Technologies, made available to District students in connection with the student's academic program or other school-related activities.

**B. Application.** This Policy also will apply to cyberbullying, as that term is defined herein, and to the use of all Electronic Technologies, whether owned by the District, the student, or a third party and whether on or off District property.

**C. Definitions.**

- 1. "Harassment" means knowingly pursuing a pattern of conduct which is intended to annoy, alarm or terrorize another person. 6.12.7.7(C) NMAC (2006). Harassment includes, but is not limited to:
  - a. Verbal acts, teasing, use of sarcasm, jokes;
  - b. Name-calling, belittling;
  - c. Nonverbal behavior such as graphic or written statements;
  - d. Physically threatening harmful or humiliating conduct; or
  - e. Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment.
- 2. "Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more people in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a person which may, but need not be based on the person's race, color, sex, ethnicity, national origin, religion, disability, age, sexual orientation or gender.
- 3. "Cyberbullying" means electronic communication which:
  - a. targets a specific student or group;
  - b. is published with the intention it is be seen by or disclosed to the targeted student or group;
  - c. is in fact seen by or disclosed to the target; and
  - d. creates or is likely to create a hostile environment on the school campus ~~that~~ is so severe or pervasive as to

substantially interfere with the targeted student('s) educational benefits, opportunities, or performance.

4. "Electronic Technologies" means computers, laptops, tablets, smart phones, desktop computers, networks, electronic mail, Internet access, and any other form of electronic resources.
5. "Name-calling," means the chronic, habitual, or recurring use of names or comments to or about a person regarding the person's actual or perceived physical or personal characteristics when the student has indicated by his or her conduct, that the names or comments are unwelcome, or when the names or comments are clearly unwelcome, inappropriate, or offensive by their nature.
6. "Social Networking Websites" includes Facebook, MySpace, Instagram, Twitter, YouTube or similar Internet based websites, whose functions may include sharing personal information and directly communicating with other members or participants or broad electronic distribution of written, graphic, photographic or video materials or images, in a web-based format.

**D. Prohibition Against Bullying**

1. In accordance with 6.12.7.8(C)(3) NMAC (2006), the prohibition against bullying shall be publicized by including the following statement in the student handbook(s):

"Bullying behavior by any person in the District is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. Bullying means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a person ~~student~~ which may, but need not be based on the person's race, color, sex, ethnicity, national origin, religion, disability, age, sexual orientation or gender or, which a reasonable person under the circumstances should know will have the effect of:

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

Students and parents may file verbal or written complaints concerning suspected bullying behavior to school personnel and administrators, using the procedure and the relevant forms provided in the administrative regulation that accompanies this policy. Any report of suspected bullying behavior will be promptly reviewed. If acts of bullying are verified, prompt disciplinary action may be taken against the perpetrator, up to and including suspension and/or expulsion."

2. Staff will be reminded at the beginning of each school year about the Anti-Bullying Policy, as well as their responsibilities regarding the reporting of bullying or cyberbullying behavior. A copy of this Board policy will be disseminated annually through staff and student handbooks.
3. No person shall be subject to reprisals for good faith reporting, or participating in the investigation, of a potential violation of this Policy.
4. No employee or student may knowingly give false reports or information under this Policy.
5. This Policy shall be published in the Student Handbook, and on the District's website.

**E. Prohibition Against Cyberbullying. People are responsible for their own behavior when communicating on Social Networking Websites and will be held accountable for the content of the communications that they initiate or post on**

Social Networking Website locations. A student may be subject to sanctions provided herein if:

1. The student uses a Social Networking Website to engage in cyberbullying or other conduct prohibited by this policy; or
2. The student's use of Social Networking Websites materially or substantially disrupts or interferes with the normal operations of the school; or
3. The student's use of Social Networking Websites materially or substantially disrupts or interferes with the rights of other students or teachers; or
4. The District Administration has reasonable cause to believe ~~that~~ the communication would cause a material and substantial disruption of school operations.

**F. Cyberbullying Training.** Pursuant to 6.12.7.8(D) NMAC (2006), all instructional and licensed school personnel shall be provided with annual training on recognition and prevention of cyberbullying.

**G. Reporting of Bullying and Cyberbullying.** In accordance with 6.12.7.8(C)(4) NMAC (2006), the District hereby implements the following procedures for the reporting of bullying, harassment and cyberbullying incidents. These procedures shall be used in conjunction with the administrative regulation on bullying and its relevant forms.

1. All reports of misconduct in violation of this Policy shall be promptly investigated by the school principal, the Superintendent, or his/her designee.
2. Any student who believes he/she has been the victim of harassment, bullying or cyberbullying by a student or school personnel, or any person with knowledge or belief of such conduct that may constitute harassment, bullying or cyberbullying toward a student should immediately report the alleged acts.
3. The report may be made to any staff member. The staff member will assist the student in reporting to the principal at that site.
4. Teachers and other school staff who witness acts of harassment, bullying or cyberbullying or receive student reports of such behaviors, are required to promptly notify administration at the school site.
5. Reports should be done in writing using the Harassment, Bullying and Cyberbullying Form (attached to the administrative regulation).
6. School principal or designee is required to accept and investigate all reports of harassment, bullying or cyberbullying.
7. School principal or designee is required to notify the parent or guardian of a student who commits a verified act of harassment, bullying or cyberbullying of the response of the school staff and consequences that may result from further acts of bullying.
8. Nothing in this Board policy shall prevent any person from reporting directly to the office of the Superintendent.
9. Retaliation against an individual who either orally reports or files a written complaint regarding harassment, bullying or cyberbullying, or who participates in or cooperates with an investigation is prohibited.
10. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.
11. If harassment or bullying continues, the confirmed, repeat perpetrator may be immediately suspended and removed from the school, pending a long-term hearing.
12. To the extent permitted under the Family Educational Rights and Privacy Act ("FERPA") school staff is required to notify the parent or guardian of a student who is a target of bullying of the action taken to prevent any further acts of bullying.

**H. Investigation of Bullying and Cyberbullying.**



1. Principals or teachers who receive complaints of cyberbullying, bullying or unlawful harassment shall promptly investigate such complaints. Such investigation shall include interviewing the persons involved, separately, and assessing the existence of a violation of this policy.
2. In assessing the existence of a violation of this policy and the appropriate discipline, the principal 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.
3. The administrator will make every effort to inform the parents/guardians of the victim and the accused of any report of harassment, bullying or cyberbullying.
4. The District may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.
5. The investigation will be completed within twenty (20) school days, and if the investigation requires more time, the administrator (or investigator) will inform the parties involved of the required additional time to complete the investigation. The principal (or investigator) shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report shall be filed directly with the NMPED, Educator Ethics Bureau. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. A copy of the completed report will be maintained by the school site.

