

# **SAMS ACADEMY**

## **STUDENT BEHAVIOR HANDBOOK**



**2017-2018**

Revised July 2017

# SAMS ACADEMY

## STUDENT BEHAVIOR HANDBOOK

*This Handbook states guidelines for student rights and responsibilities. It does not create any contractual rights, and the school has the discretion to modify the provisions of this Handbook at any time.*

### Table of Contents

WHEN IS THE STUDENT BEHAVIOR HANDBOOK IN FORCE? .....	5
STUDENT EXPECTATIONS.....	5
STUDENT RESPONSIBILITIES.....	6
PARENT RESPONSIBILITIES .....	6
STUDENT RIGHTS .....	7
1. Educational Opportunity.....	7
2. Student Dress.....	7
3. Privacy.....	7
4. Search of Person or Vehicle .....	7
5. Controversial Issues .....	8
6. Prohibition Against Bullying.....	7
7. Acceptable Use Technology (Cell Phones).....	9
VIOLATION OF STUDENT RIGHTS .....	11
HEARING PROCEDURE .....	12
BURDEN OF PROOF .....	13
DECISION OF HEARING AUTHORITY.....	13
TIME LIMITS .....	10
SCHOOL ATTENDANCE .....	10

TARDIES .....	12
STUDENT DROP-OFF AND PICK-UP .....	12
DISRUPTION OF THE EDUCATIONAL PROCESS .....	15
CONSEQUENCES FOR UNACCEPTABLE BEHAVIOR .....	13
Suspension .....	16
Removal to an Alternative Educational Setting.....	17
Short-term Suspension .....	17
Long-term Suspension .....	17
Disenrollment.....	14
Expulsion.....	14
Referral for Legal Action .....	17
Suspension of Activity Privileges .....	18
Contracts.....	14
Removal from Class.....	14
SUBSTANCE ABUSE AND TOBACCO/ E-CIG POLICY.....	15
BUS MISCONDUCT .....	19
DISCIPLINE FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES .....	19
SECTION 504 AND THE AMERICANS WITH DISABILITIES ACT .....	20
SCHOOL OBLIGATIONS.....	20
SCHOOL RESPONSIBILITIES UNDER SECTION 504.....	20
PARENT/STUDENT RESPONSIBILITIES UNDER SECTION 504 .....	20
DISABILITY HARASSMENT/DISCRIMINATION.....	17
PROCEDURAL SAFEGUARDS FOR PARENTS .....	21
TITLE IX.....	21
GENDER DISCRIMINATION.....	21

SEXUAL HARASSMENT .....	21
SEXUAL MISCONDUCT .....	22
PREGNANCY .....	22
VIOLATION OF TITLE IX.....	22
COMPLAINTS.....	22
RETALIATION.....	19
STUDENT RECORDS.....	23
THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT .....	20
GLOSSARY OF TERMS.....	24
PARENT-TO-TEACHER GRIEVANCE POLICY .....	25-27
STUDENT-PARENT ACKNOWLEDGMENT OF RULES.....	28

## WHEN IS THE STUDENT BEHAVIOR HANDBOOK IN FORCE?

The provisions of the Student Behavior Handbook are in force:

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

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

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

## STUDENT EXPECTATIONS

### Attend:

Students are expected to attend school regularly and on time. School policy and state law require daily school attendance for those students between the ages of 5 and 18, or until graduation from high school. Families are expected to follow NMAC New Mexico Compulsory School Attendance Act.

### Achieve:

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

1. Strive to fulfill their academic potential.
2. Actively participate in the educational process.
3. Actively participate in community activities.

### Be a Good Person:

Students are expected to be good citizens. Students are expected to:

1. Respect authority, property, and the rights of others.
2. Avoid confrontation and any activity that has the potential to cause a verbal or physical conflict.
3. Maintain standards of integrity and responsibility.
4. Maintain a safe school environment.
5. Report any/all information/circumstances related to campus safety, problems (fights, weapons, or drugs on campus).

### STUDENT RESPONSIBILITIES

Every student is responsible for helping maintain a safe, orderly and educationally efficient learning environment. Students are expected to:

1. Attend school every day and be on time.
2. Resolve differences with others in a positive, non-violent way.
3. Remain drug, alcohol and tobacco free.
4. Respect school property and the property of others.
5. Respect fellow students and all school staff members.

### PARENT RESPONSIBILITIES

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

1. Get your students to school on time every day. Punctuality and good attendance are family responsibilities.
2. Provide a suitable time and place for your child to study at home.
3. Make learning a priority.
4. Maintain regular communication with teachers, school administrators and other school staff members.
5. Communicate regularly with staff and stay informed of your child's ongoing scholastic achievement and progress, and advocate for your child's learning needs by logging onto PowerSchool through the parent portal.

## STUDENT RIGHTS

Students have a right to:

### 1. Educational Opportunity

Be in school. However, students *choose* to attend the SAMS Academy Learning Center. Thus, all members of the school community have a major role to play as positive models for respectful behavior. As such, each student who enrolls has a corresponding responsibility not to deny this right to any other student.

