



Student and Family Handbook

Student Code of Conduct

2019-2020

August 2019:

Dear Students, Parents, and Guardians:

Welcome to the new school year. The Governance Council, Administration, Teachers, and Staff at Las Montañas Charter High School are all very excited to begin the school year, and we hope you are as well.

Students, parents, and guardians, please read this handbook together. This document will serve as a guide to the expectations regarding the rules of LMCHS. More information can be found on our website at www.lasmontanashigh.com and our Facebook page. If you have any questions, please do not hesitate to drop by the school or call (575) 636-2100.

Please remember that it is very important that all students come to school every day and ready to learn. (Note the new student attendance policy will be forthcoming) Together we can achieve the mission and vision of the school and meet the needs of every student.

Sincerely,

Caz Martinez

Director

Notice of Non-Discrimination

Las Montañas Charter High School does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Title IX Coordinator:

Caz Martinez/Director

1405 S. Solano Ave. Las Cruces, NM 88001

575-636-2100

Section 504 Coordinator:

Kim Dunbar or Gabriel Estrada

1405 S. Solano Ave. Las Cruces, NM

575-636-2100

The Family Educational Rights and Privacy Act (FERPA)

LMCHS maintains confidential student records for each student enrolled. The school complies with the U.S. Family Educational Rights and Privacy Act (FERPA) and Individuals with Disabilities Education Act (IDEA-B) to keep student records confidential and to provide procedures and establish responsibility for collecting, maintaining, and releasing information about students that is contained in student records. Parents may request that the school or school district restrict the release of student records. Parents have a right to review their child's cumulative record folder or to correct inaccuracies.

Equal Opportunity Education

Every student has the right to have access to public education. No student will be subject to discrimination, harassment or obstacles to his/her democratic right to benefit from public education. LMCHS will not allow any discrimination based on religion, culture, ethnicity, race, gender, sexual orientation, political beliefs or disability. This also includes marital status and pregnancy. LMCHS will observe all provisions of section 504 and the Americans with Disability Act (ADA).

TITLE IX/GENDER EQUITY

The LMCHS Governance Council is committed to gender equity in all programs, activities, services, and practices for students. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of gender in education programs or activities receiving federal funds. LMCHS employees are to fully and equally encourage female and male students, to participate in school activities, to achieve in all areas and to enroll in academic programs and prepare for careers without regard to gender barriers or stereotypes

Parent and Visitor policy

The purpose of Las Montañas' parent and visitors policy is to provide expectations around the conduct of all parents, guardians, and visitors to Las Montañas. All visitors are required to check in and out at the front office. Parents, guardians, and visitors are expected to conduct themselves positively and professionally at all times, including wearing appropriate attire.

Parents or guardians who wish to observe a classroom or volunteer are required to arrange such visits in advance with the classroom teacher(s) and building administration.

Las Montañas is dedicated to ensuring the safety and security of the students and staff that is conducive to learning; therefore, the following behaviors will not be tolerated:

- Disruptive or inappropriate behavior which interferes with the school's normal operations or activities.
- Using loud, offensive, derogatory, or profane language or displaying temper or aggression.
- Threatening or confronting in any way, a staff member, other visitors, parents, guardians, or students.
- Smoking, vaping, use of illegal drugs, consumption of alcohol, or being under the influence of any of the substances as mentioned earlier on school premises.

Should any of the above occur on school premises or at any school-sanctioned athletic events, Las Montañas Administration may feel it is necessary to take action by contacting the appropriate authorities and or banning the offending person(s) from entering school grounds or athletic events..

Signing Students out

Only parents/guardians who are listed in our student emergency contact information may sign out students from the school. An ID must be provided when signing students out. It is the practice of Las Montañas Charter High School that students are not allowed to be signed out after 4:30 or 13 minutes prior to the dismissal bell ringing so they do not miss any instructional time.

Students may NOT sign themselves out of school, even if they are 18 years or older unless they are living on their own and have proof of this in the LMCHS Student Information System. (See below for exception)

Leaving Campus Due to Illness (For students who drive themselves)

Students who become ill during the school day must get permission from a teacher to go to the office and obtain parental permission before leaving campus. Leaving campus without checking out through the office is considered truancy

Medical

Immunizations

Students shall not be enrolled in LMCHS unless satisfactory evidence of their completed immunizations, or proper exemption, can be presented. Any enrolled student without an immunization or immunization exemption will be placed on immunization suspension until immunizations are completed or are made as current as possible. It is unlawful for any parent to refuse or neglect to have his/her child immunized, as required by state law unless the child is properly exempted.

Medical Problems

It is imperative that the student has a medical card on file at school. If there is an emergency situation, and we cannot reach one of the parents, we can proceed with the necessary emergency treatment. Persons listed as a parent(s)/guardian(s), or otherwise listed as the responsible individuals for the student will be the only persons contacted, should the student become injured or ill.

