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HOUSE BILL 890

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

R. DAVID PEDERSON

AN ACT

RELATING TO PUBLIC EDUCATION; PROVIDING FOR TEACHER-PARENT COMMITTEES FOR REMOVAL OF STUDENTS FOR NONATTENDANCE OR DISRUPTIVE BEHAVIOR; ENACTING A NEW SECTION OF THE PUBLIC SCHOOL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"~~[NEW MATERIAL]~~ DISRUPTIVE BEHAVIOR IN CLASSROOM - ABSENCES - - STUDENT REMOVAL BY TEACHER-PARENT DISCIPLINARY COMMITTEES. - -

A. A public school teacher may remove a student from the teacher's classroom for uncooperative, disruptive or dangerous behavior or after ten cumulative days of absence from the teacher's classroom that are unexcused under the local

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1 school board's attendance policy. The teacher's decision shall
2 be subject to review pursuant to Subsection E of this section.

3 B. The teacher shall inform the principal or his
4 designee of the student's removal from the classroom, and the
5 principal or his designee shall notify the student's parent or
6 guardian of the student's removal from the classroom. Upon
7 removal from the classroom, the student shall be placed in a
8 school detention center until the student's parent or guardian
9 picks up the student, or to such other place or placement
10 alternative that the local school board designates. If the
11 parent or guardian does not pick up the student, the district
12 shall contact the appropriate law enforcement, county health or
13 social service agency.

14 C. A student who has been removed from class due to
15 uncooperative, disruptive or dangerous behavior shall not return
16 to class until the parent or guardian has attended a conference
17 with the teacher and the teacher has given his written consent
18 to having the student return.

19 D. A teacher shall not be required to provide make-
20 up exams or to participate in private conferences or one-on-one
21 activities in order to assist the student to make up school work
22 missed due to being removed or suspended from the classroom
23 pursuant to this section or pursuant to any other disciplinary
24 action. A student may secure tutoring to make up such school
25 work.

. 115142.3

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1 E. Each public school shall establish a student
2 disciplinary committee and a teacher-parent disciplinary
3 committee appointed by the school principal. Students removed
4 from class may appeal their removal to the student disciplinary
5 committee, which shall hold a hearing and reach a decision
6 within forty-eight hours of appeal. The committee may uphold,
7 overturn or modify the removal. The decision of the committee
8 may be appealed to the superintendent of the school district,
9 who shall render his decision within seven days of receiving the
10 appeal. The decision of the superintendent may be appealed to
11 the local board of education, whose decision shall be final.
12 The hearing and appeals shall be conducted informally with an
13 audiotape record of the initial teacher-parent disciplinary
14 hearing. The student shall have the right to notice of the
15 reasons for removal, the right to appear at the initial hearing
16 along with his parent or guardian and legal counsel at his own
17 expense. The student shall have the right to present his own
18 information and any documentary information supporting
19 nonremoval; the right to reasonable notice of the date, time and
20 place of the initial hearing and all appeals; and the right to
21 an unbiased and fair hearing committee.

22 F. All appeals shall recognize concepts of
23 fundamental fairness, ensuring due process rights and equal
24 application of the removal procedure, taking into account the
25 circumstances of the incident giving rise to removal, the

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1 student's background and individual characteristics and
2 disciplinary history.

3 G. A student who has been removed from the classroom
4 in accordance with this section may be subject to removal for a
5 period of time up to and including the entire balance of a
6 school year. "