### 2. Student Dress

Student dress and grooming is to reflect high standards of personal conduct. School personnel shall have discretionary authority to assure that each student's attire promotes a positive, safe and healthy atmosphere within the school. Student dress may not present a health or safety hazard, violate municipal or state law, or present a potential for disruption to the instructional program. Attire and accessories, which advertise, display, or promote any drug, including alcohol or tobacco, sexual activity, violence, disrespect and/or bigotry toward any group are not acceptable.

There are specific Dress Code Protocols below that students must abide by to avoid educational disruption while at the school:

- 1. No exposed undergarments.**
- 2. No exposed torso or cleavage.**
- 3. Any dress that disrupts the educational process.**

3. School personnel may question students in regards to alleged acts of misconduct without contacting the parents. However, parents must be notified of any disciplinary action being imposed by school personnel.

4. Questioning a Student – The school will contact the parents if police authorities desire to question a student on school premises regarding any alleged act of misconduct. The school will maintain student rights in regards to police intervention.

### 5. Search of Person or Vehicle

Vehicle Search – Search of a student’s vehicle while parked on school property may be conducted only if a certified school administrator or designee, has *reasonable suspicion* that a crime or breach of the disciplinary code is being committed by the student.

Physical Search – Search of a student’s person or property may be conducted by school administrator or designee when there is *reasonable suspicion* that the student being searched has committed a crime or a breach of the disciplinary code.

## 6. Controversial Issues

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

## 7. Prohibition Against Bullying & Cyber-Bullying

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

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

Students and parents may file verbal or written complaints concerning suspected bullying behavior to school personnel and administrators. Any report of suspected bullying behavior will be promptly reviewed. If acts of bullying are verified, prompt disciplinary action may be taken against the perpetrator, up to and including suspension and/or expulsion.

### Reporting Intimidation, Harassment, or Bullying Behavior

1. Any student who believes he/she has been the victim of harassment, intimidation, bullying, or hazing by a student or school personnel, or any person with knowledge or



belief of such conduct that may constitute harassment, intimidation, bullying, or hazing toward a student should immediately report the alleged acts.

2. The report may be made to any staff member. The staff member will assist the student in reporting to the principal or other district personnel.
3. Teachers and other school staff who witness acts of bullying or receive student reports of bullying are *required* to promptly notify designated staff.
4. Reports should be done in writing using the Harassment, Intimidation, Bullying, or Hazing Complaint Form. A copy of this form will be submitted to the Safe Schools coordinator.
5. School administrator or designee is *required* to accept and investigate all reports of intimidation, harassment or bullying.
6. School administrator or designee is *required* to notify the parent or guardian of a student who commits a verified intimidation, harassment, or bullying of the response of the school staff and consequences that may result from further acts of bullying.
7. Nothing in this policy shall prevent any person from reporting directly to the school's administration.
8. Retaliation against an individual who either orally reports or files a written complaint regarding harassment, intimidation, bullying, or hazing or who participates in or cooperates with an investigation is prohibited.
9. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.
10. If harassment or bullying continues, the perpetrator will be immediately suspended and removed from the school, pending a long-term hearing.
11. To the extent permitted under the Family Educational Rights and Privacy Act (FERPA) School staff is *required* to notify the parent or guardian of a student who is a target of bullying of the action taken to prevent any further acts of bullying.

## **8. Student Acceptable Use for Technology**

SAMS Academy is deeply committed to technology as a vital tool for its students. As a user of technology, I understand that it is my responsibility to honor the Acceptable Use Policy and uphold the Southwest Primary Learning Center Technology Values at school. I understand that my actions can affect others and that I will be accountable for my behavior.

Values and Responsibilities:

We value communication; therefore, I will:

- Use language that is pertinent and appropriate when submitting academic work, participating in online forums and working collaboratively.
- Use thoughtful and appropriate language for social postings.
- Be mindful of how my words are interpreted by others.

We value privacy; therefore, I will:

- Be aware of the privacy settings on any website to which I subscribe.
- Understand that anything I do online or electronically is not private and can be monitored.
- Not share personal information about myself, family, friends or faculty.

We value honesty and safety; therefore, I will:

- Not engage in behavior that puts myself or others at risk.
- Represent myself honestly.
- Seek help if I feel unsafe, bullied or witness unkind behavior.
- Communicate only with people I know.
- Follow safety guidelines posted by sites to which I subscribe.