Restricted Physical Activity

When a physical restriction is such that the student cannot meet the objective of a course, the student needs to meet with the administration to work out an arrangement. A schedule change may be needed so that the student can earn credit in another class for the semester. A physician's excuse will be required if the student is to be exempted from a required course, such as Physical Education (PE). This exemption must be renewed annually and will become part of the student's folder.

If the student has a serious illness or condition that will keep him/her from attending school for at least two consecutive weeks, the student or the parent should immediately contact the school counselor or administration, who will make arrangements for homebound instructions. The student's physician should request homebound instruction if it is in the best interest of the student.

If the student is pregnant, she should follow the directive of her attending physician regarding activities at school. Pregnancy is not a reason to apply for homebound instruction unless she is experiencing medical complications with her pregnancy.

HIV / AIDS

HIV, the virus that causes the Acquired Immune Deficiency Syndrome (AIDS) is not transmitted through everyday casual contact. It is the position of LMCHS that students infected with HIV attend school in an unrestricted manner. The school will observe all HIV/AIDS-related provisions in section 504 and the Americans with Disability Act (ADA).

Guidance and Counseling Information

The counselor and the advisor (teacher) is the student's best source of information when the student has questions or problems. The counselor and senior advisor have college, vocational school, and military information. Also, the counselor/advisor can assist with tutors and obtain assistance from outside resources for other problems or concerns the student may have.

Enrollment Requirements

Las Montañas Charter High School has an open enrollment policy. Enrollment is open to any student residing in the community.

It is critical to have current custodial and contact information for your child. When you move, change phone numbers or change emergency contact names, contact the school immediately.

Required documents to enroll:

- Completed new student application information form
- Completed all required registration documents
- Proof of student's date of birth (birth certificate, physician's records, passport/visa or previous school records)
- Up-to-date immunization records
- Evidence of physical home address (current utility, water, gas or electric bill)
- Current documentation of grades and/or transcript
- Proof of guardianship (if applicable)

Withdrawal from School

If a student must withdraw from school during the semester, the parent must accompany the student to begin the process. An administrator will authorize the withdrawal process with the parent or guardian. The student must turn in all textbooks, and pay any amount owed to the school before withdrawing from school.

Charge for Lost Textbooks and damaged materials, or equipment

Students will be responsible for caring for all books and supplies that they use. As per **Instructional Material Law (22-15-10 B)**, as it pertains to school districts, state institutions, private schools or adult basic education centers, the parent, guardian, or student may be held responsible for the loss, damage or destruction of instructional material while such materials were entrusted to the student.

Any instructional material to include computers, Chromebooks, textbooks or other mechanical equipment that has been lost or damaged must be replaced at full value. This value is to be assessed according to replacement cost. If the materials cannot be replaced with the exact title, or model the cost of a similar product is to be assessed. Payment for the replaced items must be made to the school.

Correction of School Records

Students are encouraged to verify their records to ensure that information in their files is correct. If their name, address, phone number or parent/guardian information is incorrect, the office administrator must be informed so that the proper corrections can be made.

Graduation Requirements

Please see course catalog for course information on course descriptions and graduation requirements.

Make-up Work

A student's academic standing can be negatively affected by absenteeism. Therefore, it is the responsibility of the student to make up work that was missed due to an absence. If a student is excused from school for a school-sponsored activity, it is the responsibility of the student to see teachers in advance of the absence to arrange for make-up work.

Questions about Grades

If the student believes that their teacher has made a mistake when issuing his/her grade, the following steps must be taken to resolve this problem:

1. The student must review his/her class paperwork to ensure that a possible error did occur.
2. The student must make an appointment with the teacher for a meeting.
3. The student must have all class paperwork on hand for review with the teacher.
4. The student must not interrupt a class to discuss grades.
5. The student and teacher must review the grading procedure to determine if the error is a misunderstanding.
6. The student must listen carefully to the explanation the teacher has given.
7. If the student is still not satisfied with the outcome, an appointment can be scheduled with the Academic Dean to discuss the matter further.
8. If the student notices a missing grade in his/her report card, the student needs to report this matter to that teacher. The teacher will, in turn, provide the appropriate grade information to the registrar.

Response to Intervention

It is the belief of the LMCHS Governance Council that all students can learn and that all students provided the appropriate support can meet the high academic standards of the school. LMCHS Governance Council recognizes that many of the students coming to LMCHS will be in need of additional instruction and support to achieve the high academic expectations of the school. To achieve this, LMCHS will provide additional support and instruction during an advisory period or intervention course to assist students with academic progress and success.

Interim Notices

Term grades will be available through PowerSchool online.

Attendance and Truancy - See LMCHS Attendance Policy

Tardiness

Tardiness is viewed as a disruption to the classroom environment. Coming in late not only deprives the tardy student of full learning time, but it also disrupts the education of other students. If a student is to learn, he/she must be in his/her classroom prepared to work when class begins.

