Parent & Student Handbook

THE DISTRICT of Bernalillo Public Schools 2025-2026 SY

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THE DISTRICT of Bernalillo Public Schools Non-Discrimination Statement

THE DISTRICT of Bernalillo Public School district does not discriminate nor condone discrimination by students, employees, or third parties on the basis of ethnic identity, religion, race, color, national origin, sex, gender identity, sexual orientation, HIV status, mental or physical disability, marital status, or pregnancy in any program or activity of, or sponsored by, the school district and provides equal access to the Boy Scouts and other designated youth groups. To file a complaint, go to: https://www.bernalillo- schools.org/domain/4795. The following contacts have been designated to handle inquiries regarding the nondiscrimination policies:

Equal Opportunity Services and Title IX
Dr. Eric W. James
560 S. Camino Del Pueblo
Bernalillo, NM 87004
(505) 404-5717

Family Educational Rights and Privacy Act (FERPA)

FERPA protects the educational records of students and provides parents and eligible students with the right to request a change in students' records. Schools retain the right to disclose pertinent information to parties that have a legitimate interest in the records of the individual.

Protection of Pupil Rights Amendment (PPRA)

Parents have the right of inspection of any instructional materials that may be involved in the evaluation, surveying or analysis funded by the United States Department of Education (ED) in which their children are involved. Schools and contractors must also obtain written parental consent before minor students are allowed to participate in any ED funded survey analysis for evaluations regarding information concerning:

1. *Political affiliations*
2. Mental and psychological problem
3. Sex behavior and attitudes
4. Illegal, anti-social, self-incriminating, and demeaning behavior
5. Critical appraisals of individuals with whom respondents have close family relationships
6. Legally recognized privileged relationships such as those of lawyers or clergy
7. Income (other than required for eligibility of federal programs)

If you believe these rights under PRPA have been violated, you may file a complaint with PED by writing to the Family Policy Compliance Office. Complaints must contain specific allegations of fact providing reasonable cause to believe that a violation of PRPA occurred.

THE DISTRICT of Bernalillo Public Schools
Superintendent Priorities

At THE DISTRICT of Bernalillo Public Schools, students are immersed in engaging, culturally-sustaining, and meaningful, grade-level work in every class, every day. Students deeply engage with rigorous, standards-aligned lessons and materials to achieve outcomes. Teachers intentionally use each minute in the classroom to maximize learning, nurture curiosity, and make connections to our community and world. At BPS, students own the thinking, continually demonstrating their learning and explaining the "why" behind their reasoning.

Introduction

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

School District Authority and Jurisdiction

The provisions of the Student Handbook are in effect:

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

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

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

THE DISTRICT of Bernalillo Public Schools

THE DISTRICT of Bernalillo Public Schools serves over 2,800 students in the culturally rich Rio Grande Valley, from the communities Algodones, Bernalillo, Cochiti Lake, Cochiti Pueblo, El Llanito, Jemez Pueblo, La Bajada, Placitas, Peña Blanca, San Felipe Pueblo, Sandia Pueblo, Santa Ana Pueblo, Santo Domingo Pueblo, Sile, and Zia Pueblo

The Bernalillo Public School District consists of nine schools. They are:

Algodones Elementary	Pre K -3rd grade	Algodones, NM
Bernalillo Elementary	4th - 6th grade	Bernalillo, NM
Spartan Learning Academy	7th - 8th grade	Bernalillo, NM
Bernalillo High	9th - 12th grade	Bernalillo, NM
Cochiti Elementary	Pre K- 5th grade	Peña Blanca, NM
Cochiti Middle	6th – 8th grade	Peña Blanca, NM
La Escuelita	Pre K School	Bernalillo, NM
Placitas Elementary	K - 6th grade	Placitas, NM
Santo Domingo Elementary	K - 5th grade	Santo Domingo, NM
Santo Domingo Middle	6th – 8th grade	Santo Domingo, NM
W.D. Carroll Elementary	K - 3rd grade	Bernalillo, NM

Students at THE DISTRICT of Bernalillo Public Schools possess a wide range of gifts and talents. They learn in a secure, challenging environment rich with history and diverse cultures. All students are encouraged to develop their skills and abilities, and to attain high levels of academic achievement.

THE DISTRICT of Bernalillo Public Schools Vision, Mission, and Core Values

Vision

Preparing every student for a lifetime of success.

Mission

At THE DISTRICT of Bernalillo Public Schools, students are immersed in engaging, challenging and meaningful learning. All students learn in a safe, inclusive, and equitable environment that validates, respects, and honors each student's unique background and identity. Our students make connections and are prepared for real world challenges; they apply their knowledge to contribute to family, community, our world, and the earth we live on.

Core Values

THE DISTRICT of Bernalillo Public Schools has five core values/commitments to our students, our families, and our staff.

1. Our primary commitment is **student impact**. As a district, we are committed to making decisions that are targeted to student impact. We aspire to make decisions that influence an increase in student outcomes. When our focus is on students, we know that all other elements of our work will fall in place.

2. As a district, we make decisions with **integrity**. We act with uncompromising honesty in our decisions, building trust with responsible actions and honest relationships. Not all decisions will be perfect or even correct, but we own these decisions, we make adjustments, and we strive to improve.

3. We act with a **commitment** to our work. We are passionate about what we do, and we always bring our best. Each day, we know we can do better. We work with a growth mindset that is dedicated to continuous improvement.

4. We use **thoughtful communication** to do our work. We know that we can achieve more through collaboration and feedback, and we seek to empower all our stakeholders to have a voice in our efforts. We seek to challenge assumptions and create clarity around our work.

5. We operate with **servant leadership**. We seek to give more than we take. We look for ways to improve and contribute to the success of others. We understand that it is a privilege to serve the students, families, and staff of our communities.

Goal Areas of THE DISTRICT's Strategic Plan

- Goal 1: High-quality, culturally sustaining learning experiences
- Goal 2: Strong school leadership & educator quality
- Goal 3: College & career readiness for all
- Goal 4: Inclusive, collaborative district culture
- Goal 5: Effective systems & routines

Student Learning

Bernalillo Public Schools serves a uniquely diverse community in which language and culture must be a foundation for improved learning outcomes of all students. By engaging students in high quality, relevant experiences, BPS can connect traditional and historic cultural values to the emerging needs of our students. To fulfill our community values and to serve our students well, we must prioritize quality, culturally relevant learning environments for Hispanic and Native American students to include indigenous language revitalization and dual language programs. This is achieved by offering challenging academic courses and excellent instructional practices that leverage the assets our students bring to the school setting.

Cultural Connections and Communication

THE DISTRICT will actively consult and regularly involve Tribal Officials and parents/guardians of Indian students in the planning and development of education programs. Furthermore, Tribal Officials and parents/guardians of Indigenous students shall be afforded the opportunity to make recommendations concerning: the needs of their children, the ways by which they can assist their children in realizing positive outcomes, and their views on the educational program and its impact on their children.

THE DISTRICT will ensure that strong cultural connections and communications are made with all stakeholders at all levels as measured by feedback received from community meetings, student/ family/ school surveys, sign- in logs, agendas, courses and training. The action steps outlined for this focus area will be monitored quarterly by a subcommittee assigned by the Superintendent. The results will be made public and shared with the BPS community.

The Indian Education program supports the efforts of school districts, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students so that they can meet the same challenging state academic achievement standards as all other students.

The Board shall give tribal officials and parents of Indian students the opportunity to comment on the participation of Indian students on an equal basis in the school program with all other students educated by THE DISTRICT. THE DISTRICT shall disseminate to tribal officials and parents of Indian students any evaluations of education programs assisted with funds provided under Title VII and No Child Left Behind, and any programs that THE DISTRICT plans to initiate or eliminate.

THE DISTRICT will actively consult and regularly involve tribal officials and parents of Indian students in the planning and development of education programs assisted with funds provided under the program and will afford tribal officials and parents of Indian students an opportunity to make recommendations concerning:

- The needs of their children.
- The ways by which they can assist their children in realizing the benefits to be derived from the education programs.
- Present their overall views on the education program in THE DISTRICT, including:
    - The operation of THE DISTRICT's education program.
    - The degree of parental participation allowed.

Innovative Leadership

School leaders who have strong knowledge of and deep connections with communities they serve create school climates where students, staff, and families feel safe, supported, engaged, and accepted. Second only to teachers for student success, strong school leaders build a student culture of high expectations of self and desire to strive towards increased academic performance. Through an atmosphere of open communication, Description empowerment and growth, school leaders are the driving accountability facilitators that guide all instructional staff to their highest

potential, as well as support school sites to achieve shared strategic goals. Through collaborative leadership, there is promotion of community involvement with an understanding of how race, class, gender, culture, socioeconomic status and other identifiers influences family and community participation.

Student/Staff Well Being

THE DISTRICT will ensure that all staff and students are safe through implementation of social and emotional supports, safe facilities and policy and procedures as measured by surveys, student referrals, feedback, site visits and priorities set forth in the Five Year Master Facility Plan. The action steps outlined for this focus area will be monitored quarterly by a subcommittee assigned by the Superintendent. The results will be made public and shared with THE DISTRICT community.

Expectations of Students and Families

Attendance

The regular school attendance of a child of school age is required by state law. Regular school attendance is essential for success in school; therefore, absences shall be excused only for necessary and important reasons. Such reasons include but are not limited to those reasons approved by the school administration such as, illness, bereavement, other family emergencies, and observance of major cultural and religious holidays of the family's faith.

In the event of a necessary absence known in advance, the parent is expected to inform the school; if the absence is caused by an emergency, such as illness, the parent is expected to telephone the school office, if possible. When a student returns to school following an absence, a note of explanation from the parent is required, unless the parent notified the school in advance of the absence.

School administrators are authorized to excuse students from school for necessary and justifiable reasons. Alternate educationally rewarding experiences such as travel, when requested by the parent(s) may be designated as an excused absence if approved by the principal and the assigned schoolwork is completed. See the **New Mexico Attendance for Success Act section of this handbook for more information.**

Achievement

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

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

Social Responsibility

Students are expected to be good members of the community by:

- Respect authority, property, and the rights of others in the community
- Maintain a safe school environment
- Every student is responsible for helping maintain a safe, orderly and educationally focused learning environment. Students are expected to:
    - Attend school every day and be on time for every class.
    - Resolve differences with others in a positive, non-violent way.
    - Remain drug, alcohol and tobacco free.
    - Adhere to the school dress code.
    - Respect school property and the property of others.
    - Respect fellow students and all school staff members.

- Comply with the standards of behavior for their classrooms, their school, and our district.

Parents and Families

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

- Make sure your student(s) attend(s) school, on time, every day.
- Keep your contact information up to date at the school (Please see Appendix E for updating your information).
- Support your student in doing his/her homework and studying at home.
- Make learning a priority.
- Maintain regular communication with your child's teachers, school administrators and other school staff members.
- Stay informed of your child's ongoing scholastic achievement and progress, and advocate for your child's learning needs.
- Attend parent-teacher student-led conferences to discuss your student's progress and how you can support his/her success.

Parent Responsibility

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

Student Rights and Responsibilities

The non-disruptive expression of opinions by students in THE DISTRICT of Bernalillo Public Schools, or by non-students near the schools, is protected by the free-speech guarantees of the United States and the New Mexico Constitutions; however, a person's right of expression may be restrained when, because of the time, place or manner of the speech or expressive conduct, it infringes on the school's compelling interest in maintaining undisrupted school sessions conducive to learning.

The primary liberties in a student's life have to do with the process of inquiry and learning, or acquiring and imparting knowledge, and of exchanging ideas. This process requires that students have the right to express opinions, to take stands, and to support causes, publicly and privately. There should be no interference in the schools with these liberties, or with the students' access to or expression of controversial points of view, except as provided below:

Bulletin Boards

School authorities may restrict the use of certain bulletin boards to school announcements. Bulletin board space shall be provided for the use of students and student organizations, including a reasonable area for notices relating to out-of-school activities or matters or general interest to students. The following general limitations on posting may be applied:

- School authorities shall prohibit material which is obscene according to current legal definitions, which are libelous, or which inflames or incites students so as to create a clear and present danger of the commission of unlawful acts or of physical disruption to the orderly operations of the school.
- Identification shall be required on any posted notice of the students or student group issuing the notification.
- The school shall require that notices or other communications be dated before posting and that such material be removed after a prescribed reasonable time to assure full access to bulletin boards.

