

Student Code of Conduct

Española Public Schools



**Inappropriate Behaviors and
Related Intervention Levels**

ESPAÑOLA PUBLIC SCHOOLS STUDENT CODE OF CONDUCT

Note 1 – Authority: This Student Code of Conduct has been developed pursuant to and consistent with NMSA 1978, §22-5-4.3; 6.11.2 NMAC; and Española Public Schools (EPS) Board Policy J-2300 © JIC.

Note 2 – Application: This Student Code of Conduct applies to all EPS students when EPS students are at, in, or on EPS school sites, facilities, property, and/or vehicles; and/or at or in route to and/or from all school-related, school-sponsored events.

Note 3 – Enforcing Rules of Conduct: Section 6.11.2.10 D (2) of the New Mexico Administrative Code states "Nondiscriminatory enforcement: Local school boards and administrative authorities shall not enforce school rules or impose disciplinary punishments in a manner which discriminates against any student on the basis of race, religion, color, national origin, ancestry, sex or disability, except to the extent otherwise permitted or required by law or regulation. This statement shall not be construed as requiring identical treatment of students for violation of the same rule; it shall be read as prohibiting differential treatment which is based on race, religion, color, national origin, ancestry, sex or disability rather than on other differences in individual cases or students."

Note 4 – Mandatory Reporting:

- a. Child Abuse and Neglect: Suspected child abuse and/or neglect *must* be reported to local law enforcement; the Children, Youth and Families Department; or a tribal law enforcement or social services agency for any Indian child residing in Indian country. See NMSA 1978, §32A-4-3; see also Board Policy J-6250 © JLF – Reporting Child Abuse/Child Protection.
- b. Weapons in School
 - i. Federal law states “No funds shall be made available under any subchapter of this chapter to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.” 20 U.S.C. § 7151.
 - ii. State law states “If a public school administrator or employee has reasonable cause to believe that a child is in possession of or has been in possession of a firearm on school premises in violation of Section 30-7-2.1 NMSA 1978, the administrator or employee shall immediately report the child's actions to a law enforcement agency and the children, youth and families department.
 - iii. See also Board Policy J-3100 © JICI – Weapons in School.

Note 5 – Administrative Discretion: Behaviors marked with an asterisk – “*” – indicate behaviors that may merit referral to law enforcement if, based on the totality of the circumstances, the behavior warrants referral. 6.11.2.10 C of the New Mexico Administrative

Code states: “Unless a local school board policy provides otherwise, an administrative authority shall have discretion to notify the local children’s court attorney, district attorney or other law enforcement officers when a search discloses illegally possessed contraband material or evidence of some other crime or delinquent act.”

Note 6 – Students with Disabilities: The Student Code of Conduct applies to students with disabilities subject to the protections set forth in the Individuals with Disabilities Education Act (IDEA)(34 C.F.R. §§ 300.530-300.531), including procedural safeguards requirements, manifestation determination review and Individualized Education Program (IEP) meeting requirements, when making a disciplinary change of placement. Additionally, any individualized behavioral strategies and interventions specified in the behavior intervention plan (BIP) or IEP of a child with a disability must be followed.

PART I: INAPPROPRIATE BEHAVIORS AND RELATED INTERVENTION LEVELS

LEVEL ONE BEHAVIORS

Listed Behavior:	Definition:
Inappropriate display of affection	Public display of affection or mutually consensual sexual contact including, but not limited to, kissing and/or inappropriate touching of a person’s genitals, buttocks, or breasts.
Regulated use of electronic devices	“Electronic devices” includes, but is not limited to, cell phones, pagers, Ipods, music headsets, electronic games or other similar instruments or devices, the use of which disrupts the educational process. All Prohibited Devices shall not be turned on or visible in the classroom or school building during the instructional day. Cell phone and pager possession is prohibited in the elementary schools.
Students’ dress and personal appearance	Students shall dress and groom themselves in a manner as outlined in the Dress and Appearance Policy or school-site standard dress requirements. 6.11.2.9(B)(3) NMAC (2002).
Inappropriate language, displays, or images	Displaying images and/or language that is obscene, sexually explicit, sexist, racist, gang-affiliated or other images that disrupt the educational process, environment, or interfere with teaching and learning (including, but not limited to, attire, books, lockers, desks, walls, backpacks).
Dishonesty	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, or intentionally omitting facts or information.

LEVEL ONE INTERVENTIONS: Apply to one or more of the behaviors that are listed in “Level One Behaviors.” In most cases the classroom teacher is responsible for Level One Interventions. For a Level One Intervention, the teacher who witnesses the student’s misbehavior will perform step 1.1, as defined below, and may at his/her discretion perform steps 1.2 through 1.5. Repeated Level One Behaviors, three (3) or more times in a school year, will be reported to the school administrator, or his/her designee.

1.1 Student warning	The teacher that witnesses the student’s misbehavior writes an incident report. The teacher advises the student of the behavior and issues the warning. The warning notice is also given to the parent.
1.2 Student conference	The teacher will meet with the student to discuss the behavior and its potential consequences if the behavior continues. The teacher may also offer options or resources for the student in order to address the behavior.
1.3 Parental contact	The administration (or designee) will contact the parent or guardian by phone and inform them about the behavior, request that they discuss the behavior with the student and seek the parent’s support of the school’s intervention.
1.4 Parental conference	The teacher and/or the administration will conduct a meeting with the student and parent or guardian to discuss the behavior and ways to correct the behavior.
1.5 Student accountability	The teacher will develop a classroom behavior agreement with the student and parent or guardian that lists steps to be taken by all parties to address the behavior. The process should be simple and define timelines for action. Timelines for meeting expectations should be no less than one week and not exceed one month. Short time limits provide high-risk students with more opportunities for success to improve behavior. School staff needs to acknowledge successful completion of the agreement.
1.6 Referral for Level Two Interventions	When a student continues to exhibit repetitive Level One Behaviors he/she may be assigned Level Two Interventions. Repetitive behavior is defined as being cited for Level One Behaviors three (3) or more times in a school year.