**I. Consequences for Bullying and Cyberbullying.** In accordance with 6.12.7.8(C)(5) NMAC (2006), the District may implement the following consequences for incidents of harassment, bullying or cyberbullying.

1. Verified acts of bullying shall result in intervention by the building principal or his/her designee that is intended to ensure that the prohibition against bullying behavior is enforced.
2. Bullying behavior can take many forms and can vary dramatically in how serious it is, and what impact it has on the targeted individual and other students. Accordingly, there is no one response to bullying. Although bullying is usually a repeated form of harassment, a single offense should be investigated and disciplines according to Board Policy, Administrative Regulation and the Rights, Responsibilities and Limitations of Students Policies.
3. Any student who is found to have engaged in conduct prohibited by this Policy, shall be subject to prompt disciplinary action, 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.
4. Disciplinary action taken pursuant to this policy must be by the least restrictive means necessary to address a hostile environment on the school campus resulting from the confirmed cyberbullying and may include counseling, mediation, and appropriate disciplinary action that is consistent with the legal rights of the students involved.

**J. Consequences for Knowingly Making False Reports.** False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

**K. Health Education.** In accordance with 6.12.7.8(C)(9) NMAC (2006), anti-bullying education will be part of Health Education in the District.

1. "Health Education" is the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease, and reduce health related risk behaviors. It allows students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills, and practices. It meets the content standards with benchmarks and performance standards as set forth in 6.29.6.1 *et seq.* NMAC.
2. Bullying behavior is mentioned specifically in many areas of Health Education performance standards, in all grade levels. All students need to be aware of bullying behavior beginning in Kindergarten and continuing throughout their school years. It is imperative that students are comfortable with understanding, describing, and recognizing bullying

behaviors, and then in the later grades being able to analyze those behaviors and role-play refusal skills. District curriculum does recognize the importance of bullying prevention skills in all grade levels.

- L. **Sanctions for Employees.** Any employee found to have engaged in misconduct in which a student is a victim of bullying, harassment or cyberbullying shall be subject to sanctions including, but not limited to warning or reprimand, suspension, termination or discharge, subject to any applicable procedural requirements, state or federal law.
- M. **Revisions.** To the extent necessary, The Board shall make any necessary revisions to its disciplinary policies to ensure compliance with the provisions of this Policy.

## **Consecutive Absences**

A student absent five or more consecutive days for personal illness must produce medical verification upon returning to school.

## **Discrimination**

It is the policy of the Roswell Independent School District not to discriminate on the basis of race, color, national origin, religion, ancestry, religion, creed, sex, age or physical or mental handicap, marital or parental status, pregnancy, sexual orientation, or veteran status in its educational programs, activities or employment practices as required by Title IX of the 1972 Education Amendments (20 U.S.C. 1681 et seq.) Inquiries or complaints regarding discrimination in violation of this policy should be directed to the District Title IX Coordinator, Director of Activities, Roswell Independent School District, 300 N. Kentucky Avenue, Roswell, NM 88201, 575-627-2514.

### **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

## **Distribution of School or Non-School Sponsored Literature and Materials**

The District reserves the right to review and reject any advertisement or distribution of materials on its property, at District affiliated functions, or in school affiliated organizations' publications. It further reserves the right to reject advertisements or distributions that are incompatible with its educational purpose or that give the appearance of favoritism or entanglement with particular viewpoints.

“Distribution” means the circulation of more than ten (10) printed copies of material from a source other than the District.

Students may distribute and possess in or on school premises, school buses, or at school sponsored activities any form of school or non-school sponsored literature, including but not limited to newspapers, magazines, leaflets, and pamphlets. Students shall be responsible for the content of such materials. However, this right is subject to limitations in accordance with standards of responsible journalism and expression and in consideration of the rights and welfare of the entire student community.

Generally, all advertising and distributed materials shall be respectful of all people with regard to disability, race, color, gender, national origin, ethnicity, sexual orientation, age, religion, marital status, socioeconomic status, cultural background, familiar status, physical characteristics, or linguistic characteristics. Furthermore, all advertising must be age appropriate. Any advertising or distributed materials that do not meet these standards will be rejected.

No one, including students, shall publish, distribute or sell materials, paper, supplies, or any other matter on school grounds without first obtaining proper consent in accordance with District policies.

In the event the submitted literature is denied the privilege of distribution, the applicant may appeal the decision of the Assistant Superintendent for Instruction in writing within five (5) school days to the Superintendent. The appeal shall include the factual grounds on which the appealing party relies to support the distribution of school or non-school sponsored materials. The Superintendent shall reply in writing within five (5) school days.

If the Assistant Superintendent for Instruction gives his/her approval, he/she may designate a time, location and other means by which the distribution may take place. The distribution shall be orderly and the designated area for distribution shall be kept free of loosely scattered material. Students distributing the school or non-school sponsored literature shall be responsible for cleaning up or removing any excess or loosely scattered materials from District property at the end of the day on which the literature is distributed.

Approval of the distribution of non-school sponsored literature or material may be revoked and any distributed literature may be confiscated if the use or misuse of the literature causes a disruption of the process or material that interferes with the normal operation of the school or school activities. School officials may remove any advertisement for any violation of this policy. The District reserves the right to sever any affiliation with student or staff that violate this policy and to impose discipline against student/staff who violate its terms. Confiscated materials shall be returned to the student/students at the end of the school day. Students may appeal a revocation in accordance with the procedure set out in paragraph 6 above.

## **Dress and Appearance**

A student's appearance, mode of dress, and/or cleanliness shall not disrupt the educational process or constitute a threat to health or safety. Clothing promoting alcohol and other drugs, obscenities, sexual innuendoes, gang identifiers (including "sagging"), and tobacco will not be worn. Students will be allowed to wear clothing only one size too large in order to allow for growth or shrinkage. All shirts or other garments (including dresses) will be worn with sleeves. Garments will not be worn if they are made of sheer or see-through material. Midriiffs must be completely covered at all times. Pants may not drag the ground. Wallet chains are prohibited.

