

Las Montañas Charter High School

Policy & Procedure Manual

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Las Montañas High School

Mission Statement Policy – Section 13.01

The mission of Las Montañas (Charter) High School is to develop the academic potential and personal character of each student by engaging and valuing the student, family and community partnership.

Students will work to prepare for and meet the challenges of a post-secondary or workforce environment for a globally diverse society.

Las Montañas High School

Employment-at-Will Policy – Section 13.02

Employees who do not have a separate, individual written employment contract are employed at-the-will of Las Montanas (Charter) High School, and are subject to termination at any time; for any reason; with or without cause; with a ten (10) day notice. Employees voluntarily terminating their service with the school are expected to give advance notice of not less than ten (10) working days. This notice should be submitted to the supervisor, in writing, and should specify both the last day of work and the reason for terminating.

No Las Montanas (Charter) High School representative is authorized to modify this policy for any employee, or to enter into any agreement, oral or written, contrary to this policy. No statements made in pre-hire interviews or discussion, or in recruiting materials of any kind, are to alter the **"at-will"** nature of employment or imply that discharge will occur only for cause. The **"at-will"** nature of the employment relationship can only be altered by the Academic Dean with approval of the Board of Directors.

At the time of hiring, employees will be required to sign a written statement acknowledging that they are employed at-the-will of Las Montanas (Charter) High School, and are subject to termination at anytime, for any reason, with or without notice, and with or without cause.

Las Montañas High School

Organizational Structure – Section 13.03

- Organizational Structure for School Year 2007-2008 – Created Aug 2007 by MLR
- Organizational Structure for School Year 2008-2009 – Created Aug 2008 by MLR
- Organizational Structure for School Year 2009-2010 – Board Approved 06-25-09

Las Montañas High School

Equal Opportunity Education – Section 13.04

Every student has the right to have access to a public education. No student will be subject to discrimination, harassment or obstacles to his/her democratic right to benefit from a public education.

Las Montañas High School 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. Las Montañas will observe all provisions of Section 504, and the "*Americans with Disability Act*" (ADA) of 1990.

Las Montañas Charter High School

Students – Section 13.05 (Revised)

Section: 13.05.01—Substance / Alcohol Abuse

Las Montañas High School will be in full compliance with the State Board Regulation 81-3 that prohibits students from using, possessing, distributing or trafficking alcohol or other harmful and illegal substances on school property, at school, or at school activities. Students are expected to be in such mental and physical condition as will permit them to perform their assigned classroom tasks in a competent manner. An inability to meet these standards will result in a referral to Las Montañas' Health and Mental Services, and a report to law enforcement. Distribution or trafficking of illegal substances will lead to expulsion proceedings and a report to law enforcement.

Controlled Substances

The term "controlled substances" as used in this policy is defined to include legal and illegal drugs. The use or possession of legal drugs (i.e., those drugs for which a valid prescription is required before the drug may be used or possessed) is not prohibited by this policy unless that use or possession is inconsistent with the prescription or where no such prescription has been provided. The term "illegal drugs" is defined to include all such drugs where the use, sale, possession, distribution, manufacture, or transfer is prohibited by law, and includes, but is not limited to: narcotics, hallucinogens, stimulants, depressants, so-called "designer drugs" and marijuana.

Alcohol

Las Montañas also prohibits reporting to school while impaired from the use of alcohol or alcohol consumption on school property or school activities. As used in this policy, "impaired from the use of alcohol" means that the student's performance or behavior is marked by abnormal conduct or erratic or aberrant behavior.

The school staff is willing to make Substance/Alcohol Abuse counseling available for any student who chooses to seek help. Then again, any student who is found to be in violation of this policy will be subject to immediate disciplinary action, up to and including expulsion from school.

All final decisions are subject to the approval of the Academic Dean.

Las Montañas High School

Students – Section 13.05

Section: 13.05.05—Student Nutrition

Purpose

To establish a 'Student Nutrition Policy' that supports a positive nutrition environment at Las Montañas (Charter) High School, and to enhance learning and the development of lifelong healthy eating practices.

Issue

The Board of Directors recognizes that childhood obesity has reached epidemic levels in New Mexico and throughout the country. Overweight children are at a higher risk for developing severe long-term health problems, and are affected by discrimination, psychological stress and low self-esteem. Research indicates that American children's diets are deficient in vegetables, fruits and milk, and excessive in saturated fats. Students' lifelong eating habits are greatly influenced by the types of foods and beverages made available to them.

Position

- A. The Board and LMCHS recognize the value of school meals and good nutrition and support the delivery of nutritious food that follows the dietary guidelines established by U.S. Department of Agriculture, and the NM Public Education Department.
- B. The Board and LMCHS recognize that students need to have an opportunity to experience a positive nutrition environment while at school.
- C. The Academic Dean shall develop and implement a comprehensive district wide nutrition program consistent with state and federal requirements, and take a proactive approach to encourage students to make nutritious food choices.
 - 1) A variety of healthy food choices is available whenever food is sold or served at Las Montañas, at sponsored events or school-related fundraisers.

- 2) Las Montanas shall regulate the sale or serving of foods or snacks outside of the Food Service Department.
- 3) Meals and a la carte offerings served by the Department of Food Service will comply with state and federal law.
- 4) Las Montañas shall provide adequate time and space for students to eat meals in a pleasant and safe environment. Las Montañas shall ensure:
 - a) Seating is not overcrowded,
 - b) Rules for safe behavior are consistently enforced, and
 - c) Adequate supervision is provided

Review and Reporting

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

*Legal Reference: Section 204 of Public Law 108-265 of Child Nutrition and WIC Reauthorization Act of 2004.
Nutrition: Competitive Food Sales rule 6.12.5.8 NMAC*

Las Montañas High School

Students – Section 13.05

Section: 13.05.06—Nutrition Education

Purpose

To develop a policy ensuring nutrition education is provided at Las Montañas (Charter) High School in order to positively influence students' eating behaviors, and to assist them in developing lifelong healthy eating habits.

Position

The Board of Directors and Las Montañas (Charter) High School support "Nutrition Education" that is:

- D. Sequential and interdisciplinary
- E. Age appropriate and provides students the skills needed to choose foods that support the development of healthy bodies
- F. Aligned with the NM Health Education content standards with benchmarks and performance standards, as set forth in *6.30.2.19 NMAC*, and is
- G. Supportive of the positive nutrition environment referenced in the "Students Nutrition" policy

Review and Reporting

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

Legal Reference: 6.30.2.19 NMAC, Section 204 of Public Law 108-265 of Child Nutrition and WIC Reauthorization Act of 2004

Las Montañas High School

Students – Section 13.05

Section: 13.05.07—Wellness for Students and Staff

Purpose

To establish a coordinated approach to students and staff of Las Montañas (Charter) High School on health and wellness.

Position

The Board of Directors and Las Montañas (Charter) High School recognize that a coordinated school health program, involving communities and families, will facilitate a lasting change in student and staff health, thereby increasing student graduation rates, decreasing absenteeism, and creating a climate for academic success, and achievement of a healthier lifestyle.

