



**GALLUP-McKINLEY**  
**COUNTY SCHOOLS**

## **Student Behavior Handbook**

**2023-2024**

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## GALLUP-MCKINLEY COUNTY SCHOOLS GRADUATE PROFILE

|   |  |
|---|--|
| <b><i>Creative and Critical Thinker</i></b> | <p>I show my <b>creativity and critical thinking</b> when I...</p> <ul style="list-style-type: none"> <li>• SOLVE PROBLEMS (...find, understand, and solve problems that are important to me and my community)</li> <li>• SHARE MY WORK (...make my ideas clear to others, and clarify my own ideas using feedback from others)</li> <li>• PERSEVERE (...have the courage to learn from my mistakes, and try again)</li> </ul>                         |
| <b><i>Responsible Individual</i></b>        | <p>I show I am a <b>responsible individual</b> when I...</p> <ul style="list-style-type: none"> <li>• Am ACCOUNTABLE (...keep my commitments to others, make sound decisions, and live my values)</li> <li>• Am PREPARED (...read, write, and practice for discussions, presentations, and experiences ahead of time)</li> <li>• MAKE PLANS (...set new goals, take on new roles, and explore who I might become in the future)</li> </ul>             |
| <b><i>Effective Collaborator</i></b>        | <p>I show I am an <b>effective collaborator</b> when I...</p> <ul style="list-style-type: none"> <li>• LISTEN (...direct my attention to the ideas and contributions of others)</li> <li>• SHOW MUTUAL RESPECT (...acknowledge and build onto other people's ideas, beliefs, and experiences with humility and care)</li> <li>• BUILD MY TEAM (...encourage others to participate, in ways that generate trust and a sense of belonging)</li> </ul>    |
| <b><i>Lifelong Learner</i></b>              | <p>I show I am a <b>lifelong learner</b> when I...</p> <ul style="list-style-type: none"> <li>• Am AUTHENTIC (...follow my interests, explore my identity, and help my community)</li> <li>• Am REFLECTIVE (...ask questions, clarify my understanding, and continually evaluate my own growth over time)</li> <li>• USE TECHNOLOGY (...produce artifacts, connect with experts, and share my work using digital media tools and platforms)</li> </ul> |

## **ABOUT THE STUDENT CODE OF CONDUCT**

Gallup McKinley County Schools (GMCS) is dedicated to providing every student with a high quality education in a system devoted to equity and diversity. GMCS believes that every student should have multiple learning opportunities to meet challenging standards in a safe, caring and respectful environment.

The Student Behavior Handbook and Gallup-McKinley County Schools Board of Education policies may be updated throughout the year. Students and their parents/guardians are responsible for reading the current version posted on GMCS.org website.

### **STUDENT SAFETY TO AND FROM SCHOOL**

Students are expected to behave responsibly on the way to and from and in school. We encourage parents/guardians to supervise their students at bus stops and to drop off and pick up students as close to start and end times as possible.

### **APPLICATION OF CODE OF CONDUCT**

The Code of Conduct applies to students whenever students are:

1. present in any school or on GMCS property;
2. at a school bus stop or when riding school transportation;
3. at school-sponsored events regardless of the location;
4. while off-campus whenever such conduct has a direct effect on the discipline or the learning environment or general welfare of the school and GMCS community;
5. participating in distance learning, on-line learning, or any hybrid educational setting with GMCS.

Additional behavioral expectations that are consistent with this Code of Conduct may be required by staff and coaches.

### **USE OF VIDEO SURVEILLANCE**

Public spaces in schools and District buildings are under video surveillance. When available, video surveillance footage may be used in addition to other evidence, to determine whether a student behaved in violation of the Code of Conduct or additional behavioral expectations.

## **BEHAVIORAL EXPECTATIONS FOR STUDENTS**

These standards of behavior are the underlying principles to safe, positive, inclusive and productive learning environments.

## **APPROPRIATE LEARNING ENVIRONMENT**

Engage positively with peers and staff. Be reflective about actions, decisions and academic progress. Be active, engaged citizens. Be a critical thinker. Be collaborative and cooperative. Engage in productive discussions.

## **SAFETY AND WELLBEING**

Respect and promote the safety and well-being of other students, staff, and visitors. Make responsible decisions. Be a source of support and encouragement to yourself and others. Respect diverse experiences and cultures. Students are compassionate and empathetic.

In an in-person, hybrid, or online learning model, students are expected to follow special safety precautions. Not following these precautions may be considered insubordination and result in disciplinary action. Guidance may change and students are expected to follow any changes to the guidance.

Students should engage in activities that uplift others and that respect the learning environment.

Labeling actions as a “joke” or “prank” does not exempt a person from the inappropriate or illegal behavior and does not excuse them from the disciplinary action and consequences contained in this handbook. Students should always look to respect district and school property and should treat others in a respectful way.

## **PROTECTION OF PROPERTY**

Respect what belongs to others, including but not limited to Gallup-McKinley County Schools. Use property (equipment) only for its intended purpose without damage to the property. Use property belonging to others only with the permission of the owner or person in charge of the property report to school officials’ situations which may result in damage to, loss of, or misuse of property.

## **ALCOHOL, DRUGS AND TOBACCO PRODUCTS**

Students will not possess, use, distribute, and/or sell alcohol, tobacco products, drugs and other mood-altering substances or medication prescribed for another person while at school, on district property, at school-sponsored events or on school transportation.

## **WEAPONS, FIREARMS POSSESSION**

Students will not possess or use any firearm, firearm component, ammunition, explosive or incendiary device on school property, at school-sponsored events or on school transportation.

Any student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, at school-sponsored events, or on school transportation, will be long-term suspended from school for a period of not less than one (1) year or be expelled. The

Superintendent of Schools has the authority to modify such long-term suspensions or expulsions on a case-by-case basis.

## **GANG ACTIVITY**

Students will not recruit, harass, intimidate, posture, bully, tag, assault, extort or perform a criminal action on/against another person on behalf of a gang. Gang affiliation and /or intent can be implied from the character of the individual's acts as well as the circumstances surrounding the misconduct.

## **DISCIPLINARY ACTION LEVELS 1 - 4**

### **DESCRIPTION OF DISCIPLINARY ACTION LEVELS**

- The *Disciplinary Action Levels* are classified into four levels of action, ranging from least severe (Action Level 1) to the most severe (Action Level 4).
- *The Disciplinary Action Levels* are designed to be a **framework** for providing more consistency in addressing student misbehavior district-wide.
- Only a licensed administrator may authorize a suspension of students from school.
- At the discretion of administration, the severity of minor infractions may revert the infraction to a major infraction. Furthermore, offenses of a serious nature may denote the need to escalate a first offense to any other level of offense at the discretion of administration.
- Infractions labeled with an **“\*”** must consider 504 or special education regulations.

### **DESCRIPTION OF DISCIPLINARY INTERVENTIONS AND CONSEQUENCES**

- The *Disciplinary Interventions and Consequences* for a specific misbehavior include a range of actions. Effective discipline strategies should address students' varied behavioral and developmental needs with tiered responses and interventions.
- Occurrences are classified as Minor “M” offense or Serious and/or Repeated “S/R” offense(s). When determining if an incident is minor or serious, the student's age and developmental stage is taken into consideration.

**M** = Minor infraction

**S/R** = Serious and/or Repeated infraction(s)

- Student discipline infractions are automatically escalated after each additional offense regardless of the type of infraction.
- Multiple misbehaviors are treated as **Serious** and or **Repeated** regardless of the type or classification of infraction.
- Consequences that are labeled with a **“+”** means that the school administration **may** report the incident to law enforcement. Administrators should contact their immediate supervisors for guidance.
- Consequences that are labeled with a **“++”** means that the school administration **must** report the incident to the police and superintendent.

- The administrator or teacher should select the action that will offer the greatest opportunity for a positive change in the student's behavior, based on an understanding of the student and sound guidance principles.
- An administrator has the discretion to use lower level actions in addition to the required level of action. A school administrator may revisit and revise any disciplinary decision.
- A Hearing will be triggered once a student reaches 9 cumulative days of suspension, either by combination of separate suspensions or by an infraction of a serious nature.
- All Action Level 4 misbehaviors that are automatic will result in a hearing.

## **SUSPENSION/EXPULSION**

A suspension is the removal of a student from his or her educational setting due to misconduct. Suspensions may be in-school or out-of-school.

**Short-Term/Temporary Suspension** - A short-term/temporary suspension is a period of suspension of ten (10) days or less due to student misconduct.

