

AGENDA FOR MARCH 3, 2026 REGULAR MEETING SIDNEY GUTIERREZ MIDDLE SCHOOL

The Regular Meeting of the Governing Council of Sidney Gutierrez Middle School will be held on Tuesday, March 3, 2026, at 6:00 p.m. at the Sidney Gutierrez Elementary School Building, 69 Gail Harris, Roswell, NM, and will also be accessible via a Zoom link posted on the school's website. The purpose of the meeting will be to address regular business, including:

Action Items

- (1) Minutes for February 3, 2026 Regular Meeting – Discuss/Vote
- (2) BARS – Discuss/Vote
 - BAR #2526-0015-I in Fund 11000
 - BAR #2526-0016-I in Fund 31701
 - BAR #2526-0017-D in Fund 31703
 - BAR #2526-0018-D in Fund 23000
 - BAR #2526-0019-I in Fund 27109
 - BAR #2526-0020-I in Fund 29102
 - BAR #2526-0021-M in Fund 11000/1000
 - BAR #2526-0022-M in Fund 11000/2000
 - BAR #2526-0024-I in Fund 31703
- (3) 2026/27 School Calendar – Discuss/Vote
- (4) Revision of SGS Handbook – Discuss/Vote
- (5) Cash Report 2nd QTR – Discussion only
- (6) Discipline matrix proposal – Discuss/Vote

Updates

- (1) Financial Update
- (2) Facilities Update

Other Business

- (1) New Business
 - *Financial Committee Report
- (2) Principal's Report
- (3) Public Comment

Adjournment

Sidney Gutierrez Middle School Governing Council reserves the right to take action on any or all business items.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the School at 347-9703 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the School at 347-9703 if a summary or other type of accessible format is needed.



Student Success Handbook

Introduction

The purpose of the Student Success Handbook is to assist Sidney families, teachers, staff and administrators in understanding that the school community exists to help all students develop their full potential for learning, and the necessary self-discipline to enable them to become productive, responsible members of a democratic society. The right to attend the Sidney Gutierrez School is not absolute. It is conditioned on each student's acceptance of the obligation to abide by the lawful rules of the school community until and unless the rules are changed through lawful processes.

Student discipline at the school should serve to educate youth regarding citizenship and a system of rules and consequences for their violation. Discipline should also serve to teach appropriate behavior. The quality of the school community, both socially and academically, depends in a significant way on the choices made by the student population. Upon entering a school, students assume part of the responsibility for creating a stimulating academic and social environment in which everyone is free to grow and learn. Sidney Gutierrez School endorses and supports the values of respect, responsibility, trustworthiness, fairness, caring and citizenship. Our school personnel, students and their families are expected to exhibit these qualities in their daily dealings with one another.

Students at the school have the right to a quality education, free from unnecessary disruptions and distractions. Everyone in the school community, including students, parents, faculty and staff, share in the responsibility of maintaining a respectful campus environment.

Unacceptable behaviors, and the potential consequences of such behaviors, are outlined in this document. This list is not all-inclusive, nor is it possible to list all possible unacceptable behaviors. Acts of misconduct not specified herein that disrupt the educational process shall also be subject to disciplinary action by appropriate school personnel. Parents or guardians are encouraged to communicate with teachers with questions or issues. Parents may use email or set up an afterschool appointment in advance by calling the school office, but should not disrupt class time, unless prior arrangements for coverage have been made.

The Sidney Gutierrez Student Success Handbook provides useful information to parents/guardians and students. It also states guidelines for student rights and responsibilities and is not intended to provide legal advice. It does not create any contractual rights, and the school has the discretion to modify the provisions of this handbook at any time. Each school's handbook supplements the Student Success Handbook and should be referred to for more specific guidelines. If a provision of an individual school's handbook is inconsistent with the Student Success Handbook, this handbook supersedes the school handbook.

When is this handbook in force?

The provisions of the Student Success Handbook are in force during regular school hours, during transportation of students, at times and places where appropriate school administrators and staff have jurisdiction, including but not necessarily limited to, school-sponsored events, field trips, athletic functions, school related activities; and on the way to, or going home from, school or a school-related event. The students are required to fully respect all substitute teachers, part-time teachers, counselors, parent volunteers, and guest speakers as they are to treat the school's administrators and full-time teachers. Rude or disrespectful behavior by students to any of the foregoing people disrupts the educational process, is a violation of this handbook, and will subject the student to disciplinary action under this handbook.

Introduction

Section 1: Governing Council

Section 2: Academics

Section 3: Attendance

Section 4: Enrollment Registration and Withdrawal

Section 5: General School Information

SECTION 6: Parent/Legal Guardian and Student Resources

SECTION 7: Student Code of Conduct

SECTION 8. SGS Notice of Nondiscrimination

SECTION 9: Family Educational Records and Privacy Act (FERPA)

SECTION 10: When a Student's Rights May Have Been Violated

SECTION 12: Glossary of Terms

DRW

SECTION 1: SGMS Governing Council – SY2025-2026

Sidney Gutierrez School is governed by a five-member elected school board that sets policy, approves the budget, and hires the charter leader who oversees all operations of the school.

The governing council meets the first **Tuesday of every month at 6:00 p.m. at Sidney Gutierrez School**, 69 Gail Harris, Roswell unless a different location is noted on the agenda. Board agendas are posted on the Sidney Gutierrez website.

SGMS Governing Council Members

Shawna Perry	President
Kelly Smith	Vice-President
Dr. Mike Taylor	Secretary
Yasine Armstrong	Member
Domingo Alonso	Member
Steven DuCharme	Member

The Governing Council is committed to providing a safe, respectful, and nurturing environment for all members of the school community including students, staff, parents/guardians, community partners, and visitors.

This handbook is an official policy statement of the SGMS Governing Council. Students, parents/guardians, and staff should review and be familiar with this handbook.

The Student Success Handbook will be reviewed by the Governing Council on an annual basis. Copies of the handbook will be made available to students at the beginning of the school year. It will also be posted on the school's website.

SECTION 2: Academics

Academic Achievement

Students are expected to achieve academically to the best of their ability. They are expected to:

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

Academic Disciplinary Policy

It is the student's responsibility to do class assignments or assigned homework and the parent/guardian's equal responsibility to make sure the student is doing his/her class assignments and homework. The failure or refusal of a student to do class assignments or homework assignments is considered unacceptable behavior that is disruptive of the educational process. These actions may subject the student to discipline determined by the school to be appropriate under the circumstances, including referrals, short-term or long-term suspension from the school, in-school suspension, or other remedies set forth in this handbook for handling unacceptable student behaviors.

Academic Excellence

The Sidney Gutierrez School is committed to providing the best education possible to each of our students. Parent/legal guardian involvement is essential for students to succeed at school. We encourage parents/legal guardians to support their child's efforts throughout their educational journey while allowing their students to grow and discover their own potential. It is the responsibility of every student and staff member to do their individual best every day and support a positive learning environment for everyone in the school. Students and staff must be respectful and honest in their work and interactions. Academic dishonesty in any form is prohibited and may result in disciplinary consequences.

Academic Learning 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
- Be prepared to engage in all classroom activities
- Respect themselves, fellow students, and staff
- Resolve differences with others in a positive, non-violent way
- Remain drug, alcohol, and tobacco free
- Dress appropriately for an educational environment
- Respect school property and the property of others
- Comply with the standards of behavior for their classrooms, their school, and their community

Parents and families are partners with school staff in educating all children. Every parent/legal 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 learning and education a priority in your home
- Make sure your students attend school, on time, every day
- Support your student in completing their homework and studying at home
- Understand and follow school rules and the rules of your student's school
- Support school staff in enforcing these rules
- Support the school and Governing Council in maintaining high expectations of all students
- Volunteer at your child's school, time permitting. Schools have many areas in which parents can assist. Volunteers must have an SGS background clearance.

Completion of Program

Successful completion of Sidney Gutierrez's educational program culminates with 8th grade promotion. Eligibility requirements for promotion include:

- Earn a passing semester grade in each core subject
- ****outline specifics for elementary**?**
- Semester grades in middle schools are an average of quarter 1, quarter 2, and exam 1 grades, and an average of quarter 3, quarter 4, and exam 2 grades in a 40:40:20 ratio for 7th and 8th grade and a 45:45:10 ration for 6each the grade.
- Use no more than one social promotion in grades K-8

If the requirements for promotion are not met, the student is not eligible to attend promotion ceremony activities.

Commented [KS1]: Wording for elementary?

Acceptable Use of Computers

Acceptable use of computers requires that the use of these resources be in accordance with the following guidelines and support the educational goals of the school. The principal may designate a system administrator or serve in that capacity himself. The user must:

- Use the computer for educational purposes only.
- Agree not to submit, publish, display or retrieve/download any inappropriate material, including but not limited to material that is defamatory, abusive, obscene, profane, gang-related, sexually threatening, racially offensive or illegal.
- Not attempt to harm, modify without designated system administrator approval, or gain unauthorized access to school systems or data, destroy software, or interfere with system security.
- Notify a system administrator if a password is lost or stolen, or if there is a reason to believe that someone has obtained unauthorized access to the system.
- Not use the network in a way that would disrupt the use of the network by others or disrupt the educational process at the school.
- Understand that email on networks should not be considered absolutely secure or private. Not use school-based email without permission.
- Not reveal home addresses or personal telephone numbers over the computer.
- Not use the computer to make any unauthorized purchases or to conduct any non-approved business.
- Abide by all copyright regulations, thereby refraining from the illegally copying of copyrighted software.
- Follow all school policies as written in this handbook when using the computer.
- Not print unauthorized pages or unauthorized numbers of pages thereby wasting school resources such as print cartridges and paper.

The use of computers at the school is a privilege, not a right. Any action by a user that disrupts the educational process may result in a loss of computer privileges, in addition to submitting the user to the other disciplinary measures that may be taken by the school as set forth in this handbook.

SECTION 3: Attendance

Attendance for Success Legal Requirements

The State of New Mexico requires that students between the ages of five (5) and eighteen (18) attend a public or private school (including charter and alternative schools) or register with the New Mexico Public Education Department if a parent/legal guardian is providing home school or if the student is in a state institution.

Student attendance in school is a critical component of the educational process. Students, families, and Sidney personnel must all work together to promote student success through regular attendance in school every school day as it is an important element of academic success. Attendance positively correlates to student success and academic achievement and should not be treated as a disciplinary issue, but rather lead to conversations with students and families about the means to improve attendance.

Attendance during remote learning is based on the extent to which a student has engaged in remote learning (online with their teacher and/or assigned learning that the student does on their own without direct supervision of their teacher). Student engagement is not to be confused with how much the student understands the content, nor their grade in the class. Engagement is measured by the student showing their teacher that they are participating in the remote learning process and class activities.

Normal School Hours

Normal school hours are 8:00 a.m. to 3:00 p.m. It is the parents or guardian's responsibility to arrange for transportation to and from school so that the student arrives on-time and is picked up promptly after school. Excessive tardiness is disruptive to the educational process and may subject the student to disciplinary actions. Parents/legal guardians are responsible for contacting the school if someone other than those authorized on the student's pick-up list are to collect their child. Students are to check with the office before going home with someone other than their scheduled pick-up person. If students are not picked up in a timely manner, the school may call law enforcement officials or Children, Youth, and Families Department (CYFD) so that the child is not left unattended when staff leave the school.

Early Checkout

Whenever a student needs to leave school early the parent/legal guardian must follow the procedures outlined by the school and provide the reason for early check-out. Students will only be released to their parent/legal guardian or to a person designated by the parent/legal guardian in the student's record. Parent/legal guardian or designee must provide a picture ID when picking up a student. Instructional time is important so appointments should be scheduled outside the school day, whenever possible. Parents/guardians should not check out students early to avoid after-school traffic.

Excused/Unexcused Absences and Tardies

Schools shall comply with state statute and the Sidney Gutierrez School Student Success Handbook when determining excused and unexcused absences. Excused, unexcused, and out-of-school suspensions all count toward student absences that require student intervention plans when the number of absences reach the standards for early interventions, chronic or excessive absenteeism. Differentiating between excused and unexcused absences is only helpful in informing student attendance intervention plans. Students may obtain make-up work for any absence, excused or unexcused with the exception of long-term suspensions and expulsions. Suspension shall not be used as a consequence for absences or tardies.

Parents/guardians are required to notify the school of their child's absence with a phone call. Electronic communications (text message, email, etc.) are insufficient.

Excused Absences

Excused absences include:

- Illness (including chronic illness documented in a health plan, IEP, or 504).
- Family deaths.
- Deployment of a military parent/legal guardian.
- Limited extenuating circumstance as approved in advance by the school principal.
- Limited family emergencies.
- Medical, health or legal appointments.
- Religious commitments.

Unexcused Absences

All absences for reasons not included under excused absences shall be considered unexcused. Examples include but are not limited to:

- Non-school sponsored activities or trips.
- Family vacations outside of the normally scheduled school breaks.

Tardies

Students who come to school after the scheduled start time are missing important learning opportunities. Students who come late to school will need to check in at the front office. Elementary aged children must be taken into the office by a parent/legal guardian. Students should not go to or be taken directly to the classroom without escort by school personnel.

- Students who are often late may need to make up the lost instructional time. Check with the principal to find out if and when your child needs to make up the lost instructional time.
- Schools may provide additional support to discourage tardiness and encourage on time attendance.
- Tardy means when a student arrives to any school day or class period after the bell rings indicating the start of class or school day.