Distribution of Printed Material and Circulation of Petitions

Students shall be free to distribute handbills, leaflets, and other printed materials and to collect signatures on petitions concerning either school or out-of- school issues, whether such materials are produced within or outside the school. The following limitations will be applied:

- The time of such activity shall be limited to periods before school begins, after dismissal, and during breakfast break or lunch time, if such limitation is necessary to prevent interference with the school program.
- The place of such activity shall be reasonably restricted to permit the normal flow of traffic within the school and at exterior doors.
- The manner of conducting such activity shall be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining signatures on petitions. The danger of littering is insufficient grounds for limiting the right of students to distribute printed materials.
- The school shall require that all printed matter and petitions distributed or circulated on school property bear the name of the sponsoring organization or individual.

In case of petitions presented by students to the school authorities, students shall have the right to have their petitions considered and to receive an authoritative reply.

In imposing limitations on student expression for any reason under any of the foregoing provisions, the school must ensure that its rules are applied on a non-discriminatory basis and in a manner designed to assure freedom of expression to students. Any student or student group deprived of freedom of expression under any of these provisions shall have the right to request a hearing to determine whether such deprivation is justified under these rules. As soon as possible, such a hearing must be held before a committee, which will include representatives of the faculty and the student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of the policy in question. At such hearings, the school shall have the burden of justifying its action.

Equal Education Opportunities

The right of a student to participate fully in classroom instruction shall not be abridged or impaired because of race, color, religion, sex, sexual orientation, age, national origin, and disability, or any other reason not related to the student's individual capabilities.

The right of a student to participate in extracurricular activities shall be dependent only upon he/she maintaining the minimum academic and behavioral standards established by the Board, and his/her individual ability in the extracurricular activity.

Student Government

The organization of student councils in all schools is encouraged.

Student government is expected to be "of the students, by the students, for the students," representing the students in the school in communications with the administration and in the organization of student activities.

Members of student councils are to be elected democratically. The rights and responsibilities of the council should be clearly set forth by each school. Each student council must have a faculty advisor.

Student Conduct

The Superintendent will establish regulations governing the conduct of students in school, traveling to and from school, at school functions, or affecting the school order. In establishing these regulations, the Superintendent may consult with parents, students and staff committees. In addition to compliance with regulations established by the Superintendent, students are expected to obey all rules and regulations adopted by the Board, and to obey any order given by a member of the faculty or staff relating to school activities.

A student shall be defined as any person who is enrolled in an educational program provided by or approved by THE

DISTRICT and carried on in premises owned or controlled by THE DISTRICT.

Students shall not engage in improper behavior, including but not limited to the following:

- Any conduct intended to obstruct, disrupt, or interfere with teaching, research, service, administrative or disciplinary functions, or any activity sponsored or approved by the Board.
- Physical abuse of or threat of harm to any person on District owned or controlled property or at District sponsored or supervised functions.
- Damage or threat of damage to property of THE DISTRICT, regardless of the location, or to property of a member of the community or a visitor to the school, when such property is located on District controlled premises.
- Forceful or unauthorized entry to or occupation of District facilities, including both buildings and grounds.
- The use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs (or related paraphernalia) is prohibited on District property or at school-sponsored functions.
- Conduct or speech that violates commonly accepted standards of THE DISTRICT and that, under the circumstances, has no redeeming social value. Failure to comply with the lawful directions of District officials or any other law enforcement officers acting in performance of their duties, and failure to identify themselves to such officials or officers when lawfully requested to do so.
- Violation of District rules and regulations.
- Engaging in any conduct constituting a breach of any federal, state, or city law or duly adopted policy of the Board.
- Carrying or possessing a weapon on school grounds.

In addition to the general rules set forth above, students shall be expected to obey all policies and regulations focusing on student conduct adopted by the Board. Students shall not engage in any activities prohibited herein, nor shall they refuse to obey any order given by a member of the faculty or staff who is attempting to maintain public order.

Any student who violates these policies and regulations may be subject to discipline up to expulsion, in addition to other civil and criminal prosecution. These punishments may be in addition to any customary discipline that THE DISTRICT presently dispenses.

Local law enforcement shall be notified by the Superintendent regarding any suspected crime against a person or property that is a serious offense, involves a deadly weapon or dangerous instrument or that could pose a threat of death or serious injury to employees, students or others on school property.
The authority of the Superintendent to establish regulations covering students may be delegated to principals for their individual schools.

Student Dress/Standard of Decency

The Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance except when their choices affect the educational program of the schools or the health and safety of others. The Board authorizes the Superintendent to develop and enforce school regulations prohibiting student dress or grooming practices that:

- Present a hazard to the health or safety of the student or to others in the school.
- Materially interfere with school work, create disorder, or disrupt the educational program.
- Cause excessive wear or damage to school property.
- Prevent students from achieving their educational objectives.
- Represent membership in a gang.
- Obscene language or symbols, or symbols of sex, drugs, or alcohol on clothing are expressly prohibited.

Students shall be suitably attired and groomed during school hours, when attending district- sponsored activities and when representing Bernalillo Public Schools. To maintain a suitable appearance, facial, ear gauges, tongue piercings

and visible tattoos may be subject to covering. Dress shall be modest so that cleavage, midriffs and buttocks are covered. As per the provisions outlined in the Bernalillo Public Schools Board Policy J-236, student dress will be observed.

Student uniforms may be adopted at school sites where the parents of two-thirds of the students vote to approve a school uniform program. Also, school sites may adopt a more rigid dress code.

Care of School Property

Each student is expected to take pride in the physical appearance of the school. Teachers and students should be observant at all times to prevent damage or destruction of school property. Any marking or marring of school property should be reported to the office at once.

No student shall damage or deface any property belonging to THE DISTRICT. The type of discipline that may be imposed for damage to school property by students depends upon the circumstances. A school may withhold the grades, diploma and transcripts of a student responsible for damage or loss of school library or instructional material until the parent, guardian or student has paid for the damage or loss. Students may be subject to discipline for willful damage or destruction of school property.

If any minors engage in conduct that results in damage to District property, THE DISTRICT may institute formal charges for the purpose of having the court order the minors, or their parents, to make full or partial restitution to THE DISTRICT in accordance with law.

Textbooks

Textbooks provided to students are high quality instructional resource materials vetted by NMPED. They are furnished, at public expense, to each student either individually or through the use of class sets. The student is responsible for the proper care and return of all books. Students will be fined for lost or damaged books. Students must check in all books issued and, if the student withdraws from school, all books must be returned before records can be released to the next school.

Bullying and Harassment

THE DISTRICT of Bernalillo Public Schools is committed to providing an environment that is safe, respectful, and free from fear.

Cyberbullying, as defined below, is prohibited when such bullying creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student's educational benefits, opportunities, or performance.

Bullying and harassment are prohibited in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Anti-bullying shall be included as a part of the health education curriculum as set forth in 6.29.6.8 NMAC Definitions:

- "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
- "Bullying" by another student 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 (1) 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 student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.
- "Cyberbullying" means electronic communication that:
    - targets a specific student;
    - is published with the intention that the communication be seen by or disclosed to the targeted student;
    - is in fact seen by or disclosed to the targeted student; and
    - creates or is certain to create a hostile environment on the school campus that is so severe or pervasive

as to substantially interfere with the targeted student's educational benefits, opportunities or performance.

Licensed school employees shall complete training on how to recognize signs that a person is being harassed, bullied or cyberbullied and shall be responsible for reading and understanding this policy.

A licensed school employee who has information about or a reasonable suspicion that a person is being harassed, bullied or cyberbullied shall report immediately to the school principal, an administrator, the superintendent or any of these school officers.

Any school administrator who receives a report of harassment, bullying, or cyberbullying shall take immediate steps to ensure a prompt investigation of the report and shall take prompt disciplinary action in response to these acts upon confirmation of the occurrence through such investigation. Such action may include the least restrictive means necessary to address a hostile environment on the school campus resulting from confirmed harassment, bullying or cyberbullying that include: counseling, mediation, discipline up to expulsion, in addition to other civil and criminal prosecution.

These punishments may be in addition to any customary discipline that THE DISTRICT presently dispenses.

Where disciplinary action is necessary, District policies and regulations pertaining to permissible penalties and procedures shall be followed as in policy.

Instruction

At THE DISTRICT of Bernalillo Public Schools, students are immersed in engaging, culturally-sustaining, and meaningful, grade-level work in every class, every day. Students deeply engage with rigorous, standards-aligned lessons and materials to achieve outcomes. Teachers intentionally use each minute in the classroom to maximize learning, nurture curiosity, and make connections to our community and world. At BPS, students own the thinking, continually demonstrating their learning and explaining the “why” behind their reasoning.

Bilingual Education

At THE DISTRICT we assure to provide extensive opportunities for students to achieve high linguistic proficiency in two languages. Our students will aspire bilingualism and biliteracy through classroom experiences in best practices of teaching and learning where teachers deliver language arts in the home language; including New Mexico cultures in selected aspects of the curriculum; and provide linguistic, cultural, and conceptual development in the home language. For English language learners, at THE DISTRICT, our students advance academically while they continue nurturing self-pride and self-identity in their linguistic and cultural heritage through academic settings expanding academic vocabulary and developing confidence in speaking, reading, writing, and listening in English language.
We appreciate the value and beauty of cultural diversity and we are committed to provide equal education opportunities for all students.

Multi-Layered System of Supports (MLSS)

THE DISTRICT adheres to the three-layered model of student intervention as required by current state regulations at NMAC 6.29.1.9 D.

- Multi-Layered System of Supports (MLSS) is a coordinated and comprehensive framework that uses increasingly intensive evidence-based academic and behavioral supports that address student needs as evidenced by student data.
- It is a model for holistic school improvement that provides progress measures for additional supports such as school-based team structures, training, health and wellness, and family and community engagement.

- MLSS satisfies the definition of "multi-tiered systems of support" contained within the current Every Student Succeeds Act (ESSA). It is important to note that with MLSS, students do not need a referral to SAT for a teacher to increase/ decrease the level of intervention(s).
- In MLSS, students may be referred to a Student Assistant Team (SAT) at any layer if the student is being considered for retention, is on an Academic Improvement Plan (AIP), or if there is a suspected disability.

Student Assistant Team (SAT)

The Student Assistance Team (SAT) shall operate within every building in THE DISTRICT. The purpose of the SAT is to provide academic and/or behavioral referrals for students who are experiencing difficulties in the general education setting. The SAT is made up of the classroom teacher, the building principal or designee, the student's parents and other individuals with the expertise to suggest Special Education testing for the student in need. The SAT will review all the relevant information, data collection, and if appropriate, refer a student for Special Education testing if they meet one of the five criteria:

1. Exited from Special Education
2. Restrained 2 times in 30 days
3. Parent request
4. Obvious disability
5. Possible retention

Students must have been provided all layers of interventions within the Multi-Layered System of Supports (MLSS) and have an accumulation of data for at least nine (9) to eighteen (18) weeks with **no more than 20 absences**. The referral must be agreed upon by the PLC (Professional Learning Community).

Section 504

As per Section 504 of the Rehabilitation Act of 197, public schools must ensure all students, regardless of their qualifying disability, receive required access to a free and appropriate public education (FAPE). Section 504 applies to qualified disabled students that are not eligible for, or are already receiving special education services under IDEA (Tier 3).

In New Mexico, the Student Assistance Team (SAT) is the starting point to consider whether or not a student needs to be evaluated for a Section 504 Plan. Therefore, a student needing consideration for a Section 504 evaluation and plan should be referred to the school's SAT.

Discipline

THE DISTRICT of Bernalillo Public Schools is committed to providing each student with a quality educational program in a safe environment. This requires that the school environment be free of disruptions which interfere with the educational process and violate the rights of others. Students are expected to observe all district and school regulations.

When it is necessary to impose discipline, the school administrator and the teachers will follow a progressive discipline process. This process begins in the classroom. Teachers will handle minor disruptions and classroom management issues. They will contact parents to be sure that parents are aware of the concerns that are seen within the classroom environment. Parents are asked to assist with shaping and correcting behaviors that their child is involved in that are causing distraction. If a student's behavior is beyond that of a minor disruption, or so repetitive that it is becoming a true concern and leading to a loss of instructional time for the class, it will be passed on to administration to handle. There are circumstances where the student may need to be removed from the class and sent to the office to see the principal or designee. When sent to the office, a student should have a Referral Form and/or pass in hand to provide information as to what the concern is. Depending upon the event, the principal may need to conduct an investigation to gather more detailed information. At this point, a student may be sent to an alternate supervised setting, pending the investigation or to be provided with de-escalation time. Alternate supervised settings can include, but are not limited

to: another classroom, ISS, a counselor or nurse, or time with an administrator. There are times when a parent might be called to come and take their child home for the remainder of the day.

