



## **Student Discipline Policy**

### **I. Purpose**

A primary responsibility of Coral Community Charter School (CCCS or School) and its professional staff shall be to instill in students an appreciation of our representative form of government, the rights and responsibilities of the individual or group and the legal processes whereby necessary changes are made. CCCS is a community and the rules and regulations of our school are the laws of our community. All members of our community are subject to CCCS rules, which carry corresponding obligations. The right to attend public school is not absolute. It is conditioned on each student's acceptance of the obligation to abide by the lawful rules of the school community until and unless the rules are changed through lawful processes. Teachers, administrators and other CCCS employees also have rights and duties. Teachers are required by law to maintain a suitable environment for teaching in their classes and to assist in maintaining CCCS order and discipline. The administration is responsible for maintaining and facilitating the educational program by ensuring an orderly, safe environment at CCCS. In discharging their duties, all CCCS employees have the right to be free from intimidation or abuse by all community members, including students, parent/guardian and visitors and to have their lawful requests and instructions followed.

### **II. Authority**

CCCS has both the authority and the responsibility to ensure that suitable rules of student conduct and appropriate disciplinary processes are established for CCCS. With certain limits, CCCS's Governing Council has the discretion to develop such rules, policies and procedures as it deems appropriate.

### **III. Consequences**

Students have certain rights, but also have the responsibility to respect the rights and property of others. If a student fails to do this, disciplinary action will follow. Disciplinary consequences may be imposed by the Head Administrator, in addition to consequences developed by the classroom teacher, for violations of CCCS rules. The Head Administrator has the right to impose discipline in her discretion, in accordance with the circumstances presented. Some of the potential consequences include:

- A. Head Administrator referral. Students who choose to disobey rules will be sent to meet with the Head Administrator to discuss the behavior. An Incident Report will be sent to the parent/guardian. The parent/guardian is to sign and return the copy of the slip with the student on the day after it was received. Depending upon the infraction, an additional consequence may be applied at the Head Administrator's discretion.
- B. Parent/Guardian meeting. When deemed necessary by the Head Administrator, or when a student receives his/her 3rd referral, parent/guardian will be contacted by the Head Administrator so that arrangements may be made for the student to meet with the Head Administrator, Classroom Teacher, his/her Parent/Guardian and any other appropriate staff to discuss the referrals and develop a plan or contract.
- C. Student Assistance Team. Additional referrals will result in a referral to the Student Assistant Team to discuss other possible interventions such as a behavior management program, additional participation in the "Social Skills" program, a mentorship, screenings or evaluations, or other disciplinary action deemed appropriate by administration.

A progressive discipline continuum provides consequences that range from a warning to suspension or expulsion.

#### **IV. Due Process**

In disciplinary cases, each student is entitled to due process. This means students:

- A. Will be informed of accusations against them.
- B. Will have the opportunity to accept or deny the accusations.
- C. Will have explained to them the factual basis for the accusations.
- D. Will have a chance to respond to the facts presented against them.
- E. The extent of the due process required will depend upon the severity of the infraction and the related consequence.

#### **V. Restraint and Seclusion**

Restraint and seclusion techniques shall only be used and applied by school employees who are trained in the safe and effective use of restraint and seclusion unless an emergency situation does not allow sufficient time to summon those trained employees. The Head Administrator will identify staff members to be trained in the safe and effective use of restraint and seclusion and ensure training is completed by those individuals.

#### **VI. Detentions, Suspension, And Expulsion**

When prior efforts to correct behavior or if the situation warrants, CCCS may choose to impose detentions, suspension and/or pursue expulsion.

## **A. Referrals**

All discipline referrals submitted to the Head Administrator or her designee will begin with a conference with the student. In the case of suspensions/expulsions, parent/guardian will be notified of consequences by a personal phone call accompanied by a written referral form. If attempts to notify parent/guardian by telephone are unsuccessful, parent/guardian will be notified by written referral form.

## **B. Short Term Suspensions**

A short-term suspension is a mandatory absence from CCCS for a period of 10 days or less. After the conclusion of the investigation, the Head Administrator or her designee, upon the basis of all facts and information learned, shall determine if the student committed a conduct violation. If the student is found to have committed a violation, a consequence or suspension may be imposed for a period of time not to exceed 10 days. A parent may request an administrative review of the discipline data and decision to suspend. Homework can be provided at the request of the parent.