Interscholastic/Extracurricular Absences

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

Interventions

Families can check PowerSchool of each student’s absence for any part of the day so parents/legal guardians can accurately track their student’s attendance

- Families will receive school notification via text, phone call, and/or email when a student has reached any of the thresholds set for attendance interventions.
- Interventions for students with disabilities who have IEPs (other than students receiving “gifted” services only) will involve consultation with the IEP team and/or performance of a Functional Behavior Assessment.
- Parents/legal guardians are expected to schedule an appointment with their student’s school to discuss the reasons for the absences and develop a plan, including setting goals, to improve attendance.
- School staff shall contact the family and schedule an appointment with the parent/legal guardian on strategies and support, especially when the student has not attended 5/10/20 percent of the required attendance days.
- In general, five (5) percent of school is approximately 9 days for the school year, ten (10) percent of school is approximately 18 days for the school year (2 days per month), and twenty (20) percent of school is approximately 36 days for the school year.

Interventions for Students with Excessive Absences of Any Kind

Full Day Absences (percentage %)	5	10	20	20+
Parent/Guardian Contact	•	•	•	•
School Interventions and Strategies	•	•	•	•
Written Notice to Parents from School		•	•	•
Phone Call to Parent from School	•	•	•	•
Parent & Student Conference with School Staff		•	•	•
Referral to Principal		•	•	
Referral to CYFD/JPO			•	

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

Make-Up work

Students are entitled to make-up work for any absences, excused, or unexcused

- Upon return from an absence(s), students shall request make-up work and will have one day per one day of absence to complete the missed work unless the teacher and/or school administrator add additional time.
- The teacher and/or school administrator may request a meeting with the parent/legal guardian to determine a timeframe/plan to complete the make-up work.
- Teachers will provide make-up work but may need one full school day to gather the make-up work.
- Grades shall not be reduced as a direct penalty for non-attendance, however grading plans may include participation grades as part of an overall grading method.
- Check with the teacher regarding participation requirements for any class.
- If families know ahead of time when an absence will occur, it is best practice to ask for make-up work before the absence occurs.

Off-Site Attendance

A student who attends through participation in an online/virtual education course (when available) or attendance at another site shall not be counted as absent if participation is verified.

SECTION 4: Enrollment/Registration and Withdrawal

Kindergarten Enrollment Requirements

To be enrolled in an SGS kindergarten program, a child must be at least five (5) years of age prior to 12:01 a.m., on September 1 of the school year in which they are enrolling.

New Mexico state statute requires students of the appropriate age to enter a kindergarten program in a public school, private school, home school or state institution. Exception to the enrollment requires the parent to secure a waiver from the principal or his/her designee. The SGS waiver states that the student may be given approval to remain out of school for one additional year prior to entering kindergarten. Upon entry into public school, the child shall enroll in kindergarten.

Children moving to Roswell who have been in a kindergarten program in other areas and who were five (5) years of age after 12:01 a.m., on September 1 of the enrolling year are not eligible for entry into the SGS kindergarten program. Children of active-duty United States military personnel may be exempt from this rule.

Registration Requirements

Each year parents/legal guardians must provide the school with copies of the student's immunization record and at least two (2) documents verifying their residence in the school's attendance boundary.

For a student's initial enrollment in SGS, parents/legal guardians must also provide the student's birth certificate.

Other Registration Forms

These forms, available at the school, are used in cases when students live within the community but not in a traditional setting. Along with the appropriate form, there should be verification of residency. The school may make home visits to verify residency.

These forms are not to be used for purposes of avoiding the transfer policy or rules.

If it is determined that the residency situation as described by the parent/legal guardian is not accurate, the student may be sent back to their neighborhood school, usually at the next academic break or the end of the year.

- **Family Living with Family Form** – In cases where the student and at least one parent/legal guardian are living with a family member or friend. *The individuals hosting the student's family must provide verification of residency in the school's attendance area* (i.e., family is living with grandparents then the grandparents must provide proof of residency in the school's attendance area [e.g. Community]). Schools may ask the student's parents/legal guardians for proof of address 30-60 days after enrollment, but it does not have to be a utility bill. The Family Living with Family form must be notarized or signed by both parties in the presence of the school personnel as they present their photo IDs.
- **Educational Responsibility:** In cases where only the student is living with a non-guardian family. The school communicates with the adult assuming educational responsibility as its primary contact on matters of attendance, academic achievement, conduct, etc. *The adult assuming educational responsibility must provide proof of residency in the school's attendance area (community).* The form must be notarized or signed by both parties in the presence of the school personnel as they present their photo IDs.
- **Caregiver's Authorization:** Somewhat like the Educational Responsibility but used when a parent/legal guardian is not available (i.e., out of the picture, incarcerated, deceased, military deployment) and resides with someone other than a legal guardian. It is sometimes used in cases of runaway students. *The adult assuming educational responsibility must provide proof of residency in the school's attendance area.* This form does not require the signature of the parent/legal guardian, but it must be notarized.

Verification of Residency

Enrollment of students in school shall be based on the residence of the student. The property address must be where the student and parent/legal guardian live full-time. The schools may ask for two or more documents for verification of residence each year. Acceptable documents to provide proof of residence include:

- A current New Mexico driver's license
- A deed or mortgage payment dated within the last 60 days
- A property tax bill dated within the last year
- A current lease, rental agreement, or Section 8 agreement
- A utility bill (with parent's printed name) dated within the last 60 days
- Voter registration documentation from Bernalillo County with the address of the residence
- Military orders indicating the family lives on base

A school official may visit the address given to verify residence.

Withdrawal

A parent/legal guardian may disenroll a student from school when necessary. The parent/legal guardian will need to have a photo ID at the time of withdrawal and provide information regarding the student's next educational setting. At the time of withdrawal, students must return all textbooks, library books, or other school equipment and pay all fines owed to the school. Payment must be made for any items not returned. Schools may disenroll a student without parent/legal guardian permission for non-attendance following school policy and state law.

SECTION 5: General School Information

Birthdays, Holidays, and Celebrations

Instructional time is important so parties will not be held during core class time. Parents/legal guardians/students wishing to bring food or other items to school for celebrations may only do so with prior permission from the principal.

Clubs, Activities, and Athletics

Extracurricular activities are an integral part of the educational process, providing students with opportunities to further develop their unique capabilities, interests, and build strong friendships beyond the classroom. Participation in extracurricular activities is a PRIVILEGE offered to and earned by students. Because participants are representatives of their school and community, their conduct is expected to exemplify high standards at all times. Sponsors and coaches may develop standards of behavior and consequences that are stricter than those for other non-participant students.

- Students may form clubs or organizations for any legal purpose
- These organizations must be open to all students on an equal basis and must operate within the guidelines established by the student government, and with the approval of the school principal

The names of student clubs and organizations, the mission or purpose of such clubs or organizations, the names of the club's or organization's contacts or faculty advisors, and a description of past or planned activities will be available in school-provided information and/or on school websites for the school. This information is updated periodically throughout the year.

If a student is injured while participating in a school sponsored activity or athletic event their parents should contact the principal to file a claim.

Counseling Services

The Sidney Gutierrez School has district employed school counselor(s) to work with our students. School counselors assist students with academics, college and career planning and development, social-emotional learning, and personal issues including substance abuse. Parents should contact their student's counselor if they have concerns about their student's academic progress or behavior. Students can see their counselor by making an appointment through the office.

SGS takes the safety of all students seriously. If a student is thinking of suicide or having suicidal ideation or knows of a student who is in this situation, they should contact their school counselor. All school counselors are trained in preliminary suicide assessment techniques.

Delays and Closings

The safety of our students is our primary concern when deciding to delay, dismiss early or close schools due to inclement weather. In most cases, schools will have a remote learning day in cases of dangerous road conditions.

The decision to close schools or delays the start of school will be made as early as possible, sometimes the evening before.

- School start time may be delayed by two hours. Check with the school for their specific Delay Day schedule.
- Announcements about changes in school schedules will be delivered through the SGS school messenger system, social media platforms, television and radio stations, and the SGS website.
- If no announcements are made, schools will be open as usual.
- If weather conditions worsen during the day after school is in session, the school may deem it necessary to dismiss school early. If early dismissal is necessary, announcements will be made through school messenger, social media platforms, television and radio stations, and the SGS website. After school and evening activities will also be cancelled.
- In remote learning, there are no delays or closures.

Dress Code

The Sidney Gutierrez School's Governing Council expects the student dress and grooming to reflect high standards of personal conduct so that each student's attire promotes a positive, safe and healthy atmosphere within the school. Student dress may not present a health or safety hazard, violate municipal or state law, or present a potential for disruption to the educational process. Students whose clothing or personal grooming distracts the attention of others from their schoolwork or disrupts the educational environment shall be required to adjust their attire.

Students and their parents/guardians have the responsibility to be aware of the dress code and plan accordingly for school attire. Successful school-environment clothing will cover stomachs, lower backs, and chests from front and side views as the student stands up straight, bends forward (as if to pick up a dropped school item), sits down, and raises arms over head. Clothes, tops and bottoms, will cover underwear and places where underwear would be visible to others. ~~Bottoms will be at least fingertip length and longer than the paired top. Rips in bottoms are allowed but cannot extend above mid-thigh. Thin-strapped tops, those with sleeves less than 2 inches in width, are also not school appropriate.~~ Bottoms must be of an appropriate length and fit that are appropriate for a school environment, and longer than the paired top. Rips in bottoms are allowed but cannot extend above mid-thigh. Thin-strapped tops, considered "tank tops" or "muscle shirts", are also not school appropriate.

Attire or accessories which advertise, display, or promote any drug, including alcohol or tobacco, sexual activity, violence, disrespect, and/or bigotry toward any group are not acceptable. Unacceptable clothing and accessories may include, but are not limited to, gang-related attire, excessively tight or revealing clothing, low-cut and/or off-the-shoulder blouses, or spiked jewelry. "Sagging" or the wearing of pants below the waist and/or in a manner that allows underwear or bare skin to show, and "bagging" or the wearing of excessively baggy pants with low-hanging crotches are prohibited. As a matter of common courtesy and respect students will not wear hats, caps, visors, hoods, or sunglasses inside the school building except for school approved events.

Student safety is a priority. Students will wear proper shoes for school activities. Students will be asked to remove jewelry and body or face piercings that are deemed unsafe for school activities. Some styles of clothing may be inappropriate due to the safety risk or distraction they pose to the individual or others.

~~The principal will determine which attire presents a potential for disruption to the educational process and students may be asked to change their clothing or may be sent home if the principal determines that the attire presents a potential for disruption of the educational process.~~

The principal will determine which attire presents a potential for disruption to the educational process. If the principal determines that attire presents a potential for disruption of the educational process, students may be asked to change their clothing or the principal may choose another way of remedying the dress code issue to allow

the child to remain in school.

SGS is a place that promotes dressing for success. It is necessary for our students to understand the importance between dressing for school and dressing for out-of-school activities. The school's administrator will be the final judge of dress code violations.

Dress code will be enforced K-8.

Emergency Contact Information

Emergency contact information is extremely important and emergency contacts cannot be the parents/legal guardians. In the event of an emergency, the school will always attempt to contact the parents/legal guardians first. Emergency contacts will be called only if the parents/legal guardians cannot be contacted.

Field Trips and Activity Trips

Field trips are school-sponsored trips that provide a first-hand educational experience to supplement curriculum and instructional goals away from the school campus.

Activity trips are trips sponsored by the staff for educational purposes or are trips that are non-educational in nature that are used to reward academic, athletic, or behavioral accomplishments.

Participation in field trips, activity trips, and extracurricular activities is a privilege offered to, and earned by, students. Because participants are serving as representatives of their school and community, their conduct is expected to exemplify high standards at all times. Participation in extracurricular activities is not a student's right, and suspension of such privileges does not require a due process hearing. Removal at the discretion of the principal, of any part, or all, of a student's extracurricular privileges for the time periods up to one full calendar year. The framework for this discipline policy is based on NMAA Guidelines which apply to all public school students.

Due to planning purposes, eligibility will be determined one week prior to the field trip or activity trip. Students can be removed from the field trip or activity trip up to the day of the trip.

Eligibility requirements

- Current overall GPA of 2.5 in core classes,

Core classes: Math, Science, English/Language arts, Social Studies, Reading (for 6th grade only),

- No 'F' in any class, including pass/fail classes,

- No more than 2 referrals within two months of the date of the field or activity trip,
- No suspensions (in school or out of school) within two months of the date of the field or activity trip

Trip sponsors are required to be a certified teacher currently employed by SGS. Trip sponsors shall be required to attend the trip in its entirety. The trip sponsors shall be the primary chaperone for student field and activity trips. All chaperones attending a trip shall be at least twenty-one (21) years of age. Most chaperones should be teachers or parents/guardians. Parents/guardians serving as chaperones cannot bring other children on the trip as chaperones will need to provide their full attention to the students on the trip. The principal shall review and approve all field and activity trips and chaperones prior to the trip. Chaperones must have an approved background check.

School administration/sponsors have the right to inspect luggage and personal belongings of any student attending a field/activity trip.

Food Services

SGS has meal services available for students each day. SGS provides school breakfasts, lunches, and snacks to students. The school provides nutrition education and work with children who have special nutrition needs. Good nutrition is key to a healthful life. Studies show that students who are well nourished have increased attendance, better grades, and are able to concentrate and perform at higher standards.

Our vision is a partnership among students, staff, school, district, family, and the community in offering access to and providing attractively presented nutritious meals.

The food service program, as an extension of the educational programs of the schools, is operated under the federally funded National School Lunch Act and Child Nutrition Act and the National School Breakfast Act.

SGS school menu can be found on the school's website.

Healthy Free Kids Act of 2010

The Healthy Free Kids Act of 2010 includes the implementation of the Community Eligibility Provision (CEP) to ensure that every student in low-income neighborhoods can participate in the National School Lunch Program and School Breakfast Program. To qualify, a school must have 40 percent or more of its students eligible for free meals based on school certification. By participating in the CEP families benefit from the elimination of completing and submitting FRPL meal applications. ***SGS qualifies for this program; whereby all meals are free to our students.***

Guest Speakers

Students have the right to encounter diverse points of view. They will have opportunities to hear speakers and view presentations representing a wide range of views in classes, clubs, and assemblies under guidelines established by the school. As a public institution, schools have a commitment to objectivity and fairness in the presentation of all sides of an issue.