The degree of discipline to be imposed by school officials will be in proportion to the severity of the behavior of a particular student and will take into account the student's discipline history, the age of the student and other relevant factors.

A formal Discipline Matrix (**see Appendix F**) will be used to foster respect for the rights of BPS students and staff and provide consistency of consequences. Infractions on this Discipline Matrix are grouped into three levels based upon the severity of the infraction, and repetition of the behavior. Each violation may have from one to three levels of consequences.

In all cases administrative discretion will be exercised.

Title IX - Gender Equity

The Board of Education of THE DISTRICT Bernalillo Public Schools finds that Bernalillo Public Schools must provide equivalence of benefits for all its boys and girls athletics, academics, and training programs as required by Title IX of the Education Amendments of 1972 which prohibits discrimination on the basis of gender by educational that receive federal funds. Bernalillo Public Schools is committed to the philosophy of equal employment, educational programs, activities and services.

All students shall have the opportunity to participate in and receive benefits from all programs or activities including, but not limited to course offerings, graduation requirements, athletics, counseling, employment assistance, extra-curricular and other school related activities.

Discrimination in education or employment because of race, color, national origin, ancestry, religion, creed, sex, age, physical or mental handicap, marital or parental status, pregnancy, sexual orientation or veteran status is prohibited.

Title IX – Grievance Procedure

Any student or employee of THE DISTRICT of Bernalillo Public Schools 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 bases of his or her gender or on the bases of his or her disability may file a verbal or written complaint with the Title IX coordinator.

Steps for Filing a Title IX Grievance

Title IX Complaint Procedures and Forms can be found in Appendix C and D of this handbook.

You can obtain a copy of the Title IX Grievance procedure from the Principal's office of every school, on THE DISTRICT website, or from the Title IX Coordinator.

Student Concerns, Complaints, and Grievances

The Superintendent is directed to establish procedures whereby students may present a complaint or grievance regarding a violation of their constitutional rights, equal access to programs, discrimination, harassment, intimidation, bullying or personal safety provided that:

- The topic is not the subject of disciplinary or other proceedings under other policies and regulations of this District, and
- The procedure shall not apply to any matter for which the method of review is prescribed by law, or the Board of Education is without authority to act.

Bullying as defined below is prohibited in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Anti-bullying shall be included as a part of the health education curriculum as set forth in 6.29.6.8 NMAC.

Students may present a complaint or grievance regarding one (1) or more of the following:

- Violation of the student's constitutional rights.
- Denial of an equal opportunity to participate in any program or activity for which the student qualifies that is not related to the student's individual capabilities.
- Discriminatory treatment on the basis of race, color, religion, sex, age, national origin, or disability.
- Harassment of the student which means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
- Intimidation by another student.
- Intimidation by a district employee.
- Intimidation by a third party.
- Bullying by another student which 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 (1) 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 student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.
- Concern for the student's personal safety.

Complaints may be filed with the school administrator, the administrator's supervisor, or with a professional staff member who will forward it to the school administrator or the administrator's supervisor.

Complaints regarding discrimination on the basis of sex shall be reported to the BPS Title IX Coordinator (See process below). Complaints regarding discrimination based on disability shall be reported to the BPS 504 Coordinator. All other complaints of discrimination shall be made to the Superintendent or the Building/Department Administrator.

General Complaint Process

Complaints may be submitted verbally, in writing (See Appendix D for Complaint Form), or via electronic means. When the initial allegation is submitted in a manner other than on the prescribed form, the particulars of the complaint/grievance must be written on the form as immediately as possible after receipt of the complaint/grievance. The professional staff member may assist the complainant in completing the complaint/grievance form. The complainant should sign and date the form, however, unsigned forms are to be processed in the same manner as a signed form. A professional staff member or support staff member shall report behavior that falls within this policy, on the forms provided, upon becoming aware of such behavior.

Complaints alleging discrimination on the basis of sex shall be immediately referred to the Title IX Coordinator following the Title IX Discrimination Complaint Process below.

When the professional staff member is other than the school administrator, it shall be the responsibility of the staff member to inform a school administrator as soon as feasible, but not later than the next school day following the day that the staff member receives the complaint/grievance. Complaints may be filed directly with the Title IX Coordinator, as well. If the school administrator is included in the allegation, the complaint/grievance shall be transmitted to the next higher administrative supervisor. A failure by the professional staff member to timely inform the school administrator or next higher administrative supervisor or Title IX Coordinator of the allegation may subject the staff member to disciplinary action. The professional staff member shall preserve the confidentiality of the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.

Students should file complaints on their own behalf; however, complaints will be accepted from any source. A parent or guardian may initiate the complaint process on behalf of an elementary school student.

THE DISTRICT takes allegations of mistreatment very seriously and will act on complaints as expeditiously as

possible. Upon receipt of a complaint, THE DISTRICT will conduct a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, THE DISTRICT will initiate an investigation that is thorough, reliable, impartial, prompt and fair. This investigation determines whether THE DISTRICT nondiscrimination policy has been violated. If so, THE DISTRICT will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

THE DISTRICT aims to bring all allegations to a resolution within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the investigator with notice to the parties. In overview, the timeline for resolution begins with notice to a mandated reporter. The investigator then engages in a preliminary inquiry that is typically 1-3 days in duration. From there, the allegation can lead to a formal investigation, which usually starts within days of the preliminary inquiry's conclusion.

Investigations range from days to weeks, depending on the nature and complexity of allegations, with THE DISTRICT commonly aiming for a 10-14 day window to completion. The parties are regularly apprised of the status of the investigation as it unfolds. The process may then end or continue. If it continues, barring necessary extensions, the investigation leads to formal and informal resolution options, which THE DISTRICT aims to complete in 10- 14 days from the end of the investigation.

A failed informal resolution which triggers a formal resolution may require THE DISTRICT to extend this timeline accordingly. From there, appeals may be requested, with a three-day window to file appeal requests once a formal determination is reached, a three-day window to grant or deny the appeal request, and another 7-10 days for a final resolution to be reached. In rare cases where a remanded decision results in a new hearing, the results of that hearing can be appealed once, which would typically add another 10-14 days to final results.

Where deemed necessary by the investigator or administration, law enforcement will be contacted. THE DISTRICT will cooperate fully with law enforcement while executing its own outlined duties in relation to investigating and responding to complaints.

The school administrator or the school administrator's supervisor will respond on behalf of THE DISTRICT to all complaints except those involving possible sex discrimination or disability discrimination, which will be referred to the Title IX Coordinator (see below) or the 504 Coordinator (see below).

The school administrator or the school administrator's supervisor will determine the actions necessary to respond to complaints, except for those that fall under Title IX or Section 504.

The complainant and respondent will be notified of the outcomes of the investigation within five days of its completion.

A complaint/grievance may be withdrawn at any time. Once withdrawn, the process cannot be reopened if the resubmission is longer than thirty (30) calendar days from the date of the occurrence of the alleged incident. False or unproven complaint documentation about harassment, intimidation, or bullying shall not be maintained in the student's primary educational record.

Retaliatory or intimidating acts against any student who has made a complaint under this policy and its corresponding regulations, or against a student who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint.

Student Interrogations, Searches, and Arrests

Any request by law enforcement agencies and/or other government agencies (i.e., Children, Youth & Families Department) to see a student, interview a student or make an arrest at school, must be verified by the principal and/or his designee, to be assured that such request is authorized by that individual's agency (Excepting School Resource

Officers (SRO) acting in the course of their regular duties). The principal will request identification and will verify the legitimate request by the individual's agency by telephone. The principal must notify the Office of the Superintendent each time the police are on campus, with the exception of SROs in the regular execution of their duties.

Interrogations/Interviews

- A parent may be present during an interview except when interviews are conducted pursuant to a report of child abuse and the interview is by a Children, Youth, and Family Department worker or a peace officer.

- Except in child abuse and abandonment situations, should a peace officer appear on campus requesting to interview a student attending the school, the school administrator shall be notified and the school office shall contact the student's parent(s). The parent(s) will be asked if they wish the student to be interviewed and, if so, will be requested to be present or to authorize the interview in their absence.

- If the parent(s) cannot be reached, the peace officer should be requested to contact the parent(s) and make arrangements to question the student at another time and place.

- If a student is taken into custody (arrested), the arresting officer shall be requested to notify the student's parents or guardian. The arresting officer will be asked to complete and sign a "Form for Signature of Arresting Officer." School personnel shall make every reasonable effort to make sure parents have been notified that a student has been taken into custody. The personnel of THE DISTRICT shall cooperate fully with the police.

Searches

School property assigned to a student and a student's person or property while under the authority of the public schools are subject to search, and items found are subject to seizure, in accordance with the requirements below.

- **Notice of Search Policy**. Students shall be given reasonable notice, through distribution of written policies or otherwise, of each school's policy on searches at the beginning of each school year or upon admission for students entering during the school year.

- **Who May Search.** Certificated school personnel, school security personnel and school bus drivers are "authorized persons" to conduct searches when a search is permissible as set forth below. The student's person is not to be touched. Drivers are encouraged to request school employees to search when safety permits delay for that purpose. An authorized person who is conducting a search may request the assistance of some other person, who upon consent becomes an authorized person for the purpose of that search only.

- **When a Search is Permissible.** Unless Local School Board policy provides otherwise, an authorized person (site administrator or designee) may conduct a search when he or she has a reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred. An administrative authority may direct or conduct a search under the same conditions and also when he or she has reasonable cause to believe that a search is necessary to help maintain school discipline.

Conduct of Searches & Witnesses.

The following requirements govern the conduct of permissible searches by authorized persons:

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

locker searches.

- Physical searches of a student's person may be conducted only by an authorized person (site administrator or designee) who is of the same sex as the student, and except when circumstances render it impossible may be conducted only in the presence of another authorized person of the same sex. The extent of the search must be reasonably related to the infraction, and the search must not be excessively intrusive in light of the student's age and sex and the nature of the infraction. Strip searches are inappropriate.

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

Notification of Law Enforcement. Unless a local school board policy provides otherwise, an administrative authority shall have discretion to notify law enforcement officers when a search discloses illegally possessed contraband material or evidence of some other crime or delinquent act.

The administration has the right to search and seize property, including school property temporarily assigned to students, when there is reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred.

Items provided by THE DISTRICT for storage (i.e., lockers, desks) of personal items are provided as a convenience to the student but remain the property of the school and are subject to its control and supervision. (Students have no reasonable expectation of privacy; lockers, desks, storage areas, etc., may be inspected at any time with or without reason, or with or without notice, by school personnel.)

Student Performances, Exhibits, and Competitions

Any student or group of students planning to give public performances representing THE DISTRICT shall first secure permission from the principal. Such performances shall be in keeping with the general goals and objectives of the educational program and the following:

- Any fundraising efforts must be pre- approved by the Superintendent.
- Funds, if collected, shall be credited to the appropriate student activities fund account.
- The participation in the project will not deprive students of time needed in acquiring basic skills.
- The regular schedule will not be interrupted unless the majority of the students benefit through their participation.
- The activity shall contribute to the educational program.

Athletic practice and student activity rehearsals shall not be conducted on Sundays. Scheduling of any Sunday activities, involving students, staff or facilities, shall be held to a minimum and shall require the approval of the Superintendent.

School personnel are encouraged to schedule student activities at a time that allows for community participation.

Student Fundraising Activities and Funds

Fund-raising activities by students on school premises or elsewhere as representatives of the school will be permitted only when connected with specific school activities approved by the Superintendent.

Participation in contests or fund-raising activities shall be governed by the following criteria:

- The aim of the activity shall benefit youth in educational, civic, social, and ethical development.
- The activity shall not be detrimental to the regularly planned instruction.
- The proceeds of all fund-raising activities shall be deposited in the Student Activity Fund, and funds from such activities shall be used only as specified in the Manual of Procedures for Public School Accounting and Budgeting.

- The Superintendent shall require the establishment of appropriate procedures whereby all persons having any duties relating to such funds are advised of the requirements and responsibilities therefore. All such persons shall be held strictly accountable for the manner in which these guidelines are followed.
- The Superintendent shall ensure that an accurate, detailed record of all revenues and expenditures of the student activities fund is kept. The record shall be made in such form as the Board prescribes.

Nutrition

THE DISTRICT strives to make a significant contribution to the general well- being, mental and physical capacity and learning ability of each student while affording them the opportunity to fully participate in the educational process.

THE DISTRICT is committed to providing school environments that promote and protect children's health, safety, well-being, and ability to learn by supporting healthy eating and physical activity in a safe environment. Healthy eating is demonstrably linked to reduced risk for mortality and development of many chronic diseases as adults.