**Long-Term Suspension** - A long-term suspension is a period of suspension in excess of ten (10) days due to student misconduct. A long-term suspension can be the result of a due process hearing, or a result of violating the terms of an existing Hearing Authority district contract.

**Long Term Suspension or Expulsion for Student with Disabilities** - 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 District's disciplinary process. While the Individuals with Disabilities Education Act (IDEA) provides federal guidelines covering the discipline procedures and the post-suspension continuation of educational services, consequences for behavior violations, including school removals of more than ten days, may still occur. The specific discipline parameters covered under IDEA do not apply to students identified under the eligibility of "gifted" unless such students also have a disability eligibility.

**Expulsion** - An expulsion is a permanent, involuntary departure from the District due to student misconduct. A due process hearing is required for an expulsion. Expulsion should be limited to the most egregious student misconduct that subjects the school and District community to a continuing, immediate threat of harm. At the Superintendent's discretion, the expulsion may be reviewed at the end of the school year, as well as anytime during the following school year, for reconsideration.



### ACTION LEVEL 1

GENERAL REQUIREMENTS: Action Level 1 includes one or more of the actions listed below taken by the administrator or other designated persons. The meeting, letter, student incident report and/or telephone call must include a discussion and/or description of the student's academic achievement and unacceptable conduct. Every effort should be made to ensure that the student would be able to continue his or her schoolwork. Parents must be notified.

| ACTION  | DESCRIPTION   |
|---|---|
| Official warning to student                           | A written notice from staff to the student specifying the action to be taken if the same or similar misconduct is repeated within a stated period of time. Notice must be given to the parent or guardian.  |
| Conference between teacher and student                | A meeting with a student during which student academic achievement, the unacceptable student conduct and possible ways to address the misbehavior are discussed. Some strategies to consider are: collaboratively developed contract, conflict resolution skill building activities, frequent information about student's behavior communicated to parent(s) or guardian, referral to academic or social support groups, class meetings, etc. |
| Communication between teacher and parent or guardian  | Notification of the parent/guardian by telephone, email or letter that a behavior problem exists and what action has been taken.  |
| Conference with staff, parent or guardian and student | A meeting with staff, parent(s) or guardian(s) and usually the student during which student achievement and unacceptable conduct are discussed, better ways of behaving are reviewed and a plan for future behavior is outlined. A phone conversation may be adequate if an in-person meeting is not feasible.  |
| Special assignment                                    | Assignment to an activity or project that builds awareness, knowledge and skills to meet similar situations more positively. Examples include; restorative consequence, designing and presenting role-plays, community service, connecting consequences and research on topics relevant to misbehavior etc.   |
| Contract with student                                 | A written statement developed collaboratively with the student, listing steps to be taken by the student to improve behavior and describing the support to be provided (if needed) by school staff and the parent/guardian, stating when the contract will be reviewed and consequences if it is not honored.   |

## ACTION LEVEL 2

GENERAL REQUIREMENTS: Action Level 2 includes one or more of the actions listed below taken by the administrator or other designated persons. A meeting or other communication with the parent or guardian and the student must take place in addition to the Level 2 Action. The meeting, letter, email, student incident report and/or telephone call must include a discussion and/or description of the unacceptable conduct. Every effort should be made to ensure that the student will be able to continue his or her schoolwork.

| ACTION  | DESCRIPTION   |
|---|---|
| <i>Actions in Level 1 may be used in addition to the following:</i>         |   |
| Detention   | An action taken by a teacher or administrator where a student is assigned to supervised retention beyond the regular school schedule, such as a period of time before, during, or after school, or on the weekend. No detained student shall be denied an opportunity to eat lunch or reasonable opportunities to go to the restroom.   |
| Exclusion from extracurricular activities –<br><b>Automatic Consequence</b> | Denying the student the opportunity to participate in extracurricular activities for a specified period of time. Administration may go above and beyond the stipulated consequence for extracurricular activities.  |
| Referral to auxiliary and/or support services                               | Action taken by staff on behalf of the student in consultation with parent(s) or guardian(s) which may include, but is not limited to mediation, community service, school service, counseling, school-based behavioral health services, Student Action Team, and support groups.   |
| Restitution for damages   | In cases where student behavior causes damage, destruction or loss of property, the parents and student will be expected to pay the cost of repair or replacement. The school administrator and/or central office staff will determine the terms of repayment or replacement.   |
| In-school suspension**  | An action taken by an administrator that keeps a student from attending regular scheduled classes and may include any school sponsored activities during or after school.   |
| Overnight suspension  | An action taken by an administrator after an informal temporary suspension meeting which temporarily denies a student the right to be on any school campus or attend any school-sponsored activity for the duration of the suspension, including after school, weekends or holidays. A conference with the student and parent/guardian must be held before re-entry to class to discuss the ways the misconduct can be avoided in the future. |

### ACTION LEVEL 3

GENERAL REQUIREMENTS: Action Level 3 includes one or more of the actions listed below taken by the administrator or other designated persons. A meeting or other communication with the parent or guardian and the student must take place in addition to the Level 3 action. The meeting, letter, student incident report or telephone call must include a discussion and/or description of the student's unacceptable conduct. The student will not remain out of school for more than five (5) school days for an individual infraction.

| ACTION   | DESCRIPTION   |
|--|---|
| <i>Actions in Levels 1 &amp; 2 may be used in addition to the following:</i>         |   |
| Three (3) to Five (5) Days Out-of-District Suspension - <b>Automatic Consequence</b> | An action taken by an administrator after an informal temporary suspension meeting which temporarily denies a student the right to be on any school campus or attend any school-sponsored activity for the duration of the suspension or expulsion, including after school, weekends or holidays. A conference with the student and parent/guardian must be held prior to re-entry to class to agree mutually on ways the misconduct can be avoided in the future. At any time a student threatens an employee, whether physically or verbally, the employee may request a conference with the principal or designee, parent(s), him/herself and other appropriate personnel to discuss the problem and decide upon appropriate steps for resolution.   |
| Immediate Removal  | The removal of a student by an administrator designee from school for one school day or less under emergency conditions and without a prior informal meeting. Students whose presence poses a risk to persons or property or a threat of interfering with the educational process may be immediately removed from school. An informal temporary suspension meeting shall take place as soon as possible but within one (1) school day and the student shall be reinstated unless a suspension is imposed after the required informal meeting. A parent or guardian must be informed before an action is taken. A re-entry meeting must be scheduled the following day of the removal to determine what interventions and/or consequences are appropriate. If parents are unresponsive to scheduling a re-entry meeting and all reasonable attempts were made by administration to establish a meeting time then the student will remain on suspension until the parent can meet or communicate with administration. |
| Suspension or Removal from Extracurricular Activities - <b>Automatic Consequence</b> | <b>First Offense-</b> Student's loss of extracurricular privileges and eligibility for 30 consecutive school days. 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 appropriate intervention programs approved by the site administrator/district. Alcohol or drug violations on or off campus will automatically result in the consequences contained in the second offense. Administration may go above and beyond the stipulated consequence for extracurricular activities.  |

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|  | <p><b>Second Offense</b>-Student is ineligible to participate in extracurricular activities for 45 consecutive school days or the remainder of the season whichever is longer. The loss of privileges includes practice and competition. Summer school is not considered school days for this policy. Students will be required to complete appropriate intervention programs approved by the site administrator/district. Administration may go above and beyond the stipulated consequence for extracurricular activities.</p> <p><b>Third Offense</b>- Student is ineligible to participate in extracurricular activities for 365 consecutive calendar days. Administration may go above and beyond the stipulated consequence for extracurricular activities.</p> |
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### ACTION LEVEL 4

GENERAL REQUIREMENTS: Action Level 4 includes one or more of the actions listed below taken by the administrator or other designated persons. A meeting or other communication with the parent or guardian and the student must take place in addition to the Level 4 action. The meeting, letter, student incident report or telephone call must include a discussion of the student's achievement and/or unacceptable conduct. The student will not remain out of school for more than ten (9) school days for an infraction unless a formal long-term suspension hearing has been held. All Action Level 4 misbehaviors that are automatic will result in a hearing.