If a student and/or parent/legal guardian objects as a matter of principle to participation in an activity assigned by school personnel, an alternative activity will be assigned without penalty or embarrassment to the student. The student and/or parent/legal guardian should contact the teacher or principal about their concerns.

Health Services

Nurses

The Sidney Gutierrez School has nurses on duty daily at the school. The school nurse oversees the administration of necessary medications and treatments students may need during the school day and assists students when they feel ill or have had an accident. SGS nurses are also available as a valuable resource to families, staff, and school members to guide and plan best practices for healthy students.

If you have a student with a medical or health need please call and discuss your student's needs with the school nurse. The school nurse can then help arrange the support needed for your child. Healthy students make better learners. SGS nursing services supports the whole child!

School-Based Health Clinics

The Roswell Independent School District operates School-Based Health Clinics (SBHC) and are available to work in cooperation with the school nurse. The SBHC includes a team of qualified multidisciplinary professionals that supports the health and well-being of students.

Services vary depending on the district facility but in general, SBHC address can assist students with:

- Treatment for an illness (e.g. sore throat, cough, asthma, allergies, hypertension, etc.)

- Treatment of injuries
- Tobacco cessation or other substance abuse/use
- Behavioral health concerns
- Sports physicals
- Other confidential services

Homeless Children and Youth (McKinney-Vento Program)

Th Sidney Gutierrez School offers services and support to children, youth and their families who are experiencing homelessness with the provisions of the Title I McKinney-Vento Program through the Roswell Independent School District. Homeless children and youth are defined as “individuals who lack a fixed, regular, and adequate nighttime residence.” The RISD McKinney-Vento program offers many services to students including enrollment assistance, school supplies, referrals to the RISD Clothing Bank, after-school tutoring programs, access to pre-school, parental support programs, summer experiential programs, school lunch programs, and referrals for community services. The McKinney-Vento Act requires schools to register homeless children even if they lack normally required documents, such as proof of residence; and schools are required to provide transportation to homeless students’ campus site when reasonable and feasible.

Immunizations

Immunizations protect children from serious illness and are required for attendance in SGS. Studies show they are safe and effective in helping children stay healthy. The protection of vaccines far outweighs the small risk of serious complications. Most childhood vaccines are 90-99 percent effective in preventing disease. Each year the New Mexico Immunization Coalition determines immunization requirements for students attending school. These requirements may change from year to year and can be found on the New Mexico Department of Health website. New Mexico law allows for two types of exemptions for children seeking exemption from required immunizations to enter school. These two exemptions are medical or religious.

Parents must submit proof of current immunization to register for school. Parents who wish to exempt their child must submit an approved Certificate of Exemption Form to register their child. The exemption forms are valid for one school year and must be renewed prior to the beginning of each school year. Certificate of Exemption Forms can be found on the New Mexico Department of Health website.

Lockers

Lockers are the property of the school and are used by students with the permission of the school. Lockers may be opened by a school official without the permission of the student or their parent/legal guardian. Students to whom lockers are assigned may face disciplinary consequences if the locker is found to contain alcohol, drugs, or other contraband. Students must keep a lock on their locker with lock combination presented to staff.

Medications at School

School nurses can administer medications to students who cannot administer their own medications during the instructional day. The student's doctor and the parent/legal guardian shall submit an SGS Provider Order and Medication Authorization form for the medication to be given during the instructional day. The forms are available from the nurse on duty at the school. The school nurse can assist the parent/legal guardian in obtaining written authorization for a student's needed medication. The information provided in the written authorization must match the label information on the medication container. This will ensure that the medication being taken is consistent with the medication authorized. The parent/legal guardian may come to school and administer the medication to their child until a written authorization can be secured for the school nurse. The parent/legal guardian and physician/provider may submit written consent for a student to self-administer their own medication without supervision.

Non-medically licensed school employees shall be trained to follow a specific procedure for administration of medication that assures students receive their medication in a safe and timely manner. This training shall be provided annually by the licensed school registered nurse.

Medication shall be stored in a locked medication cabinet in the nurse's office. Exceptions shall be noted on the medication authorization form or the student's Individualized Healthcare Plan and shall pertain to medication that must be stored in a refrigerator or those carried by students.

Emergency rescue medications will be stored unlocked during school hours to facilitate access to them in case of emergency need.

SGS school nurses and/or employees shall not administer non-FDA approved herbal and/or dietary supplements and essential oils regardless of delivery: orally, topically, or diffused. These substances do not have consistent and reliable United States Pharmacopeia (USP) formulation to ensure dose purity and consistency, are not regulated by the FDA, and a predictable dose calculation for herbal products has not been established in pediatrics. Administration of any medication shall not contradict the New Mexico Nurse Practice Act and federal law.

The school (including its employees and agents) shall not incur any liability against any and all claims, damages, causes of action or injuries incurred or resulting from the administration of the medication or as a result of any injury arising from the student's transport, self-administration of medication or staff administration. The parent/ legal guardian shall indemnify and hold harmless Sidney Gutierrez School (including its employees and agents) against any claim arising out of the administration of medication at school.

Please see the Procedural Directive “Administration of Medications at School” on the SGS website for more information.

Medical Cannabis

In accordance with New Mexico state law, students authorized as medical cannabis users may attend public school settings and be allowed administration of medical cannabis in a school setting. Under certain circumstances where it is necessary for a student to take medical cannabis during school hours, the school will cooperate with obtaining the required written certification to permit the parent/legal guardian to administer medical cannabis in a school building. The parent/legal guardian must administer the medical cannabis in a way that does not create disruptions to the educational environment or cause other students to be exposed to the medical cannabis. Students may not self-administer medical cannabis.

“Medical cannabis” means cannabis that is authorized for use by qualified patients in accordance with the provisions of the Lynn and Erin Compassionate Use Act and is in the form of a capsule, extract, or concentrate to be ingested through the mouth that:

- is recommended for treatment of a student’s debilitating medical condition as defined in the Lynn and Erin Compassionate Use Act in a written certification by a certified practitioner.
- is dispensed by a cannabis producer that has received approval from the New Mexico Department of Health to conduct sales of medical cannabis; may be safely divided into measurable doses.
- is not an aerosol product, consumable through smoking, or in particulate form as a vapor or by burning.
- is not a food or beverage product.
- is not a salve, balm, or other topical product.
- does not require refrigerated storage.
- is in a package or container clearly labeled with:
 - the student’s name and date of birth and the dosage allotment.

The student’s parent or legal guardian must submit a written release of liability on a form approved by the school.

Next-Step Plans

The purpose of the Next Step Plan (NSP) is to involve pertinent people in each student’s life (the student, the student’s parents/guardians, school counselor, school advisor, and others as appropriate) who work collaboratively with the student in developing goals and plans that prepare the student for a prospective career and personal future.

The NSP is a living, working document, reviewed, and updated annually, beginning in middle school and culminating in the 12th grade year in a transition plan for a post-secondary or career related future. Completion and revision of a NSP is a New Mexico Public Education Department graduation requirement.

Parent/Legal Guardian Teacher Conferences

Parents/legal guardians are encouraged to contact the school to arrange a conference with their student's teacher(s) whenever they have a concern or would like more information about their student's performance in school. Conferences must be scheduled in advance. Parents can bring an advocate of their choice with them to discuss academic or disciplinary concerns. Parents are encouraged to check PowerSchool to view in real time grades and attendance records.

Each campus also has specific days set-aside for Parent-Teacher Conferences. Parents are encouraged to attend these conferences to see how their students are doing in school and to support the student in their presentation.

Parent Teacher Organizations

The Sidney Gutierrez School has a Parent Teacher Organization (PTO). Through this group parents and teachers organize initiatives and activities to enhance the school environment and improve student success. Most organizations meet once a month. Please contact your school for more information.

Physical Restraint Law

In order to provide safe and effective interventions with students who are demonstrating dangerous behaviors, physical restraint may be necessary at times. Physical restraint is the use of physical force without the use of any device or material that restricts the free movement of all or a portion of a student's body, but "physical restraint" does not include physical escort.

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

1. A school may permit the use of restraint or seclusion techniques on any student only if both of the following apply:
 - (1) The student's behavior presents an imminent danger of serious physical harm to the student or others.
 - (2) Less restrictive interventions appear insufficient to mitigate the imminent danger of serious physical harm.
1. If a restraint or seclusion technique is used on a student:
 - (1) School employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use.
 - (2) The restraint or seclusion technique shall end when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others.
 - (3) The restraint or seclusion technique shall be used only by school employees who are trained in the safe and effective use of restraint or seclusion techniques unless an emergency situation does not allow sufficient time to summon those trained school employees.
 - (4) The restraint technique employed shall not impede the student's ability to breathe or speak; and
 - (5) The restraint techniques shall not be out of proportion to the student's age or physical condition.

Any time a physical restraint occurs, school authorities should provide the student's parent/legal guardian with written or oral notice on the same day the incident occurred unless circumstances prevent same-day notification followed by a written report of the incident completed on the appropriate school form within a reasonable time. SGS staff should follow all SGS Policies and Procedures regarding student safety. A hierarchy of non-physical interventions must be used

prior to the initiation of physical restraint, except in emergency situations. Chokeholds will not be used in the Sidney Gutierrez School.

Restrooms

Students have the right to use the restroom facilities at any time with the permission of their teacher. Teachers should not deny a student request unless there is a pattern of misuse of restroom requests at which time the teacher may make parent contact to discuss the issue.

- Students should not congregate in the restroom.
- School authorities may enter the restroom facilities at any time to check the facility for health, safety, and/or housekeeping. School authorities should announce they are entering the facility prior to their entrance.

School Safety

The Sidney Gutierrez School is committed to providing a safe, secure, and respectful learning environment for students, staff, families, and visitors to our schools. Each campus has a site safety plan specific to their location, which includes detailed instructions for a host of possible emergency situations.

- Schools are required to conduct safety drills periodically.
- Schools are required to practice fire, shelter-in-place and evacuation drills that include preparation to respond to an active shooter during the school year.
- School safety plans are reviewed annually and include site and school-specific instructions relevant to each school, depending on the design and layout of the building(s).
- Volunteers and providers at a school must have a current SGS background check clearance.
- Visits to classrooms must be arranged 24 hours in advance, should be limited to 20 minutes, and parents/legal guardians may only visit classrooms where their children are enrolled unless accompanied by a school employee.
- Visitors/Guests/Volunteers visiting a classroom who disrupt the educational process will be asked to leave the school campus.
- Parents serving as chaperones on activity/field trips must have a background clearance.
- Students, staff, parents/guardians, and visitors are expected to be responsive and follow the directions of all SGS personnel and public safety responders.
- Any time a student or staff member sees a suspicious person on campus or encounters a person who is being disruptive, they are asked to the administrator.
- Every threat or rumor of a threat to students, staff or schools is taken seriously.
- Immediate investigations are conducted, and disciplinary action is taken, if necessary.
- Anyone who hears of a possible threat to a school is encouraged to contact school administration or local police.

We all have a role to play in ensuring our schools continue to be a safe place for learning, and it is incumbent on all of us to be vigilant and supportive of one another. If you see something, say something.

Section 504 Services

Section 504 is a federal civil rights statute under the jurisdiction of the Rehabilitation Act of 1973. Section 504 is designed to provide equal access and fairness in general education to students with disabilities, thereby leveling the playing field for them through what is known as a Section 504 Accommodation Plan. It is not a plan designed to enhance a student's performance. Its purpose is to ensure equal access to the programs, benefits, and activities that the Sidney Gutierrez School offers.

Section 504 provides protections against discrimination for individuals on the basis of a disability. Students in school settings fall under the protection of Section 504 which prohibits discrimination on the basis of disability from all school programs, benefits, and activities. It may be a service option available to students with disabilities who have been evaluated and met Section 504 identification criteria.

For students not receiving special education services but have an impairment that substantially limits major life activities such as caring for oneself, learning, seeing, hearing, speaking, breathing, and working, Section 504 ensures, that upon request, a committee will determine a student's 504 plan eligibility. If your student is determined to be eligible, accommodations can be provided to help the student access their educational program.

For students receiving special education services for a disability, Section 504 ensures these students are not subject to discrimination based on their disability. This means students with disabilities should have access to the education programs relevant and appropriate to that student.

Students who qualify for Section 504 accommodations do not automatically qualify for special education services under IDEA and students who qualify for special education services under IDEA do not automatically qualify for Section 504 accommodations.

How does the 504-process work?

- Parents or school staff may request a 504-planning conference.
- Parents are notified in writing of the date, time, and place of the 504-planning meeting.
- Information is gathered for review of the conference to determine eligibility. Parents may wish to bring information to the conference.
- The meeting participants review the information and determine if the student meets the 504 plan eligibility criteria.
- If the student is eligible, a written 504 plan is completed with input from the parent(s), school staff and when appropriate, the student.
- If the student is found not to be eligible for a 504 plan, the student may be referred to the school's Student Assistance Team (SAT).
- The SAT may work with your child's teacher, nurse, or other staff to create a school health plan, a behavior plan, or an academic improvement plan that will help to ensure your child is successful in accessing the educational program at the school.
- If a 504 plan is developed for your student, that plan will be reviewed at least annually to ensure that your student still needs the plan or that the plan is meeting your student's need.
- If, at any time, a student's condition changes or the parent/legal guardian believes a change is needed in the plan, the parent/legal guardian may request a new planning meeting.

What to do if parent/legal guardians believe the 504 plan is not being followed?

If a parent/legal guardian believes that part of the 504 plan is not being followed, they may make a report and request a meeting to review the plan. If after the meeting, a parent/legal guardian does not feel the problem was resolved they may:

- May request mediation between themselves and the school staff to resolve the situation informally. This request should be made to the principal.
- If parents are not satisfied with the informal resolution, they may request a due process hearing. That hearing is a formal process with the school-appointed 504 Hearing Officer. The hearing will provide opportunity for participation by the parent, students, and their representative or legal counsel.
- Parents may also file a complaint directly with the Office for Civil Rights

Does every student with a disability/impairment require a 504 plan?