### **Student Cell Phones**

**STUDENTS MAY CARRY CELL PHONES/ELECTRONIC DEVICES AT THEIR OWN RISK. THE SOUTHWEST LEARNING CENTER IS NOT RESPONSIBLE FOR LOST, STOLEN OR DAMAGED CELL PHONES.**

- Students may use cell phones/electronic devices BEFORE and AFTER school, and during school RECESS, BREAKS and LUNCH ONLY.
- Students may not use cell phones/electronic devices during any class, school assemblies, and other special events.
- Cell phones/electronic devices must not disrupt the educational process and/or school activities.
- Cell phones/electronic devices must be turned off during instructional time.
- The Southwest Learning Center reserves the right to confiscate cell phones/electronic devices from students who violate the cell phone/electronic device policy.
- Parents will be notified to pick up the student's confiscated cell phone/electronic device from the school.
- If the student violates the cell phone policy more than three times the will be asked to NOT have that phone at school and are subject to suspension

!

## STUDENT RIGHTS

Parents who believe that their student's rights have been violated should report their concerns to the school administrators or other appropriate school personnel. The Parents will be directed to the below Parent-Teacher Conflict Resolution Policy to have a process by which to vet the issue and resolve the problem:

### **Level I Teacher-Parent Meeting**

If the parent is not satisfied with resolution of the meeting they must then write a second formal letter to the teacher describing the conflict. The teacher will then give a formal letter response to the parent/guardian.

Timeline: Within 3 working days to schedule meeting on receipt of first letter and 3 working days for the teacher to respond to second formal letter.



### **Level II Principal-Teacher-Parent Meeting**

The parent files a written grievance with the Principal who will schedule a meeting with the Teacher and Parent involved. Both formal letters to the teacher and formal letter to the Principal will be available at this meeting.



### **Level III Principal**

Resolves issue, followed by written response to parent.

Timeline: Within 3 working days



### **Level IV Head Administrator-Principal-Teacher-Parent Meeting**

The parent files a written grievance with the Head Administrator who will schedule a meeting with the Principal, Teacher, and Parent involved. Both formal letters to the teacher and formal letter to the Principal will be available at this meeting.



### Level V

#### Head Administrator-Board

If issue is not resolved then it continues with the SAMS Head Administrator will review all documentation surrounding the grievance and issue a written resolution to the person filing the grievance. The Head Administrator at their discretion may convene a Board sub-committee to review the complaint. The determination of the Head Administrator is final.

All written documents prior to this step must be available for the Head Administrator's review.

Timeline: Within 5 working days

#### ***SAMS Academy Resolution of Parent/ Teacher Conflicts Procedure:***

A grievance will be defined as a dispute between a parent/guardian and an SAMS. The school's conflict resolution (i.e. grievance) procedure is designed to ensure a parent/guardian and the school a fair hearing of legitimate grievances.

***The Head Administrator will determine if the dispute merits exercising the Conflicts Resolution Procedure, and the Head Administrator will determine if the dispute merits exercising the procedure if the Principal or Head Administrator is the object of the dispute.***

A grievance will be initiated by the parent/ guardian against school as an organization. A parent/ guardian should make every effort to resolve the issue with the classroom teacher with two formal letters and meeting with the teacher.

A written record of each meeting will be made and kept as part of the personnel file of the aggrieved person.

### HEARING PROCEDURE

The School prescribes a formal hearing procedure for students recommended for expulsion. The student may, at his/her own expense, choose to be represented by an attorney during any due process hearing. If a hearing is requested or required, school authorities shall prepare and serve the parents/legal guardians with a written notice of

the hearing. The hearing shall be scheduled no sooner than five (5) and no later than ten (10) school days from the date of receipt of notice by the parents.

The parent/guardian may choose to waive the student's right to a hearing and accept the disciplinary consequences recommended by the school.

#### BURDEN OF PROOF

The hearing is not a legal proceeding and formal rules of evidence shall not govern the conduct of the hearing. The burden of proving that the student violated a provision of this Student Behavior Handbook is on the school authorities. The student or his/her counsel shall have the right to call witnesses on his/her behalf and to question witnesses against him/her. The school authorities shall have the right to call witnesses and to question any witnesses who testify.

#### DECISION OF HEARING AUTHORITY

The Hearing Authority shall decide first upon the innocence or guilt of the student with respect to the charges brought and second, upon the disciplinary action, if any, that should be taken. The Hearing Authority may request additional evidence from the parties. The student shall have the right to comment upon the evidence orally and/or in writing. The Hearing Authority shall serve its written decision on the parties, stating his/her findings, conclusions and implementations, within ten (10) days after hearing the evidence. The Hearing Authority's decision shall take effect immediately and shall continue in force during any subsequent review.

#### TIME LIMITS

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

#### SCHOOL ATTENDANCE

Regular class attendance by school age persons at all grade levels is not only an essential component in the learning process, in the development of self-discipline, and in preparation for post-training, education and employment, it is also a requirement of New Mexico's Compulsory School Attendance Law, NMSA 1978 §22-12-1, et seq. ("Law"). SAMS Academy Governance Board and Administration is responsible for the enforcement of this law.