| ACTION   | DESCRIPTION   |
|--|---|
| <i>Actions in Levels 1 - 3 may be used in addition to the following:</i> |   |
| Six (5)-Ten (10) Day Suspension -<br><b>Automatic Consequence</b>        | An action taken by an administrator after an informal temporary suspension meeting which temporarily denies a student the right to be on any school campus or attend any school-sponsored activity for the duration of the suspension or expulsion, including after school, weekends or holidays. A conference with the student and parent/guardian must be held before re-entry to class to agree mutually on ways the misconduct can be avoided in the future. At any time a student threatens an employee, whether physically or verbally, the employee may request a conference with the principal or designee, parent(s), him/herself and other appropriate personnel to discuss the problem and decide upon appropriate steps for resolution. |
| Long Term Suspension   | A suspension from school for more than 10 consecutive school days.<br><br>A long term suspension requires a due process hearing at the district level. When appropriate, a student who is long term suspended may be placed in an alternative program.<br><br>Any student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, at school-sponsored events, or on school transportation, will be long-term suspended from school for a period of not less than   |

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|  | one (1) year. The Superintendent of Schools has the authority to modify such long-term suspension on a case-by-case basis.   |
| Suspension or Removal from Extracurricular Activities - <b>Automatic Consequence</b> | <p><b>First Offense-</b> Student is ineligible to participate in extracurricular activities for a minimum of 365 consecutive calendar days. The loss of privileges includes practice and competition. Summer school is not considered school days for this policy. Students will be required to complete appropriate intervention programs approved by the site administrator/district. Administration may go above and beyond the stipulated consequence for extracurricular activities.</p> <p><b>Second Offense-</b> Student will not be allowed to participate in extracurricular activities for a minimum of 2 years. Administration may go above and beyond the stipulated consequence for extracurricular activities.</p> |
| Expulsion  | <p>The removal of a student from the District and all school-related activities permanently.</p> <p>An expulsion requires a formal long-term suspension/expulsion due process hearing at the district level. When appropriate, a student who is expelled may be placed in an alternative program.</p> <p>Where a decision following the required formal hearing is delayed beyond 10 consecutive days, the student must be returned to school pending the final outcome unless the provisions of ALTERNATIVE EDUCATIONAL SERVICES DURING THE PERIOD OF LONG-TERM SUSPENSION OR EXPULSION applies.</p>  |

## DISCIPLINE MATRIX

### APPROPRIATE LEARNING ENVIRONMENT

| Violation            | Definition and Information  | M, S/R | Level Elem. | Level Sec. |
|----------------------|---|--------|-------------|------------|
| Attendance Tardiness | Any actions involving attendance and punctuality or the location of students on school property, in distance learning, on-line learning, or any hybrid educational setting with GMCS which disrupts the orderly operation of the class or school. | M      | 1-2         | 1-3        |
|                      | Failing to be in an assigned place of instruction at the designated time. Attendance, both poor and habitual cannot result in out-of-school suspension but can  | M      | 1-2         | 1-2        |

|   |   |           |                |                |
|---|---|-----------|----------------|----------------|
|   | include overnight suspension.   |           |                |                |
| Leaving Without Permission  | Failing to be in an assigned place at the designated time.  | M         | 1 - 2          | 1-3            |
| Inappropriate Attire  | Not dressing or grooming in a manner as outlined in the School and District Dress Codes.  | M<br>S/R  | 1 - 2<br>2 - 3 | 1 - 2<br>2 - 3 |
| Insubordination   | Defying authority which may/may not lead to disruption of the school environment after implementation of standard de-escalation protocol does not work.   | M<br>S/R  | 1 - 2<br>2 - 4 | 1 - 2<br>2 - 4 |
| Classroom Disruptions   | Any behavior on school property, in distance learning, on-line learning, or any hybrid educational setting with GMCS that disrupts the ability of students to learn and teachers to teach.  | M<br>S/R  | 1 - 2<br>2 - 3 | 1 - 3<br>2 - 3 |
| Dishonesty/False Allegations  | The act or practice of telling a lie, or of cheating (not academic), deceiving, etc. The intent to make someone believe what is not true as by giving a false appearance, using fraud, etc. Intentionally omitting facts or information.  | M<br>S/R  | 1<br>2 - 4     | 1<br>2 - 4     |
| Academic Dishonesty (such as cheating and plagiarism)                       | Aiding in or taking credit for his/her self for written or oral expression created, authorized, or prepared by another or not giving credit for the source of the material. Any unauthorized access or modification to instructional materials, records, grades, documents, courses including all electronic online courses such as, but not limited to cheating and plagiarism. The use of electronic proxies is prohibited. | M<br>S/R  | 1 - 2<br>2 - 3 | 1 - 2<br>3 - 4 |
| Knowledge of a Weapon, Alcohol, Illegal Drugs or Threatened Act of Violence | Having knowledge of another's actual or threatened act of violence to the school environment, whether on school property, off campus, in distance learning, on-line learning, or any hybrid educational setting with GMCS, without reporting it to a staff member; or having knowledge of another's actual or implied possession of weapons, alcohol or illegal drugs, without reporting it to a staff member.                | S/R       | 2 - 4          | 2 - 4          |
| Inappropriate Use of Technology   | Using school technology or technology on school property to access, share or distribute pornography, illicit, illegal or threatening information and/or to duplicate, print, transmit, and/or disseminate such  | M<br>+S/R | 1 - 2<br>3 - 4 | 1 - 2<br>3 - 4 |

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|  | materials and information, transmit, and/or disseminate such materials and information.   |          |            |            |
| Inappropriate Use of Cell Phones and Personal Electronic Devices | <p>Student use of cell phones/personal electronic devices during class time, testing times and other unauthorized times (e.g., emergencies and emergency drills) is prohibited unless a teacher permits the use of cell phones/personal electronic devices for educational purposes.</p> <p>Site principals are responsible for establishing and communicating expectations for cell phone use and conditions of use as well as procedures for confiscating cell phones</p> | M<br>S/R | 1-2<br>3-4 | 1-2<br>3-4 |
| Inappropriate Images or Language                                 | An image or expression that is intended to demean another and disrupts the learning environment, on or off campus. This includes the general use of profanity as well as profanity directed towards another person.   | M<br>S/R | 1-2<br>2-3 | 1-2<br>3-4 |
| Hate Crime   | Any depiction or expression of hate based on actual or perceived race, religion, color, national origin, ancestry, age, handicapped status, gender, sexual orientation or gender identity of the victim, whether or not the offender's belief or perception is correct, on or off campus.   | +S/R     | 3-4        | 3-4        |
| Forgery/ Counterfeit   | Providing a false signature or altering school documents or an imitation made to deceive.   | M<br>S/R | 1<br>2-4   | 2-3<br>3-4 |
| Inappropriate Display of Affection/Sexual Behavior               | Public displays of consensual affection or sexual contact on school premises, at school-sponsored events, or on school transportation, including, but not limited to kissing, intentional touching of the other person's genitals, groin, inner thighs, buttocks, or breasts, or clothing covering these areas.   | M<br>S/R | 1<br>2-3   | 1-2<br>2-4 |
| Horseplay  | Involves physical contact in a rough and boisterous manner that may lead to aggressive behavior and/or accidental injury, including but not limited to snowball, gravel and/or water balloon throwing, pushing, shoving, kicking, and shooting rubber bands.  | M<br>S/R | 1-2<br>3-4 | 1-2<br>3-4 |
| Matches, Lighters or Igniters                                    | Possession and/or use of matches, lighters or like products is prohibited.  | M        | 1-2        | 2-3        |

|   |  |           |                |                |
|---|--|-----------|----------------|----------------|
| Possession or Use of incendiary devices | Possession of any firecrackers, fireworks, poppers, caps or similar devices, including smoke bombs and all incendiary or explosive devices.  | M         | 1 - 2          | 2 - 3          |
|   | Use of, or intent to use, any firecrackers, fireworks, poppers, caps or similar devices, including smoke bombs and all incendiary or explosive devices..   | +S/R      | 3 - 4          | 3 - 4          |
| Reckless Use of Vehicle                 | Using any motorized or self-propelled vehicle on or near school grounds in a reckless manner, or so as to threaten health or safety, or to disrupt the educational process, i.e., negligent or reckless use of a motor vehicle, drone, skateboard, bicycle, etc. | +S/R      | 2 - 4          | 2 - 4          |
| Extortion and/or Coercion               | Forcing another person to act against his/her will, in order to demand money, favors, actions, property, personal possessions, etc.  | M<br>+S/R | 1 - 2<br>3 - 4 | 2 - 3<br>3 - 4 |
| Instigation                             | To urge on, spur on, or incite another to disrupt the educational environment or commit any other misconduct (verbally, physically, written, electronic such as cell phone, computer, etc.).   | M<br>S/R  | 1 - 2<br>2 - 3 | 2 - 3<br>3 - 4 |
| Gambling                                | Playing any unauthorized game of skill or chance for money or other items of value.  | M<br>S/R  | 1 - 2<br>3 - 4 | 1 - 2<br>3 - 4 |
| Trespassing                             | Entering any school property or school property facilities without permission regardless of whether school is in session. Entering school premises during a period of suspension or expulsion.   | M         | 1 - 3          | 2 - 3          |
|   |  | +S/R      | 3 - 4          | 3 - 4          |
| Deliberate Misuse of Property           | Intentionally using property belonging to GMCS or an individual for a purpose other than that for which it was intended or in a manner likely to damage the property.  | M<br>S/R  | 1 - 2<br>3 - 4 | 1 - 2<br>3 - 4 |
| Soliciting or Selling                   | Soliciting or selling items from student to student for personal gain; or exchanging items with a monetary value of \$50.00 or more.   | M<br>S/R  | 1 - 2<br>3 - 4 | 2 - 3<br>3 - 4 |