No. A student may have health plan or a behavior plan instead of a 504 plan. These plans are written documents describing what accommodations will be provided by teachers, nurses, counselors, or other school staff. They are reviewed periodically and may be updated or changed if at any time the parents/guardians, students, or staff believes other accommodations are required. These plans are developed with parents/guardians and students, and changes are only made with parent/legal guardian communication and agreement. Section 504 applies only if the impairment substantially limits a major life activity. SGS encourages school personnel, parents/guardians, and students to work cooperatively to avoid getting mired down in definitional disputes and focus on ensuring that the student is able to equally access the programs, benefits and services that SGS offers, regardless of whether through a health plan, behavior plan, Section 504 plan or process.

Where can a parent/legal guardian ask about a 504 plan?

Questions about how to develop a 504 plan for a student or concerns about equitable treatment of a special education student, start with the student's principal, counselor, or teacher. The principal may refer the parent/ legal guardian to the school counselor or the chair of the SAT.

The principal may request that the school 504 coordinator attend and participate in a 504-planning meeting or to be involved in the mediation. The school 504 coordinator is charged with ensuring that school staffs understand the requirements of Section 504 and helps to ensure that these requirements are implemented. The school 504 coordinator may serve as an impartial third party to help with planning or mediation. Parents/guardians may request that the school 504 coordinator attend a planning meeting.

If a parent/legal guardian feels that the staff at your child's school has not adequately responded to a request, the parent/legal guardian may contact the principal.

Any student, visitor or staff that is having difficulty with building access, due to a physical barrier should immediately report these concerns to a school administrator. SGS staff will work to remove barriers and provide access to the area/program in accordance with the American with Disabilities Act (ADA).

Special Education Services

Sidney Gutierrez School shall provide a free appropriate public education for all students with disabilities, complying with the Individuals with Disabilities Act, its implementing regulations, and state regulations pursuant to 20 U.S.C. Section 1412. The SGS Special Education Department is committed to:

- Serving students according to individualized need(s).
- Ensuring quality of access to educational services regardless of where the student lives in the city.
- Using evidence-based practices for all students.
- Meeting our students' needs in their own communities.

Services provided for eligible students include:

- Deaf or Hard of Hearing.
- School Comprehensive Support.
- Extended School Year.
- Gifted Education.
- Related Services.
- Transition Services.
- Visual Impairment.

Student Assistance Team

The Sidney Gutierrez School has a Student Assistance Team (SAT) whose purpose is to support the progress of students struggling with the general education curriculum despite the use of differentiated instruction and universal interventions.

In conjunction with the student's parents/guardians the SAT develops interventions for students who are not responding to the core instructional program in the general education environment. These interventions may include supplemental, strategic, and individualized supports. The SAT process works independently and in coordination with the IEP referral process. Parents may request a SAT referral by contacting their student's teacher or principal. SAT referrals may also be initiated by school personnel.

Student Drop Off/Pick Up

It is not safe to drop off children more than fifteen (15) minutes before school or to leave them for more than fifteen (15) minutes after the school day ends. Parents must not leave their children on a school campus longer than fifteen (15) minutes either before or after the school day.

- School grounds are not supervised outside the school day.
- Parents/guardians are expected to follow the school's policy or procedure for drop off/pick up.
- If extenuating circumstances prevent a family from picking up a student on time, the school must be notified at least fifteen (15) minutes before the end of the school day.
- If students are repeatedly left on campus outside the school day hours, an administrator will attempt to contact the family to discuss and resolve the issue.
- SGS staff are required to contact law enforcement if a child is left on school grounds during unsupervised times and the parent/legal guardian cannot be reached.
- Any safety issues or concerns should be expressed to the school principal.

Student Government

Elementary school personnel are encouraged to introduce students to principles of student government through school and class activities.

The middle school campus will establish an elected student government with membership open to all students. The student government will establish reasonable standards for candidates for office as outlined by the New Mexico Activities Association (NMAA). All students shall be allowed to vote in elections designed to promote careful consideration of the candidates and issues. The responsibilities of the student government shall be subject to the regulations of the Governing Council and shall include but are not limited to:

- Involvement in the process of developing policies for revisions and additions to the curriculum, school rules and regulations.
- Involvement in the formulation of guidelines for co-curricular activities.
- Involvement in allocation of student funds, subject to established audit controls and the approval of the principal.
- Representatives selected by the student government shall meet regularly with the principal or designee to exchange views and to share in the formulation of school and student activities.

Student Records

Student Records kept by the Sidney Gutierrez School will be open to review by parents/guardians and/or students and will be treated in a confidential manner, as prescribed by SGS Governing Council (GC) policy, New Mexico Public Education Department (NMPED) regulations, and the Family Educational Records and Privacy Act (FERPA). Records are kept for differing amounts of time based on the guidelines from the SGS GC, NMPED and FERPA.

SGS maintains the following education records directly related to students:

- Academic records.
- Attendance records.
- Disciplinary records.
- Health records.
- Personal information records.
- Progress/grade records.
- Standardized testing records.

SGS policy regarding records states that:

- Educational records are to be kept to an essential and relevant minimum.
- Records are reviewed at the end of each school year and non-essential material is deleted.
- Copies are to be made available to persons entitled to copies at the cost of twenty-five (25) cents per page.
- Individuals have the right to challenge the contents of the records.
- For records containing information on more than one student, the right to inspect relates only to that portion of the records concerning the particular student in question.

Access to education records is limited to:

- Parents of students under the age of 18.
- Parents of students over the age of 18 if such student is a dependent as defined in the Internal Revenue Code.
- Officials of the school who have a legitimate educational interest.
- State and local officials to whom information is required to be reported.
- Certain testing organizations.
- Accrediting organizations.
- Appropriate persons in connection with an emergency.
- Pursuant to a subpoena or court order.
- A campus in which a student enrolls or seeks to enroll
- Any person with verifiable written consent of the parent/legal guardian of students under the age of 18 or the student 18 years of age or older.

For more information, see the FERPA section of this handbook

STUDENT RECORDS DIRECTORY INFORMATION

Student Directory Information includes a student's name, mailing address, phone number and grade level. Student Directory Information may be released without prior consent unless the parent/legal guardian or the student (over the age of 18) informs the school within a reasonable period of time that any or all the information should not be released.

Parents/guardians may choose to have their student's information removed from any of the following lists: military recruiter lists, college/university lists, or other requested lists. Parents can exempt their children from Directory Information during the enrollment process, through online registration or while completing registration at the school.

Technology

The Sidney Gutierrez School provides technology resources to its students for educational purposes. The goal of providing these resources is to promote educational excellence.

Proper behavior, as it relates to the use of computers, is no different from the proper behavior in all other aspects of SGS activities.

All users are expected to use computers and computer networks in a responsible, ethical, and polite manner. Violation of this policy may result to school disciplinary action.

Students are expected to comply with the Student Internet Acceptable Use Policy, as set out above.

Student Use of Personal Electronic Devices

- Personal electronic devices include but are not limited to cell phones, smart watches, laptops, and tablets
- Students who possess a personal electronic device are solely responsible for its care. The school/school is not responsible for damage, loss, or theft.
- Student possession of personal electronic devices on school campuses, busses, or school activities is permitted.
- Students may use devices before and after school as determined by the school administration.
- Students may have devices on in the following circumstances with the permission of school administration:
 - Special medical circumstances for student or family member.
 - Using the device for an educational or instructional purpose.
- Student electronic devices that are not used for educational or instructional purpose shall be kept powered off and out of sight during the school day, during any school sponsored activity and during activities held on SGS property.
- Sidney Gutierrez middle school students must keep electronic devices in their respective lockers during the school day and are not allowed to use them without the expressed permission of a staff member
- Students may use devices before and after school as determined by the school administration.

- Student use of personal electronic devices that disrupt the instructional day may result in disciplinary action and/or confiscation of the personal device. When a personal device is confiscated, it shall only be released and/or returned to the student's parent/legal guardian. It is the parent's/legal guardian's responsibility to retrieve the device according to school procedures. Each campus will have specific procedures when a device is confiscated.
- Students using personal electronic devices at appropriate times should follow common courtesies such as not taking photographs of others without their permission or posting photographs of others on social media without their permission and putting phones away when speaking to others.

Textbooks and Instructional Materials, including School Issued Devices

Textbooks and other instructional materials aligned to the curricular standards are an important component of the instructional program. SGS is committed to providing textbooks and instructional materials that are appropriate for a student's age and ability level.

- SGS schools provide textbooks on loan to students.
- Textbooks are generally checked out to students at the beginning of the academic year or upon enrollment.
- Students are responsible for the textbooks or other instructional materials, including electronic devices checked out to them.
- Students are expected to return textbooks and other instructional materials in good condition, allowing for normal wear at the end of the school year or when a student withdraws from school.
- Fees/fines will be charged for textbooks and other instructional materials, including electronic devices not returned, lost, and/or damaged.
- Fees/fines will be tracked throughout a student's academic career.

Title IX of the Educational Amendments of 1972

Title IX Educational Amendments Acts of 1972 is a federal law that states: "No person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." If there is belief that students, parents, or employees have encountered discrimination or feel that their Title IX rights have been violated, please contact the principal.

Discrimination and Harassment Based on Gender, Sexual Orientation or Pregnancy (Title IX):
Discrimination and harassing behavior based on gender, sexual orientation, or pregnancy violate

federal and/or state civil rights law and deny equal educational opportunities for all students. Discrimination may occur when an individual or individuals are treated differently specifically because of his/her/their gender, sexual orientation or pregnancy with respect to SGS programs or activities. Additionally, unintended behavior or action that ultimately results in treating a group differently because of their gender, sexual orientation or pregnancy may be a form of gender discrimination. Other prohibited behaviors can include: making comments, name-calling, physical conduct or other expressive behavior directed at an individual or groups on the basis of gender, sexual orientation or pregnancy. Discriminatory and harassing behavior creates a demeaning, intimidating and hostile educational school environment.

Sexual Harassment/Bullying is a form of gender-based harassment that is considered a misuse of power. Examples of possible sexual harassment are: unwelcome pressure for sexual activity; unwelcome, sexually motivated or inappropriate physical contact, unwelcome verbal or written words or symbols directed at an individual because of gender (whether that gender is the same as the harasser or aimed at a different gender); and the use of authority to coerce sexual favors or behavior toward another student(s) makes him/her/their actions to be offensive.

Additionally, retaliatory harassment is when any adverse educational action is taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. This may include retaliation against a reporting party by the responding party or responding party's friends. It may also include retaliation directed toward a third party because of that party's participation in a grievance process for supporting a grievance.

Sexual Violence

Sexual violence is a broad term and includes conduct that is criminal in nature such as rape, sexual assault, stalking, child sexual abuse, sexual exploitation, human trafficking, unwanted sexual contact, sexual harassment, exposure, and similar offenses. Although sexual violence may also be considered sexual harassment, criminal sexual violence against students within the school's jurisdiction needs to be reported to the Roswell Police Department and the school's principal. The initiation of criminal complaint does not mitigate the school's obligation to complete a prompt and equitable resolution of every complaint alleging sex discrimination.

Training

SGS is committed to effectively train its personnel who implement the Title IX procedures, to take appropriate action to eliminate sexual harassment, sexual violence, prevent its recurrence and to address and correct its discriminatory effect as promptly and thoroughly as possible.

Reporting and Compliant Procedures for Title IX

Student(s), parent(s) or legal guardian(s) who believe his/her/their student has been subjected to an alleged Title IX discrimination and/or harassment by a student, teacher, administrator or other school personnel or third parties in an education program or activity, should report the incident(s) immediately to a school principal. Individuals may also report to a school staff member such as a teacher or counselor. They may also directly report to New Mexico Human Rights Division.

Examples of third parties include audiences and competitors at inter-school athletic competitions, service contractors, school visitors and employees and businesses or organizations participating in cooperative work or school programs with the school in relation to the incident(s) at issue.

All SGS employees who have actual knowledge of a Title IX discrimination and/or harassment toward a student(s), whether by witnessing the incident or being told of it, must report to their principal. This reporting obligation is in addition to a school's employee's reporting obligations to appropriate officials pursuant to law when the employee has a reasonable belief that a student is being sexually abused or subjected to other forms of abuse and neglect prohibited by law.

School official(s) who have received a Title IX complaint from a student(s), parent(s), legal guardian(s), employee(s) or third parties must report the alleged allegation(s) to the school's principal. This school principal will then report the incident(s) to the Office of Equal Opportunities Services, Title IX Director.

Responsibility

When the school becomes informed of actual knowledge of an alleged Title IX harassment or discrimination, it is obligated by law to take prompt and appropriate action. The Office of Equal Opportunity Service, Title IX Director, shall oversee that an adequate, reliable and impartial investigation of the complaint is conducted by an investigator at the school site and/or where the alleged discrimination occurred.

These procedures shall be available at both campuses, posted on the school website, and included in the student handbooks.

Pregnant/Parenting Student Absence Excusals

SGS shall permit ten (10) days of excused medical absences for a student who provides documentation of the birth of the student's child and parentage. SGS shall provide additional excused absence to a student after the birth of the student's child if deemed medically necessary by the student's physician. Further days of excused medical absence may be granted depending on the circumstances. In addition, pregnant/parenting students of a child under the age of thirteen shall be permitted four (4) days of excused absences for a child needing care upon the provision of proper documentation.

Violation of Student Rights

Students who believe that their rights been violated should report concerns to their parents, school administrator, or other appropriate school personnel

- If the appropriate school personnel do not resolve the concern, a report should be made to the principal.
- For additional information, please see "What to do if you believe that your rights have been violated" in this handbook.