Habitual truant students and parents are subject to the provisions of the Children’s Code [32A-1-1 NMSA 1978]. New Mexico law dictates that:

- (1) Students between the ages of 5 and 18 years of age are mandated to attend public school, private school, home school or a state institution.*
- (2) Schools will provide intervention strategies that focus on keeping students in school.*
- (3) Habitual truants are reported to appropriate authorities such as CYFD staff, Juvenile Probation and Parole, District Attorney, Truancy Court and the State of New Mexico.*
- (4) Parents may be subject to criminal sanctions for violation of the law.*

The SAMS Academy (SAMS) encourages parents to ensure their child attends school to maximize their learning and increase their chances of having a successful academic career. The school understands families may need support to help their child be successful. The Governance Board, Administration and Staff will work so that all concerned will be provided the guidance and resources necessary to assure success.

The SAMS Academy attendance policy has the following components:

1. The SAMS Academy goal is 94% attendance for all students in each grading period. On time attendance to regularly scheduled sessions is mandatory for students to derive maximum benefit from SAMS’s instructional program. **This means that no more than the equivalent of 5 absences per student, per semester, is acceptable.** Parents will be notified by mail on a student’s 5<sup>th</sup> and 10<sup>th</sup> absence.
2. Attendance will be taken in every session and class.
3. The parent/guardian will notify the school when the student will be absent by sending an email to [abanoczi@SAMS-nm.com](mailto:abanoczi@SAMS-nm.com) or 505-296-7677.
4. The SAMS Academy will contact parents/guardians informing them of their child’s absence when the school does not receive prior notification.
5. Absences that are not excused beforehand and cannot be verified by parent contact will be considered unexcused. Parents may subsequently excuse absences.
  - School-related absences are not included when evaluating excused, unexcused and excessive absences.
  - Parents should notify the school of all situations that will result in prolonged absences.
  - Parents are discouraged from taking their children out of school for schedules. While students missing school due to vacations is not condoned, it is recognized that there are situations when a student must be absent due to parental vacation or travel requirements.
  - Students will be encouraged to make up all absences by attending extra main lab sessions in addition to their regularly scheduled sessions.

- A student who falls below a 94% attendance rate may be excluded from intramural activities at the school.

In accordance with the New Mexico Compulsory Attendance Law, parents will be notified by mail on the student's 5<sup>rd</sup>, 7<sup>th</sup>, and 10<sup>th</sup> unexcused absence. Parents are requested to contact their child's sponsor teacher upon receipt of the 5<sup>th</sup> unexcused absence notification letter to discuss remedies. Following a student's 7<sup>th</sup> unexcused absence, parents will be contacted to conference with an administrator to develop possible interventions. On a student's 10<sup>th</sup> unexcused absence parents will meet with the SAMS administration. Parents will be advised of their legal obligation to ensure their child's regular attendance. The SAMS administration will continue to work to resolve the issues leading to the student's excessive absenteeism. Further unexcused absences will be referred to the Children's, Youth and Families Department for investigation and potential prosecution by the District Attorney's Office (Children's Court Attorney) with the Judicial District Court of the State of New Mexico and to the Juvenile Probation and Parole Office in our community.

## TARDIES

Excessive tardies will be dealt with through progressive discipline procedures. Three tardies equals one absence. Students tardy to main lab sessions will be seated upon computer station availability. Consequences and remedies for habitual tardiness will be addressed by the Administration with individual students and parents.

## STUDENT DROP-OFF AND PICK-UP

Parents may not leave their children on the school campus more than thirty (30) minutes prior to the school day or 30 minutes after the school day has ended. School grounds are not supervised except during the school day.

If extenuating circumstances prevent a family from picking up a student on time the school must be notified. If students are repeatedly left on campus outside of the school day hours, an administrator will attempt to contact the family to discuss the problem and to develop possible solutions. If the problem continues, the student may be considered abandoned and the police will be notified.

## DISRUPTION OF THE EDUCATIONAL PROCESS

This list is not all-inclusive; acts of misconduct not specified herein shall also be subject to discretionary action by appropriate school administrator. This document does not attempt to set societal standards. The criterion used for defining unacceptable behavior is whether or not it has the potential to disrupt the educational process. These guidelines

follow municipal and state guidelines. Definitions of these terms are indexed in the back of this handbook.

Absences, Excessive	Firearm Possession/Use
Arson, Category I and II	Gang-Related Activity
Assault/Bullying	General Disruptive Conduct
Assault, Aggravated	Hazing
Battery, Aggravated	Language, Profane/Abusive
Battery/Fighting	Materials, Obscene
Bomb Threat/False Alarm	Paraphernalia Possession
Bus Disruption	Robbery
Controlled Substance, Possession/Use	Sexual Harassment
Defiance of School	Tardy, Excessive
Personnel/Authorities	Theft
Dress Code Violation	Tobacco, Possession/Use
Extortion	Trespassing/Unauthorized presence
Continual Disruptive Conduct	Vandalism
Cheating / Plagiarism	Weapon Possession/Use

It accordance with Section 22-5-4.7 NMSA 1978, it is the policy of the SAMS Academy to expel from school, for a period of not less than one year, any student who is determined to have knowingly brought a weapon to school, the board or head administrator may modify the expulsion requirement on a case-by-case basis; the special rule provisions of Subsection D. of 6.11.2.11 NMAC apply to students with disabilities.