Students must sign in when reporting to school late. Please report to the main office area.

Nutrition Services

Las Montañas Charter High School nutrition services are operated under the National School Lunch Program (NSLP) and comply with the Community Eligibility Provision. All enrolled students will have the option to eat free breakfast and lunch that follows all NSLP nutritional guidelines and principles.

Student Conduct

ACCEPTABLE USE OF INTERNET AND TECHNOLOGY RESOURCES

All LMCHS students, employees, contractors, volunteers, and other school officials who use or have access to school district technology must sign and abide by the school district's Acceptable Use Policy (AUP) indicating their knowledge of and agreement of terms and conditions of use of district technology resources. Failure to follow the AUP will result in the loss of these tools and may result in disciplinary action up to and including suspension, expulsion, termination, and criminal charges. All technology resources must be used in a responsible, efficient, ethical, and legal manner and in accordance with LMCHS mission statement and goals.

Field Trips

Throughout the school year, students may be participating in academic field trip excursions sponsored by the school. Students are expected to behave appropriately and with respect to other environments and other individuals. Disrespect and inappropriate behavior during a field trip may result in a student unable to attend future ventures. Profanity is not permitted, and the highest degree of respect for others and the environment is expected. All school rules will apply when on a field trip.

Sensitive Material

If a particular class assignment or presentation is offensive to the student or the parent/guardian, ask the teacher (*in writing*) for an alternative assignment. Movies rated "G," "PG," or "PG13" may be shown at LMCHS without parental consent. Teachers will notify parent(s)/guardian, as well as the principal when the sensitive material will be utilized.

Permit to Leave Campus

If a student needs to leave campus during school hours, the student needs to obtain parental permission before leaving. The student must sign out in the office; leaving campus without doing so is considered truant. Students will only be released to those persons named in the "Student Emergency Contact Information" for students that do not drive themselves to school. If a student returns to campus that day, he/she shall go to the office and sign back in before returning to class.

Student Identification Card

Each student will be issued an Identification Card each school year. Students are required to have their I.D. cards in their possession at all times.

Conduct During Lunch Periods and off-campus requirements.

Students must stay on campus while eating lunch unless they have an off-campus pass signed by parents and administration (generally reserved only for Seniors). Administration may revoke off-campus privileges for any reason and at any time. During lunch, students must abide by all school handbook rules. Lunch must be eaten in the designated eating areas and **NOT** in classrooms or academic wings.

Cell Phones and electronic devices including but not limited to earbuds/headphones and smart watches

Las Montañas does not allow phone usage during instructional time. All phones and other electronics (including earbuds/headphones) must be turned off and put away. If Cell phones or other electronic devices are being used during instructional time, teachers will give one warning to students to put the items away. If after the warning students continue to use or do not put away the items teachers have the right to confiscate the phones or other devices until the end of the class period. If students are non-compliant, Teachers will inform Administration who will then confiscate these devices and write a student referral under Category A.

Any confiscated devices will be returned to the student or parent at the end of the day. *Las Montañas Charter High School is not responsible for any lost, stolen, or damaged phones or other electronic devices.*

Good Neighbor Policy

LMCHS students are encouraged to be positive role models as they travel to and from school and interact with the community. Students unwilling to share the responsibility of representing the school in a positive manner during or after school and at school-sponsored activities may be recommended for disciplinary action or other intervention.

Discipline Overview

The students of LMCHS will uphold the values of respect and responsibility in their everyday attitudes with all staff and students. The Academic Dean or designated official will oversee any situation where students are in ethical violation, and respect and responsibility are not displayed. Hazing will not be permitted as a condition of membership of any organization or group at LMCHS. Discipline violations will be handled on an individual basis, and the disciplinary policy is subject to be modified at the discretion of the Governance Council.

We believe that all students should be able to take educational challenges that do not jeopardize the students or staff in any way. We want to foster our mission of care and belonging to a safe school community.

Each teacher will establish clear and precise expectations, boundaries and consequences for student behavior in his/her classroom. When the classroom teacher cannot mediate or resolve a behavioral conflict, discipline will reside with the Administration or designated official.

All state and federal due process laws for students will be followed in accordance with New Mexico Statute 22-5-4.3 "**School Discipline Policies.**" It is the philosophy of LMCHS that discipline can be a teaching moment, therefore whenever possible, Las Montañas will utilize **Restorative Discipline practices.**

Discipline Matrix Point system

Las Montañas utilizes a discipline matrix point system for the reporting of disciplinary offenses and the levying of consequences. Students who are assessed points keep their points for the duration of a school year. At the beginning of the following school year, all disciplinary points are erased from a student's record. In some cases, points will carry over from one academic year to the next, per administration, in response to serious violations, or other offenses that demonstrate abuse or manipulation of the point system. The school's point system identifies students who continue to demonstrate continual non-compliance with the school's policies in the Discipline Matrix Categories A through D. As disciplinary consequences escalate so do the points (see discipline matrix below). As point values increase, it becomes clear that a student is focused on areas other than education and compliance.