LEVEL TWO BEHAVIORS

Listed Behavior:	Definition:
Refusal to cooperate with school personnel	A student's willful refusal to obey the lawful instructions or orders of school personnel whose responsibilities include supervision of students. Failing to comply with a reasonable and authorized direction or instruction of a staff member. 6.11.2.7(P) NMAC (2002) and 6.11.2.9(A)(6) NMAC (2002).
Larceny/Theft under \$100	The stealing of anything of value that belongs to another is prohibited. NMSA 1978 § 30-16-1(A) (2006).
Tobacco use	The possession, use, distribution or sale of tobacco products on school property, at school-sponsored events, or on school transportation is prohibited. Tobacco is defined as substances that include, but are not limited to, cigarettes, cigars, chewing tobacco, dipping tobacco, snuff and similar substances. 6.12.4.7(D) NMAC (2009), 6.11.2.9(B)(4) NMAC (2002) and NMSA 1978 § 22-5-4.4 (1986).
Disruptive conduct	Disruptive conduct is willful conduct which: (1) disrupts or interferes with the operation of the schools or the orderly conduct of any public school activity, including individual classes; or (2) leads an

	administrative authority reasonably to forecast that such disruption or interference is likely to occur unless preventive action is taken. Any behavior that disrupts the ability of students to learn and teachers to teach. Classroom disruptions may include, but are not limited to: talking or side conversations, arguing with peers, interrupting instruction, being out of seat, etc. 6.11.2.7(F) NMAC (2002) and 6.11.2.9(A)(4) NMAC (2002).
Criminal damage to property and vandalism under \$250	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. This includes graffiti. NMSA 1978 § 30-15-1 and 30-15-1.1(1995).
Trespassing	Entering any school property or school-sponsored activity without proper authority either during or after school hours. This also includes any school entry during a period of suspension or expulsion. 6.11.2.9(B)(2) NMAC (2002) and NMSA 1978 § 30-14-1 (1995).

LEVEL TWO INTERVENTIONS: Apply to one or more of the behaviors listed in “Level Two Behaviors.” For a Level Two Intervention, steps 1.1-1.5 of Level One Interventions must be implemented, prior to implementing any Level Two Interventions. Every effort should be made to ensure that the student is able to continue his/her schoolwork.	
2.1 Referral to an in-school support service	Action taken by staff on behalf of a student in consultation with a parent or guardian which may include mediation, community service, counseling, referral to a Student Action Team (“SAT”) as per the SAT Manual found in the school administrator’s office, classroom interventions, support groups, etc.
2.2 Exclusion from extracurricular activities	Deny the student the opportunity to participate in extracurricular activities that occur within a two (2) week time period of the Level Two Behavior violation(s). 6.11.2.9(B)(7) NMAC (2002).
2.3 Restitution for damages	In cases where student behavior causes damage, destruction or loss of property, the parents/guardians and student may be expected to pay the cost of repair or replacement. The school administrator and/or central office staff is responsible for determining the terms of repayment or replacement.
2.4 Detention	Detention is defined as requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school. Detention may be imposed in connection with in-school suspension, but is distinct from in-school suspension in that it does not entail removing the student from any of his/her regular classes. No detained student shall be denied an opportunity to eat lunch or reasonable opportunities to go the restroom. 6.11.2.7(D) NMAC (2002) and 6.11.2.12 F NMAC (2002).
2.5 In-school suspension	In-school suspension is when a student is suspended from one or more regular classes while being required to spend the time in a designated area at the same school or elsewhere. In-school suspension shall not exceed five (5) days. A student facing in-school suspension shall first be informed of the charges against him or her and, if (s)he denies

	<p>them, shall be told what evidence supports the charge(s) and be given an opportunity to present his or her version of the facts. The following rules apply:</p> <p>(a) The hearing may be an informal discussion and may follow immediately after the notice of the charges is given.</p> <p>(b) Unless the administrative authority decides a delay is essential to permit a fuller exploration of the facts, this discussion may take place and an In-school suspension may be imposed within minutes after the alleged misconduct has occurred.</p> <p>(c) A student who denies a charge of misconduct shall be told what act(s) (s)he is accused of committing, shall be given an explanation of the evidence supporting the accusation(s) and shall then be given the opportunity to explain his or her version of the facts. The administrative authority is not required to divulge the identity of informants, although (s)he should not withhold such information without good cause. (S)he is required to disclose the substance of all evidence on which (s)he proposes to base a decision in the matter.</p> <p>(d) The administrative authority is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charge(s), or to call witnesses to verify the student's version of the incident, but none of these are prohibited.</p> <p>(e) The school shall exert reasonable efforts to inform the student's parent or guardian of the charges against the student and their possible or actual consequence as soon as practicable. If the school has not communicated with the parent/guardian by telephone or in person by the end of the first full day of suspension, the school shall on that day mail a written notice with the required information to the parent's/guardian's address of record. 6.11.2.7(K) NMAC (2002) and 6.11.2.12(E) NMAC (2002).</p>
<p>2.6 Referral for Level Three Interventions</p>	<p>When a student continues to exhibit repetitive Level Two Behaviors (s)he may be assigned Level Three Interventions. Repetitive behavior is defined as being cited for Level Two Behaviors three (3) or more times in a school year. <u>A student that only commits Level One and Level Two Behaviors, at a maximum, may only proceed as far as Level Three Interventions.</u></p>

LEVEL THREE BEHAVIORS

Listed Behavior:	Definition:
<p>Sexual harassment</p>	<p>Communications that create an intimidating, hostile, or offensive learning environment through requests for sexual favors, and other verbal or non-verbal contacts or gestures of a sexual nature. Includes, but is not limited to, behaviors such as leering, pinching, grabbing, suggestive comments or jokes, pressure to engage in sexual activity, and the following: using any electronic devices for such activities as sexting, leaving a sexual message, or playing sex computer games; making kissing sounds or smacking sounds, licking lips suggestively,;</p>