## CONSEQUENCES FOR UNACCEPTABLE BEHAVIOR

The SAMS Academy is a learning community and the rules and regulations of a school are the laws of that community. The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violation of school rules.

Minimum mandatory consequences have been established and must be expected for any violations. Schools must make a good faith effort to notify the parents or legal guardian of the student in any circumstances where the school's disciplinary response will exceed administrator/student contact. Administrative response to unacceptable behavior may include a spectrum of actions such as those listed below. Administrators may impose consequences beyond those identified as minimum mandatory.

Suspension:



A suspension is the removal of a student from a class or classes and all school-related activities for any period of time. Suspension will include a range of responses from in-school suspension alternatives to long-term removals of one year or longer.

The school administration must notify each of a student's teachers and the student's parents within a reasonable time frame of imposing *any* form of suspension.

### Removal to an Alternative Educational Setting

The school goal is to keep students engaged and actively working on their school work. The SAMS Academy utilizes an alternative educational setting to allow students access to curriculum while prohibited from being on the main school campus. Time spent in AES is not considered short or long-term suspension. Administrators retain the discretion to assign students to the AES setting or to short/long-term suspension.

### Short-term Suspension

Short-term suspension is defined as any suspension of ten days or less. Short-term suspension will be at the discretion of the school administrator and will address behaviors that disrupt the educational process. Any student who is suspended must be given the opportunity to make up missed work. The student has the same number of days to complete and turn in make-up work as he/she was suspended. Students who are suspended may continue working in their curriculum at home.

### Long-term Suspension

Long-term suspension is defined as the removal of a student from instruction and all school-related activities for more than ten (10) days and up to the balance of the semester.

A student receiving a long-term suspension may lose credit for the semester

Disenrollment is the permanent removal of a student from school for a period exceeding for the remainder of the school year.

### Expulsion

Expulsion is the removal of a student for a period exceeding one (1) semester. In some cases, expulsion may be a permanent removal from the school system. A student receiving an expulsion will lose credit for the semester(s) in which the expulsion occurs. A student must be given a due process hearing prior to expulsion. The student may, at his/her own expense, choose to be represented by an attorney at the hearing.

### Referral for Legal Action

Communication of any illegal act or action by a student will be forwarded to the appropriate authority or law enforcement agency. New Mexico law requires that if any school employee has reasonable cause to believe that a child is or has been in possession of a firearm on school premises, the employee shall immediately report the child's actions to a law enforcement agency and the Children, Youth and Families Department.

### Suspension of Activity Privileges

Students may be removed, at the discretion of the principal, from any part or all extra-curricular privileges for time periods up to one (1) full calendar year. Participation in activities is a privilege offered to and earned by students. Because participants are serving as representatives of their school and community, their conduct is expected to exemplify high standards at all times.

Participants are expected to adhere to higher standards of academics and conduct than established for the general school population in order to maintain their activity privileges. Participation in activities is not a student right and suspension of such privileges does not require a due process hearing procedure.

### Behavior Contracts

Student will commit to more positive behavior in the form of a written contract. Student may be assigned school or community service. The terms of the contract will be determined by the principal or designee. Students may be taken to a long-term suspension hearing for contract violation.

### Removal From Class

Student may be removed from class or activity but remains at school pending conference with appropriate school personnel. Student may be placed in an alternative setting which may include on-line courses taken at home. Student may be suspended from school. Student may be transferred from the school to the school of residence at the request of the student and parents or through mutual agreement of the school, parent and student. In the absence of an agreement of all parties, the school's administrator shall review the case and make the final decision.

The authority of the schools is to supervise and control the conduct of students and includes the authority to impose reasonable periods of detention during the day or outside normal school hours as disciplinary measures.

## SUBSTANCE ABUSE AND TOBACCO POLICY

It is the policy of the SAMS Academy to be a “Tobacco Free and E-Cig Free Zone”. Students, parents, visitors, and staff members are prohibited from possessing tobacco products of any kind, tobacco paraphernalia (including lighters and matches) on campus or at any school-sponsored activity. Consequences for violation of this policy is at the discretion of school personnel.

## BUS MISCONDUCT

Bus disruptions, deliberately or inadvertently interfering with the safe operation of a school bus which is stopped or moving; behaving in a manner adversely affecting an individual or any property on or near the bus itself, at bus stops, or at pick-up areas will be dealt with in an appropriate manner. Suspension from the bus does not mean that the student is suspended from school. However, based on the severity of the incident, nothing herein is intended to preclude the administration from suspending the student from school based on bus misconduct as outlined in the BUS BEHAVIOR CONTRACT.