Upon reaching 12 points a student may be expelled from Las Montañas.

Expulsion (Removal) / disenrollment of Student

Expulsion/dis-enrollment is the exclusion of a student from school permanently. A student will be placed on temporary suspension until the administration reaches a decision regarding permanent expulsion. The school reserves the right to determine which violation(s) that disrupted the learning process was severe enough to result in expulsion/dis-enrollment from LMCHS.

- ✓ LMCHS will contact the parent(s)/guardian in a timely manner and include the parent(s)/guardian in all expulsion proceedings.
- ✓ Students have the right to DUE PROCESS when expelled or dis-enrolled from LMCHS.
- ✓ There will be immediate notification of law enforcement authorities of situations that are violations of criminal law or behaviors that are reportable by federal, state or local laws.
- ✓ LMCHS will comply with the federal GUN-FREE SCHOOLS ACT.
- ✓ **LMCHS reserves the right to refuse enrollment to a student who was expelled or lengthily suspended from another school for actions that would warrant expulsion from Las Montañas.**

RESPECT FOR AUTHORITY AND PROPERTY

Students are responsible for compliance with all school policies and all state and federal laws. Students are expected to respond respectfully to all adults while under the jurisdiction of the school district; while on all school-sponsored activities, both on-campus and off-campus; while participating in all athletic and school events; and while traveling on school buses and participating in school-sponsored field trips. This includes the conduct of students who are en route to and from school. Students need to treat all property belonging to the school and others with care and respect.

RESPECT FOR SELF AND OTHERS

The behavior of an individual should not interfere with the rights of others. This includes the use of appropriate language, actions, and attire. In addition, students are expected to:

- Be honest
- Treat others with respect and courtesy
- Refrain from harassing or bullying others
- Come to school free from the influence of tobacco products, alcohol, or drugs; and without the use or possession of such substances
- Exhibit appropriate behaviors that do not offend or distract others.

Student Dress Code (Category A)

The student dress policy is an essential aspect of creating a school environment that is safe, conducive to learning, and free from unnecessary disruption. During the school day and while participating in school-related activities/functions, students shall adhere to a standard of dress and appearance that is appropriate. Student dress and personal appearance shall meet reasonable standards of cleanliness and safety and must show respect for others. Personal appearance and dress that violate reasonable standards; compromise safety; demean, slur or harass others through symbols, words, or images; and disrupt the educational process shall not be tolerated.

The above statement provides basic guidelines but is not limited to the described items. When, in the judgment of the administration, a student's appearance or mode of dress is distracting, disrupts the educational process or constitutes a threat to health or safety, the student may be required to make requested modifications. Failure to comply with this policy could result in a parent conference leading to a possible suspension from school or the student being sent home for the remainder of the day

Student Parking

Students are allowed to drive to school provided they have all of the necessary driving documents as required by state law. The student is not allowed to sit in the vehicle during the day. Student parking is restricted to the **North parking lot**. Parking privileges will be revoked if a student is speeding, operating the vehicle in an unsafe manner, or refusing to park in designated areas. If the vehicle is used to transport any illegal substance(s) or weapon(s) onto school grounds, the student's parking privileges will be revoked.

- The speed limit on campus is 10 m.p.h.
- Inappropriate driving activity will result in disciplinary action.

LMCHS assumes no responsibility for the student's vehicle or its contents. The student must lock his/her vehicle and not leave valuables in it. If theft or loss should occur, the student must contact his/her insurance provider.

Student Disruption of the Education Process (Category A/B)

As a student of LMCHS, each student has a right to quality education. LMCHS students, parents, guardians, and staff share the responsibility of maintaining a respectful campus environment. Administration, faculty and other staff have the responsibility to determine when a student's behavior is inappropriate, disruptive, or in violation of school rules or regulations. Distractions to the continuation of the instructional process are prohibited. Some examples of classroom disruption are as follows:

- ✓ Students that do not perform assigned tasks
- ✓ Students exhibiting behavior that interferes with the teacher's right to teach
- ✓ Students exhibiting behavior that interferes with another student's right to learn
- ✓ Students who speak out at inappropriate times
- ✓ Students who roam around the classroom and do not remain seated
- ✓ Students who leave class, or enter another classroom without permission

Students who are consistently disruptive to the learning environment will be subject to the appropriate disciplinary action.