State of New Mexico Rules for Nutrition

1. No student in New Mexico can buy sugar or caffeinated soft drinks in their schools.
2. No food in vending machines in elementary schools.
3. In middle schools and high schools, food available in vending machines and a la carte sales must be low in fat and low in sugar.
4. Schools that sell food as fundraisers will be required to provide healthier choices.

Fundraisers including foods sold by parent/family member, or student organizations, must be approved in advance by the building principal and District. The following state rules apply:

- Beverages and food products sold as fundraisers during normal school hours:
- May be sold at any time except during the lunch period and must meet the same requirements as high school vending machines, that is, the food will contain no more than 8 grams of fat (with no more than 2 grams from saturated and trans fats), 15 grams of sugar and 200 calories per serving. The only exceptions are healthy nuts, seeds, and cheese and yogurt products.

Attendance

The parent or guardian is charged by law with responsibility for the student's school attendance. The Superintendent will enforce the laws regarding attendance, with consideration for the variables that affect children and families. The Superintendent will place emphasis on the prevention and correction of the causes of absenteeism.

New Mexico Attendance for Success Act, NMSA §§22-12A-1, *et seq*. (2019)

Universal Citation: NM Stat § 22-12A-8 (2019)
(NM House Bill 236)

Students at each grade level, who attend class on a regular basis, have shown to achieve at higher levels than students who do not attend class regularly.

Regular class attendance at all grade levels is essential for learning, developing time management skills and self-discipline, and prepares students for post-secondary college and/or career.

Regular class attendance is also a requirement of the New Mexico Attendance for Success Act, NMSA §§22-12A-1, *et seq*. (2019) -

Unless otherwise excused by the House Bill 236, all school age persons subject to the House Bill 236 shall attend public school, private school, home school or a state institution until the school-age person is at least eighteen years of age. Any parent of a school age person subject to the Law is responsible for the in-school or remote school attendance of that person.

Definitions as used in the New Mexico Attendance for Success Act (2019):

A. "absent" means not in attendance for a class or school day for any reason, whether excused or not; provided that "absent" does not apply to participation in interscholastic extracurricular activities;

B. "attendance improvement plan" means a tiered data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions. Each of the tiers is defined as follows:

1. "whole school prevention" means universal, whole-school prevention strategies for all students, including students who have missed less than five percent of classes or school days for any reason;
2. “individualized prevention” means targeted prevention strategies for individual students who are missing five percent or more but less than ten percent of classes or school days for any reason;
3. "early intervention" means targeted interventions for students who are missing ten percent or more, but less than twenty percent, of classes or school days for any reason;
4. "specialized support" means individualized, targeted interventions for students who are missing twenty percent or more of classes or school days for any reason; and
5. "intensive support and intervention" means intensive, individualized, targeted interventions, including .211244.3 - 2 referral to the children, youth and families department, for students who are excessively absent;

C. "attendance team" means a group of school-based administrators, teachers, staff and other school personnel who collaborate to implement an attendance improvement plan;

D. "school day" means a portion of the school day that is at least one-half of a student's approved program;

E. "chronic absence rate" means the percentage of students, in the aggregate and disaggregated by the subgroups required for reporting pursuant to the federal Every Student Succeeds Act, in a public school and a school district that missed ten percent or more of school days since the beginning of the school year;

F. "chronically absent" or "chronic absenteeism" means that a student has been absent for ten percent or more of classes or school days for any reason, whether excused or not, when enrolled for more than ten days;

G. "excessively absent" or "excessive absenteeism" means that a student has ten or more unexcused absences, including suspensions, from classes or school days;

H. "excused absence" means absence from a class or school day for a death in the family, medical absence, religious instruction or tribal obligations or any other allowable excuse pursuant to the policies of the local school board;

I. "interscholastic extracurricular activities" means those activities sponsored by a public school or an organization whose principal purpose is the regulation, direction, administration and supervision of interscholastic extracurricular activities in public schools;

J. "medical absence" or "medically absent" means that a student is not in attendance for a class or a school day

for a parent- or doctor-authorized medical reason or the student is a pregnant or parenting student;

K. "unexcused absence" means an absence from a class or school day for which the student does not have an allowable excuse, pursuant to the Attendance for Success Act or policies of the local school board, and direct communication from the parent or guardian to the school.

L. "school-aged person" means a student who is at least five (5) years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent. A maximum age of twenty-one shall be used for a person who is classified as a member of special education as per New Mexico State Statute -Section 22-8-21 (1978).

M. "student who has experienced a disruption in the student's education"(as per State Statute 22-12A-14) means a student who experiences on or more changes in public school or school district enrollment during a single school year as a result of:
    1. homelessness as defined by the federal McKinney-Vento Homeless Assistance Act and as determined by the public school or school district;
    2. adjudication:
        a. as an abused or neglected child as determined by the children, youth and families department pursuant to the Abuse and Neglect Act [Chapter 32A, Article 4 NMSA 1978];
        b. as part of a family in need of court-ordered services voluntary placement pursuant to the Family Services Act [Chapter 32A, Article 3A NMSA 1978]; or
        c. as a delinquent if the parent wishes to disclose the adjudication of delinquency; or
    3. placement in a mental health treatment facility or habilitation program for developmental disabilities pursuant to the Children's Mental Health and Developmental Disabilities Act [32A-6A-1 to 32A-6A-30 NMSA 1978] or placement in treatment foster care.
    4. transferring to a new public school or school district:
        a. the receiving public school or school district shall communicate with the sending public school or school district within two days of the student's enrollment. The sending public school or school district shall provide the receiving public school or school district with any requested records within two days of having received the receiving public school's or school district's communication.
        b. A student who has experienced a disruption in the student's education because of transferring to a new public school as the result of circumstances set forth in this section shall have:
            i. priority placement in classes that meet state graduation requirements; and
            ii. timely placement in elective classes that are comparable to those in which the student was enrolled at the student's previous public school or schools as soon as the public school or school district receives verification from the student's records.
    5. For a student who has experienced a disruption in the student's education at any time during the student's high school enrollment, a school district and public schools shall ensure:
        a. acceptance of the student's state graduation requirements for a diploma of excellence pursuant to the Public School Code;
        b. equal access to participation in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;
        c. timely assistance and advice from counselors to improve the student's college or career readiness; and
        d. that the student receives all special education services to which the student is entitled.

    6. A student who has experienced a disruptionin the student's education and has transferred between public schools in different school districts or between public schools within the same school district shall receive credit for any work completed prior to the transfer, regardless of whether the transfer occurred at the end of a grading period. The department shall promulgate and adopt a rule to determine how credit shall be awarded for courses that are partially completed, and school districts shall follow the department rule.

Compulsory School Attendance Law

NM Stat § 22-12 (2016)

Compulsory Attendance Ages

- A "school-age person" means a person who is at least five (5) years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent.

- Any parent, 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 until that person has reached at least eighteen years of age unless the person has graduated or received a general educational development certificate.

- A person shall be excused from this requirement if, with the written signed permission of the parent, 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 schools for a hardship.

- The school-age person shall attend school for at least the length of time of the school year that is established in the school district or charter school in which the child is a resident or enrolled and the school district or charter school shall not excuse a student from attending school except as provided in the Compulsory School Attendance Law or for parent-authorized medical reasons.

NM Stat § 22-12-7 (2016) - Enforcement of attendance law; habitual truants; penalty.

Each local school board and each governing body of a charter school or private school shall initiate the enforcement of the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools.

To initiate enforcement of the provisions of the Compulsory School Attendance Law against a habitual truant, a local school board or governing body of a charter school or private school or its authorized representatives shall give written notice of the habitual truancy by 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. The notice shall include a date, time and place for the parent to meet with the local school district, charter school or private school to develop intervention strategies that focus on keeping the student in an educational setting.

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 [Chapter 32A NMSA 1978]. The probation services office may send a written notice to a parent of the student directing the parent and student to report to the probation services office to discuss services for the student or the family. 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 finding of habitual truancy.

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.

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 ($25.00) 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.

Compulsory School Attendance Section NM Stat § 22-12-8 (2016)
Early identification; unexcused absences and truancy.

Notwithstanding the provisions of Section 22- 12-7 NMSA 1978, if a student is in need of early intervention, the school district, charter school or private school shall contact the student's parent to inform the parent that the student has unexcused absences 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.

Excused Absences

Absences may be excused for the following reasons with proper notification and/or documentation:

- Interscholastic extracurricular activities (NM Stat 22-12-2.1)
- Religious instruction excusal (NM Stat 22-12-3)
- Pregnant or a parenting student NM Stat 22-12-3.1)
- Illness (including chronic illness documented on a health plan, IEP or 504 plan)
- Limited family emergencies
- Family deaths
- Medical, health or legal appointments
- Suspensions
- Religious holidays
- Native American Cultural Events (Please note that students will only be excused for the days expressly stated by the Pueblo Governors)
- College visits
- Deployment of a military parent
- Limited extenuating circumstances as approved in advance by the school principal

Students will be allowed to make up work for excused days missed at the rate of 1 school day per day of excused absence.

Interscholastic Activities and Absences

No student shall be absent from school for school-sponsored interscholastic activities in excess of fifteen (15) days per semester, and no class shall be missed in excess of fifteen (15) times per semester.

Religious Instruction Excusal

A student may, subject to the approval of the school principal, be excused from school to participate in religious instruction for not more than one class period each school day with the written consent of the student's parents at a time period not in conflict with the academic program of the school.

Pregnant/Parenting Student Excusal

- THE DISTRICT of Bernalillo Public Schools shall permit at least ten (10) days of excused absences for a student who provides documentation of the birth of the student's child. THE DISTRICT shall provide additional excused absences to a student after the birth of the student's child if deemed medically necessary by

the student's physician. The student shall be allowed a time period to make up the work that the student missed that equals the number of days the student was absent for the birth of a child.

- THE DISTRICT of Bernalillo Public Schools shall permit four (4) days of excused absences, in addition to the number of days of excused absences provided under other provisions of Board of Education policy and administrative procedural directive, for a student who provides appropriate documentation of pregnancy or that the student is the parent of a child under the age of thirteen needing care. The student shall be allowed a time period to make up the work that the student missed that equals the number of days the student was absent for the birth of a child.

- The pregnant or parent student is responsible for communicating the student's pregnancy and parenting status to the appropriate school personnel, if the student chooses to disclose the information.

Native American Cultural Activities

- A student's absence may be approved for participation in Native American Cultural Events.
- This only applies to days expressly stated by the Pueblo Governors in writing or through official notification to THE DISTRICT office.

504 Plan/ IEP Student Excusal

Students with 504 Plans or Individualized Educational Programs that allow for excused absences will be granted excused absences in accordance with their written plan.

Unexcused

Any and all absences without direct communication from the parent or guardian to the school shall be considered unexcused. Notification must be submitted to the school within ten (10) calendar days of the unexcused absence.

Attendance Monitoring in THE DISTRICT Bernalillo Public Schools

New Mexico state statute states: Any parent, 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.

Parent/Legal Guardian Attendance Reporting and Monitoring

The school shall ensure that parents/legal guardians know the following information:

- Parents/legal guardians shall call the school to report the absence of their student.
- Schools shall request that calls regarding absences be completed as early in the school day as possible, however, schools shall accept calls regarding absences until the end of the instructional day.
- If the school has not been given prior notice by phone, the parent/legal guardian shall provide the school with a written explanation concerning all student absences upon the student's return to school.
- Parents/legal guardians shall notify the school of anticipated absences because of trips, family emergencies, and medical or agency appointments.
- Parents/Legal guardians should monitor the absence rate of their student.

School Attendance Monitoring Process

Each school shall, at a minimum, explain the school's attendance monitoring process and solicit recommendations and suggestions from families at least annually.

Students in need of early intervention, or students with attendance problems, may be referred to a member of the Site Attendance Team for intervention.

Schools shall adhere to the following attendance procedures:

- All teachers will take attendance each time a class meets and record the attendance electronically in THE DISTRICT'S Student Information System (SIS). A school site has the liberty to require more specific times.
- Parents/legal guardians shall be informed at each official reporting period of the number of absences for each student.
- The school shall keep a record of excused and unexcused absences.
- In compliance with state regulation, all unexcused absences of two (2) or more classes up to fifty percent (50%) of an instructional day shall be reported a one-half day absence and an unexcused absence of more than fifty percent (50%) of an instructional day shall be reported as one full-day absence.