Guidelines

H. The Components of a 'Coordinated School Health Program' are:

- 1) **A School Health Advisory Council (SHAC)** consisting of parent(s) , school food authority personnel, school board member(s), school administrator(s), school staff, student(s), and community member(s)
- 2) **Family, School and Community Involvement** is the integration of family, school and community for enhancing the health and well-being of students
- 3) **Health Education** is an instructional program that provides the opportunity to motivate, and assist all students in maintaining and improving their health, preventing disease, and reducing health-related risk behaviors. This program meets the content standards with benchmarks and performance standards, as set forth in 6.30.2.19 NMAC

- 4) **Physical Education** is an instructional program that provides cognitive content and learning experiences in a variety of activity areas. It meets the content standards with benchmarks and performance standards, as set forth in Section 6.30.3.20 NMAC
- 5) **Health Services** are provided for students to appraise, protect, and promote health. These services are designed to ensure access, or referral to primary health care or behavioral health services or both; foster appropriate use of primary health care services, behavioral health services, prevent and control communicable diseases and other health problems, provide emergency care for illness or injury, promote and provide optimum sanitary conditions for a safe school facility and school environment, and provide education and counseling opportunities for promoting and maintaining individual, family, and community health.
- 6) **Healthy and Safe Environment** supports the physical and aesthetic surroundings, and the psychosocial climate and culture of the school. It supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse
- 7) **Nutrition** are programs that provide access to a variety of nutritious and appealing meals and snacks that accommodate the health and nutrition needs of all students
- 8) **Physical Activity** is body movement of any type, which includes recreational fitness, and sport activities
- 9) **Social and Emotional Well-being** supports the services provided to maintain and/or improve students' mental, emotional, behavioral, and social health
- 10) **Staff Wellness** is providing opportunities for school staff to improve their health status through a variety of activities that lead to a healthy lifestyle, and improved morale

Review and Reporting

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

Legal Reference: 6.12.6 NMAC, Section 204 of Public Law 108-265 of Child Nutrition and WIC Reauthorization Act of 2004

Montañas High School

Students – Section 13.05

Section: 13.05.08—Parental Involvement

Purpose

The Governance Board of Education is committed to parental involvement in student academic achievement and school performance. Las Montañas Charter High School will take all appropriate action to provide an effective support system to encourage and facilitate parental involvement in all school programs and activities.

Position

It is the policy of the Governance Board of Education and the Academic Dean that parents play an integral role in their children's education in school; that they participate in regular, two-way, meaningful communication with teachers and other staff regarding student academic performance, and other school-related sponsored activities—outside of regular school hours. Furthermore, that parents participate in their children's education as full partners in the decision-making process, and as members of advisory committees, and as school volunteers and chaperones.

Definition

“Comprehensive Parental Involvement” shall include the research-based Six National Standards for Parent/Family Involvement Programs, as follows:

1. Communication
2. Parenting
3. Student Learning
4. Volunteering
5. School Decision Making and Advocacy
6. Collaboration with Community

Review

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

BOD Approved: 08-20-2009
BOD Approved Revision: 03-18-2010

Las Montañas High School

Students – Section 13.05

Section: 13.05.09—Attendance

Purpose

The administration and staff at Las Montañas Charter High School would like to work closely with parents and students to ensure regular attendance for all students. Regular, uninterrupted classroom instruction, classroom participation, and interaction with classmates are essential to the learning process. Regular participation in classroom activities fosters critical thinking, communication skills, and responsibility, all of which are essential skills for future employment. Good attendance in school is also part of the self-discipline that we try to instill in our students to enable them to act as responsible members of the community. The following policy and regulations are in alignment with the New Mexico Public Education Department requirements and the Las Cruces Public Schools policy.

Policy

To be granted academic credit for any course, **students may not be absent more than fourteen (14) days in a semester long course.**

In each course, when a student exceeds the maximum number of absences, this student's work will no longer be evaluated. A notation of "no grade" for all subsequent reporting periods and exams will be entered on the report card. Students who have failed to meet the attendance requirements will be denied academic credit but will be responsible to complete course assignments while they audit the course. **The student will forfeit his/her right to attend summer school at Las Montañas for each course he/she audits if he/she is absent more than an additional seven (7) days during the remainder of the semester.**

Additionally, all absences from class will include the following:

- No distinction will be made between the classifications of excused or unexcused when determining the total number of days absent from each course.
- Students who are absent from class for more than **30 minutes** shall be considered absent.

- Three (3) unexcused tardy arrivals to one class period constitute one absence.
- Students shall not be considered absent when they are authorized by school officials to be somewhere other than in their regularly scheduled class. For example, if school personnel expect a student to report elsewhere during their regularly scheduled class time for such activities as meetings, conferences with school personnel, testing, physical exams, music lessons, or field trips, the student shall not be considered absent. It is the responsibility of the student and/or the designated staff member to provide the teacher with written documentation to attend these sessions before they are permitted to leave the class.
- Absences resulting from the student being assigned to **alternative learning placement** will not count as a class absence.

Transfer Student Policy

As a charter school, Las Montañas recognizes that a large number of students may opt to transfer in at various times in the school year. Often, students who transfer mid-year come with an accumulated number of absences that exceeds the stated amount allowed by the school attendance policy. In keeping with the school's mission to help all students succeed, Las Montañas has enacted a ***Transfer Student Policy***.

During intake, the student's absences to date (at all previous schools during the current grading period) will be determined. If absences exceed 14-days, the student will be placed on an "**Attendance Contract**". **Students on the Attendance Contract will not receive course credit if absent more than five (5) additional days in a semester long course.**

In each course, if a student on an **Attendance Contract** exceeds five (5) absences, this student's work will no longer be evaluated. A notation of "**no grade**" for all subsequent reporting periods and exams will be entered on the report card. Students who have failed to meet the attendance requirements will be denied academic credit but will be responsible to complete course assignments while they audit the course. The student will forfeit his/her right to attend summer school at Las Montañas for each course he/she audits if he/she is absent more than an additional seven (7) days during the remainder of the semester.

Las Montañas Charter High School

Students – Section 13.05

Section: 13.05.10—Bullying, Intimidation and Hostile or Offensive Conduct

Purpose

The purpose of this policy is to require a school environment in which students feel safe and secure. The Board of Education is committed to maintaining an environment conducive to learning, in which student are safe from bullying, violence, threats, name-calling, intimidation, and unlawful harassment.

Bullying, intimidation and hostile or offensive conduct of students impairs the proper atmosphere for education, and creates an inequitable climate for learning. In addition to its negative effect upon education; bullying, intimidation and hostile or offensive conduct negatively affect the characters of young people.

Position

- A. It is the policy of the Board of Education to prohibit violence, threats, name-calling, bullying, unlawful harassment, intimidation, assault, battery, extortion, robbery, vandalism, and other victim-based misconduct that creates an intimidating hostile, or offensive environment for students or employees and will not be tolerated.
- B. The Board of Education prohibits retaliation against any person for good faith reporting, or participating in the investigation of an alleged violation of this policy.
- C. The Board of Education prohibits employees or students from knowingly giving false reports or information under this policy.
- D. School officials, employees and volunteers shall not permit or tolerate bullying, intimidation and hostile or offensive conduct, and shall immediately report, intervene or stop such conduct that is threatening, found or reasonably known or suspected to be occurring.

Definitions

1. **“Unlawful Harassment”** is defined as verbal or physical conduct based on a student’s actual or perceived race, color, national origin, gender, sexual orientation, sexual identity, religion, or disability, and which has the purpose or effect of substantially interfering with a student’s educational performance or creating an

intimidating, hostile, or offensive environment. Sexual harassment of students and hazing are addressed by separate board policies. **(See Policy Section 13.05.11 and 13.05.12)**

2. **“Bullying”** is defined as intimidating or offensive verbal or physical conduct toward a student when such conduct is habitual or recurring; including, but not limited to—threats and name-calling, or menacing acts.
3. **“Name-calling”** is defined as the chronic, habitual, or recurring use of names, or comments to or about a student regarding the student’s actual or perceived physical or personal characteristics when the student has indicated by his or her conduct, that the names or comments are unwelcomed, or when the names or comments are clearly unwelcomed, inappropriate, or offensive by their nature.

Reporting, Investigation and Standards

A. Reporting

1) **Reporting by a Student—**

It is the express policy of the Board of Governance to encourage students who are victims of such conduct prohibited by the policy to report such claims. Students or their parents may report such conduct to the Academic Dean or Assistant Principal of Las Montañas.

2) **Reporting by a School Employee—**

Any employee who, as a result of personal observation or a report, has reason to believe that a student is a victim of conduct prohibited by this policy, whether the conduct is by another student or by an employee of Las Montañas, shall notify the Academic Dean, of such observation or report, in writing, as soon as possible.