	<p>“wedgies,” “spiking” (pulling down someone’s pants), “mooning” or snapping/unhooking bra; touching without permission; howling, catcalls, whistles; sexual or dirty jokes; touching another person’s body in a sexual manner; touching oneself sexually in front of others. 6.11.2.9(A)(3) NMAC (2002).</p>
Knowledge of alcohol, drugs, or weapons. *	<p>Having knowledge of another’s possession of weapons, alcohol, illegal drugs, or criminal act without reporting it to the proper authority.</p>
Instigation	<p>To urge on, spur on, or incite another to disrupt the educational environment or commit any other misconduct (verbally, physically, written or electronic, such as cell phone or via a computer, etc.).</p>
Disorderly conduct	<p>Disorderly conduct consists of: engaging in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace; any act which substantially disrupts the orderly conduct of a school function, behavior that substantially disrupts the orderly learning environment or poses a threat to the health, safety, and/or welfare of students, staff, or others; refusing to comply with a direction or instruction of a staff member or classroom/school rules; displaying impertinence, arrogance, or other discourtesy; acting aggressively, verbally or non-verbally, toward a staff member. NMSA 1978 § 30-20-1 and 6.11.2.7(F) NMAC (2002).</p>
False fire alerts	<p>Reporting a fire to school or fire officials or setting off a fire alarm without a reasonable belief that a fire exists.</p>
Academic dishonesty	<p>Taking personal credit for written or oral expression created, authorized, or prepared by another or not giving credit for the source or the material. Any unauthorized access or modification to instructional material, records, grades, documents, or courses including all electronic on-line courses such as, but not limited to, cheating and plagiarism.</p>
Gang related activity *	<p>An act (e.g. wearing clothing, displaying paraphernalia, and altering one’s appearance, the display of gang signs, symbols, monikers or signals) that signifies or exhibits an individual’s affiliation with, or representation of a gang. 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. 6.11.2.9(A)(2) NMAC (2002).</p>

LEVEL THREE INTERVENTIONS: Apply to one or more of the behaviors that are listed in “Level Three Behaviors.” For a Level Three Intervention, steps 1.1-1.5 of Level One Interventions must be implemented prior to implementing any further interventions. A site administrator may also combine Level One and Two Interventions with Level Three Interventions to address the behavior(s) in a more comprehensive manner and within the graduated sanctions structure. Level Three offers the option to impose temporary suspension for a period of 1-4 days of out-of-school suspension.

<p>3.1 Referral to a community-based agency</p>	<p>Action taken by staff on behalf of a student in consultation with a parent or guardian, which may result in a referral to a community-based agency. However, when making a referral to a community-based agency, staff must comply with the Family Educational Rights and Privacy Act (FERPA), including consent requirements. Services offered by the agencies include, but are not limited to: mediation, community service, assessment, counseling, therapy, basic needs, life skills etc.</p>
<p>3.2 Temporary suspension: 1 through 4 days of out-of-school suspension</p>	<p>Temporary suspension under this section of the Student Code of Conduct is when a student is suspended from school for a period of one through four school days. A student facing temporary suspension under this section of the Student Code of Conduct shall first be informed of the charges against him or her and, if (s)he denies them, shall be told what evidence supports the charge(s) and be given an opportunity to present his or her version of the facts. The following rules apply:</p> <p>(a) The hearing may be an informal discussion and may follow immediately after the notice of the charges is given.</p> <p>(b) Unless the administrative authority decides a delay is essential to permit a fuller exploration of the facts, this discussion may take place and a temporary suspension may be imposed within minutes after the alleged misconduct has occurred.</p> <p>(c) A student who denies a charge of misconduct shall be told what act(s) (s)he is accused of committing, shall be given an explanation of the evidence supporting the accusation(s) and shall then be given the opportunity to explain his or her version of the facts. The administrative authority is not required to divulge the identity of informants, although (s)he should not withhold such information without good cause. (S)he is required to disclose the substance of all evidence on which (s)he proposes to base a decision in the matter.</p> <p>(d) The administrative authority is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charge(s), or to call witnesses to verify the student's version of the incident, but none of these is prohibited.</p> <p>(e) The school shall exert reasonable efforts to inform the student's parent or guardian of the charges against the student and their possible or actual consequence as soon as practicable. If the school has not communicated with the parent/guardian by telephone or in person by the end of the first full day of suspension, the school shall on that day mail a written notice with the required information to the parent's/guardian's address of record. 6.11.2.12(D) NMAC (2002).</p>
<p>3.3 Referral for Level Four Interventions</p>	<p>When a student continues to exhibit repetitive Level Three Behaviors he/she may be assigned Level Four Interventions. Repetitive behavior is defined as being cited for Level Three Behaviors three (3) or more times in a school year.</p>

LEVEL FOUR BEHAVIORS

Listed Behavior:	Definition:
Larceny/Theft over \$100*	Taking, carrying, leading or riding away with property of another person without their consent is prohibited. This includes, but is not limited to, pocket picking, purse or backpack snatching, if left unattended or no force was used to take from the owner, theft from school property (no forced entry), theft from a motor vehicle or of motor vehicle parts or accessories, theft of bicycles, theft from a machine or device which operates or is activated by a coin or token and all other types of larcenies. NMSA 1978 § 30-16-1(A) (2006).
Criminal damage to property and vandalism over \$250 *	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. This includes graffiti. NMSA 1978 § 30-15-1 and 30-15-1.1(1995).
Sexual battery (includes attempted) *	Unwanted or unwelcome sexual contact including, but not limited to, intentional touching of the other person’s genitals, groin, inner thigh, buttocks or breasts, or of clothing covering these areas (either human contact or using an object).
Alcohol violation*	An alcoholic beverage is a beverage with no less than one-half percent alcohol and includes wine, beer, fermented, distilled, rectified and fortified beverages. It is unlawful to possess or consume alcoholic beverages on public school grounds. NMSA 1978 § 22-5A-2(A) (2005), NMSA 1978 § 22-5A-3 (2005). The use, distribution, sale, intent to sell, purchase or possession of intoxicating alcoholic beverages or substances represented as alcohol is prohibited. This includes being intoxicated on school property, at school-sponsored events and on school-sponsored transportation. 6.11.2.9(B)(4) NMAC (2002).
Fighting (mutual)	Fighting is defined here as mutual participation in a physically violent confrontation, excluding sanctioned sports, whether or not the participants suffer injury. Retaliation is not an adequate defense to fighting when the retaliating person has had fair opportunity to refrain from fighting. However, it is not considered fighting if clear evidence is presented that the participant was involved involuntarily and was taking action of protect himself/herself from injury.
Assault, battery, and bullying*	Assault consists of placing another person in fear of bodily harm through verbal threats or other communication without displaying a weapon or subjecting the person to actual physical attack. NMSA 1978 § 30-3-1. Battery is the unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner. NMSA 1978 § 30-3-4. Examples may include, but are not limited to: hazing, writing, text messaging, emails, and drawings depicting violence against another. Bullying is 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. 6.12.7.7(A) NMAC (2006).
Possession or use of fake weapon. *	Includes, but is not limited to, any look-alike metal or plastic gun, rifle, Uzi, machine gun, automatic weapon, knife, dagger, hand grenade, or sword, which is carried for the sole purpose of appearing to be in possession of a “real” weapon that will intimidate or threaten others.
Other delinquent acts *	Any action that is listed in the New Mexico Statutes as a delinquent act and that is not specifically listed in this Code of Conduct. The specific delinquent act determination will be made by law enforcement. Delinquent acts apply to actions taken on school property, at school-sponsored activities and on school transportation.