At the Elementary School Level:

- The instructional day shall be determined by the school daily schedule.
- Attendance shall be taken and reported electronically in THE DISTRICT'S Student Information System (SIS) within the first two hours of the school day.
- Excused and unexcused absences shall be entered into PowerSchool by the end of the day.
- Schools shall inform parents of their student's absence (via pre recorded call or text) each day by the end of the day.

At the Middle and High School Level:

- Attendance shall be taken each class period and reported electronically in THE DISTRICT'S Student Information System (SIS).
- School excused and unexcused absences shall be entered into PowerSchool by the end of the day.
- Schools shall inform parents of their student's absence (via pre recorded call or text) for each period/day of absence.

Chronic Absences

For the purposes of this procedural directive -

- "severely chronically absent" means a student who has missed 20% or more of instructional days, regardless of the reason.
- "moderately chronically absent" means a student who has missed 10% to 19% of instructional days, regardless of the reason.

Students Who Have Exceeded Absence Limitations and Who Move to New Attendance Areas

- A student in this category shall be allowed to enter school in the attendance area to which the student has moved if the student has not been long-term suspended or expelled from the prior school.
- The student and parents/legal guardians shall be advised that prior absences shall be taken into consideration if a pattern of absenteeism recurs at the school of new enrollment.

Attendance Interventions

All school sites shall develop policies and procedures for attendance, to include:

- Roles and responsibilities of all Truancy Team members relating to the monitoring, tracking and interventions for students deemed habitually truant or identified as in need of intervention.
- Roles and responsibilities of all Attendance Team members relating to chronic absence monitoring, tracking and interventions for students deemed at risk of becoming chronically absent.
- Roles and responsibilities of all school personnel relating to the interventions necessary for students deemed severely chronically absent.
- Processes and timelines for interventions.

School Site Attendance Teams

- Site Attendance Teams shall meet at least monthly during the school year to examine student level data and formulate prevention and intervention plans.
- Attendance teams shall incorporate a tiered system of interventions using the chronic absence model of three

tiers (see Attendance for Success Act Guidance):
    - Tier 1 being students who have missed less than 10% of the school year.
    - Tier 2 being students who miss 10% to 19% of the school year.
    - Tier 3 being students who miss 20% or more of the school year.
- Attendance Teams, in coordination with school leadership, will organize and implement plans for activities that **prevent** chronic absence (Tier 1).
- Attendance teams will formulate a plan of intervention for students who are identified as chronically absent, or at risk of becoming chronically absent. The interventions shall apply to students in Tier 2 and, in some cases, Tier 3. This will not include students who are deemed habitually truant or at risk of becoming habitually truant. Interventions may include:

Attendance Intervention Procedures (Truancy)

- As a means of early intervention, a member of the School Site Truancy Team shall attempt to investigate unexcused absences through telephone contact, intervention meeting(s) with parents/legal guardians and students (and may include home visits) with parents/legal guardians as soon as possible to determine a truancy reduction intervention plan and advise them regarding the importance of regular school attendance and the legal implications involved.
- If family problems appear to be involved, families may be counseled to seek help from appropriate community services.
- The contact attempt(s) shall be documented by the end of the fifth day on any unexcused absences of three consecutive days.

Chronic Attendance Problems

In compliance with state statute, students who have not been in school and who request to enroll late shall be enrolled. Grades and credits for the semester shall be determined by the teacher(s) in consultation with the principal, or his/her designee, and are dependent upon the effort and achievement demonstrated by the student during the time the student is enrolled. The student and his/her parents/legal guardians shall be made aware of this provision upon enrollment.

For students in need of early intervention the principal, or his/her designee, shall:

- Hold a conference with parents/legal guardians, student, nurse, counselors, teachers and/or the school Health and Wellness team.
- This conference shall
    - attempt to investigate the reason(s) for the student's unexcused absences,
    - establish a truancy reduction intervention plan and advise parents/guardians regarding the importance of regular school attendance and the legal implications involved.
- If family problems appear to be involved, families may be counseled to seek help from appropriate community services.
- This conference shall be documented as part of the school intervention efforts to reduce or eliminate truancy.

Should the conference described above fail, and the student is a habitual truant, schools will follow their attendance improvement plan filed with NMPED.

If all intervention efforts have been exhausted and if the student has another unexcused absence within ten (10) consecutive days of the receipt of notice, the school shall then take appropriate action under the provisions of state statute and the child shall be dis-enrolled.

Out-of-school suspension and expulsion shall not be used as punishment of unexcused absences and/or habitual truancy.

Make-up Work and Grades

When a student is absent from school due to any (excused or unexcused) absence that student shall be allowed to make

up missed work. Students will be allowed to make up work for any days missed at the rate of 1 school day per day of absence. Parents/legal guardians shall be notified through newsletters, school handbooks, or any other community communication, that it is the parent/legal guardian's responsibility to notify the school of the student's absence and the reason for the absence.

If the student is or will be absent, the parent/legal guardian may call the school and request make-up work. Teachers shall be granted at least twenty-four (24) hours from the time of request to compile the assignments.

It is the student's responsibility to request make-up assignments upon return from excused and/or unexcused absences. Failure to request make-up assignments shall not minimize the importance of make-up assignments and their impact on the student's progress. The student shall have the opportunity to complete the work in a period of time equal to the number of days absent unless this creates an undue hardship for the student. When a student is absent, make-up work may be adjusted from the original assignment so that learning needs are met without overburdening the student, teacher, or parent/legal guardian.

No student shall be refused permission to make up work missed during any absence.

Grades shall not automatically be reduced because of attendance or disciplinary action. Student grades may suffer as a result of mathematical averaging of missed assignments or zeros; however, grades shall not be reduced as a direct penalty for non-attendance.

Exemptions from School Attendance

- Bernalillo Public Schools shall permit exemptions from school attendance only for reasons outlined in state law.
- Applications for exemption from school attendance, in accordance with state law, shall originate with the student and parent or legal guardian.
- Upon receiving a request for exemption from compulsory school attendance, a conference with the school counselor and principal shall be arranged within five (5) school days to discuss alternatives and the reasons for the request.
- 504 and Student Assistance Team (SAT) processes should be followed, where applicable.
- If the student leaves school before the application for exemption process is complete, an educational neglect suit may be filed with district court or with the Children Youth and Family Department.
- Exemption from school attendance becomes official when the request is signed by the superintendent or his/her designee.
- The student shall remain on the school roll until officially exempted.
- Completed forms shall be on file in the Student, School and Community Services Office.
- Exemptions from public school attendance shall not be final and irrevocable.
- Re- admittance to public schools at a later date shall be considered if the student and/or parent or legal guardian makes a request to the school principal.

Student Check-Out Procedures

In a continuing effort to protect our students and ensure their safety, the school will maintain the policies set forth by the State of New Mexico and THE DISTRICT of Bernalillo Public Schools pertaining to student checkout from school.

- All student checkouts must be done in person by the child's legal parent/ guardian or authorized designee (identified on the child's registration form).
- The receptionist on duty will ask for a photo ID of the legal parent/guardian. The legal parent/guardian must present a photo ID.
- Failure to produce a valid ID will result in not being able to check out a student.
- Students will not be allowed to check themselves out from school for any reason.
- Upon a late arrival, parents/ guardians must physically check their student into school in the attendance office in order for their student to be excused.

The above policies are not meant to inconvenience parents/guardians in any way. These policies are only meant to provide for a safe and secure environment for all of the student body at all Bernalillo Public Schools.

Enrollment

Immunization

All students must provide proof of immunization to lawfully enroll and remain enrolled in a public school in New Mexico as outlined by state law. See Department of Health guidance documents for more information.

Identification of Legal Parent/Guardian

- All students admitted to BPS must list their legal parents and/or legal guardians on official school documents. This includes even students who do not reside in the home of their legal parents and/or legal guardians.
- Legal parents and/or legal guardians may designate others, under a power of attorney, to be a guardian of their child/children in order to enroll them in BPS.
- A copy of this legal document must be on file in the Principal's Office.
- It is critical that parents maintain accurate contact information to ensure that ability to contact parents/guardians in the event of an emergency.

Enrollment/Transfer

Any student who lives within the Bernalillo School District boundaries may enroll at the school with proof of residency (utility bill in parent/legal guardian name with address within district boundaries). The student's original birth certificate must be presented to the registrar (copies will not be accepted).

- Enrollment or re-enrollment may be denied by an administrator based on the following:
    - The student seeking enrollment or re- enrollment has been "Dismissed", "Long-Term Suspended" or "Expelled" from another school district during the previous 12-month period.
    - The student's behavior in any district during the previous 12-month period makes the student's enrollment or re- enrollment detrimental to the welfare or safety of other students or personnel.

Disenrollment/Withdrawal/Dropouts

- A withdrawal form must be completed and signed by the parent or legal guardian of a student who will be withdrawing from school within the BPS district.
- The withdrawal form shall include space for the reason for withdrawal and the signature of an official of the school from which the student has withdrawn.

Reasons for withdrawal may include:

- Parents or legal guardians moving from THE DISTRICT or to an area served by another school district.
- A request from a student who has reached eighteen (18) years of age.
- Absence of more than ten (10) consecutive days; provided that withdrawals do not include truants and habitual truants the school district is required to intervene with and keep in an educational setting as provided in Section 22-12-9 NMSA 1978.
- Expulsion or long-term suspension.

Upon withdrawal, the student shall check in all books, Chromebook with accessories, and other District property through the office of the school that was attended.

Required Reporting

Student Abuse of Drugs or Alcohol

All employees have a mandatory, nondiscretionary duty to report known or suspected alcohol or drug use or abuse.

New Mexico law (NMSA 22-5-4.4) requires that if an adult knows or in good faith suspects any student of using or abusing alcohol or drugs, they must report this to a supervisor or an administrator.

Child Abuse and Neglect

- All employees have a mandatory, non- discretionary duty to report known or suspected abuse or neglect of a child.
- It is not the employee's duty to conduct an investigation to determine whether the child identified has in fact been abused or neglected. The state is responsible for investigations however; employees must take the following steps.
- Notify the New Mexico Department of Children, Youth and Families immediately at 1(800) 797- 3260 or 841-6100. The reporting requirement may also be fulfilled by directly contacting law enforcement such as the school resource officer (SRO) who will coordinate a response with the protective services agency (see NMSA 32A-4-3).
- After or during such notification the employee may, but is not required to, notify their supervisor with the information.

Important Information

Flag Display

In accordance with New Mexico law, the flag of the United States and the flag of the State of New Mexico will be displayed in each classroom.

Pledge of Allegiance

- As per NMSA 22-5-4.5 and BPS Board Policy 455, the Pledge of Allegiance will be recited in each public school at the beginning of the school day.
- If a student wishes to refrain from participation due to sectarian, denominational, or conscientious views, a written request must be filed with the principal. If approved, a copy of the approved request will be given to the student's first period teacher. The exercise of the right to refrain may not interfere with the rights of others who choose to participate.
- Standing during the pledge is expected as an educational protocol to respect the sovereignty of the host nation, which is providing the free and appropriate education to the enrolled student.

Visitors

Parent(s)/guardian(s) are encouraged to visit the school and their student's classrooms. For the safety of students and staff, visitors may be denied at the discretion of the site administrator(s).

- Parent(s)/guardian(s) are required to first report to the front desk to sign in prior to visiting a classroom or any part of the campus.
- All visitors will be required to present a photo ID which will be used to conduct a limited background check in order to ensure student safety.
- All visitors must sign out at the Reception desk.
- Visitors are expected to wear their passes so that the pass is visible at all times.
- Visitors will be asked to return to the front office to obtain a visitors pass if one is not visible.
- Students will not be allowed on the grounds of another school without the permission of the administration.

Volunteers

Volunteers can make many valuable contributions to the students and educational programs of THE DISTRICT. A volunteer program is approved subject to suitable rules, safeguards, and regulations as developed by the Superintendent.

- In order to protect the safety and security of children and school staff, any volunteer (including

spouse/significant other) given access to students shall have a background and criminal history check, with the results received prior to allowing the volunteer such access.
- Volunteer applicants must submit to a background investigation by completing an application form and background consent form in accord with current district policy.
- If a background check conducted from these criteria fails to return all necessary information, a background check using fingerprints may be conducted.
- Volunteers are to be made aware of and comply with all district policies and procedures relevant to the performance of volunteer duties including but not limited to conduct, privacy, discipline, supervision and ethics.

Anyone who works directly with students, whether directly supervised or not, must adhere to these provisions.

Safety Drills & Security Cameras

Safety Drills are held periodically throughout the year. These Drills will include: Fire Drills, Evacuation, Lock-Down and Shelter-in-Place Drills.