## SAFETY AND WELLBEING

| Violation                          | Definition and Information   | M,<br>S/R | Level<br>Elem. | Level<br>Sec.  |
|------------------------------------|--|-----------|----------------|----------------|
| Fighting as Simple Assault/Battery | Fighting is mutual participation in a physically violent confrontation, whether or not the participants suffer injury. Retaliation is not a defense. Fighting is considered dangerous and taken very seriously. All parties that subject themselves to the fight will be disciplined. Fighting disrupts the safety of the school and is a serious distraction to the learning environment. | +S/R      | 2- 4           | 3 - 4          |
| Assault                            | An attempt to commit a battery upon another person; any unlawful act, threat or menacing conduct which causes another person to reasonably believe that he/she is in danger of receiving an immediate battery; or the use of insulting language toward another impugning his honor, delicacy or reputation.  | M<br>+S/R | 1 - 2<br>3 - 4 | 2 - 3<br>3 - 4 |
| Aggravated Assault                 | Assaulting or striking at another with a deadly weapon; or willfully and intentionally assaulting another with intent to commit any felony; or committing assault while concealing identity.   | ++S/R     | 4              | 4              |
| Battery                            | Unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner.  | M<br>+S/R | 1 - 2<br>3 - 4 | 2 - 3<br>3 - 4 |
| Aggravated Battery                 | Unlawful touching or application of force to the person of another (1) with intent to injure another person; or (2) resulting in an injury to another person, painful temporary disfigurement or temporary loss or impairment of the functions of any body part; or (3) resulting in great bodily harm or death to another person; or (4) with a deadly weapon.                            | ++S/R     | 3- 4           | 3 - 4          |

|   |  |                                      |  |  |
|---|--|--------------------------------------|--|--|
| <p><b>Other Violence – Sexual Contact</b></p> <p>Sexual Penetration</p> | <p>The intentional touching, whether unwanted or unlawful, and whether attempted or completed, of another person’s unclothed or clothed intimate parts, with a body part or object, while on school property, at school-sponsored events/activities or on school transportation.</p> <p>The intentional penetration, unwanted or unlawful, with a body part or object, of the orifice of another person.</p>   | <p>+S/R</p> <p>++S</p>               | <p>3 - 4</p> <p>4</p>                  | <p>3 - 4</p> <p>4</p>                  |
| <p><b>Other Violence - Relationship Violence</b></p>                    | <p>A pattern of abusive and coercive behaviors used to maintain power and control over a former or current intimate partner. Abuse can be emotional, financial, sexual or physical and can include threats, isolation, and intimidation.</p>   | <p>+S</p>                            | <p>3 - 4</p>                           | <p>3 - 4</p>                           |
| <p><b>Other Violence - False Imprisonment</b></p>                       | <p>Intentionally and knowingly without permission confining or restraining another person without authority or consent.</p>  | <p>M</p> <p>+S/R</p>                 | <p>1 - 2</p> <p>3 - 4</p>              | <p>2 - 3</p> <p>3 - 4</p>              |
| <p><b>Other Violence – Kidnapping</b></p>                               | <p>The unlawful taking, restraining, transporting or confining of a person by force, intimidation or deception.</p>  | <p>++S</p>                           | <p>4</p>                               | <p>4</p>                               |
| <p><b>Other Violence – Robbery Using Force</b></p>                      | <p>The taking, or attempting to take anything of value that is owned by another person or organization, under confrontational circumstances by force or threat of force or violence and/or putting the victim in fear. A key difference between robbery and larceny is that a threat is involved in a robbery.</p>   | <p>++ S</p>                          | <p>4</p>                               | <p>4</p>                               |
| <p>Sexual Harassment</p>  | <p>Communications, that create an intimidating, hostile, or offensive environment through unwelcome or unwanted sexual advances, requests for sexual favors, or other verbal or nonverbal contacts or gestures of a sexual nature.</p> <p>Making gestures which convey a seemingly or explicit, offensive, or obscene message. Use of explicit, offensive or obscene language or gestures directed towards another person</p> <p>Harassment occurs when unwelcome conduct of a sexual nature is so severe, persistent, or pervasive that it affects a student’s ability to participate in or</p> | <p>+S/R</p> <p>+S/R</p> <p>++S/R</p> | <p>2 - 4</p> <p>2 - 4</p> <p>3 - 4</p> | <p>2 - 4</p> <p>2 - 4</p> <p>3 - 4</p> |

|  |   |            |                |                |
|--|---|------------|----------------|----------------|
|  | benefit from an education program or activity, or an employee's work environment, or creates an intimidating, threatening or abusive educational or work environment.   |            |                |                |
| Lewd Conduct   | A lewd act is any act committed by an individual with the purpose of arousing sexual interest in himself or herself, or the person towards which the lewd act is directed.  | M<br>+S    | 2<br>3 - 4     | 2 - 3<br>3 - 4 |
| Stalking   | Stalking consists of knowingly pursuing a pattern of conduct that places another in reasonable fear of bodily harm, sexual assault, confinement, restraint, or death on more than one occasion by following another, placing another under surveillance. Pattern of conduct means two or more acts, on more than one occasion, in which the alleged stalker by any action, method, device or means, directly, indirectly or through third parties, follows, monitors, surveils, threatens or communicates to or about a person. | M<br>++S/R | 1 - 2<br>3 - 4 | 2 - 3<br>3 - 4 |
| Disorderly Conduct                                       | Action(s) which substantially disrupt(s) the orderly conduct of a school environment.   | M<br>+S/R  | 2 - 3<br>3 - 4 | 2 - 3<br>3 - 4 |
| Disruptive and Dangerous Tactics                         | Disruptive and Dangerous Tactics include but are not limited to; walk-outs, strikes, pulling emergency exits, discharging fire extinguishers and smuggling student(s) off campus, instigating and obstructing school personnel from responding to a dangerous or potentially dangerous situation etc.   | M<br>+S/R  | 1 - 2<br>2 - 4 | 1 - 2<br>3 - 4 |
| False Alarm and Tampering with Safety & Security Devices | Reporting to school officials a serious threat to health and safety without a reasonable belief that the threat exists.   | +S/R       | 2 - 4          | 3 - 4          |
|  | Intentionally setting off a fire alarm without a reasonable belief that a fire exists or serious instances of campus disruption.  | +S/R       | 3 - 4          | 4              |
|  | Tampering with or manipulating safety/security products, devices, programs, hardware, software, etc. in a way that jeopardizes or potentially jeopardizes school safety.  | +S/R       | 2 - 4          | 3 - 4          |

|                                   |   |    |       |      |
|-----------------------------------|---|----|-------|------|
| Threat to Harm School Environment | Threatening to use a weapon, or an object that could be used as a weapon, to harm the safety, health, or wellbeing of the school environment, including, but not limited to, threats to school premises, District property, District staff, or students. The threat may be made in person or electronically, on-campus or off-campus. | +S | 3 - 4 | 3 -4 |
|-----------------------------------|---|----|-------|------|