B. Investigation

- 1) All reports of physical or verbal misconduct in violation of this policy shall be promptly investigated by the Academic Dean of Las Montañas Charter High School, or designee. Should a designee conduct the investigation, the Academic Dean’s designee must be a licensed public school Administrator.
- 2) The Academic Dean shall promulgate regulations governing the investigation of complaints, and violations of this policy ensuring that all complaints of violations are properly, and thoroughly investigated. The regulations shall require that the final investigation report created be sufficient to document the investigation, and

to support any disciplinary, or other action taken; specified, or recommended in the investigation report as a result of the investigation. The regulations shall also provide specific provisions for communication with the alleged victim(s), and their parents/guardian as to whether the complaint was substantiated, and as to the process of the investigation. The regulations shall provide that the investigation process must be concluded within a maximum of ten (10) school days of receipt of such complaint. The regulations shall also provide that if the investigation is conducted by an Administrator other than the Academic Dean; the Academic Dean will respond to the submission of the final investigation report within three (3) school days; approving the proposed action to be taken, or directing further, or different action. The regulations shall also provide that requests for an extension of this time requirement must be approved in writing, by the District Superintendent.

- 3) Parents and students to which the complaint pertains will be kept informed throughout the investigation process.
- 4) The District Superintendent's regulations shall provide for a grievance procedure for parents and students who are not satisfied with actions taken by, or wish to appeal the initial findings of the Academic Dean, or designee. The regulation for the policy shall provide that the District Superintendent be the final appeal authority on any such grievance. Parents and students shall be informed of the availability of such grievance process.
- 5) The regulation shall provide that the District Superintendent make a determination on a grievance within fifteen (15) school days of the submission of a grievance under the regulations approving the actions of the Academic Dean, or directing further or different action.
- 6) The Board of Education prohibits any person from actively obstructing an investigation into an alleged violation of this policy.
- 7) Where violations of criminal law may have occurred, the Academic Dean, in consultation with the District Superintendent, or his/her designee, shall report the matter to the appropriate law enforcement agency.

C. Standard

In assessing the existence of a violation of this policy and the appropriate discipline, the Academic Dean or designee shall consider the nature and extent of the conduct,

the age of the student(s) involved; the context in which the alleged conduct occurred, and any prior history of conduct prohibited by this policy on the part of the violator.

Confidentiality

The identities of those reporting violation of this policy, and those cooperating in the investigation shall be kept confidential to the extent consistent with the requirements of a full and fair investigation; the due process rights of persons charged with violations, and state and federal law.

Sanctions

- A. Any employee who is found to have engaged in conduct prohibited by this policy, or to have failed to discharge a duty imposed by this policy, shall be subject to sanctions; including, but not limited to—warning or reprimand, suspension, termination, or discharge, subject to applicable procedural requirements.
- B. Any student who is found to have engaged in conduct prohibited by this policy, shall be subject to discipline; including, but not limited to—suspension or expulsion, subject to applicable procedural requirements, and to any applicable limitations imposed by state and federal disabilities law.

Publication

This policy shall be published in the Las Montañas Charter High School Policy Manual. A summary of this policy shall be published each year in all student and employee handbooks.

Review

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

Las Montañas High School

Students – Section 13.05

Section: 13.05.11—Sexual Harassment of Students

Purpose

The purpose of this policy is to require a school environment, in which students feel safe and secure. The Las Montañas Board of Governance is committed to maintaining an environment conducive to learning, in which students are safe from "Sexual Harassment."

Sexual harassment of students impairs the proper atmosphere of education, and creates an inequitable climate for learning. In addition to its negative effect upon education; sexual harassment negatively affects the characters of young people.

Position

- 1) It is the policy of the Las Montañas Board of Governance to prohibit harassment of any student on the basis of sex. Las Montañas will not tolerate sexual harassment of students by employees or by other students. Sexual Harassment is illegal.
- 2) The Las Montañas Board of Governance prohibits retaliation against any person for good faith reporting, or participating in the investigation of an alleged violation of this policy.
- 3) The Las Montañas Board of Governance prohibits employees or students from knowingly giving false reports or information under this policy.
- 4) No employee of Las Montañas shall engage in any conduct of a sexual nature with any student, regardless of the student's age, ability to consent, or actual consent.
- 5) Title IX of the Education Amendment of 1972 provides that a school must provide an educational program that offers equal educational benefits for boys and girls. Decisions of the United States Supreme Court and the United States Department of Education make clear that sexual harassment of students by employees, or by other students are prohibited by law.

- 6) Much of the conduct described in the detailed specification of this policy, including sexually-oriented name calling, graffiti, teasing, etc., has no place in school. However, requests for dates or other age-appropriate expressions of interest or affection are not considered sexual harassment.

Definitions and Standards of Conduct

1) Definitions

"Conduct of a Sexual Nature"—the definition of "Conduct of a Sexual Nature" may include but is not limited to:

- a) Verbal or physical sexual advances, including subtle pressure for sexual activity;
- b) Repeated or persistent and unwelcome requests for dates, meetings, and other social interactions;
- c) Sexually oriented touching, pinching, patting, staring, bullying at clothing, or intentionally brushing against another;
- d) Showing or giving sexual pictures, photographs, illustrations, messages, text messages, instant messages, e-mails or notes;
- e) Writing graffiti of a sexual nature on school property;
- f) Comments of name-calling to or about a student regarding alleged physical or personal characteristics of a sexual nature regardless of communication medium;
- g) Sexually-oriented kidding, teasing, double-entendres, and jokes;
- h) Harassing conduct to which a student is subjected because of, or regarding the student's sex.

2) Standards of Conduct

Between an Employee and a Student:

- a) Sexual harassment is any conduct of a sexual nature. Between students and employees—sexual harassment is any unwelcome conduct of a sexual nature.
- b) No employee may engage in conduct of a sexual nature with a student at any time, or under any circumstances, regardless of whether such conduct takes place on school property, or in connection with any school-sponsored activity.

Between Students:

- a) Verbal or physical conduct of a sexual nature by one student of another may constitute sexual harassment when the allegedly harassed student has indicated, by his or her conduct, that the conduct is unwelcome, or when the conduct, by its nature, is clearly unwelcome, or inappropriate.
- b) A student who has initially welcomed conduct of a sexual nature by active participation must have communicated to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

3) Duty under the Policy

School officials, employees and volunteers shall not permit or tolerate sexual harassment of students, and shall immediately report, intervene or stop sexual harassment of student that is threatened, found or reasonably known or suspected to be occurring.

4) Other Prohibitions

- a) The Board of Education prohibits retaliation against any person for good faith reporting, or participating in the investigation of an alleged violation of this policy.
- b) The Board of Education prohibits employees or students from knowingly giving false reports or information under this policy.

Reporting, Investigation, and Sanctions

It is the express policy of the Board of Education to encourage students who feel they have been sexually harassed by a school employee, or by another student or students to report such claims. Report of Sexual Harassment may be reported on the appropriate school forms. However, written reports of Sexual Harassment are not required under this policy,

1) Reporting of Sexual Harassment by a Student or Students

Any student who believes he or she has been sexually harassed by an employee, another student or other students, should report the incident to a Teacher, Counselor, Principal or Assistant Principal.

If a student believes he or she has been sexually harassed by an employee, another student or students, and who feels uncertain about who to tell, or feels uncomfortable telling any Counselor or Principal, the student should tell his or her parent(s) about the problem and ask for the parent(s) help in reporting the Sexual Harassment to appropriate School District personnel.

If a student believes he or she has been sexually harassed by a Counselor or a Principal, or by any other Administrator, or any school employee, the student should seek the assistance of his or her parent(s) in reporting such prohibited harassment to the District Superintendent. Students may also report the incident to any school employee.

2) Reporting of Sexual Harassment by a School Employee

Any employee who witnesses, or is aware of conduct which may violate this policy shall report it to the Academic Dean, or their immediate supervisor at his or her earliest opportunity. Any employee who receives any report of Sexual Harassment of a student, whether the report is given by a student, a parent, or another employee, or who himself or herself observes instances of Sexual Harassment must notify his or her immediate supervisor, or the Academic Dean, regardless of whether the employee receiving the report, or observing the instance considers the matter creditable or significant.