Interruption of Classes (Category A/B)

Whenever a class is interrupted, the education of all the students in the class is put on hold. Therefore, the following school rules will be strictly followed:

- Cell phones are not allowed during instructional time. See cell phone and electronics policy
- Deliveries – Flower bouquets, balloon bouquets, cake, candy, etc., will be received in the front office, the student may pick up deliveries after school.
- Pets – Students may not bring pets or animals to school.
- Children/Siblings/Guests – Students may not bring their children, siblings, or other relatives to school without prior approval by the administration.
- Attending all classes – Students must attend each of their classes every day. Students must receive written permission to be outside of class during regular class time.

Use of Tobacco Products, Vape pens, Alcohol, Illegal Drugs, or OTC drugs (Category B/ C/D)

In the interest of preserving the health and safety of all its students, LMCHS intends to maintain a smoke-free, vape-free, drug-free environment. It is the policy of the Governance Council and LMCHS that smoking or Vaping on school campus not be allowed. LMCHS also prohibits students from using, possessing, distributing or trafficking alcohol or other harmful and illegal substances on school property or at school activities. Distribution or trafficking of illegal substances will lead to expulsion proceedings and a report to law enforcement.

Over-the-Counter (OTC) medications- Because students may have adverse reactions to different OTC medications, OTC medications shall not be distributed from staff to students, or from student to student. Furthermore, students who take large amounts of OTC drugs for the sole purpose of becoming under the influence of these drugs will fall under a category C.

The administration is willing to make substance abuse counseling available for any student who chooses to seek help. However, any student who is found to violate the school's policy against smoking and drug use will be subject to immediate disciplinary action, up to and including expulsion.

PROHIBITION AGAINST BULLYING, CYBERBULLYING, INTIMIDATION AND HOSTILE OR OFFENSIVE CONDUCT (Category C/D)

Bullying behavior, cyberbullying, intimidation and hostile or offensive conduct by any LMCHS student is strictly prohibited, and such conduct may result in disciplinary action, including suspension or expulsion from school. Any repeated and pervasive written, verbal or electronic expression, physical act, or gestures, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, or at school activities or school-sanctioned events. This includes, but is not limited to: hazing, harassment, intimidation or menacing acts against a student which may, but need not be, based on the student's race, color, sex, ethnicity, national origin, religion, disability, school-age or sexual orientation that a reasonable person under the circumstances should know will have the effect of:

- placing a student in reasonable fear of physical harm or damage to the student's property, or
- physically harming a student or damaging a student's property; or
- Insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student.

"Cyber-bullying" means electronic communication that-

- Targets a specific student
- Is published with the intention that the communication be seen by or disclosed to the targeted students; is in fact seen by or disclosed to the targeted students; and

- Creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student's educational benefits, opportunities or performance.

Students and parents may file verbal or written complaints with school personnel and administrators. Any report of suspected behavior will be promptly investigated. If complaints are verified, prompt disciplinary action may be taken against the perpetrator, up to and including suspension or expulsion.

LMCHS believes that providing an educational environment for all students, volunteers, and families that are free from harassment (because of disability, racial, religious, or sexual orientation), intimidation, cyberbullying or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse. Therefore, harassment, intimidation, bullying, and hazing are forms of dangerous and disrespectful behavior that will not be tolerated. Students participating in one or more of these activities are subject to school discipline and/or legal ramifications.

Physical Altercations, Verbal Assault or Intimidation of Students, Teachers or Other School Employees (Category C/D)

Threatening or violent behavior is serious enough to warrant a suspension from school with possible long-term suspension. The student may also be reported to the civil authorities for prosecution.

Destruction or Theft of School Property (Category C)

Students are required to treat all school property with respect. LMCHS staff will be allowed to take appropriate action to prevent or respond to destruction or theft of property. Students are subject to the following consequences:

- Suspension from school or expulsion
- Payment for damages
- Reporting to the authorities for prosecution

Sexual Harassment (Category C)

Sexual Harassment is unwanted, unwelcome attention directed toward a person's sexuality or sexual identity. It affects relationships among students and faculty. LMCHS wants to offer a fair, mutually respectful environment where everyone has equal opportunities for education. Sexual Harassment is hurtful, harmful and illegal. Sexual Harassment is prohibited by federal law under Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972. Any individual who violates the

Sexual Harassment policies will be penalized. Students are required to report any incident of sexual harassment to LMCHS school officials.

VIOLENCE, GANG OR GANG-LIKE ACTIVITIES (Category C/D)

LMCHS recognizes that the presence of any violent, gang, and/or gang-like activities can cause a substantial disruption of or interference with the school educational process and/or activities. In addition, the Governance Council recognizes that the primary focus in providing gang and potential violence intervention is involving parents and the community in developing a proactive approach designed to offer assistance to students and families in dealing with the problems of a changing society. LMCHS forbids the possession, care, use, or distribution of all weapons by students or unauthorized persons in or around a school location, or school-sponsored activity. Threats of mass violence including but not limited to mass shootings, bomb threats, etc. will not be tolerated. These threats may be via phone, in person, or via social media.