### **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

Facial jewelry is prohibited at all times on all campuses, with the exception of games after school hours. This includes, but is not limited to, nose rings, eyebrow rings, and lip rings. Clear plastic retainers may be worn. Earrings are acceptable except in areas where student safety is compromised, such as in physical education or shop classes. Tongue rings are not subject to the policy as long as they are not used to disrupt the educational process. Shirts that say "in memory of . . ." will not be worn on campus. Any school may choose to have more restrictions than district policy but may not have any fewer restrictions, as approved by the Superintendent. When, in the judgment of the principal, a student's appearance, mode of dress, and/or cleanliness is distracting and disruptive of the educational process, the student will be required to make requested modifications. If requested modifications are not made, students will be removed from class and placed in in-school suspension and parents will be contacted. Students who refuse to dispose of or remove the insignia will be suspended. Students may return to school grounds only if accompanied by parent or guardian and only when the offensive insignia is either disposed of or covered up. Repetition of this offense may result in long-term suspension. See Gangs/Unauthorized Group Activity.

## **Electronic Devices**

The Board is committed to providing a safe, positive and productive learning and working environment. The use of Electronic Devices on school campuses has increased classroom disruptions and resulted in an increase of threatening and inappropriate communications. The term "Electronic Devices" shall mean any and all devices which accomplish their purposes electronically and include, without limitation, cell phones, pagers, electronic emailing devices (e.g., Blackberry), radios, tape players, CD players, DVD players, video cameras, iPods or other MP3 players, laser pointers, portable video game players, laptop computers, personal digital assistants (PDAs), cameras, and any device that provides a wireless, unfiltered connection to the Internet.

Consequently, the use of any and all Electronic Devices by students during the school day on-campus or during a school sponsored event is strictly prohibited. While students are not prohibited from possessing Electronic Devices, unless otherwise prohibited by law or District policies, rules or procedures, the Electronic Devices must be turned "off" and stored in a student's backpack or purse, locker, or vehicle. Each school principal shall determine the hours during the school day and school-sponsored events during which use of Electronic Devices is prohibited.

Use of Electronic Devices in violation of this policy shall result in the confiscation of the Electronic Device. After the first offense, the student may recover the Electronic Device from the school's administration office at the end of the school day. After the second offense, the student's parent/guardian shall be notified that the student has twice violated this policy and that the parent/guardian must recover the Electronic Device from the school's administration office. After the third offense, the Electronic Device will be confiscated and sent to the Superintendent's Office, after which time the student's parent/guardian must recover the confiscated Electronic Device after a meeting with the Superintendent or his/her designee. A student who violates this policy more than two (2) times during the school year also shall be subject to discipline under District Policy 5130 for engaging in willfully disruptive conduct.

The District shall not be liable or responsible for the loss, damage or misuse of any Electronic Device confiscated from a student at school or during a school-sponsored event.

This policy does not prohibit the use of Electronic Devices on school buses or extracurricular activity buses unless otherwise restricted by District staff responsible for the activity.

**The policy does not prohibit the use of Electronic Devices when used as part of any official instructional activity.**

## **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

### **Excused Absences**

Any student not exempted from compulsory school attendance may be excused for temporary absence resulting from personal illness, illness or death of immediate family member, or any other unusual cause acceptable to the principal or superintendent. The reason for an excused absence must be stated in writing and signed by the parent or other person standing in parental relation to the student. The person discharging the duties of principal's designee for attendance of the school may investigate any case in which an excused absence is requested. Court related absences will be excused only with a statement from a proper legal authority.

If a student has an unexcused absence, he or she will not be eligible to participate in any school activity on the date of the absence.

### **Extortion, Blackmail, or Coercion**

Obtaining money or property by violence or threat of violence or forcing someone to do something against his will by force or threat of force is prohibited and may result in suspension and referral to the local law enforcement authorities. Long term suspension may result.

### **Freedom to Publish, School or Non-School Sponsored Literature & Materials**

Student publications must not contain libel, obscenity or attacks of a personal nature. Solicitations contained in school or non-school sponsored publication shall be governed by district policy 5130 (Distribution of School and Non-School Literature & Materials). School sponsored student newspapers published by students of the school district shall be distributed at times and in places as designated by the school authorities.

### **Freedom of Speech and Assembly**

The use of obscenities or personal attacks is prohibited. All student meetings in school buildings or on school grounds shall function only as part of the formal educational process or as authorized by the principal. There is an appropriate time and place for the expression of opinions and beliefs. Conducting demonstrations which interfere with the operation of the school or classroom is inappropriate and prohibited.

## **Gangs/Unauthorized Group Activity**

Philosophy - The RISD recognizes that a school must create a safe environment in which learning can take place. An individual or group will not be allowed to threaten the safety of others and/or cause disruption to the educational process of the school environment. The term GROUP applies to any and all ethnic backgrounds.

Definition - This policy refers to any individual, group, organization or club which exists without the sponsorship of the school or sponsorship of any sanctioned adult community or civic organization and which has no acceptable social goals. An unauthorized group is a group of two or more people who engage in any of the following activities:

- Restrict others from a certain area or territory
- Has a name; rivals/enemies; and
- Exhibit antisocial behavior - including the commission of illegal acts or acts in violation of disciplinary rules of the RISD.

### **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

1. Dress, Symbols, Signs - The School Board recognizes that, within certain limits, each student's mode of dress and grooming is a manifestation of personal style and individual preference. District personnel have the responsibility of protecting the health and safety of pupils and maintaining proper and appropriate conditions conducive to learning. (Refer to Dress and Appearance)

1. Graffiti- Any group or individual discovered to have been responsible for graffiti on school buildings or property may be suspended for the semester with loss of credit or assigned to an alternative program.

Any student discovered to be with another student at the time the graffiti is applied may be suspended and parent conference required.

Students disciplined for applying or participating in the application of graffiti will be prosecuted to the fullest extent of the law. Parents and students will be held liable for the damage and are responsible for paying any costs of having the damage professionally removed, repaired or replaced. (see also Policy 7300 - Graffiti on School Property)

3. Intimidation/Physical Safety Hazard - No group or individual on or about school property or at any school activity shall:
  - a. Solicit others for membership in any unauthorized group(s).
  - b. Request any person to pay protection or otherwise intimidate or threaten any person.
  - c. Commit any other illegal act or violate school district policies.
  - d. Incite other students to act with physical violence upon any other person.
  - e. Make particular hand gestures to signal unauthorized group affiliation.
  - f. "Stare down" or "mad dog" to challenge or provoke fights.
  - g. Participate in marking or writing on school property.