* The administration may consult with and/or refer a student to Juvenile Probation pursuant to the confidentiality and consent requirements of, and in compliance with, the Family Educational Rights & Privacy Act. Referral to law enforcement may result in a secondary referral by law enforcement to Juvenile Probation, the District Attorney, or Children’s Court pursuant to the confidentiality and consent requirements of, and in compliance with, the Family Educational Rights & Privacy Act.

LEVEL FOUR INTERVENTIONS: Apply to one or more of the behaviors that are listed in “Level Four Behaviors.” For a Level Four Intervention, steps 1.1-1.5 of Level One Interventions must be implemented, prior to implementing any further interventions. A site administrator may also combine Level One, Two, and Three Interventions with Level Four Interventions to address the behavior(s) in a more comprehensive manner and within the graduated sanctions structure. Level Four offers the option to impose temporary suspension for a period of 5-9 days out-of-school suspension. Students and parents or guardians will be required to attend a meeting to discuss the behaviors resulting in the Mid-term suspension.	
4.1 Referral to law enforcement	See Notes 4 and 5 on pages 1 and 2 of this Student Code of Conduct. An action by a student may require law enforcement intervention, eventually leading to arrest, to assure the health and safety of persons at the school. An intervention by law enforcement may also require the police officer to document the student’s misbehavior on a police report. In some cases the police report will be sent to Juvenile Probation for processing by a Juvenile Probation Officer.
4.2 Temporary suspension: 5 through 9 days of out-of-school suspension	Temporary suspension under this section of the Student Code of Conduct is when a student is suspended from school for a period of five through nine school days. A student facing temporary suspension under this section of the Student Code of Conduct shall first be informed of the charges against him or her and, if (s)he denies them, shall be told what evidence supports the charge(s) and be given an opportunity to present his or her version of the facts. The following

	<p>rules apply:</p> <p>(a) The hearing may be an informal discussion and may follow immediately after the notice of the charges is given.</p> <p>(b) Unless the administrative authority decides a delay is essential to permit a fuller exploration of the facts, this discussion may take place and a Mid-term out of school suspension may be imposed within minutes after the alleged misconduct has occurred.</p> <p>(c) A student who denies a charge of misconduct shall be told what act(s) (s)he is accused of committing, shall be given an explanation of the evidence supporting the accusation(s) and shall then be given the opportunity to explain his or her version of the facts. The administrative authority is not required to divulge the identity of informants, although (s)he should not withhold such information without good cause. (S)he is required to disclose the substance of all evidence on which (s)he proposes to base a decision in the matter.</p> <p>(d) The administrative authority is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charge(s), or to call witnesses to verify the student's version of the incident, but none of these is prohibited.</p> <p>(e) The school shall exert reasonable efforts to inform the student's parent or guardian of the charges against the student and their possible or actual consequence as soon as practicable. If the school has not communicated with the parent/guardian by telephone or in person by the end of the first full day of suspension, the school shall on that day mail a written notice with the required information to the parent's/guardian's address of record. 6.11.2.7(D) NMAC (2002).</p>
<p>4.3 Referral for Level Five Interventions</p>	<p>When a student continues to exhibit repetitive Level Four Behaviors (s)he may be assigned Level Five Interventions. Repetitive behavior is defined as being cited for Level Four Behaviors three (3) or more times in a school year.</p>

LEVEL FIVE BEHAVIORS

Listed Behavior:	Definition:
<p>Extortion/Coercion *</p>	<p>A single act forcing another person to act against his/her will in order to demand money, favors, actions, property, personal possessions, etc. NMSA 1978 § 30-16-9.</p>
<p>Robbery *</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 or battery is involved in robbery. NMSA 1978 § 30-16-2.</p>
<p>Battery *</p>	<p>An actual and intentional touching or striking of another person against his or her will or intentionally causing bodily harm to an individual in which the victim reasonably believed he/she was in immediate danger. NMSA 1978 § 30-3-4.</p>

Possession of weapon *	The possession of a weapon either on the person, school locker, backpack or motor vehicle. Weapons include, but are not limited to, the following: firearm (loaded or unloaded, hand gun, automatic weapon, rifle, zip gun, shot gun, starter gun, flare gun or tear gas gun); a destructive device (bomb, grenade, mine, rocket, missile, pipe bomb, or any device designed to explode); knife or cutting object (dagger, dirk, stiletto, shank, knife, razor, box cutter or Exact-o-knife); other dangerous weapon (brass knuckles, Chinese stars, billy club, bludgeon). Any other dangerous or deadly weapon. NMSA 1978 §§ 30-1-12(B), 30-7-2.1 (1994), 22-5-4.7 (1995), and 20 U.S.C.A. § 7151.
Arson *	Planning or involvement with explosive devices, materials or information that may result in arson or 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. NMSA 1978 § 30-17-5 (2006) and NMSA 1978 § 30-17-6.
Drug violation *	The use, distribution, sale, intent to sell or purchase, and possession of any drug or paraphernalia is prohibited. Includes being under the influence of drugs, or substances represented as drugs, on school property, at school-sponsored activities and on school transportation. This also includes any mood-altering substance including, but not limited to, inhalants and prescribed and non-prescribed medication including homeopathic and herbal medications. 6.12.4.1 NMAC (2002) <i>et seq.</i> , NMSA 1978 § 22-5-4.4 (1986), and § 30-31-1 <i>et seq.</i>

* Referral to law enforcement may result in a secondary referral by law enforcement to Juvenile Probation, the District Attorney, or Children’s Court.