Title IX complaints by students/parents/employees filing an internal complaint can be filed at:

Students/Parents/Employees filing a complaint through a human rights agency:

US Department of Education, Office for Civil Rights
1244 Speer Blvd., Suite 310 Denver, CO 80204-3582 (303) 844-5695
OCR.Denver@ed.gov

State of New Mexico, Department of Labor Human Rights Division
1596 Pacheco St
Santa Fe M 87502
Phone: (505) 827-6838 or (800) 566-9471
<https://www.dws.state.nm.us/Human-Right-Information>

Transportation

Sidney Gutierrez School's charter does provide transportation by school-based bus service. There are bus stops for the community's common carrier on campus and individual transportation or carpools are recommended.

Visitors, Volunteers and Guests on Campus

Sidney Gutierrez School encourages parents and community members to visit and volunteer in our schools.

- Parents/legal guardians on campus during the school day need to check in at the main office and wear a visitor or volunteer nametag throughout their time on campus.
- Visits to classrooms should be arranged 24 hours prior to the visit, should be limited to twenty (20) minutes, and parents/legal guardians may only visit classrooms where their child is enrolled.
- Visitors/Guests/Volunteers visiting a classroom who disrupt the educational process will be asked to leave the school campus.
- **Parents serving as chaperones on activity/field trips must have a background clearance.**
- Public health orders may require limiting or denial of visitors to campuses.

Commented [KS2]: Is there a procedure in place for this?

Students under the age of eighteen (18) must have their parent's/legal guardian's written permission to volunteer and to obtain a volunteer clearance. SGS students over the age of

thirteen (13) who volunteer in any school program must meet all criteria for volunteering, including all volunteer screening requirements.

The guidelines for volunteers, visitors, and guests on campus are listed below.

- **Visitor/Guest** – occasionally visits a school for a short period of time to observe a class or activity. This does not require a background clearance.
- **Supervised Volunteer** – a volunteer who is always in line of sight of school personnel and is never alone with a student. This requires a general volunteer background clearance.
- **Unsupervised Volunteer** – a volunteer who may conduct functions that lead them to have unsupervised access to students at any point for any amount of time and anyone volunteering for a before/after school program. This requires an FBI background clearance.

For more information or to begin the background clearance process, please refer to the SGS website.

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SECTION 6: Parent/Legal Guardian and Student Resources

Communicating with your Student's School

SECTION 6: Parent/Legal Guardian and Student Resources Communicating with Your Student's School

- Keep your contact information up to date at the school, including but not limited to, emergency contacts, change of address or phone numbers, and medical information.
- Be sure to inform the school of any special healthcare needs the student may have, including the need for medication during the school day.
- Complete the required paperwork for any medication sent to school with your student.
- Maintain regular communication with your child's teachers, school administrators and other school staff members.
- Stay informed of your student's ongoing scholastic achievement and progress and advocate for your student's learning needs.
- Sign up for and use PowerSchool to get information about your student's attendance, assignments, grades, teacher's comments and more.

Communication Tips

If you have concerns about your student's academic performance, behavior, or anything else related to school, do not hesitate to reach out to the school. Parents/guardians, teachers and administrators all want our students to perform at their best and enjoy school.

To get assistance or resolve issues please follow the steps below:

- Discuss your concern with the secretaries, teacher, counselor, or nurse. Concerns or misunderstandings can often be resolved with a personal conversation.
- Some issues may not be able to be resolved at the staff level. If not, contact your student's principal for further assistance.
- Remember to model appropriate behavior. Our children are important to us and we can become emotional when discussing issues related to them, but we need to remember that they learn from us. Yelling, cursing, using inappropriate language, intimidation, or name calling does not solve a problem.

Calmly discussing your concerns in a respectful and courteous manner is the most effective way to communicate and resolve issues.

School Messenger

School Messenger is used to notify families and staff of important school information as well as specific school information. Messages may come in the form of calls, text notifications, and/or email. Parents/guardians are automatically enrolled in the system.

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SECTION 7: Student Code of Conduct

School is a place to learn and to be part of a community. If a student is behaving in a way that does not allow other students to learn, school staff will need to intervene with the student. Students, whether receiving general or special education services, may need to receive interventions for disruptive behavior. Acts of misconduct are subject to disciplinary action by appropriate school personnel. Unacceptable conduct is defined as whether or not it disrupts or has the potential to disrupt the educational process. Consequences will result for cases such as bullying, fighting, harassment, inappropriate use of electronic devices, use or possession of controlled substances, or other forms of disrupting the educational process or violations of laws, rules, or regulations.

School Authority and Jurisdiction

The provisions in the Student Success Handbook are in effect:

- During regular school hours and/or on any 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 conduct 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 or principal, from using their best judgement with respect to a particular situation.

The No Touch Rule

To help ensure a safe, respectful, and comfortable learning environment for all students, our school follows The No Touch Rule.

Students in grades 3–8 are expected to keep their hands, feet, and bodies to themselves at all times and to respect the personal space and belongings of others. This means students may not touch other students or their belongings for any reason.

This rule includes, but is not limited to:

- Physical contact with others, including both well-intended touches (such as high fives, hugs, or friendly pats on the back) and inappropriate or unsafe touches (such as pushing, kicking, roughhousing, or horseplay).
- Shared physical space, such as sitting on the same chair or bean bag.
- Contact with personal belongings, including backpacks, clothing, supplies, or any items that belong to another student.

The purpose of the No Touch Rule is to ensure that everyone feels safe at school. Even touches intended to be kind or playful can be misunderstood, make others uncomfortable, or escalate into conflict depending on the situation. For this reason, all physical contact is avoided.

Students in lower elementary grades also follow the No Touch Rule; however, expectations are taught and reinforced in a developmentally appropriate manner that aligns with their age and learning needs.

All students are encouraged to show kindness and respect through words and positive actions that do not involve physical contact.

Restorative Practices

Restorative Practices are a shift from traditional rule-based punitive discipline systems to a system that focuses on building, maintaining, and when necessary, repairing relationships among all members of a school community. The restorative approach is a

set of guiding principles, which includes respect, relationships, responsibility, repair, and reintegration practices for the school community, which sees relationships as central to learning and the development of an inclusive, respectful and safe culture.

All members of a school community bring with them diverse abilities, talents, viewpoints, and family and cultural backgrounds. These differences can be a source of great energy and strength when members of the community value and respect one another. Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline.

Restorative Practices give priority to repairing harm done to individuals and school communities and providing student accountability by assuming responsibility and acting to repair the harm they caused. It aims to keep students in school and to create a safe environment where learning can flourish.

7 Habits: Leader in Me

Sidney Gutierrez School is committed to helping all students develop the values necessary to participate as caring, responsible leaders in our community. Sidney

Gutierrez will be participating in the Leader In Me Program to build the habits necessary for students to be successful citizens.

The Following tenets include the 7 Habits that are the foundation of this program. Students and staff will utilize the 7 Habits to set the standard for excellence in academics and behavior at the Sidney Gutierrez School.

Habit 1: Be Proactive:

I am free to choose and may ultimately be responsible for my happiness. Dealing truthfully with people, being sincere, not deceiving them or stealing from them, not cheating. Thinking before you act, being accountable for your actions, paying attention to others, and responding to their needs. E.g., doing one's own work when taking a test or working on an individual assignment.

Habit 2: Begin with the end in mind

By beginning with the end in mind, students can clearly define their vision and purpose in life to make a difference. Create and live by a personal mission statement. Helping to create a society based upon democratic values including rules of law, equality of opportunity, due process, reasoned argument, representative government, checks and balances, rights and responsibilities, and democratic decision making, obeying classroom and school rules.

Habit 3: Put first things first

I spend time on what's most important, staying true in the moment of choice. Stand up for your beliefs about what is right and what is wrong and resisting social pressure to do wrong. (e.g., doing the right thing even when no one is watching).

Habit 4: Think win-win

Consider other people's wins as well as your own. Balance courage and consideration. Testing people impartially, not playing favorites, being open-minded, and maintaining an objective attitude toward those whose actions and ideas are different from our own, e.g. treating people the same, regardless of their ethnicity, race, religion, gender, or physical conditions.

Habit 5: Seek first to understand, then to be understood

Having a greater influence on others if I truly understand them first by practicing empathic listening. Being sympathetic, helpful, and compassionate. Showing regard to the worth and dignity of someone or something and judging all people on their merits. Respect takes three major forms: respect for oneself, respect for others, and respect for all forms of life and environment.

Habit 6: Synergize

Creative cooperation can only be achieved by valuing the diverse paradigms and opinions of others. Working together toward a goal is as basic as human survival in an increasingly interdependent world. E.g., being a member of a group in the classroom.

Habit 7: Sharpen the Saw

Take time for yourself for rest and self-renewal. The pursuit of excellence by doing your best with the talents you have, striving toward a goal, and not giving up all require living your life in balance by resting, having fun, and taking care of yourself.

Student Rights and Responsibilities

Educational Opportunity

A free public-school education shall be available to every school-aged person, and each student who enrolls has a corresponding responsibility not to deny this right to any other student. Sidney Gutierrez School affords all students equal educational opportunities, as well as equal opportunities to participate in extracurricular activities. SGS policy prohibits discrimination and harassment on the basis of ethnic identity, religion, race, color, national origin, sex, sexual orientation, mental or physical disability, marital status, or pregnancy in any program or activity sponsored by the school. If a parent/legal guardian has concerns regarding their student's education or school or feel their student's rights have been violated, you may contact the school's principal.

A grievance procedure is available under the provisions of this handbook in the section "Equal Opportunity Services"

Expression and Association

Students are protected in the exercise of the constitutional rights of free speech, press

and assembly. The exercise of such rights, however, must be conducted in a manner that does not disrupt the educational process.

Publications

Students shall be allowed to distribute political leaflets, newspapers, and other literature on school premises, at specific times and places. Such publications shall be submitted to the principal or his/her designee for prior review. Student publications shall be submitted to the principal or his/her designee for prior review.

Controversial Issues

Students shall have the right to encounter diverse points of view. Students shall have opportunities to hear speakers, view presentations, and engage in civil discourse representing a wide range of views in classes, clubs, and assemblies under guidelines established by the school.

School/Student Disciplinary Procedures

SGS uses progressive discipline practices for student misbehavior. Progressive discipline means disciplinary action in addition to suspension or expulsion from school that is designed to correct and address the basic causes of a student's misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to others as a result of the student's misbehavior.

Progressive discipline may include a written green referral, parent/legal guardian conferences, reflective activities, counseling, social-emotional cognitive skills building, restorative conferencing, mediation, community service, lunch detention, in-school detention or suspension or after-school detention.

Green referrals must be signed by a parent/guardian and returned to school the day after its issuance.

Disciplinary consequences will be appropriate for a student's age, ability level, and severity of behavior. Out-of-school suspension will be used in cases of significant behavior violations.

Class grades shall not be reduced because of unacceptable conduct or disciplinary action. Grades shall not be reduced as a direct penalty for inappropriate behavior unless it involved academic dishonesty.

Contracts

- Student commits to more positive behavior in the form of a written contract.
- Terms of the contract will be determined by the principal or his/her designee.
- Student may be assigned school or community service.
- Not honoring the conditions of the contract will result in continuing progressive discipline up to and including long-term suspension.

Referrals

- Student may be referred to a school counselor, Student Assistance Team or the School principal.
- Student and school authority may call parent/legal guardian to discuss problems and solutions.
- A Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) may be used to identify and address behaviors that are impeding education.
- Students may be formally referred for legal action

Removal from Class

- Student may be removed from class or activity but remain at school pending a conference with appropriate school personnel. Parents/guardians must be informed.
- Student may be placed in an alternative educational setting until satisfactory resolution is reached. Parents/guardians must be informed.
- The authority of the schools is to supervise and control the conduct of students and includes the authority to impose reasonable periods of detention during the school day or outside normal school hours, as disciplinary measures.

Disciplinary Investigations

Questioning a Student

If Sidney Gutierrez School personnel desire to question a student beyond a preliminary investigation on school premises regarding an alleged suspected criminal act by the student, the school authorities shall attempt to contact the parent/legal guardian. If a parent/legal guardian cannot be contacted, the minor child shall be advised verbally

and in writing that it is their right not to speak to any official without the presence of their parent(s)/guardian(s) or an attorney.

Except for a case of emergency, danger to the student or others, or flight risk, if outside police authorities, not assigned to SGS, desire to question a student on school premises, the principal must contact the Roswell Police Department to verify the need to question the student on campus.

A school administrator or designee must immediately make a good faith effort to notify the parent/legal guardian of a student if the student has been removed from campus by law enforcement authorities

Search of Person, Vehicle, or Locker

Physical Searches – Search of a student’s person or property may be conducted only when there is reasonable suspicion that the student being searched has committed a crime or breach of the disciplinary code:

- Searches such as emptying of pockets, searches of student backpacks and purses, removal of hats, socks, and shoes may be conducted by any certified school employee, or security officer.
- More intrusive searches such as pat downs and frisks may only be conducted by an authorized person (principal or designee) of the same gender as the student being searched and in the presence of another person of the same gender.
- The most intrusive searches include removal of clothing, such as lowering clothing or inspecting inside clothing to determine if items are being concealed within undergarments or clothing.
 - A school administrator or their designee shall determine if the search is necessary; these searches should only be conducted in situations that pose a danger to the student or the school population, including but not limited to situations where there is reasonable suspicion a student is in possession of drugs (over-the-counter, prescription, illicit, look-alikes) or weapons.
 - Administrators who conduct a most intrusive search will report the incident to the Governing Council. If the school administrator determines that it is necessary to conduct a most intrusive search, local Police shall be contacted and informed about all safety concerns associated with the search.
- In cases of an intrusive search reasonable efforts must be made by the school administrator to contact the student’s parent/legal guardian to notify them

about the situation, safety concern and that an intrusive search shall be conducted.