Depending on extent of violation, students may be suspended long term. Expulsion may be imposed for the commission of certain criminal or violent acts. Students involved in any attack will be prosecuted for the assault to the fullest extent of the law.

- Following 365 day suspension (without firearm involved) student may appeal to the Assistant Superintendent for Instruction at the conclusion of the semester immediately preceding scheduled re-entry date to request readmission at beginning of new semester.
- Following 365 day suspension (with firearm involved) student can appeal only to the Superintendent, based on Federal Guidelines.
- Following expulsion student may appeal to the Assistant Superintendent for Instruction at the end of 365 days for readmission.

## **Grievance Procedure for Complaints Arising Under Section 504**

Section 504 of the Rehabilitation Act of 1973 and District Policy 5130 prohibit discrimination by the District against any student with a qualifying disability. The goal of these grievance procedures is to provide a prompt and equitable resolution of complaints raised by a District student or his/her parents that the District is in violation of Section 504 or District Policy 5130.1

This regulation provides students and their parents with an opportunity to pursue a grievance both informally and formally. While the District encourages students and their parents to resolve complaints at the lowest administrative level as possible, a student and his/her parents are not required to engage in the informal process, described in subpart A., below, prior to engaging in the formal procedures identified in subpart B., below. Students and their parents also have the opportunity to file a complaint with the Office for Civil Rights (“OCR”), described in subpart C., below. If the complaining party files both a grievance with the District and a federal complaint with OCR, OCR will have primary jurisdiction over the claim.

### **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT’D)**

#### **A. Informal Grievance Procedure.**

Any student and his/her parent who believes he or she may have a valid basis for a complaint under Section 504 or District Policy 5130 shall discuss the concern with the building principal. The principal will promptly investigate the complaint and reply to the complainant in writing within ten (10) school days. If this reply is not acceptable to the complainant, he or she may initiate the formal procedures, listed in subpart B., below.

#### **B. Formal Grievance Procedure**

1. Any student or his/her parent of the District may submit the complaint in writing to the Section 504 Coordinator (Assistant Superintendent for Instruction) within ten (10) school days of the receipt of the written reply to the informal grievance.

2. The Section 504 Coordinator, upon receiving such a written complaint, shall immediately undertake a thorough and impartial investigation. The Section 504 Coordinator will review with the building principal, or other appropriate persons, the allegations contained in the complaint. The complaining party may submit evidence and identify witnesses. Within ten (10) school days after receiving the complaint, the Section 504 Coordinator shall determine the action to be taken, if any, and report in writing the findings and the resolution to the complaining party.

3. If the complaining party is dissatisfied with the decision of the Section 504 Coordinator, he or she may appeal the decision in writing to the Superintendent within ten (10) school days after receipt of the Section 504 Coordinator’s response. If practical, the Superintendent, or his/her designee, may meet with all parties involved, further investigate the allegations contained in the complaint, formulate a conclusion, and respond in writing to the complaining party within ten (10) school days after the receipt of the appeal.

4. If the complaining party remains unsatisfied, he/she may appeal through a signed written statement to the Board within ten (10) school days of his/her receipt of the Superintendent’s response. In an attempt to resolve the grievance, the Board shall conduct an impartial hearing within forty (40) calendar days of the receipt of such an appeal.

During the hearing, the complaining party shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses. The parent/guardian shall provide notice in writing to the Superintendent not less than seven

(7) school days before the scheduled hearing that the parent/guardian will be represented by counsel. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days after this meeting.

### **C. Federal Complaint Procedures**

An individual or organization may file a complaint with the regional Office for Civil Rights in Denver, Colorado. An OCR complaint must be filed, in writing, within 180 days after the alleged discriminatory act or from the time the person becomes aware of the alleged discriminatory act. In certain cases, OCR will consider complaints where more than 180 days have elapsed. Anyone wishing to file a formal complaint with OCR should submit in writing the information requested by the OCR. More information is available at Office for Civil Rights, Federal Office Building, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582, (303) 844-5695.

As a recipient of Federal financial assistance from the U.S. Department of Education, the Roswell Independent School Board is prohibited from discriminating against any qualified student with a disability pursuant to Section 504 of the Rehabilitation Act of 1973.

A "qualified student" is a school-age person who resides within the jurisdiction of the District and has not received a high school diploma or its equivalent.

### **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

A "student with a disability" is one who (1) has a physical or mental impairment that substantially limits one or more of the student's major life activities, (2) has a record of having such an impairment, or (3) is being regarded as having such an impairment.

It also is the responsibility of the District to identify and evaluate students who, within the intent of Section 504, (1) have a physical or mental impairment that substantially limits one or more of the student's major life activities; and (2) needs special services or programs in order to receive the required free appropriate education ("FAPE").

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities in Education Act ("IDEA"). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are provided for under Policy 5130 and its regulations and under federal and state laws and regulations.

#### **Delegation of Authority to Superintendent**

The Board delegates to the Superintendent or his/her designee the authority to develop procedures, as necessary, to fully implement this Policy.

The Superintendent also shall designate at least one employee to coordinate the District's efforts to comply with Section 504 ("Section 504 Coordinator"). The name and contact information of the Section 504 Coordinator shall be identified in the procedures and published in each school's handbook.

#### **Notice**

Copies of this policy and the implementing procedures shall be provided annually to each parent/legal guardian of a student currently enrolled or attending a school in the District. The policy, procedures, and required notices to parents/legal guardians also shall be provided by an effective means of communication to parents who have a primary or home language other than English.

### **Hazing (Prohibiting and Preventing)**

The Roswell Independent School District shall not permit hazing as a condition of membership in, or initiation into, any class, team, group or organization sponsored by, or permitted to operate under, the auspices of a school of the district.

**A. Definition of Hazing**

“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment.

**B. Reporting Possible Violations**

1. Any student who believes he/she has been the victim of hazing by another student or by an employee of the district shall immediately report any alleged acts which may constitute hazing to any employee of the district.
2. Any district employee who receives any written or verbal report of possible hazing of a student, regardless of the source of the report, or who himself/herself observes instances of possible hazing shall notify his/her immediate supervisor or the principal, or his/her designees, of the school where the employee works.

