

LCPS POLICY JK- IMPLEMENTATION OF STUDENT CODE OF CONDUCT AND DISCIPLINE PHILOSOPHY IMPLEMENTATION GUIDANCE

#1 – DISCIPLINE for STUDENT VIOLENT ACTS

I. PURPOSE

The purpose of this guidance is to establish standards of student discipline regarding areas of student conduct specific to violent acts including but not limited to gang, and/or gang-like activities.

II. DEFINITIONS

- A. *“Gang” means* any combination of persons, organized formally or informally, which:
1. Has a common or identifying symbol,
 2. Has particular conduct, status and customs indicative of it, and
 3. Has, as one of its common activities, the commission of illegal acts or violation of LCPS policies.
- B. *“Gang-like activities” means* a pattern of prohibited behavior by a student gang member or members, on or near school grounds, activities or vehicles, around the commission of, attempted commission of, conspiracy to commit, or solicitation to commit acts which disrupt the educational environment or the orderly operation of the school.
- C. *“Gang membership” means* an organization, which includes but is not limited to “public fraternity, sorority, secret society, or gang,” that is comprised wholly or in part of students who seek to perpetuate the gang by taking in additional members from students enrolled in school, with the intent of participating in any illegal or criminal activity.
- D. *“Minor violations” means* violations as determined by the building principal that do not require any form of student behavior contract being issued.
- E. *“Major violations” means* major school policy violations which student behavior contracts are issued.
- F. *“School location” means* a school building, school grounds, school activities or trip destinations, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, and all school-related function settings.
- G. *“School zone” means”* any area on the grounds of a school or within a distance of 1,000 feet from the grounds of the school

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- H. *“Violent activities” means* students involved with:
 - 1. acting with or characterized by verbal, written, or physical intimidation,
 - 2. use of physical force to control, injure, damage, destroy, or
 - 3. being in possession of or using a weapon.

- I. *“Class III citation” means* a custody/referral citation issued to students by law enforcement officials for violations of specific LCPS policy and regulations.

III. PENALTIES FOR VIOLATIONS

This shall be enforced according to LCPS Policy JI – Student Expression, Conduct, and Safety

A JK-EI-Violent, Activity Contract/Form must be completed for all reported major violations and incidents.

- A. The district will maintain records of student policy violations. When multiple violations occur within three years, disciplinary actions will be progressive.

- B. Immediate Removal: If the student is perceived as a significant threat to him/herself or others, the student may be immediately removed from the school for up to 10 days pending an investigation. Law enforcement may immediately issue a Class III Citation for the violation. If the investigation identifies sufficient evidence, a long-term hearing may be pursued.

- C. Progressive discipline violations for non-emergency situations, minor violations, or gang-like activities are as follows:
 - 1. Minor Violations
 - a. The building Principal reserves the right to apply alternate penalties for non-emergency situation, minor violations, or gang-like activities;
 - b. Student/Parent conference with school administrator;
 - c. Loss of privileges – such as field trips or extra-curricular activities;

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- d. In/out of school suspension;
- e. The parent/guardian shall be notified by phone or in writing on the minor-documented violations;
- f. Violations need to be documented under the discipline section of the student information system.

2. First Violation Resulting In a Contract

- a. The student and parent will be required to sign the LCPS form ***JK- E1 Violent Activity Contract*** that indicates the specific behavior resulting in a violation of this policy. If the student or parent/guardian refuses the terms or fails to comply with the contract/ form, a long-term suspension hearing may be pursued.
- b. A first violation shall result in a parent/guardian contact with site administrator(s).
- c. A one to three day suspension may be mandated. If applicable, a Class III Citation will be issued.

3. Second Violation Leading to a Contract

A violation shall result in a parent/guardian meeting, a three to seven day suspension and a Class III Citation will be issued. The parent/guardian shall be contacted on the second major violation by the site administrator.

4. Third Violation Leading to a Contract

- a. A student with a third violation of this policy will be considered as having a pattern of violent/gang/and/or gang-like activities and will be suspended for 10 days pending a long-term suspension hearing. A Class III shall be issued.

Specific to elementary students, the building principal will work with the Director of Elementary Instruction to determine the appropriate placement of students on violent, gang and/or gang-like violations.

- b. Students may be suspended for up to one year. Pending space availability, students will have the option to enroll in the school district's alternative education program. If no space is available, students will not be allowed to attend any school within LCPS.

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- c. After completion of the suspension:
 - i. the student shall be allowed to return to the school he/she attended prior to the suspension;
 - ii. the principal may choose to increase monitoring of the student; and
 - iii. the principal may require that while on campus the student is escorted by staff.
- d. Students who violate the LCPS Policy JI-Student Expression, Conduct and Safety and who are involved in extra-curricular activities which are governed by the New Mexico Activities Association (NMAA) and/or LCPS may be subject to additional penalties. Eligible students shall follow the guidelines, which are outlined in the NMAA guidelines, LCPS Athletic Handbook and/or LCPS policies and regulations, which are approved by the LCPS Board of Education.

IV. NOTIFICATION PROCEDURES FOR VIOLENT, GANG AND/OR GANG-LIKE ACTIVITIES

- A. The principal or designee of a school where violations of this policy have occurred or are occurring will be responsible for determining appropriate requests for assistance from law enforcement for serious gang or violent activities. (*KLG Relations with Law Enforcement* and *JIH-R Student Interrogations*).
- B. The principal or designee shall notify by phone the Office of the Superintendent. If necessary, he/she will dispatch administrative staff to assist at the location of the incident. The superintendent or designee shall notify and update the Board of education, as information becomes available.
- C. Within 24 hours of the oral report, the principal or designee will report the incident in writing via email or fax, using LCPS **Form JICF-E2 Serious School Incident Report**, to the superintendent.
- D. Whenever the principal or designee perceives that an incident threatens the safety or security of students or staff, or there is the likelihood of community concern about the incident, the superintendent or the Director of Communications shall release to the public information about the incident.

NON-DISCRIMINATION: *Nothing within this guidance or its definitions suggests that gangs, gang membership, or gang activity are defined or limited by race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, gender expression or identity or other distinguishing characteristics including but are not limited to mental or physical disability, socioeconomic status, and weight.*