### PROTECTION OF PROPERTY

| Violation                          | Definition and Information   | M, S/R    | Level Elem.    | Level Sec. |
|------------------------------------|--|-----------|----------------|------------|
| Graffiti                           | The spray painting, tagging, writing, etching etc. of (or on) school property including buses is prohibited.   | M<br>+S/R | 1 - 2<br>2 - 4 | 3 - 4      |
| Criminal Damage                    | The willful and/or malicious destruction, damage or defacement of public or private property, real or personal, without the consent of the owner or the person having custody or control of it.  | M<br>+S/R | 1 - 2<br>3 - 4 | 4          |
| Breaking/<br>Entering/<br>Burglary | Entering, without authorization, a school district building, classroom or vehicle or other structure (movable or immovable) with the intent to commit any crime or misconduct when the building is closed to students and the public.  | ++S/R     | 3 - 4          | 4          |
| Larceny/Theft                      | Taking, carrying, leading or riding away of property of another person without consent is prohibited. This category includes, but is not limited to, pocket picking, purse or backpack snatching if left unattended or no force was used to take it from owner, theft of or from school property (where there was no forced entry), theft from a motor vehicle or motor vehicle parts or accessories, theft of bicycles, theft from a machine or device which operated or activated by other use of a coin or token and all other types of larcenies. This includes theft or attempted theft of a motor vehicle. | M<br>+S/R | 1 - 2<br>3 - 4 | 2 - 3<br>4 |
| Arson                              | Planning or involvement with explosive devices, materials or information that may result in arson or   | ++S/R     | 4              | 4          |

|  |  |  |  |  |
|--|--|--|--|--|
|  | explosion. Trying to start a fire that fails to start. To intentionally damage, or attempt to damage, any real or personal property by fire or causing an explosion with the purpose of destroying or damaging property. |  |  |  |
|--|--|--|--|--|

**ALCOHOL, DRUGS, TOBACCO (NICOTINE/VAPING) PRODUCTS**

| Violation | Definition and Information   | M,<br>S/R | Level<br>Elem. | Lev<br>el<br>Sec. |
|-----------|--|-----------|----------------|-------------------|
| Alcohol   | Alcohol is prohibited on school property, at school-sponsored events, or on school transportation.               |           |                |                   |
|           | <b>Possession</b> -Intentional owning or controlling   | +S        | 2 - 4          | 3 - 4             |
|           | <b>Under the influence/Use</b> while on school property, at school-sponsored events or on school transportation. | +S        | 3 - 4          | 3 - 4             |
|           | <b>Possession with intent to distribute or sell</b> -<br>Intentional selling, bartering or giving away.          | ++ S      | 3 - 4          | 4                 |

|                                    |  |     |       |       |
|------------------------------------|--|-----|-------|-------|
| Drugs                              | <p>Drugs or paraphernalia (including vaping devices) are prohibited on school property, at school-sponsored events, or on school transportation is prohibited. Examples of drugs, counterfeit drugs, controlled substances which includes: marijuana, cocaine, methamphetamine, heroin, mushrooms or synthetic drugs.</p> <p><b><u>Possession (individual use)</u></b>-Intentional owning or controlling. Police called to remand controlled substances for destruction.</p> <p><b><u>Under the influence/Use</u></b> while on school property, at school-sponsored events or on school transportation.</p> <p><b><u>Possession with intent to distribute, or sell-</u></b><br/>Intentional selling, bartering or giving away.</p> |     |       |       |
|                                    |  | +S  | 2 - 4 | 3 - 4 |
|                                    |  | +S  | 2 - 4 | 3 - 4 |
|                                    |  | ++S | 3 - 4 | 4     |
| Energy drinks and inhalants        | The use of energy drinks has been banned by the school board. The use of energy drinks in an uncontrolled fashion may result in bodily harm. Additionally, distorting the intended use of markers, cleaning supplies or any other items that may result in bodily harm will not be tolerated.  | M   | 1 - 2 | 1 - 2 |
|                                    |  | S/R | 3 - 4 | 3 - 4 |
| Tobacco (Vaping/Nicotine) Products | Possessing, using, purchasing, distributing or selling any tobacco (nicotine) products regardless of the manner of delivery, inhalation or consumption is prohibited on school property, at school-sponsored events, or on school transportation.  |     |       |       |
| Tobacco Products (cont.)           | <b><u>Possession (individual use)</u></b> Intentional owning or controlling  | M   | 2     | 2 - 3 |
|                                    | <b><u>Use-</u></b> Consuming or inhaling   | S/R | 2 - 3 | 3 - 4 |
|                                    | <b><u>Possession with the intent to distribute or sell-</u></b><br>Intentional selling, bartering or giving away.  | S/R | 2 - 3 | 3 - 4 |

## WEAPONS, FIREARMS POSSESSION

| Violation   | Definition and Information   | M,<br>S/R                          | Level<br>Elem.                                 | Level<br>Sec.                                |
|---|--|------------------------------------|--|--|
| Firearm, Firearm Component, Ammunition, Explosive or Incendiary Devices | <p>The possession or use of any firearm, firearm component, explosive or incendiary device is prohibited on school property, at school-sponsored events, or on school transportation.</p> <p>Any student who is determined to have brought any of the items listed under this violation to a school, or to have possessed a firearm at a school, at school-sponsored events, or on school transportation, will be long-term suspended from school for a period of not less than one (1) year. The Superintendent of Schools has the authority to modify such long-term suspension on a case-by-case basis.</p> | ++S                                | 4  | 4  |
| Other Weapons   | <p><u>Possession</u><br/>An instrument or object that has the potential to inflict serious harm. Examples include: knife, dagger, ammunition, dirk, shank, razor, utility knife, brass knuckles, bludgeons, tasers, mace, chemical, gas, etc.</p> <p>Possession or use of a knife or blade under 3 inches.</p> <p>Possession or use of a knife or blade over 3 inches.</p> <p><i>An exception is made for use of instruments for educational purposes under the direction supervision of a teacher.</i></p>  | <p>M<br/>+S</p> <p>M</p> <p>+S</p> | <p>1 - 2<br/>3 - 4</p> <p>1 - 2</p> <p>3-4</p> | <p>2 - 3<br/>3 - 4</p> <p>2 - 3</p> <p>4</p> |
| Look-alike Weapon   | Includes, but is not limited to, any look-alike plastic gun, rifle, knife, dagger, hand grenade, or sword, etc. which is carried for the sole purpose of appearing to be in possession of a "real" weapon that may intimidate, threaten or harm another person.  | M<br>+S/R                          | 1 - 2<br>3 - 4                                 | 2 - 3<br>3 - 4                               |

## GANG ACTIVITY

|                       |   |      |       |       |
|-----------------------|---|------|-------|-------|
| Gang Related Activity | Recruitment, harassment, intimidation, posturing, bullying, tagging or marking, assault, battery, theft, trespassing, or extortion, or criminal activity performed by an individual affiliated with, or on behalf of a gang. Gang affiliation and/or intent can be implied from the character of the individual's acts as well as the circumstances surrounding the misconduct. | +S/R | 2 – 4 | 3 - 4 |
|-----------------------|---|------|-------|-------|

## Hearing Authority

**Due Process for Hearings** - The purpose for hearing procedures is to afford the student due process. Due process entitles a student to know what the charges are against him/her and, if the charges are denied, an explanation of the evidence resulting in the charge and a chance to tell his or her side of the story. The punishment imposed must be in proportion to the offense committed.

**Hearing Authority Information** - When Hearing Authority is referenced this is the GMCS District Hearing Authority. At a hearing, the Hearing Authority may affirm, reverse, reduce, dismiss or modify the proposed imposition of discipline, recommend volunteer participation in substance abuse/anger management counseling and implement the following: behavior contract, long term suspension or expulsion upon the student. The Hearing Authority reviews each case on the student's intent or the alleged violations, discipline and academic history and other factors like the Student Assistance Team Plans (SAT), 504 and IEP documents. Students who violate a Behavior Contract or students who violate policy and warrant a hearing the last two weeks of school are subject to Long Term Suspension (LTS) or Expulsion, credit loss and or a Hearing in the next school year. A parent/guardian/student may agree to waive the hearing and voluntarily comply with the proposed disciplinary action by the school administration by signing the waiver of right to a Hearing. Parent/guardian may request a rescheduled hearing by calling the office at (505) 721-1074.