- Field trips – Approved chaperones of the same gender may assist in checking of luggage or personal items for activity/field trips

Disciplinary Consideration for Students with Disabilities under Individuals with Disabilities

Educational Act (IDEA)

Students with disabilities receiving special education services are subject to the same expectations as students receiving general education services and are expected to follow the school's disciplinary process. While IDEA provides federal guidelines covering the discipline procedures to be followed for student with disabilities receiving special education services, consequences for behavior violations, including school removal of more than ten (10) days, may still occur. Discipline safeguards, as covered under IDEA, do not apply to students identified under the eligibility of "gifted" unless such students also have a disability eligibility.

Since the exclusion for a student with a disability from their education program for more than a total of ten (10) days cumulative during a school year may constitute a change in placement, the following considerations must be addressed.

When considering long-term suspension or expulsion, an individualized Education Plan (IEP) team must first determine whether the behavior of concern is a manifestation of the student's disability:

- To determine if the conduct in question is or is not a manifestation of the student's disability, the IEP team must conduct a Manifestation Determination Review Meeting and address:
 - Whether the conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or
 - Whether the conduct in question was a direct result of the Local Educational Agency's (LEA) failure to implement the IEP.

- If the IEP team determines that the behavior was related to the student's disability or a result of the LEA's failure to implement the IEP, no discipline shall occur other than removals for special circumstances under IDEA (refer to IAES below). Recommendations: review IEP, add services and supports, develop/update a Functional Behavior Assessment (FBA), Behavior Intervention Plan (BIP), and/or change services, if appropriate.
- If the IEP team determines that the behavior was not a manifestation of the student's disability or was not a result of the LEA's failure to implement the IEP, disciplinary actions may be taken in accordance with the procedures in this handbook.
- Should the disciplinary procedures include long-term suspension or expulsion, the school must continue to provide educational services, including access to the general education curriculum and related services, as determined by the IEP.
- Any suspension that excludes a student from their IEP services must be counted when calculating the total number of suspension days (up to ten (10) cumulative days or beyond the ten (10) days may constitute a change of placement).

The decision to change a student from their IEP placement to an Alternative Education Setting (AES) or Interim Alternative Education Setting (IAES) due to imposition of discipline must be made by the IEP team who must consider the student's individual needs.

Interim Alternative Education Setting (IAES) is an off-campus placement for long-term suspension or expulsion for "special circumstances" offenses that include:

- Weapons: objects used to cause bodily harm and used in a threatening way
- Guns/Knives (blades must be two and one-half (2 1/2) inches or longer): possession/carrying
- Illegal drugs: possession/sale/distribution/solicitation (does not include alcohol or tobacco)
- Serious bodily injury: student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function

Placement in IAES for "special circumstances" may be no longer than 45 school days. Removals may extend past the 45 school days only if the student has been long-term suspended or expelled through the SGS Discipline Hearing Process because the conduct was not a manifestation of disability. During the IAES period for "special circumstances" in which the conduct was a manifestation, the IEP team is to meet to develop strategies and interventions to bring the student back into their typical placement as soon as appropriate.

Alternative Education Setting (AES) is an on-campus placement that refers to special education services provided on the campus where the student is currently enrolled for the duration of a suspension period of more than ten (10) days. Typically, on campus AES settings are for students for violations that do not involve drugs/weapons/ serious bodily injury. The IEP team determines the student's AES and is also responsible for ensuring completion of a Functional Behavior Assessment (FBA) and the development of a Behavior Intervention Plan (BIP). If one already exists, it will need to be updated.

SGS will follow the federal guidelines regarding the continuation of educational services for suspended special education students with disabilities

- Procedural safeguards ensure that parent/legal guardianship rights are afforded
- Students with disabilities are entitled to a due process hearing
- A student with a disability should not be suspended for a period of time longer than a student without a disability would be suspended

Disciplinary Consideration for Students under Section 504

Students with 504 accommodations are not immune from the school's disciplinary process once identification and placement procedures are properly followed. Students with 504 accommodations being considered for long-term suspension or expulsion must receive a Manifestation Determination Review prior to a School Discipline Hearing. The committee must determine if the conduct in question was caused by or has a direct and substantial relationship to the student's disability or was the conduct in question a direct result of the school's failure to implement the 504 plan. If the committee determines the conduct in question was caused by, had a direct and substantial relationship to the student's disability, or was a result of the school's failure to implement the student's 504 plan then any disciplinary recommendation for a change of placement should be withdrawn. If it was not determined to be a result of the student's disability then the student may be disciplined in the same manner as students without disabilities.

Suspensions

A suspension is the removal of a student from a class or classes and all school activities for any period of time. Suspension may include in-school suspension alternatives to long-term removals from school for one year or longer. Administrators may impose consequences to maintain the safety and security of the school population, but suspension may not be used as a consequence for excessive absences or tardies.

The school administration must provide notification of any form of suspension to the parent/legal guardian and teachers for any student being suspended. The notification must be documented in writing and should occur on the same day, or as soon as possible if the parents cannot be contacted. Written notification should follow upon parent request if the notification is made by phone or in person.

The school administration must keep on file a copy of the notification for any suspension occurring during a school year. The principal of the school is responsible for notification, compliance, and documentation at their school. Copies of suspension notifications may be discarded at the beginning of each academic year for prior year actions, except for long-term suspension or expulsions still in effect

In-School Suspension (ISS)

Suspension of a student from one or more classes while requiring the student to spend time in a designated area at the school or elsewhere as determined by the school. In-school suspension shall include instruction and/or restorative practices.

Out-Of-School Suspension (OSS)

Suspension of a student from one or more classes for no more than five (5) days and requiring the student to spend time outside of school. Out-of-school suspension includes all school related activities and counts toward a student's chronic absenteeism totals, which may require targeted student interventions to improve attendance.

Short-term Suspension

- Suspension of a student from one or more classes in school or out of school.
- Short-term suspension (STS) will be limited to no more than five (5) school days.
- Each school will have its own method for developing alternative educational settings for students who have been STS.

Long-term Suspension

The removal of a student from instruction and all school-related activities for more

than ten (10) days and up to the balance of the semester, or longer as determined by the hearing officer in cases which are near the end of a given semester.

- A student must be given the opportunity for a due process hearing prior to long-term suspension (LTS).
- At the principal's discretion, students may be suspended pending a due process hearing.
- The student may, at their own expense, choose to be represented by an attorney at the hearing.
- A student receiving a long-term suspension may lose credit for the semester unless placed in an alternative school setting.

Expulsion

Expulsion is the suspension of a student from all regular schools in SGS for a period exceeding one (1) semester. In some cases, expulsion may be a permanent removal from this school system. When appropriate, a student who is expelled may be placed in an alternative program.

- A student must be given the opportunity for a due process hearing prior to expulsion.
- At the principal's discretion, a student may be suspended pending a due process hearing.
- The student may, at their own expense, choose to be represented by an attorney at the hearing.
- A student receiving an expulsion may lose credit for the semester unless engaged in an alternative school setting.

Due Process Hearing Procedure for Proposed Long-Term Suspensions or Expulsions

The Governing Council has adopted a formal hearing procedure for students recommended for LTS or expulsion.

- If a hearing is requested or required, school authorities shall prepare and provide the parents/guardians with a written notice of the hearing by the fifth day of suspension, either in person or by certified mail.
- The parent/legal guardian (student if emancipated or over the age of 18) may, at their own expense, choose to be represented by an attorney during any due process hearing. The parent/legal guardian must notify the hearing office that an attorney will represent the student as soon as possible but no later than 72 hours prior to the hearing to enable the school to also seek representation if it so chooses. If either the parent's/guardian's or the school's attorney cannot accommodate the originally scheduled hearing date due to a scheduling conflict, a parent/legal guardian may either attend the originally scheduled hearing without legal representation or ask the school to change the hearing date in order to facilitate legal representation.
- The hearing shall be scheduled no sooner than five (5) and no later than ten (10) school days from the date of receipt of notice by the parents/guardians. As described above, the hearing may be extended by request of the parent/legal guardian in circumstances involving legal representation of the student.
- Schools will make available copies of documentary evidence, with the exception of police reports that will be used at the hearing to families at least two (2) school days before the hearing. In cases where police reports are part of the documentary evidence, parents/guardians may contact the Roswell Police Department at (575) 624-6770 obtain a copy.
- The parent/legal guardian (student if emancipated or over the age of 18) may choose to waive the right to a hearing and accept the disciplinary consequences recommended by the school administrator.
- Expulsion hearings cannot be waived.

Hearing Authority and Record

The hearing authority is the appointed hearing officer or designee of the school. A record of the proceeding, including an audio recording, shall be kept at the school office for a period of one year, after which the recording and documentation will be destroyed, except in cases of expulsion hearings where records will be kept for two years.

Burden of Proof

The hearing is an administrative proceeding for the purpose of deciding issues of fact or law. Though formal rules of evidence will not direct the proceeding, evidence will be admitted and considered by the hearing officer.

- The burden of proving that the student violated a provision of this handbook is on the school authorities.
- The student or their counsel shall have the right to call witnesses on their behalf and to question witnesses against them.
- The school authorities shall have the right to call witnesses and to question any witnesses who testify.

Decision of the Hearing Officer

The hearing authority shall decide first if the alleged behavior violations are substantiated and second, will decide upon disciplinary action, if any, that should be taken.

- The hearing authority may request additional evidence from the parties.
- The student shall have the right to comment upon the evidence orally and/or in writing.
- The hearing authority shall provide its written decision to the parties, stating its findings, conclusions, and implementations within five (5) school days after hearing the evidence.
- The hearing authority's decision shall take effect immediately upon notification of the parent/legal guardian and shall continue in force during any subsequent review.

Appeal to the Governing Council

The student/parent/legal guardian may appeal the decision of the hearing officer by providing a written notice to the governing council president or designee within ten (10) school days after the decision has been made.

- The designee shall, within fifteen (15) working days after receipt of the appeal, review the record of the hearing and the decision in the case.

- The designee shall have discretion over whether to permit the student/parent/legal guardian and school authorities to submit additional written materials and/or to present their respective views in person at a conference or hearing.
- The designee shall then provide the parties, within ten (10) working days after the review is concluded, their decision affirming, overruling, or modifying the decision of the hearing officer.
- The severity of any sanction may not be increased.

Time Limits

Subject to applicable rules and upon agreement of the parent/legal guardian and hearing authority, the hearing authority shall have the option to extend the time limits after a showing of good cause.

Extra-Curricular Privileges

Students may be removed at the discretion of the principal, from any part or all extra-curricular privileges for time periods up to one (1) year.

- Participation in extra-curricular activities is a privilege offered to and earned by students.
- Since participants are serving as representatives of the school and community, they are expected to exemplify high standards at all times.
- Participants are expected to adhere to higher standards of academics and conduct than established for the general school population in order to maintain their extra-curricular privileges.
- **Participation in extra-curricular activities is not a student right and suspension of such privileges does not require a due process hearing.**

Student Offenses/Consequences

Definitions

Arson

Maliciously, willfully and/or neglectfully starting, by any means, a fire or causing an

explosion on school property or at any school-related activity. Arson I: less than \$200 damage, Arson II: \$200 to \$999 damage, Arson III: \$1000 damage or more.

Assault

A verbal threat or physical attempt of bodily harm

Assault, Aggravated

Unlawfully assaulting or attempting to strike at another person with a weapon, instrument, or any means of force likely to produce bodily injury. Assaults on staff members are included in this definition.

Battery, Aggravated

An actual and intentional touching or striking of another person against his or her will with the use of a weapon or intentionally causing bodily harm to an individual

Battery/Fighting

Unlawful, intentional touching or application of force to another person, when done in a rude, disrespectful, or angry manner

Bomb Threat

Falsely and maliciously stating to another that a bomb or other explosive device has been placed in such a position that persons or property are likely to be injured or destroyed.

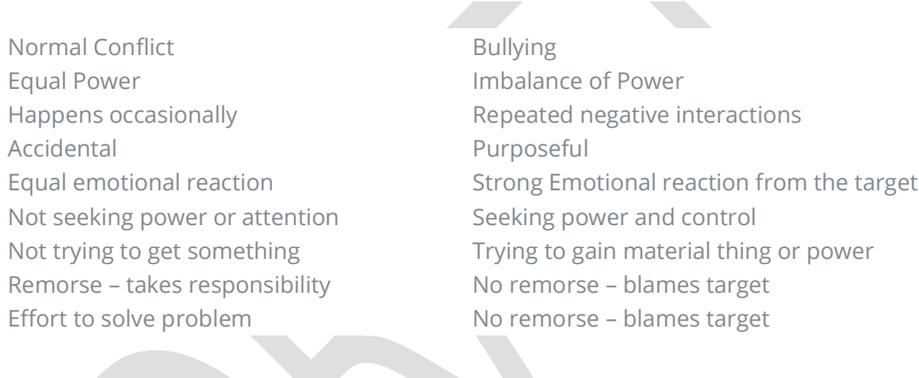
Bullying

Bullying is a way of using power aggressively in which a person is subjected to intentional, unwanted, and unprovoked hurtful verbal and/or physical actions. An act of bullying results in the targeted student feeling oppressed, fearful, distressed, injured, or uncomfortable. The aggression is repeated on more than one occasion and can include physical, verbal, emotional, racial, sexual, written, electronic, damage to

property, social exclusion, and intimidation. Bullying may be motivated by actual or perceived characteristics such as race, color, religion, ancestry, national origin, gender, sexual orientation or identity, mental, physical, or academic disability. Bullying often takes place in a social context. Cyber bullying means any bullying that takes place through electronic communication.

To determine if an incident qualifies as bullying:

- The incident must involve an imbalance of power between the target and the student who acts aggressively
- Bullying usually involves multiple incidences, aggressor and the target have drastically different reactions to the incident, and target feels powerless to self-advocate



Guidelines for reporting an incident of bullying

- Students may bring the incident to the attention of a teacher, principal, or any school personnel. Staff members will file a Harassment/Bullying Incident Referral form with the principal.