3) Investigation

- a. All reports of Sexual Harassment by a school employee in violation of this policy shall be promptly investigated by the Director of Human Resources, or his/her designee. Should a designee conduct the investigation, the Director's designee must be a licensed public school Administrator.
- b. All reports of Sexual Harassment by a student or by students in violation of this policy shall be promptly investigated by the Academic Dean, or his/her designee of the school receiving the report, or of the school in which the conduct allegedly occurred or pertains. Should a designee conduct the investigation, the Academic Dean's designee must be a licensed public school Administrator.
- c. The Superintendent of Schools shall promulgate regulations governing the investigation of complaints of violations of this policy ensuring that all complaints of violations are properly and thoroughly investigated. The regulations shall require that the final investigation report created be sufficient to document the investigation, and to support any disciplinary, or other action specified, or recommended in the investigation report as a result of the investigation. The regulations shall also provide specific provisions for communication with the alleged victims, and their parents/guardians as to whether the complaint was substantiated, and as to the progress of the investigation. With regard to investigations of students; the regulations shall provide that the investigation process must be concluded within a maximum of ten (10) school days of receipt of such complaints. The regulations shall also provide that if the investigation of a student is conducted by an Administrator other than the Academic Dean; the Academic Dean will respond to the submission of the final investigation report within three (3) school days, approving the proposed action to be taken, or directing further or different action. The regulation shall also provide that requests for an extension of these time requirements must be approved in writing by the Superintendent. With regard to the investigation of employees, the regulations shall provide that the Director of Human Resources will coordinate his or her investigation with the applicable law enforcement agency, if applicable, and the investigation shall be concluded in the most expeditious manner possible.
- d. Parents and students to which the complaint pertains will be kept informed throughout the investigative process.

- e. The Superintendent's regulation shall provide for a grievance procedure for parents and students with regard to investigations of students who are not satisfied with actions taken by or wish to appeal the initial findings of the Academic Dean, or designee. The regulations for the policy shall provide that the Superintendent of Schools shall be the final appeal authority on any such grievance. Parents and students shall be informed of the availability of such a grievance process.
- f. With regard to investigation of students, the regulations shall provide that the Superintendent shall make a determination on a grievance within fifteen (15) school days of the submission of a grievance under the regulations approving the actions of the Academic Dean or directing further or different action.
- g. There shall be no grievance procedure under this policy with regard to investigations of employees as all personnel decisions pertaining to employees shall remain within the sound judgment of the Superintendent of Schools.
- h. The Board of Education prohibits any person from actively obstructing an investigation into an alleged violation of this policy.
- i. Where violations of criminal law may have occurred, the Academic Dean, in consultation with the Superintendent or his/her designee shall report the matter to the appropriate law enforcement agency.

4) Standard

In assessing the existence of a violation of this policy by students and the appropriate discipline, the Academic Dean or designee shall consider—the nature and extent of the conduct, the age of the student(s) involved, the context in which the alleged conduct occurred, and any prior history of conduct prohibited by this policy on the part of the violator.

In assessing the existence of a violation of this policy by employees and the appropriate discipline, the Superintendent shall consider—the nature and extent of the conduct, the age of the student(s) involved, the context in which the alleged conduct occurred, and the best interest of the victim and the School District.

5) Confidentiality

The identities of those reporting violations of this policy, and those cooperating in the investigation of alleged violations shall be kept confidential to the extent consistent with the requirements of a full and fair investigation; the due process rights of persons charged with violations, and state and federal law.

6) Sanctions

➤ **Employees:**

Any employee found to have engaged in conduct that violates this policy shall be subject to sanctions; including, but not limited to: warning or reprimand, suspension, discharge or termination, subject to any applicable procedural requirements.

➤ **Students:**

Any student found to have engaged in conduct that violates this policy shall be subject to discipline, including; but not limited to: suspension or expulsion, subject to any applicable procedural requirements, and to any applicable limitations imposed by state and federal disabilities law.

7) Publication

This policy shall be published in the Las Montañas Charter High School Policy Manual, and on the School District's website. A summary of this policy shall be published each year in all student and employee handbooks.

8) Review

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

Las Montañas Charter High School

Students – Section 13.05

Section: 13.05.12—Hazing

Purpose

The purpose of this policy is to require a school environment where students will feel safe and secure. The Las Montañas Board of Governance is committed to maintaining an environment conducive to learning, in which students are safe from “Hazing”.

Hazing of or by students impairs the proper atmosphere for education, and creates an inequitable climate for learning. In addition to its negative effect upon education; hazing negatively affects the characters of young people.

Position

- 7) It is the policy of the Board of Governance to prohibit hazing at Las Montañas; whether on or off school property, and whether during or outside school hours.
- 8) The Las Montañas Board of Governance prohibits retaliation against any person for good faith reporting, or participating in the investigation of an alleged violation of this policy.
- 9) The Las Montañas Board of Governance prohibits employees or students from knowingly giving false reports or information under this policy.
- 10) School officials, employees, and volunteers shall not permit or tolerate hazing, and shall intervene to stop hazing that is threatened, found, or reasonably known or suspected to be occurring.

Definition

“Hazing”—as a condition of membership in, or initiation into, any class, team, group, or organization sponsored by, or permitted to operate under the auspices of Las Montañas Charter High School, or for similar or related purposes; *provided*, that such conduct shall not be considered hazing when it is a recognized and integral part of the particular sport, or activity—includes, but is not limited to:

- 1) Engaging in any offensive or dangerous physical contact, restraint, abduction, or isolation of a student, or
- 2) Requiring or encouraging a student to perform any dangerous, painful, offensive, or demeaning physical or verbal act; to include, ingestion of any substance, inappropriate exposure to the elements, deprivation of sleep or rest, or extensive isolation, or
- 3) Subjecting a student to any dangerous, painful harmful, offensive, or demeaning conduct, or to conduct/create extreme mental distress.

Reporting, Investigation and Standards

A. Reporting

1) Reporting by a Student—

It is the express policy of the Board of Governance to encourage students who are victims of *hazing* to report such claims.

2) Reporting by a School Employee—

Any employee who, as a result of personal observation or a report; has reason to believe that a student is a victim of conduct prohibited by this policy; whether the conduct is by another student, or by another employee; shall notify the Academic Dean of such observation, or report *in writing* as soon as possible.

B. Investigation

1) All reports of *hazing* in violation of this policy shall be promptly investigated by the Academic Dean, or his/her designee of the school receiving the report, or of the school, in which the conduct allegedly occurred, or pertains. Should a designee conduct the investigation, the Academic Dean's designee must be a licensed public school administrator.

2) The Superintendent of Schools shall promulgate regulations governing the investigation of complaints of *hazing* ensuring that all complaints of violation are properly and thoroughly investigated. The regulations shall require that the final investigation report created be sufficient to document the investigation, and to support any disciplinary, or other action specified or recommended in the investigation report, as a result of the investigation. The regulations shall also provide specific provisions for communication with the alleged victims and their parents/guardians, as to whether the complaint was substantiated, and as to the progress of the investigation.

The regulations shall provide that the investigation process must be concluded within a maximum of ten (10) school days of receipt of such complaint. The regulations shall also provide that if the investigation is conducted by an Administrator other than the Academic Dean, the Academic Dean will respond to the submission of the final investigation report within three (3) school days; approving the proposed action to be taken, or directing further or different action. The regulations shall also provide that requests for an extension of this time requirements must be approved, *in writing*, by the Superintendent.

3. Parents and students to which the complaint pertains will be kept informed throughout the investigative process.
4. The Superintendent's regulations shall provide for a grievance procedure for parents and students who are not satisfied with actions taken, or wish to appeal the initial findings of the Academic Dean, or designee. The regulations for this policy shall provide that the Superintendent of Schools shall be the final appeal authority on any such grievance. Parents and students shall be informed of the availability of such grievance process.
5. The regulations shall provide that the Superintendent shall make a determination on a grievance within fifteen (15) school days of the submission of a grievance under the regulations approving the actions of the Academic Dean, or directing further or different action.
6. The Board of Education prohibits any person from actively obstructing an investigation into an alleged violation of this policy.
7. Where violations of criminal law may have occurred, the Academic Dean in consultation with the Superintendent or his/her designee shall report the matter to the appropriate law enforcement agency.

