

# POLICY JI

## Board of Education Las Cruces Public Schools

**Related Entries:** JHB, JICA, JICAA, JICE, JICEA, JICFA, JICH, JICJ, JICK, JICKA, JJIB  
**Responsible Office:** Division of Equity, Innovation, and Social Justice

### STUDENT EXPRESSION, CONDUCT AND SAFETY

#### PROPOSED- 2<sup>nd</sup> Reading (1-10-2023)

#### I. PURPOSE

The purpose of this policy is:

- A. To establish standards for the district regarding areas of student conduct which the Board is authorized by state or federal law to regulate, including forms of expression.
- B. To recognize and respect constitutional guarantees of protected free speech and expression, as identified in our state and national constitutions, which shall be balanced against the ~~schools-district's~~ need to foster an educational atmosphere free from undue disruptions ~~to so that~~ appropriate discipline can be maintained.
- C. To provide notice to students and parents of student conduct prohibited ~~which the by the~~ Board of Education ~~prohibits~~ so that students may function effectively ~~function~~ in the educational community and enjoy a safe and disruption-free environment for optimal student learning.
- D. To set forth guidelines concerning the continuum of behavior interventions designed to maintain a safe learning environment and techniques for addressing behaviors that presents an imminent danger of serious physical harm.
- E. To implement the requirements of the federal Gun-Free Schools Act, 18 U.S.C. Section 922, and NMSA 1978 Section 22-5-4.7.

#### II. POSITION

- A. The Board of Education, through policy, establishes standards for the following student conduct:
  - 1. school attendance;
  - 2. use of and access to schools;
  - 3. students' dress and personal appearance;
  - 4. speech and assembly within public schools;
  - 5. publications distributed in public schools; and

6. the existence, scope, and conditions of availability of student privileges, including extracurricular activities and rules governing participation.

B. The Board of Education, through policy, prohibits in all Las Cruces Public Schools, and whenever students are subject to school control, the following student conduct:

1. criminal or delinquent acts as defined under federal and state law, and any applicable municipal or county criminal ordinances.
2. committing, threatening to commit, or inciting others to commit or threaten to commit any act of violence, directly or indirectly, in person or through electronic means, against a public school, student, or school personnel or official;
3. racialized aggression, meaning any aggressive act which can be characterized, categorized or which appears as such to be racial in nature;
4. sexual harassment;
5. disruptive conduct, meaning willful conduct that is unruly, disruptive, or abusive and interferes with school staff's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a school or a school-sponsored activity;
6. refusal to identify self;
7. refusal to cooperate with school personnel; and
8. use of controlled substances, alcohol and tobacco in public schools.

C. Las Cruces Public Schools' students are subject to school control:

1. while on school property including school buses;
2. while at any school-sponsored activity or event; or
3. when engaging in out-of-school conduct having a direct and immediate effect on school discipline or the general safety and welfare of the school.

### **III. CONTINUUM OF BEHAVIOR INTERVENTIONS FOR GUIDING STUDENT CONDUCT**

A. The Board of Education recognizes that school staff have a primary responsibility for guiding student behavior to create an appropriate learning environment that supports academic achievement.

- B. The Board of Education also supports the utilization of restorative practices and other positive behavior interventions to maintain an orderly and effective learning environment.
- C. Staff will use a wide array of positive behavior intervention strategies and supports to guide student behavior and appropriate responsive strategies to maintain a safe and secure environment.

#### **IV. USE OF SECLUSION OR RESTRAINT**

- A. LCPS permits the use of restraint or seclusion techniques on any student only if both of the following apply:
  - 1. the student's behavior presents an imminent danger of serious physical harm to the student or others; and
  - 2. less restrictive interventions appear insufficient to mitigate the imminent danger of serious physical harm.
- B. The use of restraint or seclusion is limited to personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency does not allow sufficient time to summon those trained personnel.