- **Fire and Evacuation Drills**
  - The signal will be the continued ringing of electronic bells.
  - All students and faculty should familiarize themselves with the posted maps and safety drill procedures for every classroom that they use.
  - **Evacuation Drills** may be necessary due to disasters such as an earthquake, explosion, major gas leak, etc.

- **Shelter-in-Place and Lock-Down Drill**
  - The signal will be an intercom announcement by an Administrator or Campus Resource Officer.
  - **"Shelter-in-Place"** may be necessary to isolate everyone on campus from the external environment.
  - **"Lock-Down"** refers to protection from an internal or extreme threat by excluding and /or isolating the threat. These drills require the ability to quickly secure the campus facilities.

- The **"All Clear"** signal will be called over the intercom

- Administration may conduct debriefing conversations with students or staff after drills.

Security Cameras

Security cameras are used on school property and in school buildings. Recordings may be used for investigation and enforcement.

Lockers

Students are responsible for keeping their lockers clean and orderly. No decorations are allowed on the outside of the lockers. Locker assignments, combinations, and changes will be handled through the library. Lockers are under the jurisdiction of the school. The school reserves the right to inspect all lockers at any time, which includes cutting locks, for the purposes of investigating and/or exposing possession of controlled substances and/or illegal weapons. Students must provide combination locks for their own lockers.
Students must only use the locker assigned to them. Students are not to share their locker as they are responsible for all content in the assigned locker. Any student using a locker not assigned to them may receive disciplinary consequences.

Snow Days

Communication

- The best resource for information on school delays and closings is the BPS website at www.bernalillo-schools.org.
- Information will also be available through Thrill Share via text, robo call, and/or email. **See Appendix E** for information on how to sign-up for this service.
- Parents/Guardians should only rely on official district notifications for school closure information.

APPENDIX A - Technology
THE DISTRICT of Bernalillo Public Schools Acceptable Use Policy (AUP)

1. Appropriate Online Interaction

a. Users will not post personal contact information about themselves or other people. Personal contact information includes address, telephone, or other identifying information as determined by THE DISTRICT.

b. Users will not agree to meet with someone they have met online as this activity can and has been proven to be dangerous.

c. Users will promptly disclose to the Education Technology Department or your Supervisor any message they receive that is inappropriate or makes them feel uncomfortable.

2. Illegal Activities

a. Users will not attempt to gain unauthorized access to THE DISTRICT system or to any other computer system through THE DISTRICT System, or go beyond their authorized access. This includes attempting to log in through another person's account or access another person's files without expressed written permission.

b. Users will not make deliberate attempts to disrupt the computer system performance or destroy data.

c. Users will not use THE DISTRICT system to engage in any other illegal act.

d. Users will be aware of copyright laws especially in regards to downloading and using music and video files. All copyright laws will be obeyed.

3. System Security

a. Users are responsible for the use of their individual account and should take all reasonable precautions to prevent others from being able to use their account. Under no conditions should users provide their password to another person.

b. Users will immediately notify the building principal or the Education Technology Department if they have identified a possible security problem.

c. Users will not install any software without prior authorization from the Education Technology Department. Any unauthorized software will be removed from district equipment.

d. Users are not allowed to bring personal technology hardware and software into THE DISTRICT. Flash drives are acceptable.

4. Unacceptable Uses & Network Etiquette

a. Restrictions against Inappropriate Language apply to public messages, private messages, and material posted on Web pages.

b. Users will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.

c. Users will not (purposefully access or) post information that, if acted upon, could cause damage or a danger of disruption.

d. Users will not engage in personal attacks, including prejudicial or discriminatory attacks:

e. Users will not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a user is told by a person to stop sending those messages, they must stop.

f. Users will not knowingly or recklessly post false or defamatory information about a person or organization.

g. Users will not post private information about another person.

h. Users shall not purposefully access materials that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal;

i. Any misuse of network resources could result in having your district network account disabled or terminated. Misuse includes personal use of resources such as chain letters, on-line chats, shopping, downloading graphics, music, and or video.

5. Plagiarism and Copyright Infringement

a. Users will not plagiarize works that they find on the Internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were original to the user.

b. Users will respect the rights of copyright owners. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by a copyright.

c. Filtering - Filtering may be used in conjunction with other strategies to selectively restrict access to objectionable and educationally inappropriate content; e.g. pornographic sites, non-educational chat rooms.

Student Form

I have read, understand and will abide by both *THE DISTRICT of Bernalillo Public Schools Acceptable Use Policy* and the *Student Acceptable Use Procedures*. I further understand that any violation of the Policy or Procedures may enact school disciplinary procedures or constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary actions may be taken, and/or appropriate legal action may be initiated.

AUP can be found at http://www.bernalillo-schools.org

Student's Name (please print):_____

Student Signature: _____Date:____

School Site:_____

Grade Level:_____

PARENT OR GUARDIAN

As the parent or guardian of this student, I have read *THE DISTRICT of Bernalillo Public Schools Acceptable Use Policy* and the *Student Acceptable Use Procedures*. I understand that this access is designed for educational purposes. THE DISTRICT of Bernalillo Public Schools has taken precautions to eliminate controversial material. However, I also recognize it is impossible for the school to restrict access to all controversial materials and I will not hold them responsible for materials acquired on the network.

NOTE: Please check the box below ***only*** if you **DO NOT** want your child to have access.

☐ **I DO NOT** give my child **permission to use <u>THE DISTRICT network (which includes the Internet)</u>.**

Parent/Guardian Name (please print):_____

Parent/Guardian Signature:_____Date:_____

Note: After a 14 day grace period, your child's access to the school network and/or Internet may be restricted unless this form is returned.

APPENDIX B - Social Media Policy

Behavior in a Digital, Cyber or Non-Face-to-Face Environment

THE DISTRICTof Bernalillo Public Schools shall consider behavior in violation of the standards of conduct which occurs in a digital, cyber or non-face-to-face environment the same as behavior in violation of the standards of conduct in a traditional or physical environment. Unacceptable behavior includes, but is not limited to, that which is outlined in this student handbook and district policy. Personal posts and online activities that disrupt the educational environment are subject to discipline.

APPENDIX C – Title IX Discrimination Complaint Process

These procedures apply to complaints filed by students, or on their behalf, alleging discrimination or sexual harassment, including sexual violence, carried out by district employees, other students, or third parties.

Formal complaints of Title IX violations may be reported to the Title IX Coordinator or to the Office of Civil Rights:

THE DISTRICT of Bernalillo Public Schools Title IX Coordinator
Director of Human Resources -
Eric W. James
560 S. Camino Del
Pueblo Bernalillo, NM
87004
505-404-5717 Office 505-867-7850 Fax
ejames@bernalillops.org

Office of Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial
Building
1244 Speer Boulevard, Suite 310 Denver, CO 80204-
3582
Telephone: (303) 844-5695 Facsimile: (303)
844-4303 Email: OCR.Denver@ed.gov
http://www.ed.gov/about/offices/list/ocr/complaintint
ro.html.

Information and Complaint Forms for Title IX are also posted on the BPS Website at https://www.bernalillo-schools.org/Page/4270.

Title IX Discrimination Complaint Investigation Process

THE DISTRICT takes allegations of discrimination very seriously and will act on complaints as expeditiously as possible.

Upon receipt of a complaint, THE DISTRICT will conduct a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, THE DISTRICT will initiate an investigation that is thorough, reliable, impartial, prompt, and fair. This investigation determines whether THE DISTRICT nondiscrimination policy has been violated. If so, THE DISTRICT will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

APPENDIX D – Complaint Form

Required Information:		
Name		Title (If applicable)
School / Work Location	Email	Telephone Number
Date	Address	

Complaint is Against (name of: person, contractor, entity):

Location:

If discrimination, position/title of person who discriminated:
Their Location/Address:

Type of discrimination:	□ Ethnic Identity	□ Religion	□ Race or Color
□ Sex or Gender Identity	□ Sexual Orientation	□ HIV Status	□ Marital Status
□ Disability (Physical or Mental)			

Factual Allegations:

1. Please describe the nature of your complaint. If this complaint is regarding discrimination, make sure you include the act(s) or incident (s) of discrimination, sexual harassment, or sexual assault; be sure to indicate the date(s) when the act(s) or incident(s) allegedly occurred. Attach additional sheets if necessary.

   _____

   _____

   _____

   _____

   _____

   _____

   _____

2. Identify other persons who may have observed the act(s) or incident(s) you describe. (Please give their Name, Position, and Telephone number, if known).

   _____

   _____

3. Date(s) of the action against which you are complaining:

   _____

   _____

   _____

4. List other pertinent information available that you believe may assist in the investigation and/or the resolution of this complaint.

_____

_____

_____

(Optional)

5. Please identify requested relief to the problem.

_____

_____

_____

_____

Signature: Date:

Mail or deliver to:

Bernalillo Public Schools
Attn: Dr. Eric W. James – Title IX
Coordinator 560 South Camino del Pueblo
Bernalillo, New Mexico 87004
Telephone: 505-404-5717 (FAX) 505-867-7850

Note: All information on this form is confidential and is to be disclosed only to those persons with a need to know.

For Internal Use:

Date Received:

BPS Investigator Assigned:

Manner of Filing Complaint:

In Person_____Fax_____Letter (copy attached)_____ Mail_____Other_____

Revised 5/17/2019

APPENDIX E - Receiving Calls, Text Messages and Email Notifications

Thrillshare is the platform THE DISTRICT uses to notify parents/legal guardians of important information.

For a parent/guardian to receive school and district notifications through text messages, automated phone calls, and/or emails, all contact information in PowerSchool must be correct and up-to-date.

Question: What should a parent/legal guardian do if contact information changes? For example: new phone number, new physical address, new mailing address, or new email address.

Answer: Contact the registrar at their child's school to update their information.

APPENDIX F – BPS Discipline Matrix

Level 1			
Behavior Level 1	**1st Offense**	**2nd Offense**	**3rd Offense**
General Behavioral Disruption(s) Profanity, rudeness, acting disrespectfully, dishonesty, name calling, running in a building, not following directions, minor physical contact, etc. on campus or school activity.	• Parent Notification • Layer 1 Behavior Intervention • Written student statement/ reflection/remedy	• Parent Notification • Layer 2 Behavior Intervention to include • Revisit/revise the written reflection with counselor and parent/guardian to include signatures	• Parent/Student/Counselor conference to discuss next steps • Layer 3 Behavior Interventions that include, but are not limited to: MLSS referral, Learning Lab, reset center, meet with counselor regularly to monitor behavior. • Habitual Behavioral Disruptions progresses to Level 2
Dress Code Violations Clothing disruptive to the learning environment (provocative, unsafe, promote illegal activity).	• Parent Notification • Change into appropriate clothing (if refuse to change, see insubordination)	• Parent Notification • Change into appropriate clothing (if refuse to change, see insubordination) • Meet with Counselor	• Parent Notification • Change into appropriate clothing (if refuse to change, see insubordination) • Meet with Counselor
Cheating Taking credit for work that the student didn't produce (such as copying from peers or plagiarizing)	• Parent Notification • Explanation to inform student about cheating/plagiarism • Redo assignment	• Parent Notification • Redo assignment and one additional assignment that relates to cheating/plagiarism	• Parent Notification • No credit for assignment • Behavior Contract
Possession of inappropriate materials, including toys Having items that are disruptive to the learning environment.	Confiscate and student may pick up at the end of the school day	• Parent Notification • Confiscate and parent may pick up in the office	• Parent Notification • Confiscate and parent may pick up at the end of the school year.
Bus Misconduct Unsafe behavior- excessive noise, not seated, limbs out of windows, throwing objects out of windows, noncompliance with bus rules. For the protection of school employees and students, the Transportation Department. reserves the right to suspend a student's transportation services for severe disruption and dangerous behavior, for not less than five (5) days.			

Aligned with the BPS Transportation Handbook	• Parent Notification • Warning	• Parent Notification • Discipline at the discretion of the administrator	• Parent Notification • Days of suspension from bus to be determined by administrator and transportation dept. • NOTE: suspension from the bus does not mean suspension from school.