LMCHS is enacted and enforced to implement the requirements of the federal Gun-Free Schools Act of 1994, 33 U.S.C., Section 3351(a)(1), and Gun-Free School Zones Act of 1990, 18 U.S.C., Sections 921-924, and LMCHS intends to conform to the provisions of those referenced laws

Student Possession of Firearms / Weapons (Category C/D)

If a student is found to be in possession of a firearm at school or at a school-related function, the student will automatically and immediately be expelled from LMCHS and referred to a law enforcement agency. LMCHS will comply with all applicable state, federal and local laws regarding firearms and weapons. **Any student bringing a gun to school will be expelled in accordance with the Gun-Free School Act of 1994.** Any weapon (Any instrument that can result in bodily harm or property damage) is subject to a Category C or D depending on intent to use, or possession without the intent to use the weapon.

Student Searches and Interrogation

Per NMAC 6.11.2.10, LMCHS reserves the legal right to search students and student belongings when there are just and reasonable grounds to do so, this also includes student vehicles parked on school grounds.

The Principal shall make a reasonable attempt to notify the student's parent if a law enforcement officer needs to interrogate or detain a student at school. If the parent is not able to be in attendance, the Principal may be present during the interrogation.

Canine Inspection

LMCHS prohibits the use or possession of illegal contraband and drug paraphernalia. Canines may be used periodically to inspect school property, including but not limited to: hallways, bathrooms, parking lots (including all vehicles parked on school property) and classrooms.

**Category A
1 point offenses**

- Minor school disruption/disrupting class/horseplay
- Inappropriate Dress *
- Use of items at inappropriate times (Cell phones, earbuds)
- Cheating/plagiarism
- Lack of preparation for class (frontloading)
- Tardies (habitual)
- Improper use of a motor vehicle
- Withholding information or being untruthful

Consequences:

1st offense- Conference with Teacher

2nd offense- Phone call home by Teacher or Administration *

3rd offense- Office referral (1 point)

Continued violation of Category A may warrant movement to Category B consequences.

Category B Referrals 2 point offenses

- Excessive profanity
- Tobacco use or Vaping on campus*
- Skipping/Off-campus without authorization
- Computer use violation
- Rumors/Gossip (including via social media) leading to confrontation or disruption of the education process
- Verbal confrontation/verbal assault
- Noncompliance/insubordinate with a staff member
- Truant (Seven or more unexcused absences)**
- Obscene act or gesture

Consequences:

1st offense- Conference with Teacher or Administration

2nd offense- Office Referral and Phone call home by Administration (2 points)

3rd and subsequent offenses- Office Referral, possible suspension of up to two days depending on the frequency and or severity (2 points)

*Referral directly to administration

**Referral to Attendance Coach

Category C Referrals
3 point & 4 point offenses

- **Bullying/Threatening behavior/Intimidation**
- **Sexual Harassment**
- **Vandalism/Graffiti/Tampering with school equipment (e.g., fire alarm, fire extinguishers, Lift)**
- **Disorderly Conduct/Creating an unsafe situation/instigating/Inciting**
- **Under the influence of Alcohol/Solvents/ Drugs or possession of paraphernalia**
- **Possession of a weapon, no intent**
- **Fighting, Assault, and Battery**
- **Gang-related activity**
- **Tampering with school records**
- **Theft**

Consequences:

1st offense Office Referral- Up to three days suspension (3 points)

2nd offense - Office Referral-Up to five days suspension (4 points)

3rd offense - Office Referral -Up to five days suspension (4 points)

Category D: Expulsion

- Possession with intent, or assault with a weapon
- Possession of a firearm
- Extortion/Arson/Robbery using force
- Terroristic threats of violence, to include but not limited to bomb threats/mass shootings
- Intent to, or distribution of, illegal substances or alcohol
- Assault or Battery on a staff member
- Physical or sexual assault
- Other serious or delinquent acts

Consequences:

1. Administration- **Expulsion** from Las Montañas and possible referral to authorities

Las Montañas Charter High School

Employee and Student Grievance

Resolution Procedure 13.06.06

A. Purpose

The purpose of this policy is to provide a procedure for the reporting and resolution of legitimate employment-related and campus related concerns of the employees of the school and the students who attend the school and their parents.