C. Standard

In assessing the existence of a violation of this policy, and the appropriate discipline or action to be taken or recommended, the Academic Dean, or designated investigator shall consider the nature and extent of the conduct; the age of the student(s) involved; the context, in which the alleged conduct occurred, and any prior history of conduct prohibited by this policy on the part of the violator.

Confidentiality

The identities of those reporting violations of this policy, and those cooperating in the investigation of alleged violations shall be kept confidential to the extent consistent with the requirements of a full and fair investigation; the due process rights of persons charged with violations, and state and federal laws.

Sanctions

- A. ***Any employee*** who is found to have engaged in conduct prohibited by this policy, or to have failed to discharge a duty imposed by this policy, shall be subject to sanctions; including, but not limited to: warnings or reprimand, suspension, termination, or discharge, subject to applicable procedural requirements.
- B. ***Any student*** who is found to have engaged in conduct prohibited by this policy, shall be subject to discipline; including, but not limited to: suspension or expulsion, subject to applicable procedural requirements, and to any applicable limitations imposed by state and federal disabilities law.

Publication

This policy shall be published in the Las Montañas Charter High School Policy Manual, and the schools website. A summary of this policy shall be published each year in all student and employee handbooks.

Review

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

Las Montañas Charter High School

Students – Section 13.05

Section: 13.05.13—Cellular (Cell) Phone

Las Montañas Charter High School (LMCHS) allows students to utilize personal Cellular (Cell) Phones at specified times during a school day. Use of the *Cell Phone* is a privilege, not a right, and the privilege may be revoked at any time for inappropriate use or conduct.

Cellular Phones...

- can be used before and after class, during lunch and passing periods.
- must be turned off during school activities and athletics events.
- cannot be used to view blocked websites.
- can remain in vibrate mode if students volunteer with a fire department or rescue squad, or if the student has a medical circumstance, or ill family member. Prior approval from the Academic Dean or Assistant Principal is necessary.
- Students cannot use cell phone cameras in locker rooms or school restrooms
- Students may use a cell phone for an educational or instructional purpose during class with his or her instructor's permission and supervision.

Penalties for Cell Phone use.

- 1st Offense – confiscation until the end of class
- 2nd Offense – confiscation until the end of day
- 3rd Offense – confiscation and parent must retrieve the cell phone
- 4th Offense – the student can no longer bring a phone to school

Las Montañas High School

Personnel – Section 13.06

Section: 13.06.01—Personnel Policy Statement

The personnel policies of a Charter School are an essential part of the program of public education in a community. The philosophy of a Charter School and the community is reflected in these policies.

The Governing Board of Education wishes to establish conditions that will attract and hold the highest qualified and diverse personnel who devote themselves to the education and welfare of our students.

The Governing Board of Education establishes personnel policy. Personnel policies and procedures shall be established to accomplish the Board's mission and goals. The Board of Directors welcomes suggestions by the Administration and its employees.

Las Montañas High School

Personnel – Section 13.06

Section: 13.06.02—Code of Ethical Responsibility

The Las Montañas High School endorses the “Code of Ethical Responsibility” of the Education Profession, as adopted by the State Board of Education (SBE Regulations No 6.60.9.8 and 6.60.9.9). The new rule is divided into two parts; Part one is the “Code of Ethics”, which sets forth the aspirations of professional educators. It is intended to be inspiring and idealistic. It calls on educators to have high standards, and to be professionals of the highest caliber. Part two is called “Standards of Professional Conduct”. This section is quite specific about the behaviors that educators must avoid in the practice of their profession. It indicates minimal standard of acceptable ethical conduct.

Las Montañas High School

Personnel – Section 13.06

Section: 13.06.02—Code of Ethical Responsibility

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Las Montañas High School

Personnel – Section 13.06.03

Section: 13.06.03—Standards of Professional Conduct

Preamble:

1. We licensed New Mexico educators acknowledge that ethical values in our schools cannot exist without ethical leadership. It is our ultimate goal to educate children so that they may become productive citizens; we understand that our guidance and ability to provide choices has a profound effect on reaching this goal. In affording students and each other choices, we agree to consider the consequences of each choice, the moral value best exemplified by the recommended choice, and a reflection on how we would view the choice if it were applied to us. These principles apply equally to all licensed educators in all schools except where they are uniquely applicable to public schools, or where they conflict with principles of religious freedom.
2. Moral values are to ethical leadership what years of experience is to a successful educator. The former sets the stage for success of the latter. Abstract principles that promote excellence does not easily equate into simple behavioral maxims. We are certain that some foundational concepts can be embraced because they truly celebrate desirable moral values. These concepts are:
 - respect for one's self and others
 - honesty and openness
 - the delicate balance between absolute freedom and safety
 - the equally delicate balance between confidentiality and the right to know
 - equality of opportunity
 - fairness to all
 - personal integrity
3. In the final analysis it is our consistent ethical leadership that wins the most allies and produces the best results. Not only does this code highlight our professional responsibilities, it stimulates us into discussing the professional implications of our ethical choices and ethical recommendations; cause us to assess and reassess our application of moral values, and sets forth concrete behaviors appropriate for education professionals.

Duty to the Student:

We endeavor to stimulate students to think and learn while at the same time we seek to protect them from any harm. Ethical leadership requires licensed educators to teach not only by use of pedagogical tools, but by consistent and justifiable personal examples. To satisfy this obligation we:

1. Shall, in compliance with the:
 - a) "Family Educational Rights and Privacy Act" of 1974 (20U.S.C., Section 1232g, 34C.F.R., Part 99)
 - b) "Disabilities Education Act" (20 U.S.C., Section 1401 et seq., 34 C.F.R., Part 300)
 - c) "Mental Health and Developmental Disabilities Code" (Section 43-1-19, NMSA 1978)
 - d) "Inspection of Public Records Act" (Section 14-2-1 et seq., NMSA 1978)
 - e) "Public School Code" (Section 22-1-8, NMSA 1978)
 - f) "Children's Code" (Sections 32A-2-32, 32A-4-3, NMSA 1978); withholds confidential student records or information about a student or his/her personal, and family life unless release of information is allowed, permitted by the student's parent(s)/legal guardian, or required by law
2. Shall not discriminate or permit students within our control, supervision, or responsibility to discriminate against any other student on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion or serious medical condition.
3. Shall avoid using our position as a licensed school employee to exploit or unduly influence a student into engaging in an illegal act, immoral act, or any other behavior that would subject a licensed school employee, or student to discipline for misconduct whether or not the student actually engages in the behavior.
4. Shall tutor students only in accordance with local board policies if any, only after written permission from the student's parent(s)/guardian, and only at a place or time approved by the local school and/or the student's parent(s) legal guardian.

5. Shall not give a gift to any one student unless all students situated similarly receive, or are offered gifts of equal value for the same reason.
6. Shall not lend student's money except in clear and occasional circumstances, as where a student may go without food or beverage, or be unable to participate in a school activity without financial assistance.
7. Shall not have inappropriate contact with any student, whether not on school property, which includes but is not limited to:
 - a) All forms of sexual touching, sexual relations, or romantic relations;
 - b) Inappropriate touching, which is any physical touching, embracing, petting, hand-holding, or kissing that is unwelcomed by the student, or is otherwise inappropriate given the age, sex and maturity of the student;
 - c) Any open displays of affection toward mostly boys, or mostly girls;
 - d) Offering or giving a ride to a student unless absolutely unavoidable, as where a student has missed his/her unusual transportation, and is unable to make reasonable substitute arrangements.
8. Shall not interfere with student's right to a public education by sexually harassing a student, or permitting students within our control, supervision, or responsibility to sexually harass any other student, which prohibited behavior includes:
 - a) Making any sexual advances, requests for sexual favors, repeated sexual references, and any name calling by means of sexual references, or references directed at gender specific students; any other verbal, or physical conduct of a physical nature with a student even where the licensed educator believes the student consents, or the student actually initiates the activity, and any display/distribution of sexually oriented materials where students can see them;
 - b) Creating an intimidating, hostile, or offensive work/school environment by at a minimum engaging in any of the prohibited behaviors set forth in this Section 13.06.03, line item 7, or subparagraph "a" above

Duty to the Profession:

The education profession has been vested by the public with an awesome trust and responsibility. To live up to that lofty expectation, we must continually engender public confidence in the integrity of our profession, and must strive consistently in education the children all of whom will one day shape the future. To satisfy this obligation, we:

1. Shall not make a false or misleading statement, or fail to disclose a material fact in any application for educational employment, or licensure.
2. Shall not orally, or in writing misrepresent our professional qualifications.
3. Shall not assist persons into educational employment whom we know to be unqualified in respect to their character, education, or employment history.
4. Shall not make a false statement, or misleading statement concerning the qualifications of anyone in or desiring employment in education.
5. Shall not permit or assist unqualified or unauthorized persons to engage in teaching, or other employment within a school.
6. Shall not disclose personal, medical or other confidential information about other educational colleagues to anyone unless disclosure is required or authorized by law.
7. Shall not knowingly make false or derogatory personal comments about an educational colleague, although First Amendment protected comments on or off campus are not prohibited.
8. Shall not accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor or other item having monetary value whose market value exceeds \$100 and which compromises the integrity of the licensed educator, excluding approved educational awards, honoraria, plaques, trophies and prizes.
9. Shall avoid conduct connected with official duties that is unfair or is improper, illegal or gives the appearance of being improper or illegal.
10. Shall not sexually harass any school employee, any school visitor or anyone else we might encounter in the course of our official duties, which include:

- a) Making any sexual advances, request for sexual favors, repeated sexual references and name calling by means of sexual references or references directed at any gender specific individuals named above;
- b) Making any other verbal or physical conduct with any of the above named individuals even where the licensed educator believes they consent or they actually initiate the activity;
- c) Displaying or distributing any sexually oriented materials where the above named individuals can see them;
- d) Creating an intimidation, hostile or offensive work/school environment by at a minimum not engaging in any of the prohibited behaviors as set forth on subparagraphs a, b, or c, line item 10 above, of this Section 13.06.03

11. Shall educate oneself at least annually about avoiding sexual harassment by either attending periodic training, reviewing sexual harassment literature or the EEOC guidelines found at Title 29 "Code of Federal Regulations", part 1604 (29 C.F.R., Section 1604,1 et seq.), or contacting appropriate Human Resources personnel.

12. Shall not engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus.

13. Shall not without permission of a supervisor, use public school property to conduct personal business or personal affairs.

14. Shall use educational facilities and property only for educational purposes, or for purposes for which they are intended consistent with applicable policy, law, and regulation.

15. Shall not discriminate against any school employee, or any other person with whom we have any dealing or contact in the course of our official duties on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion or serious medical condition.

16. Shall not engage in any outside employment—

- a) The performance of which conflicts with our public school duties as where a licensed educator takes a private job that would require performance in the very school where he/she is employed;

- b) Where we use confidential and personal information that impairs our physical ability to perform our school duties.

17. Shall not, with the intent to conceal/confuse a fact, change, or alter any writing, or encourage anyone else to change or alter any document—

- a) In connection with our official school duties
- b) In connection with another licensed person's official school duties;
- c) In connection with any standardized, or non-standardized testing;
- d) In connection with any school application, or disclosure process;
- e) In connection with any writing submitted to the Department of Education related to our initial or continued licensure, including endorsements.

18. Shall not in connection with any State Board approved teacher test knowingly make any misrepresentations about one's identity, or engage in any false or deceptive acts of test taking, or test registering.

19. Shall not engage in any conduct, or make any statement—

- a) That would breach the security of any standardized or non-standardized tests;
- b) That would ignore administering portions, or the entirety of any standardized or non-standardized testing instructions;
- c) That would give students an unfair advantage in taking a standardized or non-standardized test;
- d) That would give a particular school, or a particular classroom an unfair advantage in taking a standardized or non-standardized test;
- e) That would assist students in obtaining services, or benefits to which they do not qualify, or are not entitled

20. Shall not when on school property, or off campus while representing the school, or attending school functions, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct which tends to disturb the peace.

21.No employee shall be required by the Board, or individual Board Member, or any Administrator, or Supervisor to violate any state statute, policy, directive or procedure. In the event this occurs, the employee shall report the incident to the Academic Dean, or if it involves the Academic Dean or Board Member, to the entire Governance Board of Education. If the Governance Board of Education requires the employee to act in violation of this policy, the employee shall report this matter to the office of the School's Attorney; County of Doña Ana. The Board will not tolerate any retribution against any employee that reports an incident regarding a violation of policy.

Las Montañas High School

Personnel – Section 13.06

Section: 13.06.04—Employee – Student Relations

Employees of Las Montañas High School are hired for the purpose of taking a sincere professional interest in the students.

Professional ethics require that staff members avoid social situations through, which they could exploit their positions of authority over students.

Refer to the following Policies:

“Code of Ethical Responsibility” – Section 13.06.02

“Standard of Professional Conduct” – Section 13.06.03

Las Montañas High School

Personnel – Section 13.06

Section: 13.06.05—Internet Conduct

Las Montañas High School “LMHS” authorizes individuals to access the internet for legitimate business purposes only. Use of the Internet is a privilege, not a right, and the privilege may be revoked at any time for inappropriate use or conduct. Inappropriate “Internet Conduct” includes:

- Use of the Internet of unlawful or malicious activities
- Use of abusive or objectionable language in either public or private messages
- Misrepresentation of oneself or inappropriate representation of Las Montañas High School
- Activities that cause congestion and disruption of networks or communication systems, such as attaching graphic files or jokes to messages, sending group messages, sending “chain e-mails”, or requesting copies of graphics or jokes via the Internet
- Activities that compromise Las Montañas High School business, reputation or objectivity
- Use of the Internet or any Las Montañas computer or network systems to access obscene, pornographic and X-rated materials, or using such computers or systems for playing games, gambling, entering contests, etc.
- Use of the Internet or any Las Montañas computer or network for communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, sexual orientation, age disability, or religious beliefs; or using such computers or network systems to transmit or receive sexually explicit or otherwise offensive images, messages, or cartoons

This list of prohibited Internet-related conduct is by no means exclusive. Las Montañas reserves the right to discipline any individual who it determines has misused the school’s computer or network systems. Las Montañas also reserves the right to inspect any e-mail messages or documents the employee receives at work via the internet.

Las Montañas Charter High School

Employee Grievance Resolution Procedure

13.06.06

(Revised)

A. Purpose

The purpose of this Policy is to provide a procedure for the reporting and resolution of legitimate employment-related concerns of the employees of this school at the earliest possible time and with the least possible expense, disruption and friction. The Governing Council recognizes that most personnel difficulties encountered by employees arise from a lack of communication. This procedure is designed to provide a formal mechanism for promoting or restoring such communication so that problems may be resolved before far more serious difficulties result. This grievance policy does not apply to employees covered by a union Collective Bargain Agreement, unless the Collective Bargain Agreement specifically so provides.

Mediation will always be an acceptable form of resolution at any step in this process. Mediation may be requested by either party at any time, but will only be utilized by mutual agreement of the parties. The costs of mediation shall be shared by the parties or the school, at the discretion of the principal, may bear the total costs of mediation. All efforts will be made to locate and acquire the services of a person trained in mediation to act as a mediator. The parties must agree on the selection of the mediator.

B. Definitions and Limitations

1. "Grievant" shall mean an employee 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 an employee 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

Governance Council Approved 1-6-2016

**GRIEVANCE PROCEDURE
DECISION OF GOVERNING COUNCIL**

Date Received: _____

Hearing Date (if any): _____

Decision of Governing Council:

Date of Decision

Signature of President

Las Montañas High School

Employment – Section 13.07

Section: 13.07.01—Background Investigation, Examination and Tests

Las Montañas High School shall conduct work history, education history and/or reference investigations on each candidate recommended for employment, including but not limited to—substitutes, contract service employees, and volunteers.

A Federal Bureau of Investigation (FBI) criminal background investigation, which includes mandatory fingerprinting, will be at the candidate's expense, and is a condition of further consideration for all categories of employment.

Employment may be contingent on aptitude, or ability tests as well as post-offer physical/health exams at the employee's expense.

Current employees may be required to undergo a health exam or post-accident testing when management has reasonable suspicion that the employee is not capable of performing their job.