LEVEL FIVE INTERVENTIONS: Apply to one or more of the behaviors that are listed in “Level Five Behaviors.” For a Level Five Intervention, steps 1.1-1.5 of Level One Interventions must be implemented, prior to implementing any further interventions. A site administrator may also combine Level One, Two, Three, and Four Interventions with Level Five Interventions to address the behavior(s) in a more comprehensive manner and within the graduated sanctions structure.	
5.1 Referral to Law Enforcement	See Notes 4 and 5 on pages 1 and 2 of this Student Code of Conduct. An action by a student may require law enforcement intervention, eventually leading to arrest, to assure the health and safety of persons at the school. An intervention by law enforcement may also require the police officer to document the student’s misbehavior on a police report. In some cases the police report will be sent to Juvenile Probation for processing by a Juvenile Probation Officer.
5.2 Long-term out-of-school suspension	Long-term out-of-school suspension means the removal of a student from school for a specified time exceeding either ten (10) school days or any lesser period that the School Board may set as a limit on temporary suspension. 6.11.2.7(M) NMAC (2000). The due process procedures for long-term out-of-school suspension and expulsion are the same.

<p>5.3 Expulsion</p>	<p>Expulsion means the removal of a student from school either permanently or for an indefinite time exceeding ten (10) school days or a School Board-established lesser period. 6.11.2.7(G) NMAC (2000).</p>
<p>Due Process procedures for long-term out-of-school suspension and Expulsion</p>	<p>The procedures for long-term out-of-school suspension and expulsion are the same.</p> <ol style="list-style-type: none"> 1. A designated administrative authority(ies) has been authorized by the School Board to initiate procedures leading to long-term suspension or expulsion; however, nothing contained in these procedures shall be construed as directing that any required decision be made by any particular person or body or at any particular level of administrative organization. Where prompt action to suspend a student long-term is deemed appropriate, a temporary suspension may be imposed while the procedures for long-term suspension or expulsion are activated. However, where a decision following the required formal hearing is delayed beyond the end of the temporary suspension, the student must be returned to school pending the final outcome unless the provisions of the Rules contained in this Code of Conduct related to (j.) “Student status pending hearing” and (k.) “Waiver of hearing; voluntary compliance or negotiated penalty,” below, apply. 2. A student who has been validly expelled or suspended is not entitled to receive any educational services from the School Board during the period of the exclusion from school. The School Board may provide alternative arrangements, including correspondence courses at the student's or parent's/guardian's expense pursuant to Public Education Department requirements, if the Board deems such arrangements appropriate. 3. Rules: The following rules shall govern the imposition of long-term suspensions or expulsions: <ol style="list-style-type: none"> a. Hearing authority; disciplinarian. The same person or group may, but need not, perform the functions of both hearing authority and disciplinarian. Where the functions are divided, the hearing authority's determination of the facts is conclusive on the disciplinarian, but the disciplinarian may reject any punishment recommended by the hearing authority. b. Review authority. Unless the School Board provides otherwise, a review authority shall have discretion to modify or overrule the disciplinarian's decision, but may not impose a harsher punishment. A review authority shall be bound by a hearing authority's factual determinations except as provided in the Rules, contained in this Code of Conduct related to (o.) “Conduct of review”. c. Disqualification. No person shall act as hearing authority, disciplinarian or review authority in a case where (s)he was directly involved in or witnessed the incident(s) in question, or if (s)he has prejudged disputed facts or is biased for or against any person who will actively participate in the proceedings.