B. Definitions and Limitations

1. "Grievant" is referring to either an employee, a student or parent/ guardian who is personally and directly affected by a condition for which he or she seeks a resolution.
2. A "grievance" shall be an allegation by the "grievant" that the treatment he or she has received from a supervisor is unfair or improper, or that there has been a violation, a misinterpretation or an inequitable application of Governing Council policy, administrative rules, or procedures, that directly and adversely affects the grievant. A single grievance may be submitted jointly by more than one grievant.
3. "Resolution(s)" shall be the proposed written decision by the appropriate administrator(s), grievance review committee or Governing Council, in response to the grievance.
4. "Parties in interest" shall be the grievant and the supervisor or other Employee(s) of the school whose conduct or actions are the subject of the grievance.
5. The following situations are not covered by this grievance procedure and are therefore not grievable under this policy.
 - a. the discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by his or her immediate supervisor, including the issuance of a Professional Growth Plan to address substandard work performance;
 - b. any personnel decision made by the principal, including, but not limited to, a refusal to re-employ, a discharge, a demotion, or any other action directly and adversely affecting the employment of an

- employee;
- c. any personnel decisions made by the Principal relating to conducting a special employee evaluation, reductions in force, issuance of a Professional Development Plan, evaluations of licensure, performance of investigations of misconduct, placement on administrative leave with pay, transfer, reassignment and assignment of duties and responsibilities.
 - d. any personnel decisions made by the Principal related to personnel actions regarding amendments to employee's contracts, employment agreements, and/or special increments addendum.
 - e. situations in which the Principal and Governing Council are authority to act;
 - f. situations in which the remedy for the alleged violation exclusively resides in some person, agency, or authority other than the Principal or Governing Council;
 - g. situations as to which a different procedure or remedy has been provided by the Governing Council through policy, procedure or practice;
 - h. situations as to which the procedure within the School is prescribed by state or federal authority; and
 - i. situations involving a grievance by a contractor with the School.
6. A grievance cannot be filed by a former employee after the effective date of resignation, termination or discharge of employment.
 7. Failure of the grievant to follow the procedure in the succeeding steps as listed below, use of improper petition forms, or use of a bypass procedure through any other means not listed in this process shall render the grievance null and void at the discretion of the Principal.
 8. Should a grievant file a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission, the Human Rights Division of the New Mexico Department of Labor or file a complaint with the Office for Civil Rights for the U.S. Department of Education regarding matter to be grieved, the grievance will be dismissed without further action. The seeking of other remedies permitted by law or by a union collective bargaining agreement will render a grievance under this Policy null and void.
 9. Once the grievance has been resolved or rejected, it may not be reinstated by the same grievant.
 10. A grievance is interpreted to be an unresolved individual issue rather than a group complaint. At no time may the grievance procedure be

used as a ploy for "grieve outs" or multiple grievances at one time period by either individuals or groups - formal or informal.

11. At the discretion of the Principal, a grievance may be placed into grievance process at any step appropriate due to the alleged facts of the grievance or where the level of management would be unable to resolve the grievance.

C. General Procedural Requirements

1. A grievance must be initiated at Level 1, as provided in Section D, within ten (10) work days of the date upon which the grievant became aware of the circumstances which gave rise to the grievance.
2. No persons shall suffer retaliation, recrimination, discrimination, harassment, or be otherwise adversely affected because of his or her use of this grievance procedure.
3. Whenever possible, any grievance conference or hearing at any level shall be scheduled during a mutually convenient time that does not conflict with the regularly scheduled school program.
4. A grievant requiring the attendance and testimony of other employees shall have the right to bring such witnesses as are willing to testify in his or her behalf, and any necessary substitutes or released time shall be provided and the expense borne by the school when hearings must be scheduled during the school day.
5. A separate file shall be maintained by the school for grievances. All documents produced during the processing of a grievance shall be filed therein. All parties shall maintain confidentiality with regard to the proceedings and the resolution of the grievance shall not be made public unless agreed to by the grievant and the principal, or unless the grievant pursues the matter beyond this policy. Nothing in the policy shall prevent the school from using information from a grievance in defense of any legal action initiated against the school, its administrators or employees.
6. Nothing contained herein shall be construed to limit in any way the ability of the school and the grievant to resolve any grievance by informal means, and nothing herein shall be construed as requiring resort to the formal procedures when grievable problems arise.

7. A grievant may terminate the process at any level if he or she indicates in writing a desire to do so, accepts the resolution at that level, or fails to pursue his or her grievance by filing at the next level within the specified time limit.
8. All grievances shall be filed and processed on grievance forms prepared by the school and available in the office of each principal or in the school central office.
9. The time limits at any level may be extended by mutual agreement between the grievant, on one hand and the supervisor, principal, review committee or governing council on the other.
10. Under this policy, the grievant has no right to representation at any step of the grievance process, unless specifically provided for under a collective bargaining agreement, and the grievant has no right to electronically record any of the meetings or conferences held under this policy. The supervisor or administrator hearing the grievance at any level may permit at his or her discretion representation of the grievant or permit the electronic recording of the meeting at their respective level of the grievance only.
11. Except as otherwise provided herein, unless a party can demonstrate prejudice arising from a departure from the procedures established in this policy, such departure shall be presumed to be harmless error.