## **C. Long Term Suspension/Expulsion**

A long-term suspension is a mandatory absence from CCCS for a period exceeding 10 days and up to the balance of the CCCS school year. If the Head Administrator decides that the alleged misconduct is sufficiently serious so that the consequence should be a suspension in excess of 10 days or expulsion, the accused student shall be afforded his or her due process rights. There shall be an investigation to determine if there is sufficient probable cause to charge the student with an act of misconduct, which may result in a suspension in excess of 10 days or an expulsion. When a student is charged by the Head Administrator/designee with misconduct which may result in long-term suspension or expulsion, the parent(s) or guardian of the student shall be informed within a reasonable time period by telephone or letter of the charges against the student.

### **1. Procedures for Long Term Suspension/Expulsion**

The long-term suspension shall be in accord with 6.11.2 of the New Mexico Administrative Code.

#### **a. Notice**

If the Head Administrator believes that a long-term suspension may be warranted as a result of alleged misconduct of a student, the Head Administrator will notify the parent/guardian in writing of the grounds for the proposed suspension and the date, time and location of the suspension hearing. Notice will be given by certified mail return receipt or by personal delivery addressed to the student and his/her parent/guardian. 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:

- 1) 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;
- 2) The date, time and place of the hearing, and a statement that both the student and parent are entitled and urged to be present;
- 3) A clear statement that the hearing will take place as scheduled unless the hearing authority grants a delay or the student and parent 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;
- 4) A statement that the student has the right to be represented at the hearing by legal counsel, a parent or some other representative designated in a written notice filed at least seventy-two (72) hours before the hearing with the contact person named;
- 5) A description of the procedures governing the hearing;
- 6) The name, business address and telephone number of a contact person through whom the student, parent 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
- 7) Any other information, materials or instructions deemed appropriate by the administrative authority who prepares the notice.

#### **b. Hearing Officer**

Suspension and Expulsion hearings may be conducted by the Head Administrator or by an independent hearing officer designated by the Head Administrator. If the Head Administrator is a party to the complaint the hearing officer shall be appointed by a quorum of the Governing Council.

#### **c. Time of Hearing**

The hearing shall not be any sooner than five (5) nor later than 10 (ten) CCCS days from the date the notice was received. The hearing officer shall have the discretion to extend the time for hearing, however, if the delay extends beyond the 10 (ten) CCCS days, the student shall be returned to CCCS pending the outcome of the hearing unless exception exists under applicable law.

#### **d. Decision**

The hearing officer may announce a decision at the close of any the hearing. The hearing officer shall also prepare a written decision, including concise reasons for the decision and the penalty to be imposed, if any, and mail or deliver it to the

Head Administrator and the student, through the parent, within five (5) working days after the review is concluded.

## **2. Long-Term Suspension/Expulsion Appeal**

A student aggrieved by the hearing officer's decision has 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-CCCS suspension exceeding one CCCS semester or a denial or restriction of student privileges for one semester or longer. The appeal shall be to the Governing Council or its designee. The Governing Council may grant a right of review for less severe penalties. A student request for review must be submitted to the Governing Council President within ten (10) school days after the student is informed of the hearing officer's decision.

### **a. Conduct of Review**

The Governing Council shall have discretion to modify the hearing officer's decision by including imposing any lesser sanction deemed appropriate. The Governing Council shall be bound by the hearing authority's factual determinations unless the student persuades the Governing Council 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 Governing Council shall have discretion to receive new evidence, reconsider evidence introduced at the hearing or conduct a new hearing. In the absence of any such finding, the review shall be limited to an inquiry into the appropriateness of the penalty imposed.

### **b. Form of Review**

The Governing Council 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 CCCS authorities to written materials or to grant a conference or hearing at which the student and his or her representative, and CCCS authorities may present their respective views in person.

### **c. 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.

### **d. Decision**

The Governing Council may announce a decision at the close of any conference or hearing held on review. In any event, the Governing Council shall prepare a written decision, including concise reasons, and mail or deliver it to the Head Administrator, the hearing authority and the student, through the parent, within ten (10) working days after the review is concluded.

**e. Effect of Decision**

The Governing Council's decision shall be the final administrative action to which a student is entitled.

**3. New Mexico Public Education Department Compliance**

The process followed by CCCS shall conform to 6.11.2 NMAC and to the extent any provision of this section conflicts with the NMPED regulation, the regulation shall govern.

