

Detention, Suspension or Expulsion Policies and Procedures

Purpose: *This policy is intended to provide a consistent course of action should a student's behavior create a disruptive and/or unsafe environment in the school that interferes with the health, safety, security and learning of other students or the student's own well-being.*

Policy: The Raíces Student Discipline Policies and Procedures, which take the approach of restorative justice practices, will always be the first step in dealing with disruptive behavior in the school. However, should these methods fail to resolve behavioral problems that seriously disrupt the learning environment and/or threaten the health and safety of other students, staff or the disruptive student, the following policies and procedures for detention, suspension, or expulsion which are in compliance with the NM Administrative Code Section 6.11.2.12 will be implemented.

Students involved in the following activities, which are prohibited by NM State Law in all public schools, will be subject to severe discipline, up to and including detention, suspension and expulsion:

1. criminal or delinquent acts,
2. gang related activity;
3. sexual harassment;
4. disruptive conduct;
5. refusal to identify self; and
6. refusal to cooperate with school personnel.

Policy and Procedures with Regard to Detention:

Detention means - requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school. Detention may be imposed and is distinct from in-school suspension in that it does not entail removing a student from any of his or her regular classes. The authority of the school to supervise and control the conduct of students includes the authority to impose reasonable periods of detention during the day or outside normal school hours. The procedures for placing a student in detention in compliance with NMAC 6.11.2.12(F) are as follows:

1. Detention will be limited to no more than 9 school days.
2. A student facing detention will be first informed of the behaviors that are unacceptable in the school classroom or during other school activities.
3. If, the student denies the charges, he or she shall be told what evidence supports the charge(s) and will be given an opportunity to present his or her version of the facts.
4. At this point the Principal may use his or her own judgement as to whether the behavior merits detention.
5. If the decision is made to detain the student, the parents will be informed via a phone contact if possible within the school day. If the contact is not possible, the parents will

be informed in writing within 24 to 48 hours and detention will begin once the parent is aware that the student is being placed in detention.

6. During detention, the student will be supervised at all times by a trained and authorized school staff person.
7. No student in detention shall be denied the opportunity to eat lunch or reasonable opportunities to go the restroom.
8. Reasonable periods of detention may be imposed in accordance with the procedures for temporary suspension (NMAC 6.11.2.12(D)).

Policy and Procedures with Regard to Suspension:

Suspension, in general, means - removal of a student from a class or classes and all school-related activities for a period of time and may include 1) in-school suspension alternatives, 2) short term suspension, and 3) long term suspension. Should a student's behavior become so disruptive that suspension is necessary, the preferred method by the school will always be an in-school alternative. However, if in-school suspension does not lead to improved behavior within a responsible amount of time, suspension from the school will be considered and may be either short term or long term. For *any type of student suspension*, the following general procedures must be adhered to:

1. The School Principal must provide notification of any form of suspension to the parent(s) or guardian(s) of any student being suspended.
2. The notification must be documented in writing and should occur on the same day as the decision to suspend, or as soon as possible.
3. If the parent(s)/guardians cannot be contacted by the end of the first day, a notice in writing should be mailed to the address of record.
4. Also written notification to the parent/guardian should follow if the initial notification is made by phone or in person.
5. The school shall keep on file a copy of the notification.
6. The Principal or his/her designee is responsible for notification, compliance and documentation.
7. While a student is suspended, he or she may not attend any school activities until the end of the suspension, unless special permission is given by the principal.
8. A student facing suspension will be first informed of the charges he or she is accused of committing, shall be given an explanation of the evidence supporting the charges, and shall be given an opportunity to present his or her version of the facts.
9. The principal is not required to divulge the identity of informants, although she or he should not withhold such information without good cause (e.g., to protect teachers or students from retaliation).
10. *If the suspension is temporary* (in-school or short term), the required hearing may be conducted on an informal basis and may follow immediately after the charges are given unless the Principal decides a delay is needed to permit a further exploration of the facts.
11. Any student who is placed in suspension which exceeds ten (10) school days must be provided with an instructional program that meets both state and local educational

- requirements. The student's privileges, however, may be restricted for longer than ten (10) school days.
12. Any student suspended from school shall be delivered directly by the Principal or Director of Operations to the student's parent(s), legal guardian, or an adult designated by the parent(s) or legal guardian or kept on the school grounds until the usual end of the day.
 13. Suspension shall not be used as punishment of unexcused absences and/or habitual truancy.

In-School Suspension – In-school suspension shall be the preferred form of suspension unless the student's behavior is too disruptive or presents a clear and present danger to other students and/or school staff in the school environment. The following procedures apply to *in-school suspension* in compliance with NMAC 6.11.2.12(D-E):

1. The general procedures listed above for temporary suspension all apply.
2. The Principal or his designee will contact each of the student's teachers in order to obtain the student's assignments for the suspension time. Teachers will provide enough work to keep the student occupied and as up-to-date as possible on class instruction during the duration of that time.
3. Raíces will follow procedures for In-School Suspension in compliance with NMAC 6.11.12(E) which are as follows:
 - a. In-school suspension may be imposed with or without restrictions on student privileges.
 - b. Any student who is placed in an in-school suspension which exceeds ten (10) school days must be provided with an instructional program that meets both state and local educational requirements. The student's privileges, however, may be restricted for longer than ten (10) school days.
 - c. No in-school suspension student shall be denied the opportunity to eat lunch or reasonable opportunities to go the restroom.