A. Procedural Steps

Level 1 (Informal Conference)

Prior to the filing of a formal written grievance, the grievant shall first discuss his or her grievance with his or her immediate supervisor in a good faith attempt to resolve the grievance prior to the filing of a formal grievance. In the case of a claim of sexual harassment in which the grievant's supervisor is the subject of the claim, the grievant may initiate the grievance at the next supervisory level above that of the subject supervisor.

Level 2 (Supervisor)

If the grievant is not satisfied with the discussion and disposition of his or her

grievance at Level 1, he or she may file a written grievance with his or her immediate supervisor within ten (10) work days of the disposition. The immediate supervisor shall communicate his or her proposed resolution in writing to the grievant within five (5) work days from the filing of the written grievance. Although no hearing or conference is required at this level, the immediate supervisor shall have the discretion to require a hearing or conference and gather such evidence prior to the preparation of the decision as he or she, in his or her discretion, feels would assist in any appropriate resolution of the grievance. The hearing or conference, if any, shall be as informal as possible and shall be conducted as the immediate supervisor, in his or her discretion, feels is appropriate for a full understanding of the grievance, the position of the grievant and the evidence supporting that position.

Level 3 (Principal)

If the grievant is not satisfied with the resolution of the grievance at Level 2, or if the supervisor fails to issue a proposed resolution within the time limit set forth above, the grievant may file the grievance with the principal, within five (5) working days after the resolution was rendered or was due, if none was received. The principal shall conduct a closed informal hearing with the parties in interest to the grievance within five (5) working days after receipt of the grievance. The hearing by the principal shall be as informal as possible and shall be conducted as he or she feels is appropriate for a full understanding of the grievance. The principal shall have the right to ask any questions of the interested parties as he or she deems necessary. Within five (5) working days following the hearing, the principal shall render his or her written proposed resolution to the grievant. In arriving at his or her decision, the principal has complete discretion in fashioning such relief, if any, as it believes is appropriate, regardless of the relief requested. In all matters related to personnel decisions, the decision of the principal with regard to the grievance shall be final.

Level 4 (Governing Council)

In instances in which determination of the grievance turns upon interpretation or construction of a Governing Council policy or decision, if the grievant is not satisfied with the resolution of the grievance at Level 3 with regard to the specific issues available for Level 4 review, the grievant may make a written request to the principal for a hearing with the governing council within five (5) working days after the principal's resolution was rendered or was due, if none was received.

The Governing Council shall schedule an informal hearing within five (5) working days of receipt of the grievance. The procedure for the hearing shall be as follows:

1. Each party in interest to the grievance shall have the opportunity to present oral statements limited to ten (10) minutes each. The presentation shall be limited to a review of evidence previously presented to the principal, unless the governing council, in its discretion, allows new evidence to be presented during the hearing. Evidence may not be cross-examined by the other party in interest.
2. Since grievances are "personnel matters" related to the employee, the hearing may be conducted in an executive session, if the grievant so requests and the governing council votes to close the hearing. The grievant may demand that the hearing be held in open session, in which case the hearing must be open.
3. The governing council may make such inquiries of any party in interest as it deems necessary or appropriate.
4. The governing council shall render a written decision within a reasonable time. In arriving at its decision, the governing council has complete discretion in fashioning such relief, if any, as it believes is appropriate, regardless of the relief requested.

GRIEVANCE FORM

GRIEVANT: _____

POSITION: _____

STATEMENT OF GRIEVANCE

A. Date cause of grievance occurred: _____

B. Date of informal discussion with party of interest: _____

C. Description of grievance: _____

(attach additional pages, if necessary)

D. Relief sought: _____

Date

Signature of Grievant

**LEVEL 2
GRIEVANCE PROCEDURE
RESOLUTION**

Supervisor: _____

Date Received: _____

Hearing Date (if any): _____

Resolution of Supervisor: _____

Date

Signature of Supervisor

POSITION OF GRIEVANT

_____ I am satisfied with the resolution of the Supervisor.

_____ I am not satisfied with the resolution of the Supervisor and hereby appeal the resolution to Level 3.

Date

Signature of Grievant

**LEVEL 3
GRIEVANCE PROCEDURE
RESOLUTION**

Principal: _____

Date Received: _____

Hearing Date (if any): _____

Resolution of Principal:

Date of Resolution

Signature of Principal

POSITION OF GRIEVANT

- ___ I am satisfied with the resolution of the Principal.

- ___ I am not satisfied with the resolution of the Principal and hereby request a Level 4 hearing before the Governing Council. (The grievance must meet the specific requirements for level 4 review otherwise the decision of the Principal is final.

Date

Signature of Grievant

**GRIEVANCE PROCEDURE
DECISION OF GOVERNING COUNCIL**

Date Received: _____

Hearing Date (if any): _____

Decision of Governing Council:

Date of Decision

Signature of President