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### **School Discipline Plan-Students with Disabilities**

There are six prohibited activities in all New Mexico public schools (6.11.2.9 NMAC):

- (1) Criminal or delinquent acts
- (2) Gang-related activity
- (3) Sexual harassment
- (4) Disruptive conduct
- (5) Refusal to identify self
- (6) Refusal to cooperate with school personnel

The school has the responsibility to take discretionary action any time the educational process is threatened with disruption. The rules must be fair and firm and comply with the individual's constitutional and other legal rights, including the rights of students with disabilities. However, the school will recognize that there are differences in age and maturity as well as mitigating circumstances that may require different types of disciplinary actions. Therefore, the enforcement of negative consequences will follow the guidelines in this Family Handbook while taking into consideration other relevant factors.

Basis for disciplinary action: A student may appropriately be disciplined by school authorities in the following circumstances:

1. for committing any act which endangers the health or safety of students, school personnel or others for whose safety the public school is responsible, or for conduct which reasonably appears to threaten such dangers if not restrained, regardless of whether an established rule of conduct has been violated;
2. for violating valid rules of student conduct when the student knew or should have known of the rule in question or that the conduct was prohibited;
3. for committing a prohibited act when the student knew or should have known that the conduct was prohibited.

Responses for Infractions: The school administration will deal with student discipline on an individualized basis. Responses for inappropriate student behavior may include a student conference, a student/parent conference, campus clean-up, lunch or after-school detention, short or long-term suspension, or expulsion.

The behavioral policy will follow a progressive discipline continuum. If repeated behaviors continue, the response will advance to the next step. If Level One behaviors continue, after they have already been addressed and remedial and/or restorative actions have already been assigned, this will progress to Level Two responses.

Level Two responses could immediately occur depending upon the severity of action, OR if multiple incidents have occurred in the same week. i.e. 2-3+ reflections for different incidents have been assigned within a week, or demonstration of repetitive similar behaviors (4+ incidents or opportunities for reflections throughout the semester).

### **Level One Disruptions**

Including, but not limited to: violations of Walatowa High Charter School I policies; playing video games in class; disruptive behavior; disrespectful behavior towards students, teachers and staff; provoking classmates or “play-fighting;” lying; gum chewing in class (including placing gum under desks); plagiarism; etc.

-Step One Reflection form and conference with student assigned by any staff member (emphasis on restoring the student back into the community)

--Additional Actions:

- 1.) A copy of the reflection is given to the student’s WHCS Counselor/Academic Counselor
- 2.) A copy of the reflection is given to the WHCS Executive Director and/or Designee
- 3.) The original is sent home to the student’s guardian to be signed and returned the next day -Step Two Detention (or appropriate community service), is assigned by teacher and supervised by the assigning teacher (for the purpose of conferencing and intent to further seek restoration).

--Additional Actions:

- 1.) A copy of the reflection is given to the student’s WHCS Counselor/Academic Counselor

- 2.) The Advisory teacher should schedule a conference with the student
- 3.) A copy of the reflection is given to the WHCS Executive Director and/or Designee
- 4.) The original reflection is sent home to the student’s guardian, which must be signed and returned the next day to the same staff member who assigned the reflection

-Mediation could be assigned at any time for level I disruptions by the counselor(s) or the WHCS Executive Director and/or Designee to resolve conflict between two or more individuals.

## **Level Two Disruptions**

Including, but not limited to: Vaping; Smoking; Possession of other tobacco/vape products; Alcohol; Fighting; Bullying; Cheating on a major assessment; Theft, Swearing, aggressively speaking, or out of control behaviors towards a member of staff or another student; Harrassment; Sexual Harassment; Vandalism of school property; Displaying hate symbols; Showing or Forwarding Inappropriate media (including pornography, violence towards others, and/or religious, racial, gender, sexual or ethnic insensitivity or slurs including xenophobia, nativism or antisemitism, etc.); Violent or inappropriate video games; Possession of banned substances (if illegal, police will also be contacted); Fireworks; or Weapons of Any Kind. These actions will immediately result in administrative responses on this level, which might start at a higher step, depending upon the severity of the action and outcome of investigations.

-Step One The WHCS Executive Director and/or Designee will contact the guardian. Further interventions will take place and appropriate steps of action will be determined which may include: Counseling, Anger Management, Health Counseling or Intervention, Mental Health

--Counseling or intervention, Participation in Skill-building or conflict resolution activities (mediation). Referrals will be made to the JHHS Services and Tribal Officials will be contacted.

--Administrative Detentions (which is often served as community service) which can be served during lunch or after school (and will be supervised by administration or a designated staff member).

--A behavior plan/contract might be put in place, and/or students might be referred to counseling services if determined there are other underlying causes for behaviors.

-Step Two Guardians will be brought in and will conference with the WHCS Executive Director and/or Designee A Behavior Plan will be created with the intent to modify negative behaviors and mitigate the stimuli that cause the behaviors. As appropriate, other support staff may be involved (SAT chair, Special Education staff, School Counselor, School Social Worker, etc.)

--In school-suspensions may be assigned (to which the student will be required to complete work in an administrator's office).

-Step Three The WHCS Executive Director and/or Designee will conference with the student and their guardians to determine the consequences (which potentially might result in an external suspension or expulsion from the school).

In the event that a student is recommended for long-term suspension or expulsion, the following procedure will be initiated:

- The Governing Council prescribes a formal hearing procedure for students recommended for long-term suspension or 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.
- Schools will provide copies of evidence that will be used at the hearing to families at least two (2) working days in advance of the hearing.
- The parent/guardian may choose to waive the student's right to a hearing and accept the disciplinary consequences recommended by the school.
- Expulsion hearings cannot be waived. 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.

All Special Education students will follow the school-wide discipline plan. In the event that a Special Education student needs further interventions, a Functional Based Assessment will be conducted and a Behavior Intervention Plan will be developed should the results of the assessment warrant the writing of a BIP. WHCS follows the *STUDENT DISCIPLINE Technical Assistance Manual For Students with Disabilities* issued by the state of New Mexico, April 2008, as a primary source for the discipline of Special Education students.