- Students will also be able to complete a Student Harassment/Bullying Report form and turn it in to a box strategically placed in the school to ensure confidentiality. School staff will check this box daily.
- Parents are encouraged to report any incidents of bullying to the school's principal.

Reporting Incidents of Bullying

- Anyone who sees or hears of a bullying incident must report the incident.
- All referrals should be submitted to an administrator within one day of the incident or report of incident.
- If it is an immediate safety concern, the staff member will contact the office to escort the student who is acting aggressively to the office to ensure student safety.

Responding to an Incident of Bullying

- Teachers or other school staff who witness or receive reports of acts of bullying will appropriately intervene.
- An investigation will take place where all parties involved, including bystanders, are interviewed separately ensuring the confidentiality of reporters, bystanders, and students. Findings of the investigation will be documented.
- If bullying is indicated mediation is not appropriate.
- Teachers and other staff who are party to the students involved will be notified to help monitor and prevent further bullying incidents.
- If it is deemed a bullying situation, parents of all students involved will be notified of the incident and of outcomes, which pertain to their student. Confidentiality in regard to other students will be maintained.
- The school shall develop a student safety plan for students who are determined to be targets of bullying
- An appeal process is available for a student accused of bullying or a student who is the target of bullying who is not satisfied with the outcome of the steps taken

Bus Disruption

Deliberately or inadvertently interfering with the safe operation of a school bus which is stopped or moving; behaving in a manner adversely affecting an individual or any property on or near the bus itself, at bus stops or at pick up areas. For purposes of this handbook, a "school bus" may include a bus not owned or leased by the school but

hired by the school for a field trip or other school purpose. The school does not provide supervision on city owned buses that take children to or from school and the school does not have responsibility for students once they board the city bus (unless on a school sponsored field trip); however, the school expects all of its students to behave on city buses so as not to adversely affect the reputation of the school and its students.

Controlled Substance

A controlled substance is defined as any substance capable of producing a change in behavior or altering a state of mind or feeling. Controlled substances include but are not limited to alcohol, marijuana, "look-alikes", narcotics, hallucinogens, prescription drugs, over the counter drugs, and synthetic drugs. Possession and/or use of a controlled substance, including alcohol presents a health concern for students and is a potential disruption to the educational process. The school believes that students caught possessing/using controlled substances need consequences and support. Therefore, consequences for a first infraction will be short-term suspension and participation in the Parent Involvement Program (PIP). Failure to complete PIP will result in further suspension days.

Controlled Substance and Tobacco Policy for Activities and Athletics

Extracurricular activities are an integral part of the educational process, providing students with opportunities to further develop their unique capabilities, interests, and

needs beyond the classroom. Participation in extra-curricular activities is a privilege offered to and earned by students. Because participants are representatives of their school and community, their conduct is expected to exemplify high standards at all times. The Extra-curricular Substance Abuse and Tobacco Policy is in effect twenty-four hours a day, seven days a week, at all times/locations from the first day of fall sports practices to the end of the school year. The policy applies to student who are active participants and students who are spectators at an event.

The definition of alcohol/illegal substance possession is extended to include circumstances where substance covered under the policy are nearby and available (i.e., parties, gatherings, etc.).

Criteria for application of sanctions would include, but not be limited to:

- Any Minor in Possession (MIP) or Offense by a Minor Citation.
- Written documentation from legitimate law enforcement/school/security reports.
 - Personal acknowledgment by the student in question or their parent/guardian.

The following bullets apply to a Suspension of Extra-Curricular Privileges:

- The suspension applies to all NMAA sanctioned athletic and non-athletic events and may include other school events (i.e. plays, concerts) at the discretion of the principal.
- Student will not be withdrawn from classes co-curricular with activities.

- A student serving a suspension cannot participate in a “try-out” during that suspension.
- Suspensions can carry over from one school year to the next for underclassmen.
- Participation in summer programs for students on suspension will be interpreted in the same way as scholastic eligibility.

Use and/or Possession of Controlled/Illegal Substances

- First Offense – Student’s loss of all NMAA sanctioned extra-curricular privileges and eligibility for 45 school days from the date determined by a site administrator. The loss of privileges includes practice and competition. Summer school is not considered as school days for this policy. Students will be required to complete an appropriate intervention program approved by the principal.
- Second Offense – Student is ineligible to participate in NMAA sanctioned extra-curricular activities for the remainder of the academic year or longer under special circumstance.

Use/Possession and/or Distribution of Tobacco Products, E-cigarettes and/or Nicotine Liquid Containers

The term “tobacco product” means any product made or derived from tobacco that is intended for human consumption, including any component, part, accessory of a tobacco product. This includes, among other products, cigar, cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, e-cigarettes, and nicotine liquid containers.

- First Offense – Student’s loss of all NMAA sanctioned extra-curricular privileges and eligibility for ten (10) school days from the date determined by a site administrator. The loss of privileges includes practice and competition. Summer school is not considered as school days for this policy. Students will be required to complete an appropriate intervention program approved by the principal.
- Second Offense – Student is ineligible to participate in NMAA sanctioned extra-curricular activities for 45 school days.

If any student is in violation of this policy at a time in which the handbook is in force other disciplinary consequences may apply. This may include suspensions of extra-curricular activities, including but not limited to attendance/participation in school activities such as athletic events, open campus privileges, dances, clubs, and other

privileged events (including graduation activities and commencement exercises), as determined by the school principal.

Sale or Distribution of Controlled/Illegal Substance

- Student is ineligible to participate in NMAA sanctioned extra-curricular events for the remainder of the academic year or longer under special circumstances.

Participation in extra-curricular activities is not a student right, and suspension of such privilege does not require a due process hearing or appeal process.

The Extra-curricular Substance Abuse and Tobacco Policy is in effect twenty-four hours a day, seven days a week, at all times/locations from the first day of fall sports practices

to the end of the school year. Additional sanctions may apply beyond this policy for violations that occur when this handbook is in force (i.e. on school property, during school time, or at school events).

Controlled Substance*, Paraphernalia Possession***

Possessing any paraphernalia, such as but not limited to rolling paper, pipes, bongs or vape pens.

Controlled Substance*, Possession***

Possessing any substance capable of producing a change in behavior or altering a state of mind or feeling; having a "look-alike"**, a substance that looks like a controlled substance.

Controlled Substance*, Sale or Distribution

Selling or distributing a substance capable of producing a change of behavior or altering a state of mind or feeling; including a "look-alike" **, or an item sold as a controlled substance.

Controlled Substance*, Use

Absorbing a substance capable of producing a change of behavior or altering a state of mind or feeling, including a "look-alike" **, or an item sold as a controlled substance.

Dress Code Violation

Non-compliance with specific school dress codes.

Extortion

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

False Accusations

Falsely reporting crimes or purposely giving false information to a school administrator or other investigator during the process of an investigation, in accordance with the NM Criminal Code Statute.

False Alarm/Fire Alarm

Interfering with the proper functioning of a fire alarm system or pulling the fire alarm intentionally when no fire or other danger exists.

Firearm, Possession*/Use**

Possession or use of any weapon, which will propel a projectile by the action of an explosive, and other weapons as defined in the United States Code: Title 18, Section 921. This definition does not apply to items such as toy guns, bb guns, or pellet guns, but does include bombs, grenades, and some explosives (also, see weapon possession).

- The Gun Free Schools Act provides for a mandatory expulsion of a period of not less than one year for a student who is determined to have brought or to have possessed a firearm at school or any setting that is under the control and supervision of school officials. Only the superintendent may modify in writing the one-year expulsion requirement on a case-by-case basis. All school related incidents of firearm possession must be reported to the Roswell Police Department.
- New Mexico requires that, if any school employee has reasonable cause to believe that a child is or has been in possession of a firearm on school premises, the employee shall immediately report the child's actions to a law enforcement agency and the Children, Youth, and Families Department.

Gang-Related Activity

Gang-related activity can be intimidating to students, parents and staff and is disruptive to the educational process. Although this list is not all inclusive, examples of inappropriate and unacceptable behaviors are such things as gang graffiti on school property, intimidation of others, gang fights and/or initiation rituals, wearing gang attire or "colors". A "gang" can be any group of students and/or non-students whose group behavior is threatening, delinquent, or criminal. Since gang behavior, markers, and colors are variable and subject to rapid change, school administrators and staff must exercise judgment and their individual discretion based upon current circumstances in their neighborhood schools when evaluating gang-related activity. Gang-related indicators that will be considered should include:

- The student associating with admitted or known gang members.
- The student wearing attire consistent with gang dress.
- The student displaying gang logos, graffiti and/or symbols on personal possessions.
- The student displaying gang hand signs or signals to others.
- The student talking about gang activities with others.
- Hostile contact with others in which two or more students have contributed to a situation causing bodily harm to another.

General Disruptive Conduct

Any behavior or conduct that disrupts or interferes with the operation of the public schools, including individual classes. This can also be behavior that leads a school authority to reasonably forecast that such an interruption or interference is likely to occur unless preventive action is taken. Refusing to comply with any reasonable demand or request by any school official or sponsor or lying to or intentionally misleading any school official at places and times where school personnel have jurisdiction is included in this definition.

- For example: use of cell phone during instructional time; misuse of cell phones and other forms of technology; dress code violation; inappropriate display of affection; making false accusations regarding staff or students; and so forth.
- Note: It is the responsibility of the parent/legal guardian of the student to retrieve confiscated cell phones or other electronic devices according to the individual school's procedures. The school may keep items for extended periods of time for repeat offenses.

Disrespect or Defiance of Personnel, Authorities

Refusing to comply with any reasonable demand or request by any school official, including part-time instructors or volunteers or sponsors at places and times where school personnel have jurisdiction. Failure to leave a room when told to do so, failure to stay in a "time-out" or "detention" area, leaving any designated physical education or recreation area (such as the city park near the school) and failure to do assigned homework or class work are some of the behaviors that constitute disrespect and/or defiance of school officials.

Doodling/Drawing of Weapons, Crimes or Drugs/Paraphilia

Doodles and drawings of weapons, crimes, or drugs or other illicit or inappropriate topics. Drawings will be confiscated, and students may be subject to disciplinary action and/or counseling.

Harassment

Any gesture or written, verbal, or physical act that is reasonably perceived as being motivated by any actual or perceived characteristic, such as race, religion, national origin, sex, gender identity, sexual orientation or disability; which has the effect of harming another individual/group, damaging their property; placing the individual/group in reasonable fear; or has the effect of causing a disruption to the educational process. Inciting or encouraging others to commit such acts is also considered harassment.

Disability: Conduct including but not limited to the following: mocking, taunting, intimidating, criticizing, or punishing a student/group with a disability because of their disability.

(See Section 504 and the Americans with Disabilities Act).

Repeatedly placing classroom furniture or other objects in the path of students who use wheelchairs or walking devices, impeding their mobility

- Repeatedly belittling and criticizing a student for using accommodations in class.
- Taunting or belittling a student with disabilities by mocking and intimidation.
- Making remarks out loud during class that a student with a disability is “retarded” or “deaf and dumb” and does not belong in the class.
- Habitually subjecting a student to inappropriate physical restraint because of conduct related to their disability.
- Repeatedly denying a student with a disability access to lunch, recess, field trips, assemblies, or extra-curricular activities as punishment for taking time off from school for requires services related to the student’s disability.
- Sexual: Gender discrimination as defined in Title IX of the Education Amendments of 1972. Examples include but are not limited to the following: sexual assault, unwanted touching, inappropriate comments or conversation, certain non-verbal behaviors, and gestures, which threaten or belittle others on the basis of gender.
- Racial: Conduct including but not limited to the following: racial slurs, racial jokes, offensive or derogatory remarks, display of racially offensive material or symbols, or exclusion from normal school activities.

Hate Incident

Conduct that reflects hatred or bigotry based on real or perceived race, nationality, color, religion, sex, gender, sexual orientation, disability, or other protected class.

Language, Profane and/or Abusive

Using language that is crude, offensive, insulting, or irreverent; use of coarse words to show contempt or disrespect; swearing.

Materials, Obscene

Displaying material that is indecent and has the potential of being disruptive.

Robbery

Taking of property through means of force or fear.

Theft

Unauthorized possession and/or sale of property of another without consent of owner.

Threats of Violence Against the School

Threats of violence against the school in any form, verbal, written, or via social media.

Tobacco

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

Tobacco Possession*, Use, and/or Distribution**

Possession, use, and/or distribution of tobacco, including all tobacco products, e-cigarettes, and nicotine liquid containers anywhere on a school campus or at a school related event is prohibited. In addition, students found in possession, distributing, or using tobacco are subject to the provisions of the Substance Abuse and Tobacco Policy. Tobacco Intervention and support resources are available).

Trespassing/Unauthorized Presence

Entering or being on school grounds or in a school building without authorization.

Vandalism

Deliberately or maliciously destroying, damaging, and/or defacing school property or the property of another individual. Vandalism I: less than \$200 damage, Vandalism II: \$200 – \$999 damage, Vandalism III: \$1000 damage or more.

Weapon Possession***

Possessing a weapon such as but not limited to a firearm, any type of gun, knife, club, firecracker, explosive, spiked wristband, chains, or other item that may cause or is intended to cause injury or death. This specifically includes “look-alike” guns and knives, such as toys. (Weapons covered by the Gun-Free Schools Act are defined under Firearm, Possession/Use.)

Weapon Use

Use of any weapon to threaten, intimidate, attack, injure, or kill any person

- Any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind.
- *** “Look-alikes” are specifically included whether or not they are capable of producing a change in behavior or altering a state of mind.
- *** “Possession” as used herein, includes not only possession on one’s physical person, but also custody and control. Thus, a student may be found in possession of any item if the item is in the student’s backpack, locker, car, or elsewhere, if subject to the student’s custody and control.