## DISCIPLINE FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

Students receiving special education services are not immune from the school’s disciplinary process. However, since the exclusion of a student with a disability from his/her education program for more than a total of ten (10) days during a school year may constitute a significant change in placement, the following considerations must be addressed:

1. When considering long-term suspension or expulsion, an Individualized Education Program (IEP) Team must first determine whether the behavior of concern is a manifestation of the student’s disability and whether his/her program is appropriate.
2. If the IEP team determines both that the behavior is not a manifestation of the student’s disability and that the student’s program is appropriate, disciplinary actions may be taken in accordance with the procedures in this handbook.
3. Should the disciplinary procedures include long-term suspension or expulsion, the school shall continue to provide the educational program defined in the IEP. However, that educational program may be implemented elsewhere.
4. If the IEP Team determines either that the behavior is related to the student’s disability or that the student’s program is not appropriate, then the student *may not* be long-term suspended and must receive an appropriate educational program. However, nothing precludes the implementation of the program to be in an AES setting.

Procedural safeguards outlined in the New Mexico Department of Education Standards for Excellence in Compliance Manual ensure that parental due process rights are afforded. SAMS Academy Learning Center will follow the federal guidelines regarding the provision of education continuation services for suspended special education students. Special education students are entitled to a due process hearing.

## SECTION 504 AND THE AMERICANS WITH DISABILITIES ACT

Section 504 and Americans with Disabilities Act (ADA) are federal laws that prohibit discrimination against persons with a disability. These laws define a person with a disability as anyone who:

1. Has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, breathing, learning and working).
2. Has a record of such impairment.
3. Is regarded as having such an impairment.

## SCHOOL OBLIGATIONS

SAMS Academy Learning Center recognizes a responsibility to avoid discrimination against any person with a disability, as defined by these laws. No discrimination will knowingly be permitted in any of the programs and practices in the school.

## SCHOOL RESPONSIBILITIES UNDER SECTION 504

The school is responsible for identifying, evaluating and if the child is determined to be eligible under Section 504 by giving access to appropriate education services. If the parent/guardian disagrees with the determination made by the professional staff of the school, he/she has a right to a hearing with an impartial hearing officer.

## PARENT/STUDENT RESPONSIBILITIES UNDER SECTION 504

The student and parent have a responsibility to notify the school as soon as possible about possible 504 issues that may require special consideration by the school. The parent and student shall notify the school prior to the start of the school year of any existing conditions that may require school action to ensure access for the student to appropriate services.

## DISABILITY HARASSMENT/DISCRIMINATION

Numerous situations may constitute disability harassment or discrimination. Mocking, taunting, ridiculing, criticizing or punishing a disabled student because of his/her disability are a few examples of what may constitute disability harassment or discrimination. Concerns should be promptly reported to the school administrator.

School personnel who become aware of disability related harassment shall promptly and effectively act to end the harassment and prevent it from recurring and, where appropriate, remedy the effects on the student who was harassed. Remedial measures will generally include counseling both person(s) who have been harmed by harassment and person(s) who have been responsible for the harassment of others and implementing monitoring programs to follow up on resolved issues of disability harassment.

## PROCEDURAL SAFEGUARDS FOR PARENTS

It is the policy of the SAMS Academy to follow the procedural safeguards outlined in the New Mexico State Department of Education's Parent and Child Rights in Special Education.

## TITLE IX

### GENDER DISCRIMINATION

SAMS Academy Learning and federal law prohibit discrimination on the basis of gender. If students are treated differently based upon their gender, in academia or extracurricular activities, this treatment may be considered gender discrimination. Gender discrimination may include: academic programs, discipline, classroom assignment, physical education, grading and/or athletics.

### SEXUAL HARASSMENT

Sexual harassment is a form of gender discrimination as defined in Title IX of the Education Amendments of 1972. Sexual harassment:

1. Is a violation of federal law, and SAMS Academy policy.
2. Is illegal under state human rights statutes and may be considered a criminal offense under state and local assault and child abuse laws.
3. Includes sexual advances, requests for sexual favors, and written or verbal conduct of a sexual nature – this includes email correspondence.

If behavior toward another student makes him or her feel intimidated, uncomfortable or if the student feels threatened, it may be considered sexual harassment even if the harasser did not intend for his or her actions to be offensive.

Sexual harassment is considered to have occurred when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of the academic status of a student or obtaining an education.
2. Submission to or rejection of that conduct or communication by an individual is used as a factor, which affects the academic standing or education of a student.
3. Conduct or communication has the purpose or effect of substantially or unreasonably interfering with the education of a student, or creates an intimidating, hostile or offensive educational environment.

## SEXUAL MISCONDUCT

Sexual misconduct includes, but is not limited to:

1. Physical acts of aggression.
2. Force or threat against another student.
3. Threatening to force or coerce sexual acts.
4. Touching of private/intimate parts of the body.
5. Coercing, forcing or attempting to coerce or force sexual intercourse.

These acts should be reported to school personnel immediately. Under state law, school personnel are required to report such acts to the local police department.