**5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

3. District employees who witness acts of possible hazing by students shall have an affirmative duty and the authority to act in a reasonable manner within the disciplinary standards of conduct established for district employees. The district employee shall attempt to promptly stop such conduct by, including, but not limited to:
  - a. taking custody of the alleged student-violator
  - b. removing the student from the educational environment for the purpose of immediately transferring custody of the student to the principal, or his/her designee, for further evaluation and corrective action
4. No district employee shall retaliate against any person for good faith reporting, or participating in the investigation of an alleged violation of this procedural directive.
5. District employees or students who knowingly give false reports or information related to a complaint or report of an alleged act of hazing shall be subject to corrective action.

**C. Investigation Full and Complete**

1. All reports of misconduct in violation of this Policy shall be promptly investigated by the school principal, the Superintendent, or his/her designee.
2. Principals who receive complaints of hazing shall promptly investigate such complaints. If a report of student hazing is received during a school-sponsored trip or event, the head coach, sponsor, administrator, or other employee of the District responsible for the students during the school-sponsored trip, shall conduct a preliminary investigation, including interviewing each individual student separately involved in the alleged hazing incident, separately.
  - a. If the preliminary investigation substantiates the alleged misconduct, the following steps will be taken:
    1. The head coach, sponsor, administrator or other employee of the District who conducted the investigation will inform the student’s principal and/or the Athletic Director and the



Superintendent or the Superintendent's designee of the investigation and the preliminary finding.

2. The student alleged in violation of the hazing policy will be allowed to participate in the immediate singular school-sponsored event, and his/her parent(s) will be contacted.
3. A parent meeting will be scheduled as soon as possible.
4. At the conclusion of the event, additional investigation will be conducted and additional corrective action may be taken, if necessary.
5. No corrective actions will be taken until a complete, full investigation has been completed and meeting with the student, the student's parents, and administration have been conducted at the student(s) school campus.

#### **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

- b. If the Administrator, head coach, sponsor, or other employee of the District responsible for the students during the school-sponsored trip is notified of the alleged hazing incident an initial investigation prior to the event will be conducted. The student(s) accused of hazing will be allowed to participate in the immediate singular competition. At the conclusion of the immediate singular completion, a full investigation into the alleged hazing incident shall be conducted, and if the allegations are substantiated, the student(s) shall face correction action.
- c. If the full investigation does not support the allegation of misconduct, the student will be allowed to continue to participate in the school sponsored events. If the full investigation substantiates the alleged misconduct, the student will face disciplinary consequences at that time.
3. The full investigation will include a written report documenting statements of those interviewed including, but not limited to, audio/video recordings and transcriptions. The report will be reviewed by the principal, the Director of Athletics, and the Superintendent or his/her designee for the purpose of determining if a violation of this policy occurred prior to any corrective actions being taken.
4. All inquiries from the media will be directed to the Superintendent or his/her designee to ensure student privacy rights are protected.

#### **D. Corrective Action**

In assessing the existence of a violation of this policy by students and the appropriate corrective action to be imposed, the principal or designee may 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 procedural directive on the part of the violator. Disciplinary action shall comply with RISD policies regarding discipline.

#### **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.

### **In-School Suspension**

For short term suspension the principal may choose to assign the student to an in-school suspension or Saturday School (high school only). When appropriate, alternatives to suspension must be considered before a student is recommended for long term suspension

### **Make-Up Work (Revised 8/09)**

Students who are absent from school are responsible for collecting missed assignments on the first day following the absence and submitting make-up work in no more than twice the number of days missed. Students who complete make-up work within the allocated time will be allowed to make up one hundred percent of the work and grace missed including “participation” grades. Student’s grades will in no way be reduced, except in the case of poor quality or late make-up work.

In such case, make-up work must be graded and the grade explained to the student by the teacher. Credit will be given for all work completed including whole or portions of assignments/projects.

### **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT’D)**

#### **Enforcement of Attendance Law—Habitual Truants—Penalty. (Section 3. 22-12-7 NMSA)**

- A. Each local school board and each governing authority of a private school shall initiate the enforcement of the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools.
- B. To initiate enforcement of the provisions of the Compulsory School Attendance Law against an habitual truant, a local school board or governing authority of a private school or its authorized representatives shall give written notice of the habitual truancy of certified mail to or by personal service on the parent of the student subject to and in noncompliance with the provisions of the Compulsory School Attendance Law.
- C. If unexcused absences continue after written notice of habitual truancy as provided in Subsection B of this section has occurred, the student shall be reported to the probation services office of the judicial district where the student resides for an investigation as to whether the student shall be considered to be a neglected child or a child in a family in need of services because of habitual truancy and thus subject to the provisions of the Children’s Code. In addition to any other disposition, the children’s court may order the habitual truant’s driving privileges to be suspended for a specified time not to exceed ninety days on the first finding of habitual truancy and not to exceed one year for a subsequent find of habitual truancy.
- D. If, after review by the juvenile probation office where the student resides, a determination and finding is made that the habitual truancy by the student may have been caused by the parent of the student, then the matter will be referred by the juvenile probation office to the district attorney’s office or any law enforcement agency having jurisdiction for appropriate investigation and filing of charges allowed under the Compulsory School Attendance Law. Charges against the parent may be filed in metropolitan court, magistrate court or district court.
- E. A parent of the student who, after receiving written notice as provided in Subsection B of this section and after the matter has been reviewed in accordance with Subsection D of this section, knowingly allows the student to continue to violate the Compulsory School Attendance Law shall be guilty of a petty misdemeanor. Upon the first conviction, a fine of not less than twenty-five dollars (\$25) or more than one hundred dollars (\$100) may be imposed, or the parent of the student may be ordered to perform community service. If violations of the Compulsory School Attendance Law continue, upon the second and subsequent convictions, the parent of the student who knowingly allows the student to continue to violate the Compulsory School Attendance Law shall be guilty of a petty misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for a definite term not to exceed six months or both.

### **Off-Campus Behavior**

Any behavior that may be construed as being disruptive or potentially disruptive to the school setting and which occurs off the school campus during the normal school day or in normal to and from travel is prohibited. Such behavior includes

fighting, use and/or sale of alcoholic beverages or illegal drugs (substances defined as a "controlled substance"), verbal abuse and any other act listed elsewhere in this regulation as being a criminal or prohibited act. Punishment by school authorities for such acts will be the same as if the act had been committed on school grounds.