Short-Term Suspension – Short term (out of school) suspension shall be at the discretion of the Principal. The Principal has the authority, within the confines of the law, to impose consequences beyond the mandatory minimum in order to maintain the safety and security of the school. In addition to the general procedures for suspension, the following will apply:

1. Short-term suspension will be for a period of no more than five (5) days.
2. Raíces will follow the procedures for Short Term Suspension as outlined in 6.11.2.12(D) NMAC (also referred to as "Temporary Suspension" in the NM Administrative Codes).

Long Term Suspension – Long term suspension is defined as the removal of a student from instruction and all school related activities for more than five (5) days and up to the balance of the semester. Long term suspensions shall comply with NMAC 6.11.2.12 (G.4, a-s) for review and hearing procedures. In addition to the general procedures for suspension, the following procedures will apply:

1. A student receiving a long term suspension may lose credit for the semester unless placed in an alternative school setting.

2. At the Principal's discretion, students may be suspended pending a due process hearing.
3. Raíces shall follow the procedures for long term suspension in compliance with NMAC 6.11.2.12(G):
 - a. The principal has the authority and will initiate the required hearing in which the student facing suspension will be first informed of the charges he or she is accused of committing, shall be given an explanation of the evidence supporting the charges, and shall be given an opportunity to present his or her version of the facts
 - b. The Principal is required to disclose the substance of all evidence upon which he/she proposes to base a decision in the matter.
 - c. The Principal is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charges, or required to call witnesses to verify the charges, *although none of these is prohibited*.
 - d. The school shall exert reasonable effort to inform the student's parent(s) or guardian(s) of the charges against the student and their possible consequences as soon as practicable. If the school has not communicated with the parent by telephone or in person by the end of the first full day of suspension, the school shall, on that day, mail a written notice with the required information to the address of record for the parent(s) or guardian(s).
 - e. The Raíces Governance Board shall be the final hearing authority, disciplinarian or review authority for long term suspension cases if the parent(s)/guardian(s) ask for a review of the Principal's decision.
 - f. The hearing authority (either the Principal or Governance Board) shall follow the procedures for long term suspension in compliance with NMAC 6.11.2.12(G), including a letter, which will be mailed or delivered to the student through the parent(s) or guardian(s), containing a detailed report of the decision and the evidence the decision was based upon within 5 days of the hearing.

Policy and Procedures with Regard to Expulsion:

Expulsion is defined as suspension of a student from the school for a period exceeding one (1) semester. Expulsions shall comply with NMAC 6.11.2.12 (G.4, a-s) for review and hearing procedures. The following procedures will apply:

1. All Procedures listed above for long term suspension will be followed.
2. The Principal has the authority to initiate a hearing for expulsion of a student.
3. A student receiving expulsion will lose credit for the semester in which the expulsion occurs unless the student is engaged in an alternative program.
4. The Raíces Governance Board will be the final hearing authority, disciplinarian or review authority for long term suspension cases if the parent(s)/guardian(s) ask for a review of the Principal's decision.
5. The Hearing authority (either the Principal or Governance Board) shall follow the procedures for expulsion in compliance with NMAC 6.11.2.12(G), including a letter which will be mailed or delivered to the student through the parent(s) or guardian(s)

containing a detailed report of the decision and the evidence the decision was based upon within 5 days of the hearing.

Suspension for Students with Disabilities:

Any disciplinary change in the educational placement of a student with disabilities will comply with federal regulations implementing IDEA at 34 CFR Sections 300.530 through 300.536 and other NMPED rules and standards as set forth in NMAC 6.11.2.11.

A student with a disability under the IDEA (Individuals with Disabilities Education Act) who violates a rule of conduct as set forth in this policy, is subject to the procedures of this policy for detention and in-school and short term suspension and may be subject to long-term suspension or expulsion unless it is determined that the misconduct is related to a manifestation of the student's disability. In order to establish whether the conduct is a manifestation of the disability, the following procedures will be followed:

1. Within 10 days of a decision to change the student's placement (suspend or expel) because of violation of rules of student conduct, the Principal, parent/guardian, and all relevant members of the student's IEP (Individualized Education Plan) team will review all relevant information in the student's file including 1) the student's IEP, 2) any teacher observations, and 3) relevant information provided by the parent/guardian to determine:
 - a) If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or
 - b) If the conduct in question was the direct result of the administrative authority's failure to implement the IEP.
2. If it is determined by the Principal, parent/guardian, and the IEP Team that the conduct was related to a manifestation of the disability, item (a) in paragraph 1, the IEP team must comply with federal regulations implementing IDEA at 34 CFR Section 300.530(f).
3. If it is established by the Principal, parent/guardian, and the IEP Team that the conduct was caused by (b) as described above in paragraph 1, the administrative authority (Principal and IEP Team) must take immediate steps to correct the deficiencies.
4. If it is established that neither of the causes (a) or (b) in paragraph 1 apply, the parent/guardian has a right to appeal the decision made by the Principal or Governance Board and the student must be allowed to remain in an interim alternative educational setting for up to 45 days until the appeal has been heard and a decision made.