## PREGNANCY

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination against pregnant or parenting teens. Title IX views teen pregnancy as a “medical condition”, therefore pregnant teens:

1. May voluntarily elect to stay at their home school during their pregnancy.
2. Are to receive a comparable curriculum and academic opportunities which may include on-line courses at home.
3. Retain their academic standing, which cannot be altered due to their medical condition.

## VIOLATION OF TITLE IX

### COMPLAINTS

Any student, parent or legal guardian, on behalf of his or her child, who believes he or she has been discriminated against on the basis of sex, gender, race, national origin or disability may file a written complaint. The school administration is obligated to investigate all title IX complaints completely.

These procedures do not deny any student or parent/legal guardian the right to pursue other avenues of recourse.

## RETALIATION

No student will suffer retaliation or intimidation for initiating a complaint with the school's administration. Retaliation against any student seeking assistance at school, filing a complaint, or participating in the investigative process is grounds for disciplinary action. It is the policy of the SAMS Academy Learning Center to respect the privacy of the complainant, the respondent, the accused, and the witnesses as much as possible, consistent with legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

## STUDENT RECORDS

Student records kept by the school will be open to review by the custodial / guardian. Parents and/or students and will be treated in a confidential manner, as prescribed by local policy, New Mexico Public Education Department Regulations and the Family Educational Rights and Privacy Act of 1974 (FERPA).

SAMS Academy maintains the following educational records directly related to students:

- Academic records
- Personal information records
- Disciplinary records
- Attendance records
- Health records
- Progress records
- Standardized testing records

Access to education records is limited to:

1. Parents of students under 18.
2. Parents of students over 18 if such student is a dependent as defined in the Internal Revenue Code
3. Students.
4. Officials of schools or districts who have a legitimate educational interest.
5. State and local officials to whom information is required to be reported.

6. Certain testing organizations.
7. Accrediting organizations.
8. Appropriate persons in connection with an emergency.
9. Pursuant to subpoena or court order.
10. Any person with the written consent of the parent of students under 18 or the student over 18.
11. A school or schools in which the student seeks or intends to enroll or leads the SAMS Academy to believe he/she may enroll.

## THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act (FERPA) specifies rights related to educational records. This act gives the “custodial “parent the right to:

1. Inspect and review his/her child’s educational records.
2. Make copies of these records.
3. Receive a list of all individuals having access to those records.
4. Ask for an explanation of any item in the records.
5. Ask for an amendment to any report on the grounds that it is inaccurate, misleading or violates the child’s rights.

## GLOSSARY OF TERMS

1. Absences, Excessive - Attendance which falls below 95% in a grading period.
2. Arson - Maliciously, willfully and/or neglectfully starting, by any means, a fire or causing an explosion on school property or at any school-related activity.

*Category I* – Deliberately, or with reckless disregard, starting a fire with resulting expense under \$100.00.

*Category II* – Deliberately, or with reckless disregard, starting a fire resulting in damage over \$100.00 to property or resulting in injury to a person.

3. Assault/Bullying - Threatening physical harm to another, causing a present fear of imminent danger to the person; included are threats, gestures and verbal assaults.
4. Assault, Aggravated - Intending or performing assault and battery with a weapon, instrument or any means of force likely to produce bodily injury. This category includes sexual assault and/or offenses.



5. Battery, Aggravated - Employing hostile contact with any kind of weapon or causing great bodily harm.
6. Battery/Fighting - Employing hostile contact in which at least one party has contributed to a situation by verbal action and/or bodily harm.
7. Bomb Threat and/or False Alarm –  
  
*Bomb Threat* – Falsely and maliciously stating to another that a bomb or other explosive has been placed in such a position that person/s or property are likely to be injured or destroyed.  
  
*False Alarm* – Interfering with the proper functioning of a fire alarm system or giving a false alarm, whether by means of a fire alarm or otherwise.
8. Bus Disruption - Deliberately or inadvertently interfering with the safe operation of a school bus which is stopped or moving; behaving in a manner adversely affecting an individual or any property on or near the bus itself, at bus stops or at pick-up areas.
9. Controlled Substance, Paraphernalia Possession - Possessing any paraphernalia, such as but not limited to rolling paper, pipes or bongs.
10. Controlled Substance, Possession - Possessing any substance capable of producing a change in behavior or altering a state of mind or feeling; having a “look-alike,”\*\*a substance that looks like a controlled substance.
11. Controlled Substance, Sale or Distribution - Selling or distributing a substance capable of producing a change in behavior or altering a state of mind or feeling; including a “look-alike,” or an item sold as a controlled substance.
12. Controlled Substance, Use - Absorbing a substance capable of producing a change in behavior or altering a state of mind or feeling, including a “look-alike,” or an item used as a controlled substance.
13. Defiance of School Personnel/Authorities - Refusing to comply with any reasonable demand or request by any school official or sponsor at places and times where school personnel have jurisdiction.
14. Expulsion - The removal of a student from school for a period exceeding one (1) semester. In some cases expulsion may be a permanent removal.
15. Extortion - Using intimidation or the threat of violence to obtain money, information or anything else of value from another person.