Level 2

Behavior	1st Offense	2nd Offense	3rd Offense
Habitual Behavioral Disruption A major disruption that keeps others from learning and/or teachers from teaching.	• Parent Notification • Written student statement/ reflection/remedy • Behavior Contract	• 1 Day ISS or Reset Center • Parent Notification • Meet with counselor • Enact Behavior Contract consequences	• 2 Days ISS or Reset Center • Parent/Student/Counselor conference to discuss next steps • Layer 3 Behavior Interventions that include, but are not limited to: MLSS referral, ISS, reset center, meet with counselor regularly to monitor behavior. • Progress to Level 3
Electronic Communication Devices (ECD) Usage that causes a disruption to the learning environment (not safety related)	• Parent Notification • Confiscate device and **student** may pick it up at the end of the day from the principal's office. ○ *Failure to relinquish device may result in further disciplinary action.*	• Parent Notification • Confiscate device and **parent** may pick it up in principal's office. ○ *Failure to relinquish device may result in further disciplinary action.*	• Parent Notification • Confiscate device and **parent** may pick it up at the end of the school year. ○ *Failure to relinquish device may result in further disciplinary action.* • Habitual violations may result in suspension or expulsion.
Rough Housing Unsafe physical contact	• Parent Notification • Written student statement/ reflection/remedy	• Parent Notification • Written student statement/ reflection/remedy • Behavior Contract	• 1 Day ISS • Parent Notification • Meet with counselor • Enact Behavior Contract consequences
Verbal Aggression/ Provoking Use of language that disrupts the educational setting. Language not conducive to the learning environment (Cursing, yelling, screaming, profanity, put downs)	• Parent Notification • Written student statement/ reflection/remedy	• Parent Notification • Written student statement/ reflection/remedy • Behavior Contract	• 1 Day ISS • Parent Notification • Meet with counselor • Enact Behavior Contract consequences

Inappropriate use of technology Usage not consistent with BPS values and expectations or disruptive to the learning environment. See Appendix A. For social media, sexual or illegal content, see Harassment.	• Parent Notification • Loss of independent computer privileges for 9 weeks unless it is being used for instruction. • Computer remains at school	• Parent Notification • Loss of independent computer privileges for 1 semester unless it is being used for instruction. • Computer remains at school	• Parent Notification • Loss of independent computer privileges for 1 year unless it is being used for instruction. • Computer remains at school
Insubordination, defiance of authority, disrespect Refusal to comply with adult directives, acting in a manner inconsistent with BPS values and expectations	• Parent Notification • 1 day ISS or Reset Center	• Parent Conference with counselor and administration • 2 days ISS or Reset Center • Behavior Contract	• Parent Conference with counselor and administration • 3 days ISS • Enact Behavior Contract consequences
Physical aggression/ Physical Contact/Fighting Aggressive physical contact	• Parent Notification • 1 Day OSS	• Parent Notification • 2 Days OSS • Behavior Contract	• Parent Notification • 3 Days OSS • MLSS Referral • Enact Behavior Contract consequences
Theft Taking property or money from an individual without their consent.	• Parent Notification • 2 Days Recess Alternative • Restitution for stolen item • Behavior Contract	• Parent Notification • 1 day ISS • Restitution for stolen item • Meeting with counselor • Revisit and update Behavior Contract	• Parent Notification • 2 days ISS • Restitution for stolen item • MLSS Referral • Enact Behavior Contract consequences

Level 3

Behavior	1st Offense	2nd Offense	3rd Offense
Arson (intentionally starting a fire)	• Parent Notification • Up to 10 days OSS pending hearing • Possible long-term suspension • Referral to law enforcement or tribal officials	• Parent Notification • Up to 10 days OSS pending hearing • Possible long-term suspension • Referral to law enforcement or tribal officials	• Parent Notification • Up to 10 days OSS pending hearing • Possible long-term suspension • Referral to law enforcement or tribal officials
Battery (touching in a rude, insolent or angry manner)	• Parent Notification • Up to 10 days OSS pending hearing • Referral to law enforcement or tribal officials • Possible long-term suspension hearing	• Parent Notification • Up to 10 days OSS pending hearing • Referral to law enforcement or tribal officials • Possible long-term suspension hearing	• Parent Notification • Up to 10 days OSS pending hearing • Referral to law enforcement or tribal officials • Possible long-term suspension hearing

Assault (Any unlawful act, threat, or menacing conduct that makes a person feel they are in danger.)	• Parent Notification • 1-3 days OSS • Behavior Contract • Referral to law enforcement or tribal officials • Possible long-term suspension hearing	• Parent Notification • 5-8 days OSS • Enact Behavior Contract consequences • MLSS Referral • Referral to law enforcement or tribal officials • Possible long-term suspension hearing	• Parent Notification • 10 days OSS pending hearing • Referral to law enforcement or tribal officials • Possible long-term suspension hearing

Sexual Contact
The intentional touching, whether unwanted or unlawful, and whether attempted or completed, of another person's unclothed or clothed intimate parts, with a body part or object, while on school property, at school-sponsored events/activities or on school transportation.

Sexual Penetration
The intentional penetration, unwanted or unlawful, with a body part or object, of the orifice of another person.

	1st Offense	2nd Offense	3rd Offense
	• Parent Notification • 1 Day OSS	• Parent Notification • 2 Days OSS • Behavior Contract	• Parent Notification • 3 Days OSS • MLSS Referral • Enact Behavior Contract consequences
	• Parent Notification • Intervention may include meeting with the counselor, state reporting, and behavior contract. • Possible Title IX referral • Possible referral to law enforcement	• Parent Notification • 1-2 days OSS • Intervention may include meeting with the counselor, state reporting, and behavior contract. • Possible Title IX referral • Possible referral to law enforcement	• Parent Notification • 3-5 days OSS • Intervention may include meeting with the counselor, state reporting, and behavior contract. • Possible Title IX referral • Possible referral to law enforcement
Habitually Disruptive (MLSS, behavioral contract and supports are in place)	• Parent Notification • 6-9 days OSS • Possible long-term suspension hearing • Referral to law enforcement officials if applicable	• Parent Notification • 6-9 days OSS • Possible long-term suspension hearing • Referral to law enforcement officials if applicable	• Parent Notification • 6-9 days OSS • Possible long-term suspension hearing • Referral to law enforcement officials if applicable
Harassment (Aggressive pressure or intimidation which could include physical, sexual, racial, verbal, or electronic bullying)	• Parent Notification • 1-2 days OSS • Meet with counselor • Behavior Contract • Title IX referral • Possible long-term suspension hearing • Referral to law	• Parent Notification • 3-5 days OSS • MLSS Referral • Re-visit & update Behavior Contract • Title IX referral • Possible long-term suspension hearing	• Parent Notification • 10 days OSS pending hearing • Title IX referral • Possible long-term suspension hearing • Referral to law enforcement officials

	enforcement officials	● Referral to law enforcement officials	
Hate Crime/Racially Charged Incidence **(Also see Appendix H)** Any depiction or expression of hate based on actual or perceived race, religion, color, national origin, ancestry, age, handicapped status, gender, sexual orientation or gender identity of the victim, whether or not the offender's belief or perception is correct on or off campus.	● Parent Notification ● Investigation outcome will determine suspension and/or other consequence(s). ● Immediate removal from learning environment ● Report to SRO for guidance of possible next steps.	● Parent Notification ● Investigation outcome will determine suspension and/or other consequence(s). ● Immediate removal from learning environment ● Report to SRO for guidance of possible next steps	● Parent Notification ● Investigation outcome will determine suspension and/or other consequence(s). ● Immediate removal from learning environment ● Report to SRO for guidance of possible next steps.
Drugs *Drugs or paraphernalia (including vaping devices) are prohibited on school property, at school-sponsored events, or on school transportation. Examples of drugs, counterfeit drugs, controlled substances which includes, but is not limited to: marijuana, cocaine, methamphetamine, heroin, mushrooms, prescription, or synthetic drugs.*			
● **Possession (individual use)- *intentional owning or controlling. Police called to remand controlled substances for destruction.***	Parent Notification ● 1 day ISS ● Meet with counselor ● Behavior Contract	Parent Notification ● 1-3 days ISS ● Meet with counselor ● Revisit & update Behavior Contract	Parent Notification ● 1-2 days OSS ● Meet with counselor and SRO (School Resource Officer) ● Enact Behavior Contract consequence
● **Under the influence/Use- *while on school property, at school-sponsored events or on school transportation.***	● 1 day OSS ● Meet with counselor ● Behavior Contract	● 1-3 days OSS ● Meet with counselor ● Revisit & update Behavior Contract	● 3-5 days OSS ● Meet with counselor and SRO (School Resource Officer) ● Enact Behavior Contract consequence
● **Possession with intent to distribute or sell - *Intentional selling, bartering or giving away.***	● 10 days OSS pending hearing ● Meet with counselor and SRO (School Resource Officer) ● Possible long-term suspension ● Behavior Contract	● 10 days OSS pending hearing ● Meet with counselor and SRO (School Resource Officer) ● Possible long-term suspension or expulsion ● Enact consequences as per Behavior Contract	
Alcohol *Alcohol is prohibited on school property, at school sponsored events, or on school transportation.*			

• **Possession - intentional owning or controlling**	Parent Notification • 1 day ISS • Meet with counselor • Behavior Contract	Parent Notification • 1-3 days ISS • Meet with counselor • Revisit & update Behavior Contract	Parent Notification • 1-2 days OSS • Meet with counselor and SRO (School Resource Officer) • Enact Behavior Contract consequence
• **Under the influence/Use while on school property, at school sponsored events or on school transportation**	• 1 day OSS • Meet with counselor • Behavior Contract	• 1-3 days OSS • Meet with counselor • Revisit & update Behavior Contract	• 3-5 days OSS • Meet with counselor and SRO (School Resource Officer) • Enact Behavior Contract consequence
• **Possession with intent to distribute or sell - Intentional selling, bartering or giving away**	• 10 days OSS pending hearing • Meet with counselor and SRO (School Resource Officer) • Possible long-term suspension • Behavior Contract	• 10 days OSS pending hearing • Meet with counselor and SRO (School Resource Officer) • Possible long-term suspension or expulsion • Enact consequences as per Behavior Contract	
Tobacco *(Vaping/Nicotine) Products - Possessing, using, purchasing, distributing or selling any tobacco (nicotine) products regardless of the manner of delivery, inhalation or consumption is prohibited on school property, at school sponsored events, or on school transportation.*			
• **Possession (individual use) - Intentional owning or controlling**	Parent Notification • Confiscate product(s)	Parent Notification • Confiscate product(s) • Meet with counselor • Behavior Contract • Possible 1-2 days ISS	Parent Notification • Confiscate product(s) • Meet with counselor • Revisit Behavior Contract • Possible 3-5 days ISS
• **Use - Consuming or inhaling**	• Confiscate product(s)	• Confiscate product(s) • Meet with counselor • Behavior Contract • Possible 1-2 days ISS	• Confiscate product(s) • Meet with counselor • Revisit Behavior Contract • Possible 3-5 days ISS
• **Possession with the intent to distribute or sell - Intentional selling, bartering or giving away.**	• Confiscate product(s) • Meet with counselor • Behavior Contract • Report to SRO	• Confiscate product(s) • Meet with counselor • Enact consequences as per Behavior Contract • Report to SRO	• Confiscate product(s) • Meet with counselor • Possible long-term suspension

Theft/Extortion (Obtaining the property of others without their consent/obtaining property through threats or violence)	• Parent Notification • 3 days ISS • Referral to Counselor • Restitution • Behavior Contract	• Parent Notification • 3-5 days ISS • Referral to Counselor • Restitution • MLSS Referral • Revisit and revise Behavior Contract	• Parent Notification • Up to 10 days OSS pending possible hearing • Referral to law enforcement or tribal officials • Restitution • Enact Behavior Contract consequences
Vandalism (Deliberately or maliciously destroying, damaging, and/or defacing school property or the property of another individual) **Level 1: less than $200** **Level 2: $200 - $999** **Level 3: over $1,000**	• Parent Notification • 1-5 days ISS • Referral to Counselor • Restitution • Behavior Contract • Possible long-term suspension hearing • Referral to law enforcement or tribal officials	• Parent Notification • 3-7 days ISS • Restitution • MLSS Referral • Possible long-term suspension hearing • Referral to law enforcement or tribal officials • Revisit/revise Behavior Contract	• Parent Notification • Up to 10 days OSS pending possible hearing • Restitution • Referral to law enforcement or tribal officials • Enact Behavior Contract consequences

Level 4

Firearm, Firearm Component, Ammunition, Explosive or Incendiary Devices
The possession or use of any firearm, firearm component, explosive or incendiary device is prohibited on school property, at school-sponsored events, or on school transportation.

Any student who is determined to have brought any of the items listed under this violation to a school, or to have possessed a firearm at a school, at school sponsored events, or on school transportation, will be long-term suspended from school for a period of not less than one year. The Superintendent of Schools has the authority to modify such long-term suspension on a case-by-case basis.