SECTION 8. SGS Notice of Nondiscrimination

Sidney Gutierrez School does not discriminate nor condone discrimination by students, employees, or third parties on the basis of ethnic identity, religion, race, color, national origin, sex, gender identity, sexual orientation, genetic information, HIV status, mental or physical disability or serious medical condition, age, veteran status, spousal affiliation or pregnancy, and/or any other protected status as defined by law in any program or activity for, or sponsored by, the school.

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**SECTION 9: FAMILY
EDUCATIONAL
RECORDS AND
PRIVACY ACT (FERPA)**

SGS recognizes the rights of parents/guardians to access their student's educational records in accordance with the Family Educational Records and Privacy Act (FERPA). In addition, students over the age of 18 may access their own records. FERPA provides certain rights to parents/guardians and eligible students. In brief, these rights include:

- Parents/guardians/eligible students have the right to inspect and review the student's education records.
- Parents/guardians/eligible students have the right to request that a school correct records which they believe to be inaccurate:
 - If a school decides not to change the record, the parent/legal guardian/student has the right to a formal hearing.
 - After the hearing, if the school decides not to change the record the parent/legal guardian/student has the right to place a statement with the record about their view of the contested information.

Parents/guardians/eligible students must give written permission for a school to release a student's educational record to third parties not covered by FERPA. FERPA allows schools to disclose a student's educational records, without consent, to the following parties or under the following circumstances:

- School officials with a legitimate educational interest.
- Other educational institution where the student is enrolled or seeks to enroll.
- DOE, state, or local education authorities.
- Appropriate parties connected to financial aid for the student.
- State or local officials in conjunction with legislative requirements.
- Accrediting organizations.
- Organizations conducting studies for or on behalf of the school.
- Judicial order or subpoena.
- Appropriate officials in cases of health or safety emergencies.

PROTECTION OF PUPIL RIGHTS AMENDMENT

SGS abides by the Protection of Pupil Rights Amendment (PPRA) to the Family Educational Rights and Privacy Act (FERPA).

The PPRA:

- Requires SGS to obtain parental/guardian consent as a condition for students to participate in certain types of surveys, analyses, or evaluations that require disclosure of private information.
- Allows parents/guardians the right to inspect certain survey and curriculum information.
- Provides parents/guardians the opportunity to opt their child out of certain activities involving the collection, disclosure, or use of personal information, the administration of certain surveys, and non-emergency, invasive physical examinations, or screenings.

These policies, and a more comprehensive version of this notice, will be made available for review on the SGS website.

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SECTION 10: When a Student's Rights May Have Been Violated

The SGS does not discriminate nor condone discrimination by students, employees, or third parties on the basis of ethnic identity, religion, race, color, national origin, sex, sexual orientation, genetic information, HIV status, mental or physical disability or serious medical condition, age, veteran status, spousal affiliation or pregnancy, and/or any other protected status as defined by law in any program or activity for, or sponsored by, the school.

The Office of Equal Opportunity Services (OEOS) is responsible for investigating complaints about Discrimination and Harassment based on Civil Rights issues. If a student, employee, or parent/legal guardian on behalf of a student believes that they have been discriminated against on the basis of race, color, ethnicity, national origin, sex/gender, sexual orientation, gender identity, religion, age, or disability, they may file an internal complaint with the SGS Office of Equal Opportunity Services (OEOS). In addition, OEOS can provide informational literature related to rights and responsibilities.

Reports

Any report will be addressed in accordance with the appropriate procedures as specified in IDEA, Section 504, ADA, Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Age Discrimination Act of 1975, First Amendment, Fourteenth Amendment, New Mexico Human Rights Act, or with the State Board of Education Regulation 6 NMAC 1.4, and any amendments made to these regulations, which are incorporated within this policy statement.

Denial of Rights

- Free public-school education is a right guaranteed to a student.
- The courts have defined the basis on which the denial of rights is justified.
- That right may be denied in response to behavior that threatens the safety and security of the school population, is illegal, or has the potential to disrupt the educational process or compromises the safety and learning of the students and school at large.
- It is the intent of the Governing Council that every reasonable effort is made on behalf of the student's education, even in the case of suspension or expulsion:

- Students receiving special education services (other than those receiving “gifted” services only) must receive alternative educational services during suspension or expulsion.

Grievance Procedure

- It is the intent of the Governing Council that students and their parents/legal guardians be informed of the regulations regarding disciplinary and appeal procedures affecting students within the school.
- Staff, parents/legal guardians, and students shall attempt resolution of problems affecting students and the education process by informal means.
- If any student or parent/legal guardian believes that the conditions of the school or decisions made by its staff are not fair or reasonable, a conference shall be held with the principal or designee to discuss the matter.
- If the student or parent/legal guardian is not satisfied with the results or handling of the conference, the student or parent/legal guardian shall have the opportunity to consult with a Governing Council member regarding the matter.

Violation of Student Rights

- Students who believe that their rights have been violated should report concerns to their parents, school administrators, or other appropriate school personnel
- If the appropriate school personnel do not resolve the concern, a report should be made to the Governing Council
- If the concern cannot be resolved with the assistance of the Governing Council a complaint can be filed with the OEOS or Section 504 office.

Internal Complaint Procedures

Students and parents/legal guardians are encouraged to resolve concerns with a school site administrator. Report gender or disability harassment and/or discrimination to the principal, either verbally or in writing.

- Any knowledge of inappropriate behavior must be reported to the principal, assistant principal, teacher, or counselor.
- School personnel who receive reports of harassment and/or discrimination shall immediately inform the principal.

- Students who have knowledge of inappropriate behavior and fail to contact appropriate personnel will be subject to disciplinary action.
- Upon receipt of notification of sexual or disability harassment and/or discrimination, the principal must contact the Office of Equal Opportunity Services, to report the incident.
- Any school personnel who fail to report incidents of harassment and/or discrimination will be subject to appropriate disciplinary action.

Who May File a Complaint

- Any SGS student or parent/legal guardian on behalf of their student, who believes they have been discriminated against on the basis of ethnic identity, religion, race, color, national origin, sex, gender identity, sexual orientation, genetic information, HIV status, mental or physical disability or serious medical condition, age, veteran status, spousal affiliation or pregnancy, and/or any other protected status as defined by law
- These procedures do not deny any student or parent/legal guardian the right to pursue other avenues of recourse

How to File a Complaint

Contact the Office of Equality Opportunity Services (OEOS) or Section 504 Coordinator, in any manner, to report inappropriate conduct.

- An internal complaint must be filed within one hundred eighty (180) calendar days from the last day of the alleged discrimination, unless the time for filing is extended by the OEOS for good cause (to be determined by the office of OEOS).
- All inquiries and internal complaints filed are confidential.
- Confidentiality also applies to the inquiry and investigative process of all investigations conducted by the Offices of EOS, Title IX or Section 504.

Retaliation

No student will suffer retaliation or intimidation for participating in an inquiry or the internal complaint process.

- Retaliation against any student seeking assistance at their school, filing a complaint, or participating in the investigative process is ground for a subsequent retaliation complaint.
- SGS will respect the privacy of the complainant, the respondent, and the witnesses as much as possible, consistent with its legal obligations to

investigate, take appropriate action, and conform with any discovery or disclosure obligations.

Where to file

Office of Equal Opportunity Services and Title IX

69 Gail Harris Street
Roswell, NM 88203
(575) 627-2643

Appeal Process

Section 504

69 Gail Harris Street
Roswell, NM 88203
(575) 627-2643

US Department of Education Office for Civil Rights

Federal Office Building 1244
Speer Blvd., Suite 310 Denver, CO.
80204-35820 (303) 844-5695

When the Office of Equal Opportunity Services (OEOS) has completed an internal investigation, either the complainant or respondent may appeal the decision. This process is as follows

- Once the investigation is complete, the OEOS inform both the complainant and respondent (i.e., the parties) of the investigative findings. If either party is not satisfied with the resolution, they may submit a written request to the OEOS requesting an appeal. The appeal needs to focus on the nature of the disagreement with the findings, the reasons underlying such disagreement and how the outcome would be changed by reconsideration of the determination.
- Either party has up to ten (10) days of their receipt of the finding notice to inform OEOS of their intent to appeal. (1) By physical letter, postmarked within ten (10) days of their receipt of finding.
- OEOS receives the appeal notification from the respective party within the designated time period. OEOS contacts the appeal party providing (1) Confirmation of receiving the appeal and any documentation submitted, (2) A copy of the investigative report and (3) information on the appeal process including but not limited to the date, format, timeframe and process.
- OEOS also contacts the other party to notify them an appeal has been requested and provides the same information given to the appealing party. While it is not required, the other party can choose to participate in the appeals process.
- An appeal is heard by a designated Appeal Panel, comprised of three (3) appointed persons of supervisory or administrative rank/position within SGS. They conduct a review of the investigation to determine whether the preponderance of the evidence supports the determination and findings.

- At the hearing the appealing party presents their findings. The findings may include the original appeal statement provided to OEOS as well as any additional statements or testimonies by appealing party and/or declarations or affidavits from witnesses.
- The OEOS office presents their finding. If the other party chooses to participate in the hearing, they al present. However, it is the responsibility of OEOS, not the other party, to provide the Appeal Panel justification of the original investigation finding as well as answer questions at the hearing.
- The Appeal Panel has the opportunity to question all parties involved.
- The Appeal Panel will then meet privately to review all the information.
- The Appeal Panel will defer to the majority of the three (3) person panel. It may reverse, modify or uphold the original finding. It may also determine the need to gather additional or updated information, as deemed necessary, in order to make its final decision, or, it may also return the matter to OEOS for additional investigation. The Appeal Panel will inform OEOS of its decision, and OEOS will contact all parties of the Appeal decision. The decision by the Appeal Panel is the final decision of the SGS School in the OEOS process.
- However, if a party is no satisfied at any time, including with the Appeal Panel's decision, the party may file a complaint with the Office of Civil Rights (OCR) in Denver, Colorado. More information is available at the Office of Civil Rights, Federal Office, 1244 Speer Blvd, Suite 301, Denver CO 80204-3582, (303) 844-5695. Individuals may also file complaints with any other civil rights entities such as the New Mexico Human Rights Division.

SECTION 12: Glossary of Terms

Absence

A student who is 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. Students are provided no more than fifteen (15) days per semester for interscholastic extracurricular activity absences.

Alternative Educational Setting (On Campus AES)

On Campus AES refers to special education services provided on the campus where the student is currently enrolled for the duration of a suspension period of more than ten (10) days. Typically, on campus AES settings are for students suspended for violations that do not involve drugs, weapons, or serious bodily injury.

Behavior Intervention Plan (BIP)

The documentation of interventions, methods and strategies that are used in the school environment to address the behavior issue impacting a student’s school success.

Chronic Absenteeism

A student is chronically absent if they have missed ten percent (10%) or more of classes or school days for any reason, whether excused or not, when enrolled for more than ten (10) days in the school. Students with chronic absenteeism receive early intervention strategies.

Excessive Absenteeism

A student who has been absent for twenty percent (20%) or more of classes or school days for any reason, whether excused or not, when enrolled for more than ten (10) days in the school. Students with excessive absenteeism receive early intervention strategies.

Expulsion

The removal of a student from all regular schools in SGS for a period exceeding one (1) semester. In some cases, expulsion may be a permanent removal from this school system.

Functional Behavior Assessment (FBA)

A procedure by which problematic behavior is examined to determine the cause, consequences, and nature of the behavior, in order to develop effective interventions to address that behavior.

In-School Suspension

Suspension of a student from one or more classes while requiring the student to spend time in a designated area at the school or elsewhere. In-school suspension shall include instruction and/or restorative practices.

Interim Alternative Educational Setting (Off Campus IAES)

Off campus IAES options are for students with disabilities whose continued presence on campus poses a safety risk. Off campus IAES settings are typically used when a student with a disability carries a dangerous weapon; uses, or is in possession of illegal drugs, sells or solicits the sale of controlled substances (not including alcohol or tobacco); or has inflicted serious bodily injury upon another person.

Long-Term Suspension

The removal of a student from instruction and all school-related activities for more than ten (10) days and up to the balance of the semester, or longer as determined by the hearing officer in cases which are near the end of a given semester. A student must be given the opportunity for a due process hearing prior to long-term suspension.

Out-of-School Suspension

Suspension of a student from one or more classes for no more than five (5) days and requiring the student to spend time outside of school. Out-of-school suspension includes all school related activities and counts toward a student's chronic absenteeism totals, which may require targeted student interventions to improve attendance.

Physical Restraint

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

Restitution

Compensation for loss or damage.

Restorative Practices

Restorative Practices is system that focuses on building, maintaining, and when necessary, repairing relationships among all members of a school community. The restorative approach is a set of guiding principles, which includes respect, relationships, responsibility, repair, and reintegration practices for the school community, which sees relationships as central to learning and the development of an inclusive, respectful and safe culture.

Search, Minimally Intrusive

Emptying of pockets, searches of student backpacks and purses, removal of hats, socks and shoes, conducted

by any certified school employee, school security officer, or campus security aide.

Search, More Intrusive

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

Search, Most Intrusive

A strip search shall be conducted only upon reasonable suspicion of a serious crime or a safety concern and shall be conducted by a school administrator or designee of the same sex and in the presence of another authorized person of the same sex.

Short-Term Suspension

A suspension, not to exceed five (5) school days, which is at the discretion of the administrator and will address

behaviors that disrupt the educational process.

Tardy

When a secondary student (6th – 12th grade) arrives to any class period or activity during the school day after the scheduled start time or when an elementary student (K – 5th grade) arrives after the official start time of the school day. A tardy may not be recorded as an absence.

Volunteer

An unsalaried person (parents, guardians, family, or community members) authorized by SGS to perform volunteer services for the school more than once and/or on a regular basis. Volunteers must have background clearances.