	<p>d. School Board participation. The School Board may act as hearing authority, disciplinarian or review authority for any cases involving proposed long-term suspensions or expulsions. Whenever a quorum of the School Board acts in any such capacity, however, the Open Meetings Act, NMSA 1978 § 10-15-1 <i>et seq.</i>, requires a public meeting.</p> <p>e. Initiation of procedures. An authorized administrative authority shall initiate procedures for long-term suspension or expulsion of a student by designating a hearing authority and disciplinarian in accordance with these policies, scheduling a formal hearing in consultation with the hearing authority and preparing and serving a written notice meeting the requirements of the Rules contained in this Code of Conduct related to (h.) "Contents of notice".</p> <p>f. Service of notice. The written notice shall be addressed to the student, through his or her parent(s)/guardian(s), and shall be served upon the parent(s)/guardian(s) personally or by mail.</p> <p>g. Timing of hearing. The hearing shall be scheduled no sooner than five (5) nor later than ten (10) school days from the date of receipt of the notice by the parent(s)/guardian(s). The hearing authority may grant or deny a request to delay the hearing in accordance with the provisions of the Rules contained in this Code of Conduct related to (i.) "Delay of hearing."</p> <p>h. Contents of notice. The written notice must contain all of the following information, parts of which may be covered by appropriate reference to copies of any policies or regulations furnished with the notice:</p> <ul style="list-style-type: none">i. the school rule(s) alleged to have been violated, a concise statement of the alleged act(s) of the student on which the charge(s) are based and a statement of the possible penalty;ii. the date, time and place of the hearing, and a statement that both the student and parent/guardian are entitled and urged to be present;iii. a clear statement that the hearing will take place as scheduled unless the hearing authority grants a delay or the student and parent/guardian agree to waive the hearing and comply voluntarily with the proposed disciplinary action or with a negotiated penalty, and a clear and conspicuous warning that a failure to appear will not delay the hearing and may lead to the imposition of the proposed penalty by default;iv. a statement that the student has the right to be represented at the hearing by legal counsel, a parent, guardian or some other representative designated in a written notice filed at least seventy-two (72) hours before the hearing with the contact person named pursuant to the Rules contained in this Code of Conduct related to (h.) "Content of notice";v. a description of the procedures governing the hearing;vi. the name, business address and telephone number of a
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	<p>contact person through whom the student, parent, guardian or designated representative may request a delay or seek further information, including access to any documentary evidence or exhibits which the school proposes to introduce at the hearing; and</p> <p>vii. any other information, materials or instructions deemed appropriate by the administrative authority who prepares the notice.</p> <p>i. Delay of hearing. The hearing authority shall have discretion to grant or deny a request by the student or the appropriate administrative authority to postpone the hearing. Such discretion may be limited or guided by local school board policies not otherwise inconsistent with this rule.</p> <p>j. Student’s status pending hearing. Where a student has been suspended temporarily and a formal hearing on long-term suspension or expulsion will not occur until after the temporary suspension has expired, the student shall be returned to school at the end of the temporary suspension unless:</p> <ul style="list-style-type: none"> i. the provisions of the Rules contained in this Code of Conduct related to (k.) “Waiver of hearing,” below, apply; or ii. the student and parent(s)/guardian(s) have knowingly and voluntarily waived the student’s right to return to school pending the outcome of the formal proceedings; or iii. the appropriate administrative authority has conducted an interim hearing pursuant to written School Board policies made available to the student which affords further due process protection sufficient to support the student's continued exclusion pending the outcome of the formal procedures. <p>k. Waiver of hearing; voluntary compliance or negotiated penalty. A student and his or her parent(s)/guardian(s) may elect to waive the formal hearing and review procedures and comply voluntarily with the proposed penalty, or may waive the hearing and review and negotiate a mutually acceptable penalty with the designated disciplinarian. Such a waiver and compliance agreement shall be made voluntarily, with knowledge of the rights being relinquished, and shall be evidenced by a written document signed by the student, the parent(s)/guardian(s), and the appropriate school official.</p> <p>l. Procedure for hearing and decision. The formal hearing is not a trial. It is an administrative hearing designed to ensure a calm, orderly determination by an impartial hearing authority of the facts of a case of alleged serious misconduct. Technical rules of evidence and procedure do not apply. The following rules govern the conduct of the hearing and the ultimate decision:</p> <ul style="list-style-type: none"> i. The school shall have the burden of proof of misconduct. ii. The student and his or her parent/guardian shall have the following rights: The right to be represented by legal counsel or other designated representative, however, the school is not
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	<p>required to provide representation; the right to present evidence, subject to reasonable requirements of substantiation at the discretion of the hearing authority and subject to exclusion of evidence deemed irrelevant or redundant; the right to confront and cross-examine adverse witnesses, subject to reasonable limitation by the hearing authority; the right to have a decision based solely on the evidence presented at the hearing and the applicable legal rules, including the governing rules of student conduct.</p> <p>iii. The hearing authority shall determine whether the alleged act(s) of misconduct have been proved by a preponderance of the evidence presented at a hearing at which the student and/or a designated representative have appeared.</p> <p>iv. If no one has appeared on the student’s behalf within a reasonable time after the announced time for the hearing, the hearing authority shall determine whether the student, through the parent or guardian, received notice of the hearing. If so, the hearing authority shall review the schools' evidence to determine whether it is sufficient to support the charges(s) of misconduct.</p> <p>v. A hearing authority who is also a disciplinarian shall impose an appropriate sanction if (s)he finds that the allegations of misconduct have been proved under the standards of the Rules, contained in this Code of Conduct related to “Procedures for hearing, subsection iii, above. A hearing authority who is not a disciplinarian shall report its findings, together with any recommended sanction, to the disciplinarian promptly after the hearing.</p> <p>vi. Arrangements to make a tape recording or keep minutes of the proceedings shall be made by the administrative authority who scheduled the hearing and prepared the written notice. A verbatim written transcript is not required, but any minutes or other written record shall fairly reflect the substance of the evidence presented.</p> <p>vii. The hearing authority may announce a decision on the question of whether the allegation(s) of misconduct have been proved at the close of the hearing. A hearing authority who is also a disciplinarian may also impose a penalty at the close of the hearing.</p> <p>viii. In any event, the hearing authority shall prepare and mail or deliver to the student, through the parent or guardian, a written decision within five (5) working days after the hearing. The decision shall include a concise summary of the evidence upon which the hearing authority based its factual determinations. A hearing authority who is also a disciplinarian shall include in the report a statement of the penalty, if any, to be imposed, and shall state reasons for the chosen penalty. A hearing authority who is not a disciplinarian shall forward a copy of his or her written decision to the disciplinarian forthwith. The disciplinarian shall prepare a written decision, including reasons for choosing any</p>
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	<p>penalty imposed, and mail or deliver it to the student, through the parent or guardian, within five (5) working days of receipt of the hearing authority's report.</p> <p>ix. A disciplinarian who is not a hearing authority may observe, but not participate in, the proceedings at a formal hearing. If the disciplinarian has done so and if the hearing authority announces a decision at the close of the hearing, the disciplinarian may also announce his or her decision at that time.</p> <p>x. The disciplinarian's decision shall take effect immediately upon initial notification to the parent or guardian, either at the close of the hearing or upon receipt of the written decision. If initial notification is by mail, the parent/guardian shall be presumed to have received the notice on the fifth calendar day after the date of mailing unless a receipt for certified mail, if used, indicates a different date of receipt.</p> <p>m. Effect of decision. If the hearing authority decides that no allegation(s) of misconduct have been proved, or if the disciplinarian declines to impose a penalty despite a finding that an act or acts of misconduct have been proved, the matter shall be closed. If the disciplinarian imposes any sanction on the student, the decision shall take effect immediately upon notification to the parent/guardian and shall continue in force during any subsequent review.</p> <p>n. Right of review. Unless the local school board was the disciplinarian, a student aggrieved by a disciplinarian's decision after a formal hearing shall have the right to have the decision reviewed if the penalty imposed was at least as severe as a long-term suspension or expulsion, an in-school suspension exceeding one school semester or a denial or restriction of student privileges for one semester or longer. A local school board may grant a right of review for less severe penalties. Local school boards shall establish appropriate mechanisms for review except where the local board was the disciplinarian, in which case its decision is final and not reviewable administratively. A student request for review must be submitted to the review authority within ten (10) school days after the student is informed of the disciplinarian's decision.</p> <p>o. Conduct of review. Unless the local board provides otherwise, a review authority shall have discretion to modify the disciplinarian's decision, including imposing any lesser sanction deemed appropriate. A review authority shall be bound by the hearing authority's factual determinations unless the student persuades the review authority that a finding of fact was arbitrary, capricious or unsupported by substantial evidence or that new evidence which has come to light since the hearing and which could not with reasonable diligence have been discovered in time for the hearing would manifestly change the factual determination. Upon any such finding, the review authority shall have discretion to receive new evidence, reconsider evidence introduced at the hearing or conduct a de novo hearing. In the absence of any such</p>
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	<p>finding, the review shall be limited to an inquiry into the appropriateness of the penalty imposed.</p> <p>p. Form of review. Unless the local board provides otherwise, a review authority shall have discretion to conduct a review on the written record of the hearing and decision in the case, to limit new submissions by the aggrieved student and school authorities to written materials or to grant a conference or hearing at which the student and his or her representative, and school authorities may present their respective views in person. Where a conference or hearing is granted, the record-keeping requirements of the Rules contained in this Code of Conduct related to “Procedures for hearing,” subsection vi above, apply.</p> <p>q. Timing of review. Except in extraordinary circumstances, a review shall be concluded no later than fifteen (15) working days after a student's written request for review is received by the appropriate administrative authority.</p> <p>r. Decision. A review authority may announce a decision at the close of any conference or hearing held on review. In any event, the review authority shall prepare a written decision, including concise reasons, and mail or deliver it to the disciplinarian, the hearing authority and the student, through the parent/guardian, within ten (10) working days after the review is concluded.</p> <p>s. Effect of decision. Unless the local school board provides otherwise, a review authority's decision shall be the final administrative action to which a student is entitled. 6.11.2.12 G NMAC (2002).</p>
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PART II: Physical Restraint, Seclusion and Time Out