**VII. Classroom Control/Corporal Punishment**

A teacher or other member of the certificated staff shall assume such authority for the control of students who are assigned to him/her by the Head Administrator or designee and shall keep good order in the classroom. To that end, each classroom teacher may establish classroom rules that each student must follow. The use of corporal punishment is prohibited. Alternative disciplinary procedures, which may include peer review or other forms of positive reinforcement should be used to bring about appropriate student classroom behavior.

**VIII. Discipline of Students with Disabilities**

Students with disabilities are subject to CCCS disciplinary processes. They are also not entitled to remain in a particular educational program when their behavior substantially impairs the education of other students in the program. However, CCCS is required by state law and regulations (6.11.2 NMAC) to meet the individual educational needs of students with disabilities as described by their IEP.

**A. Long-Term Suspensions or Expulsions**

Discipline of students with disabilities shall be governed by the procedures set forth in Section 6.11.2.11 NMAC.

**B. Temporary Suspension**

Temporary suspension of students with disabilities may be imposed in accordance with the normal procedures prescribed in Subsection D of Section 6.11.2.12 NMAC, provided that the student is returned to the same educational placement after the temporary suspension and unless a temporary suspension is prohibited under the provisions of Subsection G, Paragraph (3) of 6.11.2.10 NMAC.

### **C. Program Prescriptions**

A student with a disability's individualized education program (IEP) need not affirmatively authorize disciplinary actions which are not otherwise in conflict with the regulation. However, the IEP Committee may prescribe or prohibit specified disciplinary measures for an individual student with a disability by including appropriate provisions in the student's IEP. Administrative authorities shall adhere to any such provisions contained in a student with a disability's IEP, except that an IEP Committee may not prohibit the initiation of proceedings for long-term suspension or expulsion which are conducted in accordance with this regulation.

### **D. Immediate Removal**

Immediate removal of a student with disabilities may be done when a student brings a weapon to CCCS or a CCCS function; or knowingly possesses or uses illegal drugs or has sold or solicited the sale of a controlled substance while at CCCS or a CCCS function.

## **IX. Protected Classes, Protective Hairstyles, Cultural and Religious Headdresses**

Pursuant to New Mexico statute no student shall be disciplined or shall experience discrimination or disparate treatment based on the student's race, religion, or culture or because of the student's use of protective hairstyles or cultural or religious headdresses.

As used in this section:

- (1) "cultural or religious headdresses" includes hijabs, head wraps or other headdresses used as part of an individual's personal cultural or religious beliefs;
- (2) "protective hairstyles" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, weaves, wigs or head wraps; and
- (3) "race" includes traits historically associated with race, including hair texture, length of hair, protective hairstyles or cultural or religious headdresses.

## **X. Discipline of Students Experiencing Homelessness**

- A. It shall be the policy of CCCS that removing students experiencing homelessness from school shall be used only as a last resort, pursuant to the requirements in 42 U.S.C. 11431 et seq., the McKinney-Vento Homelessness Assistance Act.
- B. In addition the School shall serve homeless students in the following ways pursuant to 6.11.2.10(H) NMAC:
  1. Through professional development activities, create an awareness among educators and administrators of the types of behaviors that students experiencing homelessness may exhibit due to homelessness and provide

- strategies and supports to address the behaviors through the student assistance team process in accordance with Subsection D of 6.29.1.9 NMAC;
2. Take into account the issues related to a student's homelessness by talking with the student and applicable staff and families prior to taking disciplinary action;
  3. Consult with school behavior response teams or other applicable personnel to assign appropriate discipline related to the behavior;
  4. Implement discipline alternatives to out of school suspensions or expulsions or classroom removals, if possible; and
  5. connect students with mental health services as needed.
- C. CCCS shall review school discipline records and data of students experiencing homelessness in order to identify any patterns in disciplinary actions that indicate an unfair bias against the students. The collection and review of such records shall be in compliance with the Family Educational Rights and Privacy Act, as well as any other applicable federal or state laws or rules governing the privacy of such documents.

## **XI. Mask Wearing**

All Students must follow the School's mask wearing requirements. Consequences for violating mask-wearing requirements will be supportive and instructional and will not include suspension or expulsion (except that an unvaccinated student cannot be in the school building without a mask).

A student who removes a face mask and refuses to put it back on will receive one warning prior to being sent home. If after the warning the student removes the face mask and refuses to put it back on the student will be sent home. While waiting for pick up, the student will be supervised and quarantined from other students. Consequences for a student with repeated violations of mask wearing requirements may include mandatory remote learning only or other suitable instruction options.

*Approved by the Coral Community Charter School Governing Council on: August 3, 2021.*