Effectively immediately, all applicants for employment will be required to read and sign a "*Criminal History Affidavit*" form, and a "*Reference Release*" form. All background checks and fingerprinting will be conducted through the Human Resources Office.

Las Montañas High School

Employment – Section 13.07

Section: 13.07.02—Collective Bargaining Policy

The purpose of the "*Collective Bargaining Policy*" is to guarantee employees the right to organize and bargain collectively with the Board of Education. To promote harmonious and cooperative relationships between the Board and employees, and to protect the public interest by assuring, at all times, the orderly operation and functioning of Las Montañas High School.

Las Montañas High School

Employment – Section 13.07

Section: 13.07.03—Employment / Assignment Policy

The hiring of employees is the responsibility of the Governance Board of Education acting on the recommendation of the Academic Dean, as provided by State Statutes, and State Department of Education Regulations.

The assignment of employees is based on the needs of Las Montañas High School, and is delegated to the Academic Dean.

Las Montañas High School

Employment – Section 13.07

Section: 13.07.04—Job/Position Vacancy

Las Montañas High School has established a job-posting program, which gives qualified employees an opportunity to apply for positions in which they are interested in. During school or non-school periods, postings of available positions will be announced through the local newspaper, posted on the Human Resources job vacancy board at Las Montañas

Notices will be posted for five (5) days prior to filling the position. The Associate Academic Dean for Human Resources and Employee Relations may modify the posting date when necessary, (for example—when the applicant pool does not have sufficient number of applicants for the Academic Dean to interview.)

Transfers for positions will be submitted to the office of Human Resources

Las Montañas High School

Employment – Section 13.07

Section: 13.07.05—Immigration Law Compliance

Las Montanas High School is committed to employing only United States citizens and aliens who are authorized to work in the United States, and does not unlawfully discriminate on the basis of citizenship, or national origin.

In compliance with the "*Immigration Reform and Control Act*" of 1986, each new employee, as a condition of employment, must complete the **Employment Eligibility Verification Form (I-9)**, and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the school within the past three (3) years, or if their previous I-9 is no longer valid or in file.

Employees with questions, or seeking additional information on immigration law issues, are encouraged to contact the Human Resources Department. Employees may pose questions, or lodge complaints about immigration law without fear of reprisal.

Las Montañas High School

Employment – Section 13.07

Section: 13.07.06—Employment Application

Las Montañas High School relies upon the accuracy of information contained in the employment application/resume, as well as the accuracy of other data presented throughout the hiring process and employment.

Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the school's exclusion of the individual from further consideration for employment, or if the person has been hired; termination of employment.

Las Montañas High School

Employment – Section 13.07

Section: 13.07.07—Exempt & Non-Exempt Classification

In accordance with the Fair Labor Standard Act (FLSA), Las Montañas High School has developed this policy to clearly define the exemption status of all employees of Las Montañas High School.

Non-Exempt

Under FLSA, all *non-exempt* employees will be paid at the rate of one and one-half (1½) times their rate of pay for all hours worked in excess of forty (40) hours in one week.

Exempt

Under FLSA all exempt employees are not required to be paid overtime for work performed beyond forty hours in a work week. These employees will not have specifically scheduled workweeks, but will be expected to work at whatever time for whatever hours needed to properly perform their duties, and discharge their job responsibilities. An employee classified "**exempt**" must meet one of the four FLSA exceptions: Executive, Professional, Administrative, or Outside Sales.

The Human Resources Department will define the provisions in determining whether the exempt status applies. If an employee changes positions during their employment as a result of a promotion, transfer, or otherwise, the employee will be informed of any changes in exemption status by Human Resources.

Las Montañas High School

Employment – Section 13.07

Section: 13.07.08—Resignation of Employment

Instructional staff desiring to terminate their employment from Las Montañas Charter High School are required to submit a written letter of resignation to the Academic Dean. The notice will be forwarded to the Human Resources Department so that arrangement can be made with the employee during the exit interview. Contract employees must give at least a thirty (30) day notice *of intent to resign* as stipulated in the employment contract.

The purpose of the **"Exit Interview"** is to review eligibility for benefit continuation and to ensure completion of required conversion forms, and to recover all school property that may be in the employee's possession. Employees who fail to return these items prior to departure will have the cost of said property deducted from their final paycheck.

Final wages will be paid in full on the first regular payday following the pay period from which the employee has resigned. The final paycheck will consist of all hours worked within the final pay period, and the lump sum payment of eligible leave time *earned and not used*. If an employee feels that there is a discrepancy in wages paid, Human Resources should be contacted immediately to resolve the issue as promptly as possible.

Las Montañas High School

Employment – Section 13.07

Section: 13.07.10—Salary Administration

The philosophy of the Las Montañas High School “Salary Administration” Program is to maintain salaries of employees at competitive levels within the job market.

Las Montañas High School employees are paid semi-monthly. Employees are eligible to participate, ***if they wish to do so***, in the Las Montañas’ direct deposit payroll program. Wages earned will be automatically deposited into the employee’s account each payday. All tax deductions applicable by law, such as *social security, federal and state taxes*, to include all authorized voluntary deductions, such as *medical and dental premiums, retirement contributions*, etc., will be automatically withheld from the employees’ paycheck.

Employees are responsible for reviewing their pay vouchers for errors. If an employee has a question, they will notify Human Resources who will take the necessary steps to resolve the matter.

The income of the Academic Dean is the only salary established by the Board of Governance. The Board approved salary scale(s) is for exempt, non-exempt, full-time and part-time positions.

Las Montañas High School

Employment – Section 13.07

Section: 13.07.11—Introductory Period

Las Montañas (Charter) High School uses the ***Introductory Period*** to evaluate employees' capabilities, work habits, and overall performance. This period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance, and to determine whether the new position meets their expectation. Either the employee or Las Montañas may terminate the employment ***at-will*** relationship at any time during, or after the introductory period, with or without cause. Employees voluntarily terminating their service with the school are expected to give advance notice of not less than ten (10) working days. This notice should be submitted to the supervisor, in writing, and should specify both the last day of work, and the reason for terminating.

All new and re-hired employees work on an introductory basis for the first 3-months (90-days) following their date of hire. If the Academic Dean determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period of time.

Upon satisfactory completion of the introductory period, the employee's status will be changed to the "**regular**" employment classification; (**reference Section 13-07.12 for additional information.**)

Las Montañas High School

Employment – Section 13.07

Section: 13.07.12—Employment Categories

It is the intent of Las Montañas (Charter) High School to define employment classifications so that employees fully understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment **at-will** relationship is retained by both the employee and Las Montañas.

Employees will be ranked in one of the following categories:

Regular Full-time employees are those who are not in a temporary status and who are regularly scheduled to work LMHS full-time schedule. Generally, these employees are eligible for the school's benefit package, subject to the terms, conditions, and limitations of each benefit program.

Part-time employees are those who are not assigned to a temporary status and who are regularly scheduled to work less than 20 hours per week. While they do receive all legally mandated benefits (*i.e., Social Security and Workers' Compensation Insurance*), they are not eligible for all other LMHS benefit programs.

Temporary employees are those who are hired as interim replacements, to temporarily supplement the workforce, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. While temporary employees receive all legally mandated benefits (*i.e., Social Security and Worker's Compensation Insurance*), they are not eligible for all other LMHS benefit programs.

On-Call/Substitute employees are those who have established an employment relationship with Las Montañas, but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally mandated benefits (*i.e., Social Security and Worker's Compensation Insurance*), they are not eligible for all other LMHS benefit programs.

Las Montañas High School

Employment – Section 13.07

Section: 13.07.13—Training And Experience

Training and experience will be recognized as permitted by State Statues, Board Policies and resources.

1. Level II – Professional and Level III – Master Teachers must meet New Mexico Public Education Professional Licensure requirements.
2. Per Board Policy, all teaching experience is allowed (including out-of-state). Partial years must be at least on school semester ninety one (91) days or more.
3. Payment is semi-monthly over a twelve (12) month period.
4. Official transcripts and verification of former experience must be in the Administration Office PRIOR TO OCTOBER 31, of the current year or payment on the contract will cease.
5. There will be no movement/changes on contract after October 31, of the current year.