## **Off-Campus Events**

Students at school sponsored, off-campus events shall be governed by school district rules and regulations and are subject to the authority of school district personnel. Failure to obey the rules and regulations and/or failure to obey the lawful instructions of school district officials may result in loss of eligibility to attend school sponsored, off-campus events. Students currently serving out-of-school suspensions may not be on any RISD campus or attend any RISD activity.

## **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

### **Parent Notification (Revised 8/12)**

**Early Identification—Unexcused Absences and Truancy:** Section 4. 22-12-8 NMSA 1978. – Notwithstanding the provisions of Section 22-12-7 NMSA 1978, if a student is in need of early intervention, the school district shall contact the student's parent to inform the parent that the student is in need of early intervention from school and to discuss possible interventions. The provisions of this section do not apply to any absence if the parent has contacted the school to explain the absence. The parent/legal guardian must contact the school within twenty four hours of the student's absence. If a student is absent from school, the school will attempt to contact the parent by telephone to verify the student's absence. Mail contact will be utilized when students are absent 3 or more consecutive days

### **Prohibiting Violence, Intimidation, and Hostile or Offensive Conduct**

The Roswell Independent School District believes that providing an educational environment for all students, employees, volunteers, and families, free from harassment, intimidation, or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse. Therefore, harassment, intimidation or bullying are forms of dangerous and disrespectful behavior that will not be tolerated.

### **Sexual Harassment of Students**

The effective education of our students requires a school environment in which students feel safe and secure. Sexual harassment of students, whether by employees or by other students, impairs the proper atmosphere for education, and often creates an inequitable climate for learning.

In addition to its negative effect upon education, sexual harassment negatively affects the characters of young people, both the harassers and the victims of harassment. That is particularly so in view of the special vulnerability of students at different stages of their personal development. It is clear that sexual harassment, whether verbal or by other conduct, can create stress and distraction, and upsetting feelings of fear, inferiority, or anger, which are detrimental to the education of young people. Toleration of sexual harassment also sends the wrong message regarding appropriate social conduct. Sexual harassment is inappropriate behavior in school because it is inappropriate behavior in society.

It is also illegal. Title IX of the Federal Education Amendments of 1972 provides that schools must provide an educational program that offers equal educational benefits for boys and girls. Decisions of the United States Supreme Court and the United States Department of Education make clear that sexual harassment of student by employees or by other students may violate the law.

Inquiries or complaints regarding discrimination in violation of this policy should be directed to: Title IX Coordinator, Director of Activities, Roswell Independent School District, 300 N. Kentucky Avenue, Roswell, NM 88201 and/or Section 504

Coordinator, Assistant Superintendent for Instruction, Roswell Independent School District, 300 N. Kentucky Avenue, Roswell, NM 88201.

The Board of Education therefore forbids harassment of any student on the basis of sex. The Board will not tolerate sexual harassment of students by employees or by other students.

The intent of this policy regarding conduct among students requires some further discussion. Much of the conduct described in the detailed specification of this policy—including sexually-oriented name-calling, graffiti, teasing, etc.—clearly has no place in school, and would not be welcomed by anyone. Requests for dates or other age-appropriate expressions of interest or affection, however, are not characteristically inappropriate, and can even contribute to the socialization process that is a large part of education. Accordingly, requests for dates and other age-appropriate expressions of interest between students is not sexual harassment unless the student to whom such requests or expressions are directed has indicated that they are unwelcome. When a student has made reasonably clear that he or she does not welcome the requests or attention by the other student, it is sexual harassment for the other student to continue to make such requests or give such attention. In other words, you do have to take “No” for an answer.

### **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

Verbal or physical conduct of a sexual nature by one student or another may constitute sexual harassment when the allegedly harassed student has indicated, by his or her conduct, that the conduct is unwelcome, or when the conduct, by its nature, is clearly unwelcome or inappropriate.

A student who has initially welcomed conduct of a sexual nature by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

It is the express policy of the Board to encourage students who feel they have been sexually harassed by a school employee or by another student or students to report such claims. Any student who believes he or she has been sexually harassed by another student or other students, may report to a teacher, counselor, assistant principal or principal.

If a student who believes he or she has been sexually harassed by another student or students, and who feels uncertain about who to tell, or feels uncomfortable telling any counselor or principal, the students should tell his or her parent(s) about the problem, and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.

Reporting by employees is mandatory. Any employee who receives any report of sexual harassment of a student, whether the report is given by a student, a parent, or another employee, must notify his or her immediate supervisor or the

Superintendent of such report, regardless of whether the employee receiving the report considers the report credible or significant.

All reports of sexual harassment of students will be appropriately and promptly investigated by the Superintendent or his/her designee. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, the age of the child, and the context in which the alleged conduct occurred will be investigated.

Any employee found to have engaged in conduct of a sexual nature with a student shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to any applicable procedural requirements.

Any student found to have engaged in sexual harassment of a student shall be subject to discipline, including, but not limited to, suspension or expulsion, subject to any applicable procedural requirements.

## **Technology**

Students shall not use any internet or other communication device to intimidate, bully, harass, or embarrass other students or staff members. Students who engage in such activity on school grounds or who engage in such activity off campus and create a material disruption of school operations shall be subject to penalties for bullying and harassment contained in the student handbook, as well as possible criminal penalties.