PURPOSE

The purpose of this policy is to protect the health and safety of the student and others, and as part of that effort, provide for the appropriate use of restraints, seclusion and time-out. It is the policy of this school district to treat all students with dignity and respect. No technique may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.

DEFINITIONS

“Mechanical restraint” means any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body, and that the student cannot easily remove, but does not include mechanical supports or protective devices.

“Mechanical support” means a device used to achieve proper body position, designed by a physical therapist and approved by a physician or designed by an occupational therapist, such as braces, standers or gait belts, but not including protective devices.

“Physical restraint” means the use of physical force without the use of any device or material that restricts the free movement of all or a portion of a student's body.

“Seclusion” means the confinement of a student alone in a room from which the student is physically prevented from leaving.

“Time-out” means a behavioral intervention used in the educational setting in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

- (1) that is not locked; and
- (2) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

POLICY

Physical restraint and seclusion shall not be used unless an emergency situation arises in which it is necessary to protect a student or another person from imminent, serious physical harm or unless another less intrusive, nonphysical intervention has failed or been determined ineffective.

Physical restraint and seclusion as provided for in this policy are not considered behavior management techniques, discipline management techniques, or other forms of educational intervention. Instead, physical restraint and seclusion are emergency interventions to be used only until the emergency ceases.

In applying physical restraint, school personnel shall use only reasonable force as is necessary to protect the student or other person from imminent and serious physical harm.

At a minimum, school personnel shall reassess a student in physical restraint or seclusion every thirty minutes.

At a minimum, a room used for seclusion shall:

- (1) be free of objects and fixtures with which a student could self-inflict bodily harm;
- (2) provide school personnel an adequate and continuous view of the student from an adjacent area; and
- (3) provide adequate lighting and ventilation.

During the seclusion of a student, school personnel shall:

- (1) view the student placed in seclusion at all times; and
- (2) provide the student placed in seclusion with:
 - (a) an explanation of the behavior that resulted in the seclusion; and
 - (b) instructions on the behavior required to return to the regular school environment.

Nothing in this policy shall be construed to prohibit the use of holding a student for a very short period of time without undue force to calm or comfort the student or holding a student's hand to escort the student safely from one area to another.

A. MECHANICAL RESTRAINTS, MECHANICAL SUPPORTS AND PROTECTIVE DEVICES

The use of mechanical restraints is prohibited in the school setting.

This policy does not prohibit school personnel from using a mechanical support or protective device:

- (1) as prescribed by a health professional; or
- (2) for a student with a disability, in accordance with a Section 504 accommodation plan, IEP or behavior intervention plan.

B. TRAINING

Physical restraint and seclusion shall be applied only by school personnel trained in the appropriate use of physical restraint.

School personnel who administer physical restraint or seclusion shall receive training in current professionally accepted practices and standards regarding:

- (1) positive behavior intervention strategies and supports;
- (2) functional behavior assessment and behavior intervention planning;
- (3) prevention of self-injurious behaviors;
- (4) methods for identifying and defusing potentially dangerous behavior;
- (5) use of time-out; and
- (6) restraint and seclusion, to the extent that each may be used in the educational setting.

At a minimum, a core team on each campus must be trained in the use of physical restraint and seclusion, and the team must include a campus administrator or designee and any general or special education personnel likely to use physical restraint or seclusion.

In the event that a school employee who has not received prior training is called upon to assist in the use of physical restraint or seclusion in an emergency, the school employee must receive training within 30 school days following the incident of physical restraint or seclusion.

C. REQUIRED DOCUMENTATION

When a student is in a physical restraint or in seclusion, school personnel shall document:

- (1) any less intrusive interventions that were attempted or determined to be inappropriate prior to the incident;
- (2) the precipitating event immediately preceding the behavior that prompted the use of physical restraint or seclusion;
- (3) the behavior that prompted the use of physical restraint or seclusion;
- (4) the names of school personnel who observed the behavior that prompted the use of physical restraint or seclusion;

- (5) the names of school personnel implementing and monitoring the use of physical restraint or seclusion; and
- (6) a description of the physical restraint or seclusion incident, including the type and length of the use of physical restraint or seclusion, the student's behavior during and reaction to the physical restraint or seclusion and the name of the supervisor informed of the use of physical restraint or seclusion.

The documentation shall be maintained in the student's education records and available for inspection by the student's parents. If the student is a student with a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act (Section 504), the documentation shall be maintained in the student's special education or Section 504 folder.