**Notice of Hearing/Waiver of Hearing** - The student and his/her parent/guardian should appear at the scheduled hearing. A student, who is not under supervision of a parent/guardian, may be represented by another person designated by the student at the discretion of the Hearing Authority. Failure to appear will not delay the hearing and may lead to imposition of the proposed penalty by default and the appeal process is forfeited. A Hearing will take place no sooner than five school days and no later than ten school days after the decision that led to the hearing was rendered. Exceptions are when there is an agreed upon date to reschedule. If a parent does not waive the right to a hearing by executing the waiver form, then be advised of the following:



The student has the right to be represented at the hearing by legal counsel, parent/guardian or some other representative designated in a written notice filed at the Student Support Center in the Hearing Office at least 72 hours before the hearing is to take place. Student and his/her parent/guardian has the right to call their own witnesses and present evidence, subject to reasonable requirements of substantiation and relevancy at the discretion of the Hearing Authority. Student and his/her parent/guardian has the right to have a decision made based solely on the evidence presented at the hearing and the applicable rules governing behavior in the Discipline Handbook.

The formal hearing is not a trial. Technical rules of evidence and procedure will not be applied. Each hearing is recorded. A copy can be requested. There is a five (5) day turn around upon request. The family may record the hearing on their own device. The Hearing Authority will open the hearing with a statement indicating the purpose of the hearing, the violations and a description of the procedure for conducting the hearing. School Administration will have the obligation of proving by a preponderance (majority) of the evidence that the student committed the violation. The student/parent/guardian will then present the case on behalf of the student; including any witness testimony or other evidence. The Hearing Authority will announce a decision based upon the evidence presented at the hearing in accordance with the District Policy.

### **Hearing Procedure**

- Family must arrive for the hearing within 15 minutes of the scheduled time. Hearings will be held at the GMCS Hearing Authority located in the Student Support Center.
- Students who attend county schools may have their hearing held virtually from the school site.
- At the start of the hearing, the Hearing Authority will announce the process of the disciplinary meeting including; date, time, attendees, violations, order and sequence of when the parties present their evidence.
- It is possible that a decision will be made at the conclusion of the hearing. On some occasions, a decision will not be made until after the hearing. If the decision is not made at the hearing, a written decision will be mailed or delivered to parents/guardians within 5 days, unless other arrangements are made.
- During the hearing, a student will have the opportunity to be heard and present their side of the story. The Hearing Authority will make a decision based on the preponderance of evidence.

## **GENERAL GUIDANCE**

### **ATTENDANCE/ABSENCES**

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

Student attendance requirements will be implemented in accordance with New Mexico State law, the rules and regulations of the New Mexico Public Education Department.

## **BUS RULES**

Each school year the rules are distributed to students who ride the buses and they are posted at the front of each school bus for the students to review on a daily basis.

The following plan is used as a guide for all school sites:

- 1st Offense - A warning to the student with a copy of the conduct report issued to the parent/guardian. Parents are expected to help prevent a re-occurrence of the offense;
- 2<sup>nd</sup> Offense - Disciplinary action will be administered at the discretion of the School or District Administration. Possible options include a report to the parents and suspension of riding privileges; and
- 3<sup>rd</sup> Offense - Automatic suspension of riding privileges will result. The length of suspension will depend on the seriousness of the infraction. A report will be made to the parents.

Any severe disruption including, but not limited to, physical harm to student(s), physical harm to driver, physical damage to the bus, drug, alcohol or weapons possession, will result in automatic suspension of transportation privileges as determined by the building principal. A bus is an extension of the school and students riding the bus must adhere to the rules and expectations posted on the bus. The same guidelines for disciplinary action specified in the Disciplinary Action Levels section will apply. Riding privileges may be suspended for up to ten days at a time. Expulsion from riding privileges may also occur.

Students who are being very disruptive on the bus may be returned to the school and removed by the school administrator. Parents will be expected to pick their student up from school immediately following notification from the school administrator.

Suspension of a student from his/her bus riding privileges does not necessarily mean the student is suspended from school. Suspension from school does imply automatic suspension of bus riding privileges. In addition to the suspension of transportation privileges, legal action may be taken and may result in charges being filed.

Students with an IEP or 504 plan who are suspended from school transportation may require other transportation means.

## **CELL-PHONES AND OTHER ELECTRONIC DEVICES**

Cell phone use cannot be disruptive to the learning environment. Cell phones may not be used to threaten, intimidate or in any way violate the security, safety and well-being of others. Cell phones will not be used to take or share pictures, videos, or record audio sounds of

students, faculty, or staff that are considered sexually offensive, provocative, disrespectful, or otherwise inappropriate.

Site principals are responsible for establishing and communicating expectations for cell phone use and conditions of use as well as procedures for confiscating cell phones.

## **COMPLAINT PROCEDURE FOR PARENT/GUARDIANS**

In order to foster collaboration and directly resolve concerns, students and parents are encouraged to first express their concerns at the school level. If the informal process has not resulted in satisfactory resolution of a complaint or concern, parents may file a formal complaint without fear of retaliation.

## **DRESS CODE FOR STUDENTS**

Student dress and appearance is to reflect high standards of personal conduct so that each student's attire promotes a positive, safe and healthy atmosphere within the school.

- Students and their parents/guardians are expected to follow the Student Dress Code
- The responsibility to interpret and enforce the Student Dress Code rests with each school principal.

## **EXTRACURRICULAR ACTIVITIES**

Extracurricular activities are an integral part of the educational process, providing students with opportunities to further develop their capabilities, interests and needs beyond the classroom. Participation in extracurricular activities is a privilege offered and earned by students. Because participants are representatives of their school and community, their conduct is expected to be held to a higher standard of conduct. Any time a participant's conduct brings disrepute or dishonor to the District, the participant may be subject to suspension or removal from extracurricular activities. Not only may a participant be subject to disciplinary action in accordance with the Code of Conduct, the participant may also be suspended or removed from extracurricular activities.

Students suspended from extracurricular activities will not be withdrawn from classes co-curricular with activities.

A student serving a suspension from school cannot participate in a "try-out" during that suspension.

Participation in summer programs for students on suspension from school will be interpreted in the same way as scholastic eligibility for all extracurricular activities in the summer.

Participation in extracurricular activities is not a student right, and suspension of such privilege does not require a due process hearing.

## **FERPA**

The Family Educational Rights and Privacy Act (FERPA) means rights, pursuant to 20 U.S. Code 1232(g) and 34 CFR Part 99, afforded to parents and students over 18 years of age with respect to the student's education records, that include: the right to inspect and review the student's education records within 45 days, the right to request amendments to the student's education records for legitimate reasons, the right to consent or refuse to consent to disclosure of personally identifiable information in the student's records (except for those records that FERPA authorizes for disclosure without consent) and the right to file a complaint with the U.S. Department of Education concerning non-compliance with FERPA.

## **FREEDOM OF ASSEMBLY**

The non-disruptive expression of opinions by students in the public schools, or by non-students near the schools, is protected by the free speech guarantees of the United States and New Mexico Constitutions. However, a person's rights of expression may be restrained when the time, place or manner of speech or expressive conduct infringes on the school's compelling interest in maintaining uninterrupted school sessions conducive to learning.

## **GUN-FREE SCHOOLS**

Any student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, at school-sponsored events, or on school transportation, will be long-term suspended from school for a period of not less than one (1) year. The Superintendent of Schools has the authority to modify such long-term suspension on a case-by-case basis

## **GUN-STORAGE SAFETY**

Evidence strongly suggests that secure firearm storage is an essential component to any effective strategy to keep schools and students safe. GMCS takes the safety of our students, staff, and visitors seriously. To support everyone's safety, the District encourages families to use firearm safety locks, safes, and other proper gun storage methods.

## **NON-DISCRIMINATION**

No student shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any educational program or activity available in any school on the basis of race, sex, religion, color, national origin, linguistic and language differences, sexual orientation, or socioeconomic status. The Student Behavior Handbook will be enforced fairly in an age-appropriate manner to students in pre-K programs through grade 12.

The Code of Conduct will be enforced fairly to students with physical or mental disabilities in accordance with Section 504 plans, Individual Education Plan (IEPs) and/or Behavior Improvement Plans (BIPs). Any such discriminatory practice or inhumane conduct shall constitute just cause for complaint and/or remedy.

## **PROHIBITION AND PREVENTION OF BULLYING, HARASSMENT, AND HAZING**

The District is committed to providing all students with an educational environment that promotes personal growth, healthy interpersonal relationships, wellness, and academic success within a caring, responsive, and safe environment that is free of discrimination, violence, and bullying.

The District prohibits the following:

- Harassing, bullying, or hazing others
  - on District property,
  - with the use of District property, including electronic communication devices
  - at District sponsored functions regardless of location,
  - on District to-and-from-school transportation or any school-sponsored transportation,
  - while off-campus, whenever such conduct has a direct effect on the learning environment or general welfare of the student(s), school, or District community.
- Electronic communication directed at a student, published with the intent to be seen by or disclosed to that student, and substantially interferes with the student's ability to participate in, or benefit from, the services, activities, or privileges provided by the school.
- Retaliation against persons who report or witness incidents of bullying.