## **Threats of Violence**

- A. Threats of violence toward other students, school staff, or facilities generally are prohibited and may result in suspension or expulsion, regardless of whether the student has previously engage in such conduct.
- B. All employees and students are required to report evidence of threats of violence to their principal. Such reports shall be investigated by the principal or designee. All such reports shall be documented by the principal.
- C. In cases of threats that may constitute a violation of criminal law, the principal, Superintendent or designee shall notify law enforcement authorities.
- D. Threats of violence toward other students, school staff members, or school facilities are prohibited and may result in suspension or expulsion, regardless of whether the student has engaged in such conduct previously.
- E. All employees and students are required to report evidence of threats of violence to their building principal, or to the Superintendent. Such reports shall be investigated by the building principal or his/her designee.
- F. All such reports shall be documented by the Superintendent or his/her designee, and, in regard to any that are regarded as not sufficiently credible to warrant investigation, all reasons and bases for such conclusion shall be stated in the documentation.
- G. In cases of threats that may constitute a violation of the criminal law, the Superintendent shall notify law enforcement authorities.
- H. Students who are charged with violations of this policy shall be placed on short-term suspension pending investigation of the charge. Those found through a due process hearing to have violated this policy shall be subject to discipline including long-term suspension (temporary or indefinite removal from school) or expulsion (permanent removal from school).
- I. As a condition or conditions of a student's return to school from short-term or long-term suspension for a violation of this policy, the Superintendent or his/her designee shall consider, and may impose, the following, individually or in any combination, as well as other conditions deemed necessary or appropriate:
  - 1. That the parent of such student shall provide a documented opinion by a licensed psychologist, psychiatrist or clinical social worker that the student does not represent a threat of harm to himself-herself or to others, and, for a period to be determined by the Superintendent or his/her designee, that the parents provide (at the parent's expense) regular documented updates of such opinion;
  - 2. That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, a parent shall check the student for weapons at home, and shall accompany the student to the school office upon arrival at school at the beginning of each school day, at which time the student shall be searched for weapons or other contraband by school personnel;
  - 3. That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, the student shall be prohibited from leaving campus during the school day, and that during any non-class time, the student shall remain in a monitored, segregated environment;
  - 4. That the parent of such student agree that, for a period to be determined by the Superintendent or his/her designee, the student shall be transported home from school by the parent/or designee at the end of the school day;
  - 5. That the parent agree that for a period to be determined by the Superintendent or his/her designee, the student shall not be permitted to participate in any extracurricular activities, or school functions except classroom instruction during the school day; and

- 6. That the parent agree that, for a period to be determined by the Superintendent or his/her designee, the student will not be permitted to enter or be present on school premises except during the regular school day, and that the parent will enforce such prohibition by appropriate means.
- J. In permitting a student to return to school from a short term or long term suspension, conditions imposed by the Superintendent or his/her designee, including those set forth in paragraph 6, shall be incorporated into a written agreement to be signed by the parents or parent of the student in question.
- K. In permitting a student to return to school from a short term or long term suspension, the Superintendent or his or her designee shall document the reasons and bases for permitting such return, and such documentation shall include reasons and bases for imposing or not imposing the conditions set forth in paragraph 6.

**5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

- L. Any student who is accused of committing a felony may be suspended indefinitely when she/he has been charged, indicted, arrested; or a petition filed alleging delinquency. Suspension will occur if the Hearing Authority or administrator believes the student in question poses an imminent danger or threat to other students or staff within the school, or if the student's presence at school would disrupt the educational process. The length of suspension will be at the discretion of the administrator. The administrator or designee will meet with the parent/guardian to determine the educational program of the suspended pupil pending the outcome of legal action.

**Title IX NON-DISCRIMINATION POLICY**

Harassment policies as set forth in Policy No. 3145 (employees) and Board of Education Policy No. 5130 (students). Inquiries regarding the Sexual Harassment policy should be directed to:

**FOR STUDENTS**

Title IX Coordinator  
 Director of Activities  
 Roswell Independent School District  
 300 N. Kentucky Avenue  
 Roswell, NM 88201  
 (575) 627-2515

**FOR EMPLOYEES**

Assistant Superintendent for Human Resources  
 Roswell Independent School District  
 300 N. Kentucky Avenue  
 Roswell, NM 88201  
 (575) 627-2518

**Grievance Procedures**

Any student or employee of the District, who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any district education program or activity on the basis of sex in violation of this policy, may file a written complaint with the Title IX Coordinator. The Title IX Coordinator will cause a review of the written complaint to be conducted and a written response mailed to complainant within 30 calendar days of receipt of the complaint. The Title IX Coordinator shall provide a copy of the written complaint and the response to the Superintendent of the District and to each member of the Board of Education.

If the complainant is not satisfied with the response of the Title IX Coordinator, he or she may submit a written appeal within 15 calendar days of receipt of the response to the Title IX Grievance Hearing Committee indicating with particularity the nature of disagreement with the response from the Title IX Coordinator and his or her reasons underlying such disagreement. The Title IX Grievance Hearing Committee shall schedule a hearing within 30 calendar days of receipt of the written appeal to review the facts underlying the disagreement and to allow the complainant to present evidence and witnesses regarding his or her disagreement with the response of the Title IX Coordinator. The Title IX Grievance Hearing Committee shall provide the complainant with a minimum of 10-calendar days notice of the

hearing date. The Title IX Grievance Hearing Committee shall issue a written decision and mail it to complainant within 15 calendar days of the completion of the hearing. The Title IX Coordinator shall provide a copy of the written decision to each member of the Board of Education and the Superintendent.

If the complainant is not satisfied with the decision of the Title IX Grievance Hearing Committee, he or she may submit a written appeal to the Board of Education within five calendar days of receipt of the committee's decision indicating with particularity the nature of disagreement with the decision of the Title IX Grievance Hearing Committee and his or her reasons underlying such disagreement. The Board of Education shall consider the appeal at its next regularly scheduled meeting following receipt of the complainant's appeal. At the Board of Education's sole discretion, it may hear additional evidence regarding the facts underlying the disagreement and may open or close the meeting to the general public as permitted by the New Mexico Open Meetings Act. The Board of Education shall issue its decision and mail it to complainant within 15 calendar days of its meeting.

### **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

#### **Tobacco**

The use and/or possession of any tobacco products or paraphernalia used for the ingestion/inhalation/application of nicotine (cigarettes, electronic cigarettes, chewing tobacco, snuff, pipe tobacco, etc.) on school premises or at school sponsored activities is prohibited. Should a violation occur, the following consequences shall result:

First Offense - Warning; parent notification; student may be assigned detention; at elementary level, counseling and/or use of educational materials from American Cancer Society, loss of privileges.

Second and Subsequent Offense - Parent conference and further disciplinary measures which may include, but not be limited to, after school detention/work detail/Saturday School (high school only)/In-School Suspension or Out-of-School Suspension; at elementary level, more in-depth counseling and/or use of educational materials from American Cancer Society; one day out-of-school suspension (one day additional for each offense: Example: Third offense = 2 days Out-of-School Suspension, Fourth Offense = 3 days Out -of-School Suspension.

#### **Vandalism**

The RISD Board of Education recognizes the community's support of safe, clean, and well maintained school and the importance of school facilities in the educational mission. Thus, RISD will not tolerate any intentional acts defacing, damaging, destroying or otherwise creating maintenance obligations for any RISD building or facility. For students who participate in any such acts, the District may consider the full range of disciplinary consequences, including exclusion from extra-curricular activities, including but not limited to participation in award/graduation ceremonies, as well as suspension or expulsion from school. The District also reserves the right to seek civil damages for any costs created by such vandalism.