D. REQUIRED NOTIFICATION

The student's parent/guardian shall be notified immediately after each time physical restraint or seclusion is used. If the parent/guardian is not reasonably available, school personnel shall document all attempts to notify the parent/guardian and shall send written notification within one school day.

Additionally, following an incident of physical restraint or seclusion, school personnel shall provide the student's parent/guardian with a copy of the school district's policies and procedures governing the use of physical restraint and seclusion.

E. DEBRIEFING AND FOLLOW-UP

After an incident of physical restraint or seclusion, school personnel involved in the incident shall conduct a debriefing with the student in which the precipitating event, unsafe behavior and preventive measures are reviewed with the intent of reducing or eliminating the need for future physical restraint or seclusion.

The debriefing shall be documented in the student's education record.

As promptly as possible, but under no circumstances later than ten (10) school days after a student has been subjected to physical restraint or seclusion, the Student Assistance Team (SAT), IEP team, or Section 504 committee shall meet to review the incident and the debriefing, and revise the SAT intervention plan, IEP or Section 504 accommodation plan, as appropriate. The team shall identify any known triggers to the behavior that necessitated the use of physical restraint or seclusion and recommend preventive measures that may be used to calm the student and eliminate the need for physical restraint or seclusion.

In a subsequent review of the SAT intervention plan, IEP or Section 504 accommodation plan, the team shall review the success or failure of preventive measures and revise the plan, if necessary, based on such review.

F. TIME-OUT

Time-out as defined in this policy is not considered a form of physical restraint or seclusion. Instead, it is a recognized behavioral intervention utilized in the educational setting.

Physical force or threat of physical force shall not be used to place a student in time-out.

Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques. For a student with a disability under the IDEA or Section 504, time-out must be included in the student's IEP, BIP or Section 504 accommodation plan if it is utilized on a recurrent basis to increase or decrease a targeted behavior.

In a subsequent review of an IEP, BIP or Section 504 accommodation plan that includes time-out, the team shall use any collected data to judge the effectiveness of time-out as a behavioral intervention and provide a basis for making determinations regarding its continued use.

PART III: Attendance and Truancy – see Pages 22 and 23

The parent 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.

NMSA 1978, § 22-12-2(C)
J-0500 JE

A school age student shall attend public school until the student is at least eighteen years of age.

NMSA 1978, § 22-12-2
NMAC 6.10.8.8(A)

- EXCEPTIONS:**
- 1) Graduated from high school
 - 2) Received GED
 - 3) Parent has given written permission for student to leave in case of hardship, approved by Superintendent
- NMSA 1978, § 22-12-2
6.10.8.8 A NMAC
J-0550 JEA

Goal: In addressing truancy, the goal is to keep children in school until age eighteen and not to suspend, expel or outright punish them for being truant.

6.10.8.6 NMAC

"intervention" means the partnering that schools engage in with other agencies to implement administrative remedies and provide support programs that aggressively reduce if not eliminate truancy in a school district.

6.10.8.6 NMAC

3 Successive Unexcused Absences

The school shall contact parents by phone or written notice.

J-1550 JH; J-1561 JH-R

Religious instruction: A student, with the approval of the principal, may be excused to participate in religious instruction for not more than one class period each school day, with written consent of the parent and for a time period that will not conflict with academic program.

NMSA 1978, § 22-12-3
J-1900 JICB

Interscholastic extracurricular activities: No student will be absent from school for school sponsored interscholastic extracurricular activities in excess of fifteen days per semester, and no class may be missed in excess of fifteen times per semester.

NMSA 1978, § 22-12-2.1(B)

5 Unexcused Absences Within School Year

Student in need of intervention: District will contact parents and request opportunity to discuss interventions.

NMSA 1978, § 22-12-9 (2); 22-12-8
6.10.8.7(B); 6.10.8.8(B)(a)-(c) NMAC
J-1650 JHB

At meeting with parent, will attempt to identify the cause(s), preventive measures, and a corrective plan including follow-up measures.

6.10.8.8(B)(5)(d)
J-1661 JHB-R

NEW MEXICO COMPULSORY ATTENDANCE RULES

ESPANOLA HIGH SCHOOL

For each student identified as a habitual truant, the District must document the attempts to notify the parent, attempts to meet with parent to discuss intervention strategies, and the intervention strategies implemented to support keeping the student in school.
 NMSA 1978, § 22-12-9(C)(4)(a)-(c)
 6.10.8.8(B)(g)(i)-(iii) NM/AC

10 Unexcused Absences Within School Year

Habitually Truant Students: Parents will receive notice along with a date, time and place to meet with school personnel to develop intervention strategies focused on keeping student in school.
 NMSA 1978, § 22-12-7(B); 22-12-9(A)(2)
 6.10.8.8(B)(5)(e) NM/AC
 J-1650 JHB; J-1661 JHB-R

Habitual truancy is grounds for withdrawal from the District only after exhausting intervention efforts to keep student in educational setting.
 NMSA 1978, § 22-12-9(C)(2)
 6.10.8.8(B)(4) NM/AC
 J-1300 JFC

Absences Continue

Student shall be reported to probation services office of the judicial district where the student resides, within seven (7) days, for investigation of whether the student is neglected or of a family in need of services.
 NMSA 1978, § 22-12-7(C)
 6.10.8.8(B)(5)(f) NM/AC
 J-1650 JHB; J-1661 JHB-R

The probation office may send notice to the parent to discuss services. Children's court may order driving privileges to be suspended, in addition to any other disposition.
 NMSA 1978, § 22-12-7(C)

If probation office determines parent may have caused the habitual truancy, and no charges have been filed, District may contact District Attorney's office to determine what action to take.
 NMSA 1978, § 22-12-7(D)
 6.10.8.8(D)
 J-1661 JHB-R

Absences Continue

A parent who knowingly allows the student to continue to violate the Compulsory Attendance Law shall be guilty of a petty misdemeanor. Upon first conviction, the parent shall be subject to a fine between \$25.00 - \$100.00. For second and subsequent convictions, the parent shall be subject to a fine not to exceed \$500.00 or imprisonment for up to six months, or both.
 NMSA 1978, § 22-12-7(E)