	1st Offense	2nd Offense	3rd Offense
	• Parent Notification • Up to 10 days OSS • Possible long-term suspension/expulsion pending a hearing • Referral to law enforcement or tribal officials	• Parent Notification • Up to 10 days OSS • Possible long-term suspension/expulsion pending a hearing • Referral to law enforcement or tribal officials .	

Weapon Look-Alikes
Includes, but is not limited to, any look-alike plastic gun, rifle, knife, dagger, hand grenade, or sword, etc. which is carried for the sole purpose of appearing to be in possession of a real weapon that may intimidate, threaten or harm another person.

	1st Offense	2nd Offense	3rd Offense
	Parent Notification ● Confiscate item(s) ● Meet with counselor ● Behavior Contract ● Report to SRO	Parent Notification ● Confiscate item(s) ● Meet with counselor ● Enact consequences as per Behavior Contract ● Report to SRO	Parent Notification ● Confiscate product(s) ● Meet with counselor ● Possible long-term suspension

Other Weapons

- *An instrument or object that has the potential to inflict serious harm. Examples include: Knife, dagger, ammunition, dirk, shank, razor, utility knife, brass knuckles, bludgeons, tasers, mace, chemical, gas, etc.*
- *Possession or use of knife or blade under 3 inches.*
- *Possession or use of a knife or blade over 3 inches.*
- *An exception is made for use of instruments for educational purposes under the direct supervision of a teacher.*

	1st Offense	2nd Offense	3rd Offense
	● Parent Notification ● Up to 10 days OSS pending investigation. ● Possible long-term suspension/expulsion pending a hearing ● Referral to law enforcement or tribal officials	● Parent Notification ● Up to 10 days OSS ● Possible long-term suspension/expulsion pending a hearing ● Referral to law enforcement or tribal officials .	
Sexual Misconduct (To include, but is not limited to: gender discrimination as defined in title IX includes sexual assault, unwanted touching, inappropriate comments or conversation, nonverbal behaviors and gestures which threaten or belittle others on the basis of gender.)	● Parent Notification ● Intervention may include meeting with the counselor, state reporting, and behavior contract. ● Possible Title IX referral ● Possible referral to law enforcement	● Parent Notification ● 1-2 days OSS ● Intervention may include meeting with the counselor, state reporting, and behavior contract. ● Possible Title IX referral ● Possible referral to law enforcement	● Parent Notification ● 3-5 days OSS ● Intervention may include meeting with the counselor, state reporting, and behavior contract. ● Possible Title IX referral ● Possible referral to law enforcement
Bomb Threats/ Explosives **(**school-wide threats to the school in various formats)	● Parent Notification ● 10 days OSS ● Possible long-term suspension hearing ● Referral to law enforcement officials	● Parent Notification ● 10 days OSS pending hearing ● Possible long-term suspension hearing ● Referral to law enforcement officials	● Parent Notification ● 10 days OSS pending hearing ● Possible long-term suspension hearing ● Referral to law enforcement officials

APPENDIX G – Title IX Grievance Process

A-0312 © ACA-RB

REGULATION
NONDISCRIMINATION ON THE BASIS OF SEX

Compliance Officer

The Title IX Coordinator shall be the compliance officer. Any person who feels unlawfully discriminated against or to have been the victim of unlawful discrimination by an agent or employee of THE DISTRICT or who knows of such discrimination against another person on the basis of sex should file a complaint with the Title IX Coordinator's Office using the following information.

Name: Dr. Eric James, Human Resources Director
Title: Title IX Coordinator for Bernalillo Public Schools
Address: 560 S. Camino del Pueblo
Bernalillo, New Mexico 87004
Phone: (505) 404-5717
E-mail: ejames@bernalillops.org

Grievance Procedure

Any student or employee of THE DISTRICT of Bernalillo Public Schools who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any School District education program or activity on the basis of sex in violation of Board of Education Policy, may file a report of sex discrimination or a formal complaint with the Title IX Coordinator.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment). Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. A report may be made to any District employee and that employee shall make the report to the Title IX Coordinator within one (1) school day of receipt. Failure to make such a report upon its receipt shall expose the employee to disciplinary action in accord with District policies.

THE DISTRICT is committed to investigating each report and to taking appropriate action on all confirmed violations of policy. The Title IX Coordinator shall have reports investigated and document those filed pursuant to this regulation as soon as reasonable. In investigating the report, confidentiality will be maintained to the extent reasonably possible.

Upon receiving of a report regarding sex discrimination, which may include sexual harassment, with or without a formal complaint, the Title IX Coordinator shall have a response provided to complainant and respondent of non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge which provide supportive measures and which shall include, discussion of supportive measures and inform them of what is available without a formal complaint.

The Title IX Coordinator is responsible for implementation of supportive measures.

Upon the receipt of a report regarding sex discrimination or sexual harassment the Title IX Coordinator shall promptly contact the complainant to:

- discuss the availability of supportive measures,
- consider the complainant's wishes with respect to supportive measures,
- inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and
- explain to the complainant the process for filing a formal complaint (See ACA-E).

Supportive measures may include:

- counseling,
- extensions of deadlines or other course-related adjustments,
- modifications of work or class schedules,
- campus escort services,
- mutual restrictions on contact between the parties,
- changes in work or housing locations,
- leaves of absence,
- increased security and monitoring of certain areas of the campus, and
- administrative leave while a grievance is pending,
- emergency removal (following an individualized safety and risk analysis), and
- other similar measures.

THE DISTRICT must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator shall contact the complainant and gather information to complete the grievance report. Following completion of the forms, the Title IX Coordinator shall cause an investigation and documentation of complaints filed pursuant to Policy ACA and Regulation ACA-RA in so far as it applies and as soon as is reasonable. In investigating the grievance, confidentiality will be maintained to the extent reasonably possible.

The Title IX Coordinator shall, upon the investigations drawing to a close and prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy

The parties shall have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report.

After THE DISTRICT has sent the investigative report to the parties and before reaching a determination regarding responsibility, the Superintendent or decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The Superintendent or decision-maker shall upon having the investigative report completed, and if there is reason to believe that a violation of policy has occurred:

- provide a written determination which must include;
    - identification of the allegations potentially constituting sexual harassment,
    - a description of the procedural steps taken from the receipt of the formal complaint through

the determination, including
    - any notifications to the parties.
    - interviews with parties and witnesses.
    - site visits.
    - methods used to gather other evidence, and
    - hearings held.
  - findings of fact supporting the determination.
  - conclusions regarding the application of THE DISTRICT's code of conduct to the facts.
  - a statement of, and rationale for, the result as to each allegation, including
    - a determination regarding responsibility.
    - any disciplinary sanctions THE DISTRICT imposes on the respondent.
    - whether remedies designed to restore or preserve equal access to THE DISTRICT's education program or activity will be provided by THE DISTRICT to the complainant.
  - THE DISTRICT's procedures and permissible bases for the complainant and respondent to appeal if THE DISTRICT offers an appeal.

If the person alleged to have violated policy is a teacher or an administrator, the due process provisions of THE DISTRICT's Policy GCQF shall apply. In cases of serious misconduct, dismissal or suspension proceedings in accordance with policy may be initiated.

If the person alleged to have violated policy is a support staff employee, due process and discipline under Policy GDQD may apply if the evidence so warrants.

If the person alleged to have violated policy is a student, the discipline may be imposed in accordance with Policies JK and JKD.

Appeals

THE DISTRICT shall offer both parties an appeal from a determination regarding responsibility, and from THE DISTRICT's dismissal of a formal complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Timelines (following the procedures found in ACA-RA)

At the time of the filing of a discrimination report or a formal complaint, the Complainant must be participating in or attempting to participate in the education program or activity of THE DISTRICT, as stated in the Title IX regulations.

Once the grievance report has been received, the grievance form provided by THE DISTRICT is to be completed within one (1) working day, if possible. The Title IX Coordinator shall require the immediate supervisor or

site administrator to investigate and respond in writing to the complaining party within ten (10) working days of obtaining the information in the form ACA-E, so far as was possible.

If the complainant is not satisfied with the actions taken by the administration as indicated in the response and efforts to alleviate the discrimination alleged, the complainant will have ten (10) days within which to submit a written objection, including a statement of the reason for their objection, to the Superintendent.

The Superintendent will have ten (10) additional working days to respond in writing to the complaining party regarding the objection.

If the complainant or respondent is not satisfied with the Superintendent's response and efforts to alleviate the discrimination alleged, establish responsibility or dismiss any allegations, the complainant or respondent will have ten (10) days within which to submit a written objection to the Board based on one of the following:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The Board will then review the record of the investigation and have thirty (30) days to respond to the complaining party in writing.

Extension or Delay request

Either the person who reported or THE DISTRICT may request a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action.

APPENDIX H - Racially Charged Incidence

New Mexico House Bill 43 - The Black Education Act

Racialized aggression defined as any aggressive act which can be characterized, categorized or which appears as such to be racial in nature is prohibited.

The Anti-Racism/Anti Oppression (ARAO) Hotline is a resource created by the Black Education Act (House Bill 43) that is available for students, families, staff, community members, and other stakeholders to report school-based incidents of racism.

The ARAO hotline is a bridge that supports communication between districts, schools, charter schools, students, and their families. Because of this, there is no expectation for anonymity reporting to the ARAO Hotline. The Hotline utilizes the information reported to encourage communication and positive engagement of all parties during the follow-up process. *The Hotline covers racialized incidents of racism that happen within New Mexico public and charter schools.*

ARAO HOTLINE GUIDELINES

IPRA – The Inspection of Public Records Act (IPRA) is a New Mexico state law that provides the public and media access to public information. The law requires open access to almost all public records in state and local government, with few exceptions. Under IPRA, the public has the right to take legal action if they are denied access to public records, an important mechanism to empower the public.

FERPA – The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) (maybe add a live link) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. (2.ed.gov)

FILING A REPORT

The Anti-Racism Anti-Oppression is a resource created by the Black Education Act (House Bill 43) that is available for students, families, staff, community members, and any stakeholders to report school-based incidents of racism, injustice, or discrimination against anyone.

Students, families and community members can report school-based incidents of racism to the Anti-Racism, Anti-Oppression Portal: bit.ly/ARAOHotline

APPENDIX I - Personal Use of Electronic Communication Devices by Students, J-3150

Adopted by the BPS School Board: 28 MARCH 2024

Electronic Communication Devices (ECD)

Definitions:

Electronic communication devices (ECDs) include, but are not limited to, cellular telephones, tablets, computers, watches, paging devices, beepers, personal digital assistants [PDAs], e-readers, headphones/earbuds/airpods, and other devices designed to receive and send an electronic signal.

Powered off means that a cell phone or other ECD is switched completely off and is not set on silent or vibrate mode.

Out of sight/stored away means that the cell phone or other ECD is placed in a backpack or storage container while powered off.

In an effort to increase student engagement, increase student success, and reduce in-class distraction, Bernalillo Public Schools will require all personal ECDs to be powered off during the school day:

- During the school day, students may be allowed to use cell phones or other ECDs in school and on school property ONLY before classes begin in the morning and after classes end in the afternoon. Schools may further regulate student use of ECDs before and after school. Schools may add further regulation of ECDs during the school day, up to and including turning them in during the school day, as approved by the Superintendent.
- Cell phones or other ECDs may not be used during recess or lunch periods.
- During school activities and athletic events, when directed by a teacher, coach, administrator or sponsor, cell phones and other ECDs shall be powered off and stored out of sight.
- The use of built-in cameras in cell phones and other ECDs is prohibited in locker rooms, and/or school restrooms at all times.
- Students may not use cell phones or other ECDs on any school property to access or view Internet web sites that are intentionally blocked for student use on school property or are otherwise deemed unacceptable for students, as per BPS Acceptable Use of Technology Policy.

BPS is not responsible for lost, stolen, or damaged electronic devices. Students should bring any of these devices to school at their own risk. BPS will provide all needed electronics for success in classes.

This Policy does not apply to the sanctioned use of Electronic Devices by administration or teachers, or students under the direct supervision of their teacher (and with prior administrative approval), for educational purposes. Use of Electronic Devices in violation of this policy shall result in consequences per BPS Student Discipline matrix. The requirement that cell phones and other ECDs be powered off shall not apply in the following circumstances when the student has obtained prior approval from his or her school principal. (The ECD must remain in a silent or vibrate mode during class.)

1. The student is a member of a volunteer fire company/department, ambulance or rescue squad. Documentation from the appropriate agency must verify a student's membership.
2. The student has a special medical circumstance (e.g., his or her own special medical condition, or an ill family member). Documentation from a physician or parent must verify the illness.