“Bullying” is defined as any severe, pervasive, or persistent act or conduct that targets a student, whether physically, verbally, or electronically, and that:

- may be based on a student's actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, physical or cognitive disability, class, housing status, spousal affiliation, pregnant or parenting status, foster care status, or any other distinguishing characteristic; or on an association with a person, or group with any person, with one or more of the actual or perceived distinguishing characteristics; and
  - can be reasonably predicted to:
    - place a student in reasonable fear of physical harm to the student's person or property; cause a substantial detrimental effect on a student's physical or mental health; substantially interfere with a student's academic performance, attendance, or participation in extra-curricular activities; substantially interfere with a student's ability to participate in or benefit from the services, activities, privileges provided by a school or school affiliated entity.

## REPORTING AN INCIDENT

Students and parent/guardians may register complaints with the school site administration or through the Superintendent's office.

## SEARCH AND SEIZURE

Student searches and seizure are subject to GMCS Board Policy J-3400; New Mexico Public Education Department Regulation 6.11.2.10[B]; Article 2, 10 of the New Mexico Constitution and the Fourth Amendment of the U.S. Constitution. Generally, a school administrator may conduct a student search and seizure only if the school official has "Individualized Reasonable Suspicion" that a student is in possession of contraband in violation of school rules or the law. [11:20:09] As used in this policy "contraband" means any substance, material, or object prohibited from school pursuant to school policy or state or federal law, including drugs, alcohol, fireworks, or weapons.

With respect to both employees and students, the district reserves the right to search persons, personal effects and vehicles when a reasonable, individualized suspicion based upon objective, observable facts exists:

- A. A pat-down search of a person may be conducted on the basis of a reasonable, individualized suspicion that such person is in possession of contraband. Any such search shall be conducted in private by an authorized school official of the same sex as the person to be searched and in presence of a witness of the same sex.
- B. Lockers, desks and similar storage facilities are school property and remain at all times under the control of the school; however, persons using such facilities are expected to assume full responsibility for the security of their lockers and desks and similar facilities. Periodic general inspections of lockers, desks, and similar facilities may be conducted by school officials for any reason, at any time, without notice and without consent.
- C. Persons are permitted to park on school premises as matter of privilege, not of right. The district retains the authority to conduct routine patrols of school parking lots and inspections of the exteriors of automobiles on school property. Such patrols and inspections may be conducted without notice and without consent. The interiors of vehicles on school property may be inspected whenever a school official has an individual reasonable suspicion that contraband is within such a vehicle.
- D. In any of the foregoing enforcement actions, the administration is authorized to use dogs whose reliability and accuracy for sniffing and detecting contraband has been established. The dogs will be accompanied by a qualified and authorized dog trainer- handler who will be responsible for the dog's actions. Any indication by the dog that an illegal or unauthorized substance or object is present on school property or in a vehicle on school property shall be reasonable cause for a search by school officials. Illegal items or legal items which threaten the safety or security of others and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parent or returned to the student when and if the administrative authority deems appropriate. An administrative authority shall have discretion

to notify law enforcement officers when a search discloses illegally possessed contraband material or evidence of some other crime or delinquent act.

## **SCHOOL-SPONSORED EVENT TRANSPORTATION**

It is the policy of the District to have students travel to and from school-sponsored events in district vehicles. Coaches/sponsors may release a participating student to the student's parent/guardian, by having the parent/guardian sign a release form. Upon the release of a student to his/her parent/guardian, the district is absolved of any and all responsibility for the safety, welfare and feeding of that student during transportation to and from the event.

## **SECTION 504: SUPPORTING STUDENTS WITH DISABILITIES**

Section 504 is a federal civil rights statute under the Rehabilitation Act of 1973. It 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. 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 Gallup-McKinley County Schools offers.

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

If a parent feels that the staff at his/her child's school has not adequately responded to his/her request a parent may contact K'Dawn Montano at 505-721-1061 and/or [kmontano@gmcs.org](mailto:kmontano@gmcs.org).

## **SECTION 504: DISCIPLINARY CONSIDERATIONS FOR STUDENTS**

Students with 504 accommodations are not immune from the district's disciplinary process once identification and placement procedures are properly followed. Students with 504 accommodations being considered for removal from school for 10 or more days must receive a manifestation determination review prior to action. The committee must determine if the conduct in question was caused by or had a direct and substantial relationship to the student's disability. If yes, was the conduct in question the direct result of the school's failure to implement the student's 504 plan? If the behavior is a manifestation of the disability, any disciplinary recommendation for a change of placement should be withdrawn. If the

behavior is not a manifestation of the disability, the student may be disciplined in the same manner as non-disabled students. Please contact your child's principal with questions regarding the 504 process.

## **SEXUAL HARASSMENT**

It is the policy of the Gallup-McKinley County Schools to establish and maintain for all students and staff a learning and working environments that provide fair and equitable treatment, including freedom from sexual harassment. All students have the right to be treated with respect and are expected to conduct themselves with respect for the dignity of others.

It is a violation of Federal Law, New Mexico Law, and the Gallup-McKinley County Schools policy for any student of the Gallup-McKinley County Schools to sexually harass a student or adult. The Gallup-McKinley County Schools defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of Violations:

- Unwelcome conduct that a reasonable person would determine is severe, pervasive and objectively offensive
- Offering employment or school benefits in exchange for sexual favors
- Sexual assault
- Unwanted sexual advances
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct: leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons or posters
- Verbal conduct: making or using derogatory comments, epithets, slurs, and jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, emails, or invitations

Harassment occurs when unwelcome conduct of a sexual nature is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an education program or activity, or an employee's work environment, or creates an intimidating, threatening or abusive educational or work environment

The school district will investigate all formal and informal, verbal or written complaints of sexual harassment brought to the attention of an administrator or supervisor. Any student who is found to have sexually harassed another student or staff member will be disciplined as per the Action Levels.



## **SPECIAL EDUCATION COMPLAINT RESOLUTION PROCESS**

If parents are in disagreement with the district on any aspect of their child's program, they have the right to be heard and their opinions considered. In many cases, differences can be resolved quickly and efficiently at the school or district level simply by asking for another IEP meeting. Federal law and State rules provide several avenues for resolving differences; keep in mind that even in disagreement, the focus is the child's best interest and the outcome should be that the child is the winner.

Under Federal law and state rules, both the district and the parent(s) have the right to have their opinions heard and considered. The parent has the right to disagree with the district's findings, plans, or actions regarding their child. Also, after considering the parent's opinions or requests, the district has the right to disagree as well. Gallup-McKinley County Schools will follow Federal laws and regulations, and State laws and rules to resolve Special Education complaints.

## **TARDY POLICY**

Students are expected to arrive to class on time and remain in class for the duration of the scheduled instructional period, including remote learning. Each school site will develop tardy procedures specific to their school.

## **TECHNOLOGY: APPROPRIATE USE POLICY**

Students shall responsibly use the District's technology and electronic equipment, on-campus and off-campus for educational purposes that are aligned with the District's mission. The GMCS Technology Use form provides further information on expectations and the appropriate use of technology.

## **TITLE IX VIOLATIONS**

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices. Title IX includes prohibitions against sexual harassment, sexual misconduct and sexual violence.

**Title IX Complaints** - Formal complaints of Title IX violations may be reported to the District Title IX Coordinator, K'Dawn Montano via email at [kmontano@gmcs.org](mailto:kmontano@gmcs.org) or via phone at (505) 721-1018.