#### **V. GUN FREE SCHOOLS**

- A. The Board of Education recognizes that the presence of weapons in school not only creates unacceptable risks of injury or death, but also creates a climate that undermines the educational purposes of the schools.
- B. For purposes of this policy, "Weapon" means:
  - 1. any firearm that is designed to, may readily be converted to, or will expel a projectile by the action of an explosion; and
  - 2. any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device.
- C. As required by the Federal Gun-Free Schools Act and New Mexico State Law concerning weapon-free schools, any student who is determined to have knowingly brought a weapon to a public school under the jurisdiction of the Las Cruces Public Schools shall be expelled from school, for a period of not less than one year, except as provided below:
  - 1. The Board authorizes the Superintendent to modify the expulsion requirement on a case-by-case basis.

2. The provisions of the Gun Free Schools Act shall be applied to students with disabilities in a manner consistent with the Individuals with Disabilities Education Act (IDEA).

## **VI. IMPLEMENTATION**

- A. The Superintendent of Schools shall promulgate a regulation for the implementation of this Policy including notice to students and parents. Such regulation shall incorporate the legal definitions related to seclusion and restraint in State law.
- B. Neither this policy nor any implementing regulation shall be read to violate the requirements of federal and state constitutions, governing statutes, standards, and regulations.
- C. This policy and its associated policies and regulations shall be read to include the fundamental common-law requirement that rules of student conduct be reasonable exercises of the schools' authority in pursuance of legitimate educational and related functions.
- D. This Policy shall be interpreted and implemented in conjunction with the following Policies:
  1. JHB- Students in Need of Early Intervention
  2. JICA- Student Dress
  3. JICAA- Uniformly Dressed
  4. JICE- Freedom of Expression
  5. JICEA- Student Publications
  6. JICFA- Bullying, Cyberbullying, Hazing, and Harassment
  7. JICH- Alcohol, Tobacco, and Other Drugs
  8. JICJ- Use of Electronic Communication Devices by Students
  9. JICK- Sexual Harassment of Students
  10. JICKA- Student Harassment Based on Protected Characteristics
  11. JJIB- Interscholastic Sports

## **VII. REVIEW AND REPORTING**

This policy will be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

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*Board of Education, President*

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*Date*

*Legal Ref: NMSA 1978, § 22-5-4.3; 6.11.2.9 NMAC ; 20 U.S.C. § 7961; 18 U.S.C., Section 921*

*Policy History: Formerly Policy 367 and Policy 368, revised 01.17.06; revised \_\_\_\_\_*

# **POLICY JI**

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**Related Entries:** JI-RA, JICF, JICH, JIH, JICK, JK, JKD, JKD-RA  
**Responsible Office:** Associate Superintendent for Instruction

## **Student Rights and Responsibilities-**

**CURRENT (12/13/2022)**

### **I. PURPOSE**

To provide a comprehensive framework within which the Las Cruces Public Schools can carry out its educational mission and exercise its authority and responsibility to provide a safe environment for student learning, and further provide students and parents with an understanding of the basic rights and requirements necessary to effectively function in the educational community.

### **II. POSITION**

A primary responsibility of the Las Cruces Public Schools 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, and the legal processes whereby necessary changes are brought about.

The district is a community, and the rules and regulations of a school are the laws of that community. Each right carries with it a corresponding obligation. The right to attend public school is not absolute. It is conditional 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 established processes.

### **III. RESPONSIBILITY**

The district has both the authority and responsibility to ensure that suitable rules of student conduct and appropriate disciplinary processes are established. Beginning with the 2006-07 school-year, the principal is responsible for making the *Student's Guide to Rights and Responsibilities in Las Cruces Public Schools* available to parents and the community. It is the responsibility of students and parents to inform themselves of current board policies and district regulations.

### **IV. SEVERABILITY**

Any part of this regulation found by adjudication before a competent tribunal to be contrary to law shall be stricken without effect to the remainder. [08-15-97; 6.11.2.8 NMAC – Rn, 6 NMAC 1.4.8, 11-30-00]

V. **REVIEW AND REPORTING**

This policy will be reviewed in accordance with the Board of Education policy review process.

*Legal Reference: NMAC 6.11.2*

*Policy History: Formerly Policy 336, Revised 01.17.06*



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*Approved, President - Board of Education*

01.17.06

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*Date*