16. Firearm, Possession - Possession of any weapon which will propel a projectile by the action of an explosive.
17. Gang-Related Activity - Gang-related activity can be intimidating to students, faculty and staff and is disruptive to the educational process. Although this list is not all-inclusive, examples of inappropriate and unacceptable behaviors are such things as gang graffiti on school property, intimidation of others, gang fights and/or initiation rituals, wearing gang attire or “colors.” A “gang” can be any group of students and/or non-students whose group behavior is threatening, delinquent or criminal. Since gang behavior, markers and colors are variable and subject to rapid change, school administrators and staff must exercise judgment and their individual discretion, based upon current circumstances in their neighborhood schools when evaluating gang-related activity. Gang-related indicators which will be considered should include:
- a. The student associating with admitted or known gang members.
  - b. The student wearing attire consistent with gang dress.
  - c. The student displaying gang logos, graffiti and/or symbols on personal possessions.
  - d. The student displaying gang hand signs or signals to others.
  - e. The student talking about gang activities to others.
18. General Disruptive Conduct - Willful conduct which materially and in fact disrupts or interferes with the operation of the public schools and the orderly conduct of any school activity, including individual classes; or leads an administrative authority reasonably to forecast that such an interruption or interference is likely to occur unless preventive action is taken.

For example:

- a. Failing to provide/surrender school identification to any public school personnel or activity sponsor upon demand.
- b. Knowingly and deliberately failing to comply with any legal and/or official rule or regulation designed by or provided by a teacher, principal, faculty member or other public school official at any time, whether the rule is designed for the classroom, the campus in general or any other location or facility involving a school-related activity.
- c. Being dressed in a manner which is disruptive to the educational process.
- d. Inappropriate display of affection, i.e. a display of affection which has the potential to disrupt the educational process.
- e. Cheating.
- f. Gambling.
- g. Use of pagers and/or cell phones during instructional time or at a time that would be disruptive to the educational process.

19. Hazing - Committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization, or for any other purpose.
20. Language, Profane and/or Abusive - Using language which is crude, offensive, insulting or irreverent; use of coarse words to show contempt or disrespect; swearing.
21. Materials, Obscene - Displaying material which is indecent and has the potential of being disruptive.
22. Restitution - Compensation for loss or damage.
23. Robbery - Taking of property of another through means of force of fear.
24. Search, Minimally Intrusive - Emptying of pockets, searches of student backpacks and purses, removal of hats, socks and shoes, conducted by any certified school employee, school security officer, campus security aide, or school bus driver.
25. Search, More Intrusive - Pat downs and/or frisks, conducted by an authorized person of the same sex as the student being searched.
26. Sexual Harassment - Sexual harassment is a form of gender discrimination as defined in Title IX of the Education Amendments of 1972. Sexual harassment is a violation of federal law.
27. Tardy, Excessive - Student is not in the class or assigned activity when it is scheduled to begin.
28. Theft - Unauthorized possession and/or sale of property of another without consent of owner.
29. Tobacco or E-Cig Possession - Possession of tobacco anywhere on the school campus or at a school related event is prohibited.
30. Tobacco or E-Cig Use - Using any form of tobacco is prohibited.
31. Trespassing/Unauthorized Presence - Entering or being on school grounds, in a school building, or in any other person's car or building without authorization.
32. Vandalism - Deliberately or maliciously destroying, damaging and/or defacing school property or the property of another individual.

33. Weapon Possession - Possessing a weapon such as but not limited to: a firearm, any type of gun, knife, club, explosive, spiked wrist band, chains or other item that may cause or is intended to cause injury or death. This specifically includes “look-alike” guns and knives, such as toys.
34. Weapon Use - Use of any weapon to threaten, intimidate, attack, injure or kill any person.
35. Continual Disruptive Conduct - Administrators may consider the behavioral pattern or history of a student when enforcing consequences. It is the duty of the administrator to protect the educational process for all students.

Notes:

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

**\*\*SAMS PARENT/ STUDENT ACKNOWLEDGEMENT ON THE NEXT  
PAGE**



2017-2018

**SAMS PARENT/ STUDENT ACKNOWLEDGEMENT  
OF THE RULES AND REGULATIONS OF THE  
SAMS ACADEMY**

---

*Please sign and return ONLY this page immediately and keep The SAMS Academy Student Hand Book at home for future reference.*

**As a parent/guardian of a student in The SAMS Academy, I have read The SAMS Academy Student Handbook and I understand this agreement.**

**The agreement will be kept on file at the school.**

Please sign below and return immediately to The SAMS Main Office.

**Student print** \_\_\_\_\_ **Home #** \_\_\_\_\_

**Student sign** \_\_\_\_\_ **Cell #** \_\_\_\_\_

**Student email address** \_\_\_\_\_

**Parent print** \_\_\_\_\_ **Work #** \_\_\_\_\_

**Parent sign** \_\_\_\_\_ **Cell #** \_\_\_\_\_

**Parent email address** \_\_\_\_\_