# GALLUP-MCKINLEY COUNTY SCHOOLS CODE OF CONDUCT

## ACKNOWLEDGEMENT FORM

### **Student's Rights and Responsibilities**

Every student has the right to learn in a positive and respectful learning environment. Each student has a role in achieving this. To help promote a positive school culture where every student can grow academically and personally, each student is expected to:

- 1) Attend and participate in all classes each day; and be on time
- 2) Prepare for each class with appropriate materials and completed assignments
- 3) Always use computers, technology, cell phones, and social media in a responsible way
- 4) Understand that cell phones must be turned off during instruction time unless the teacher says you can have it on
- 5) Follow school rules and the Code of Conduct when at school; at school-sponsored events; and on school transportation. A current Code of Conduct is posted on the District website.
- 6) Respect the rights, feelings, and property of fellow students, parents, teachers, staff, volunteers, guests, and the surrounding community
- 7) Seek peaceful solutions to conflict; encourage peers to do the same; and seek assistance from an adult if a conflict remains unresolved
- 8) Do not bully or cyberbully anyone; and report bullying or cyberbullying to an adult
- 9) Take responsibility for your own behavior
- 10) Do not bring anything that is or looks like a weapon to school or a school-sponsored event; alert an adult if you see another person do this
- 11) Do not possess, use, give or sell any drugs, alcohol, tobacco or weapons; alert an adult if you see another person do this
- 12) When you see something (or hear something that seems unsafe), then say something (to a staff member)
- 13) Do not discriminate, and report discrimination, on the basis of gender, gender identity, sexual orientation, race, ethnicity, national origin, immigration status, socioeconomic status, physical differences, health conditions, family differences, or learning, linguistic and language differences
- 14) Understand that principals, coaches, and sponsors of extracurricular activities may develop and enforce standards of conduct that are higher than the district-developed Code of Conduct
- 15) Adhere to all safety and wellbeing expectations, particularly those regarding mask-wearing
- 16) Read the current version of the Code of Conduct posted on the Gallup-McKinley County Schools official website as it may be updated throughout the year

### **Student and Parent / Guardian Acknowledgment**

**I have read the Code of Conduct with my child and understand it. By signing this document, we agree to follow the Code of Conduct.**

|                              |                                 |       |
|------------------------------|---------------------------------|-------|
| _____                        | _____                           | _____ |
| Student Signature            | Student Printed Name            | Date  |
| _____                        | _____                           | _____ |
| Parent or Guardian Signature | Parent or Guardian Printed Name | Date  |

Grade \_\_\_\_\_ School \_\_\_\_\_ Homeroom/Advisory \_\_\_\_\_

**If you don't have access to the website at home, then please let your child's teacher know, and access to the Code of Conduct will be provided to you.**



STUDENT/PARENT LAPTOP USE AGREEMENT
PLEASE PRINT ALL INFORMATION

Location \_\_\_\_\_ Place Laptop ID Number Here \_\_\_\_\_

Student Name Last \_\_\_\_\_ First \_\_\_\_\_ Student ID # \_\_\_\_\_ Grade \_\_\_\_\_
Parent/Guardian Last \_\_\_\_\_ First \_\_\_\_\_ Phone # \_\_\_\_\_
Home Address \_\_\_\_\_ Apt # \_\_\_\_\_

In this agreement, the "District" is the Gallup-McKinley County School District. "You", "your", "User", and "Assigned User" means the parent/guardian and their student enrolled in the District. The "Technology Equipment" or "Equipment" is a laptop with power adaptor, and 6ft extension cable owned by the District and/or managed by the Technology Office. "Report" or "Reported" is an incident documented within 2 business days.

- A. Terms: Receiving Technology Equipment:
1. The Laptop assignment will consist of 1-Laptop computer (3-12) or 1-iPad (PreK-2) with the following accessories: 1-Power Supply cable, 1 case.
2. You agree to be responsible for any losses and non-warranty damage caused to the equipment while checked out to you, and will abide by the Acceptable Use Policy, Internet Safety instruction, and will properly use, care for and keep the equipment safe while issued to you.
3. Upon transfer, dis-enrollment, or completion of school term, all issued equipment will be returned to the Tech ER for repair assessment and/or storage
B. Decoration:
1. Laptops may NOT be decorated or altered in any way from their original condition and must display the aluminum Asset Tag at all times.
2. Decoration, graffiti or willful destruction of equipment to your or someone else's equipment will be considered Vandalism per Section F4.
C. Agreement Compliance:
1. You agree to comply with all rules and regulations contained in the Gallup-McKinley County School District Technology Security Policy and the Responsible Use Agreements (in enrollment packets), incorporated herein by reference, and made a part hereof for all purposes.
2. Users that attempt repair, or access into the equipment for any reason, including purposes of attempting repairs or to circumvent security will void all agreement rights and will be held responsible for full damages per Section F4-5.
3. Users should charge laptops nightly and leave power adaptors at home. Adaptors lost at school are the Users responsibility, (Except per Section I2)
4. Loading or storing unauthorized media and applications such as, but not limited to, Flash or Java based games, movies, and inappropriate videos, music, and images; and the playing of games not used for classroom instruction during the day is not permitted, and is subject to disciplinary intervention at the classroom, building, or district levels.
5. Users are not allowed to share passwords and must always access the equipment and network applications using their own login username and password.
6. Your right to use this equipment is conditional upon your complete acceptance of this agreement and incorporated policies and handbooks of the District.
7. Failure to comply with this agreement may result in disciplinary and/or legal action, restricted computer access, equipment removal or other consequences as determined by campus and District administrators.
D. Title/Ownership:
1. The equipment and all digital files, documents or media, created or installed, and contained therein, belongs to or is under license to the District, at all times.
2. The equipment, installed Software and storage space is provided to you for your education and instruction, and does not grant ownership or privacy to the User.
E. Loss:
1. For any Lost, Stolen, Vandalized, or Damaged equipment, the user must report it within two business days to the Tech ER, where it will be documented, and you will receive instructions on any other actions to take regarding your assigned equipment.
2. The Assigned User will be billed for missing equipment in their care or to obtain a replacement for a Total Loss up to the total value of the laptop and power supply cord. (Except per Section I2)
3. Any equipment determined to be missing and unreported, will be considered "Lost." A Missing Alert will be activated, and a Police Report will be filed by the District for the return of the equipment. The Assigned User may be held responsible for the full replacement value of the missing items.
F. Damage:
1. All Damage must be reported and documented in a Help Desk Ticket and submitted along with the equipment to the Tech ER to schedule a Repair.
2. The User will be responsible for making monetary payments for issues not covered by warranty, which are not consistent with the normal wear or known to be a defect. Damages or loss of the laptop and/or accessories may be billed as separate incidents. Students and parents will be charged for the value of the laptop and accessories if damaged or lost.
3. Users submitting multiple repairs may be held responsible for full repair or replacement cost, if a pattern of abuse, mishandling, or neglect is determined.
4. Vandalism or accidental damage is not covered by warranty. The District, with input from the principal, will make the final determination on billing issues between users, and determine reimbursement responsibility for repairs to the equipment. Reimbursement will not exceed the replacement cost of the equipment.
5. In addition to repair reimbursement, the District may impose disciplinary action, restrictions to the use and availability of equipment and/or District resources.
6. Damage by others remains your responsibility, and reimbursement must be negotiated by you, with the person(s) involved. (Except per section F4)
G. Loan Equipment
1. Users may borrow a laptop, while their equipment is in Repair, but may not be allowed to remove it from the School Campus. You will be bound by this agreement for Loss or Damages to equipment that is temporarily in your care. The User may be responsible for full damage reimbursement if the equipment on loan is removed from campus.
H. Criminal Acts-Off School Property:
1. Stolen, Vandalized, or Appropriated equipment will follow all rules as outlined in Section E.
2. Additionally, a Police Report must be filed and the Officer Name, Report Number, and Police Agency taking the report, need to be provided to the Tech ER.
3. Incidents not reported, or Police reports determined to be unfounded, may be billed to the User at full repair or replacement value.
4. Any attempts to sell any District property may result in disciplinary or legal action.
I. Criminal Acts-On School Property:
1. In addition to Sections E and H, the User must report the incident to a building Principal, to investigate and document the incident for appropriate disciplinary and billing action or escalation to law enforcement.
2. Theft, vandalism, or appropriation will result in full reimbursement by those involved. Incidents must be reported, and the person(s) must be positively identified.
J. Terms of Agreement
1. Your right to use and possess school equipment ends upon the last day of the school year, when terminated by the District, or upon your withdrawal.
2. Any special use agreements must be documented and approved by the School and/or Technology Office and terminate on an agreed upon date.
3. The District reserves the right to alter this agreement based on circumstances that may arise over the course of the school year.
K. Repossession:
1. If you do not comply with this Agreement, or return the equipment at the appointed check-in times, the District will recover the equipment.
2. The District will attempt to contact you and will allow 5 days to return the equipment, after which, the items will be assumed unlawfully appropriated and a police report filed against the user for the return of the equipment or value of the item

Parent/Guardian: \_\_\_\_\_ Student: \_\_\_\_\_ Date: \_\_\_\_\_
Signatures \_\_\_\_\_