A school administrator, teacher or other school employee who observes or has direct knowledge of an act of vandalism to public school property shall file an incident report describing the incident. Failure of school employees to report acts of vandalism shall result in disciplinary action.

Notice of this policy shall be made each year, including each building principal.

Reference: 22-10A-33NMSA (1978)

#### **Verbal Abuse**

Verbal abuse or threatening action directed against another student or a school staff member is prohibited and may result in suspension or expulsion.

#### **Violence on School Grounds**

School authorities shall pursue any administrative action deemed appropriate for incidences of school violence. The pursuit of school administrative procedures is not considered a substitute or an alternative to law enforcement intervention.

Whenever violations of criminal law occur, school personnel will notify the appropriate law enforcement agency (refer to policy 5350).

First Offense - the mid or high school student will be suspended from school for up to five (5) days and a parent/legal guardian conference is required before the student is readmitted to school. The elementary student may be suspended up to 5 days. The student and parent will be requested to sign a behavioral contract.

1. Students will be allowed to make up work missed during their suspension providing assigned disciplinary sanctions are completed. Every attempt will be made to mediate the situation between the students.
2. Possession or use of a firearm shall, at a minimum, result in suspension for not less than one calendar year (365 days), PROVIDED, that the Superintendent or the Board of Education may modify such penalty in appropriate cases at their discretion. Expulsion may be imposed.
3. Possession or use of a weapon may result in suspension. Expulsion may be imposed.
4. Any physical or verbal assault on a staff member may result in a long term suspension or expulsion.
5. Long-term suspension for a first offense may be administered if the violence of the incident, injury involved, or safety of other students warrants such.

### **5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT'D)**

Second Offense - The mid or high school student will be suspended from school for the remainder of the semester with loss of credit from this district. If a secondary student has been suspended for violation of this policy during the first semester, any violation in the second semester will result in suspension for the remainder of the academic year with loss of credit.

The elementary student will be suspended up to 5 days. Subsequent violations by elementary students will result in additional disciplinary sanctions as determined by the building principal.

Students with Disabilities: Any student who brings a firearm to a school or a school sponsored activity shall, in addition to penalties imposed under School Board policy, be referred to appropriate law enforcement authorities for prosecution. This policy shall be interpreted in a manner consistent with the Individuals with Disabilities Education Act (IDEA).

In accordance with the provisions of 20 U.S.C. 1415e(3)(B) of the IDEA, a child with a disability who is determined to have brought a firearm to a school under the jurisdiction of the School Board may be placed in an interim alternative educational setting for not more than forty-five days as specified by the IEP team.

If the parent or legal guardian of a child with a disability requests a due process hearing, the child shall remain in the alternative educational setting during the pendency of such proceedings, unless the parents and school officials agree otherwise.

## **Weapons**

The presence of weapons in school not only creates unacceptable risks of injury or death, but also creates a climate that undermines the educational purposes of the schools. Accordingly, it is the policy of the Board of Education to forbid the possession, custody, and use of weapons by unauthorized persons in or around school property. In furtherance of this purpose, it is every student's duty to ensure that he or she does not possess weapons at school. This duty extends to the responsibility to ensure that all of a student's possessions are free of weapons at school. This includes vehicles driven onto school property regardless of ownership of the vehicle. This policy is enacted to implement the requirements of the federal Gun-Free Schools Act, 20 U.S.C. §7151 (a) (1), and it is the intention of the Board that it be interpreted to conform to provision of applicable federal and state law.

### **A. Definitions:**



1. **Weapon:** For purposes of this policy, a “weapon” is any firearm, any knife, any explosive device (e.g., fireworks, stink-bombs), or any other objects (even if manufactured for a nonviolent purpose), that has a potentially violent use, or any “look-a-like” object that resembles an object that has a potentially violent use, if, under the surrounding circumstances, the purpose of keeping or carrying the object is for use, or threat of use, as a weapon.
2. **Firearm:** For purposes of this policy, and for purposes of compliance with the federal Gun-Free Schools Act, a “firearm” is defined as any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive: the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device.

**B. Enforcement**

1. This policy shall be enforced according to the Board’s Student Search and Seizure Policy. Disciplinary actions pursuant to this policy shall follow the procedures prescribed by the State Board of Education Regulation Section 6.11.2.1, as amended, and the policies of the district.
2. In addition to penalties imposed by Board Policy, the District may, after consideration of the surrounding circumstances, refer to the appropriate law enforcement authority any student who brings a weapon to a school or school-sponsored activity. Any student who brings a firearm to a school-sponsored activity will be referred to the appropriate law enforcement authority.

**5130 RIGHTS, RESPONSIBILITIES & LIMITATIONS OF STUDENTS (CONT’D)**

**C. Penalties for Violations:**

1. Any student found to be in violation of this policy shall be subject to discipline, including short-term in or out of school suspension not to exceed ten days, long-term suspension, and expulsion.
2. In compliance with the federal and state Gun Free Schools Acts, any student found to be in violation of this policy due to a knowing possession of a firearm, as defined in this policy, shall, at a minimum, be expelled from school for a period of not less than one year, provided that the Superintendent or the Board of Education may modify such penalty in appropriate cases at their discretion.
3. This policy shall be interpreted in a manner consistent with the Individuals with Disabilities Education Act (IDEA).
  - a. In accordance with the provisions of 20 U.S.C. § 1415e (3) (B) of the IDEA, a child with a disability who is determined to have brought a weapon to school under the jurisdiction of the School Board may be placed in an interim alternative educational setting as specified by the IEP team.
  - b. If the parent or guardian requests a due process hearing, the child shall remain in the alternative educational setting during the pendency of such proceedings, unless the parents and school officials agree otherwise

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### **5131 POLICY FOR EDUCATION OF HOMELESS STUDENTS: DISPUTE RESOLUTION**

The District is committed to ensuring that homeless students have equal access to the same free, appropriate public education and services, including public preschool education, as provided to other children and youth in the District in accordance to the provisions of the McKinney-Vento Homeless Education Act, 42 U.S.C. § 11431 *et seq.*

#### **Definitions.**

“Homeless student” shall have the same meaning as the term “homeless children and youths,” defined by 42 U.S.C. § 11434a(2) as:

Individuals who lack a fixed, regular, and adequate nighttime residence or an individual who has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

This definition includes:

- (1) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or