Las Montañas Charter School
REDUCTION-IN-FORCE POLICY
13.07.14
(Revised)

I. PURPOSE

The purpose of this policy is to establish an orderly, non-discriminatory, and equitable procedure to reduce the number of Las Montañas Charter High School employees in the event that school experiences insufficient or reduced revenues, and to preserve a sound balanced educational program that is consistent with the function and responsibilities of the School's charter.

II. DISCRETION

School's head administrator ("Administrator") shall exercise his/her discretion in accordance with this policy when determining that a reduction in force in personnel is necessary. The Administrator will base his/her decisions on the best available information, including consultation with his/her business manager and the School's finance committee. His/her decision will be made in good faith and shall, under no circumstances, be implemented as a pretext for terminating or discharging employees contrary to law.

Unless otherwise required by law, the Administrator shall advise the School's governing body as to any circumstances that may ultimately require a reduction in force, so that advanced notice to personnel can be given and so that options to avoid a RIF can be considered.

The Administrator shall not be required to prepare a RIF Plan as defined below, if a reduction can be accomplished through attrition (resignation, retirement, etc.) or by termination of a sufficient number of non-tenured, non-contract staff.

III. DEFINITION

A reduction in force ("RIF") is a procedure used when a school must abolish a position. This may include eliminating one or more full or part-time licensed or unlicensed contract or non-contract employee-position(s).

IV. REASONS FOR REDUCTION IN FORCE

The nature and grounds for any RIF shall be determined by the Administrator. Examples of reasons for a RIF are:

A. *School reorganization*. This may occur when a charter program is ending, consolidating or when reorganizing School programs and functions.

B. *Decreased enrollment*. This may occur when there has been a decrease in the current year enrollment or because enrollment did not meet enrollment projections of the charter school or a specific program offered by the charter school.

C. *Financial exigencies.* This can result from a decline in School financial resources that compel a reduction in the School's current (or projected) operational budget that necessitates a decrease of programs at their existing level or elimination of a program altogether, such as:

- decline in enrollment;
- loss of state, federal or local funding; and/or
- decrease of funding due to other directives from governing entities (courts, NMPED, Legislature, etc.)

V. TIMING

A RIF may occur any time during a fiscal year in accordance with this policy and procedures.

VI. REDUCTION IN FORCE PLAN

A. *Administrator's Plan.* Before instituting a RIF, the Governing Body shall pass a resolution on whether a RIF is necessary including the reasons therefore. The procedure for implementing the RIF shall be based on the Administrator's RIF Plan ("Plan"), which shall be approved by the Governing Body, prior to implementation. The Plan shall focus on the impact to educational programs and how it may be modified to reduce costs, programs and personnel while still accomplishing the mission and educational program described in the School's charter. Where circumstances warrant (e.g. specific program funding), a Plan may address particular program content areas or activities in the case where the RIF predominately impacts that aspect of the educational program. The Administrator shall have the discretion to include any information that he/she deems significant when deciding to implement a RIF; however, the following topics must be explained in the Plan:

1. Description of the cause or causes requiring a RIF;
2. Explanation of steps taken to avoid a RIF, if any (e.g. reduction by attrition, cuts in non-licensed staff, abolition of non-essential services, activities or extra-curricular programs, etc.);
3. A designation of the part or parts of the educational program(s) or activity(ies) affected by the proposed RIF;
4. The number of positions proposed to be reduced in each program or activity;
5. A designation of non-essential services or activities to be retained, with a justification for retaining the services or activities, if any; and
6. A discussion of alternatives (if any) considered by the Administrator with an explanation for why such alternatives were rejected.

¹NMSA 1978 §1-15-1(H). "The provisions of Subsections A, B and G of this section do not apply to:

... (2) limited personnel matters; provided that for purposes of the Open Meetings Act [10-15-1.1 NMSA 1978], "limited personnel matters" means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this subsection is not to be construed as to exempt final actions on personnel from being taken at open public meetings, nor does it preclude an aggrieved public employee from demanding a public hearing. Judicial candidates interviewed by any commission shall have the right to demand an open interview;..."

B. *Governing Body's Consideration.* The School's Governing Body will consider the Administrator's Plan at a public meeting at which the Administrator shall present the proposed Plan and justification for a RIF. The Administration shall take reasonable steps to ensure that employees have advanced notice of the public meeting at which the Plan will be presented. The discussion and action on whether a RIF is merited by financial circumstances and discussion and decision on the Plan will be in open session; however, the Governing Body is not restricted from holding portions of the discussions in closed session in accordance with New Mexico Open Meetings Act exception.¹ The Governing Body may allow such review, consultation, and comment by employees and members of the public of the Plan and reasons for the RIF, as the Governing Body, in its discretion, deems appropriate.

The Governing Body may propose recommendations to the Plan to ensure that the Plan addresses the financial reasons for implementing a RIF. However, the final content of the Plan shall not be modified by the Governing Body with regard to the method the Administrator determines is best for deciding which employee's (s') positions are eliminated or reduced.

If a mid-year RIF is proposed which would require the discharge of tenured certified staff, the Administrator and the Governing Body will jointly agree whether the projected financial burdens to school have or will create a situation where in the School cannot survive financially for the fiscal year already underway unless a RIF is carried out.

C. *Notice to Employees.* The final Plan to implement the RIF will be made available to all staff, by providing copies thereof in the School's office, within two (2) work days after the Plan has been approved by the Governing Body.

RIF PLAN CONTENTS AND PROCESSES

VII. CRITERIA, RANKING AND WEIGHT – LICENSED School PERSONNEL

¹NMSA 1978 §1-15-1(H). "The provisions of Subsections A, B and G of this section do not apply to:

... (2) limited personnel matters; provided that for purposes of the Open Meetings Act [10-15-1.1 NMSA 1978], "limited personnel matters" means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this subsection is not to be construed as to exempt final actions on personnel from being taken at open public meetings, nor does it preclude an aggrieved public employee from demanding a public hearing. Judicial candidates interviewed by any commission shall have the right to demand an open interview;..."

A. *Criteria.* The primary consideration in any RIF shall be maintenance of a sound and balanced educational program consistent with the functions and responsibilities of the School, including the duty to conduct its business within the confines of a balanced budget. The Administrator shall consider a variety of factors in determining which employees will be included in the RIF, including without limitation:

1. Licensure. If a position requires a license or certification, then the type of licenses or certification will be evaluated for purposes of assessing order of lay off. Substandard licensure is inferior to full licensure, and a person who is fully licensed to teach within the presently assigned content area will be retained in preference to a person holding a substandard license. Points will be assigned to various levels of licensure.

(a) A "teaching waiver"² will be treated as "substandard licensure" and assigned zero (0) points.

(b) An "assignment waiver"³ working in the affected position, but possessing full licensing in another content area not affected by the RIF will be allocated five (5) points.

(c) Full license and teaching in the affected content area will be allocated ten (10) points.

(d) A "teaching endorsement"⁴ applicable to the qualifications for the individual's current assignment or content area in the affected position will receive an additional two (2) points up to a maximum of six (6) points.

(e) A "full license" in affected area will receive ten (10) points.

(f) Extracurricular Licensing/Experience/Assignment. No employee may receive points on the rating sheet for extracurricular, athletic or co-curricular assignments, unless the licenses are directly relevant to the affected program. If relevant to the affected position, the employee will receive two (2) points up to a maximum of (6). The Administrator, however, shall identify any extracurricular, athletic and co-curricular programs or activities for which an employee may receive credit in the Plan and has the discretion to assign this category of licensure a different weight than (a) through (f).

2. Years of Experience. Each licensed individual considered for termination or discharge will be awarded one (1) point for each year of full-time service during the most recent period of uninterrupted service at School, prior to the current year, excluding approved extended leaves of absence, up to a maximum of the total number of years the School has existed.

² According to NMSA 1978 Section 22-10A-14B.

³ According to NMSA 1978 Section 22-10A-14C

⁴ Endorsements must be recognized by the New Mexico Public Education Department.

3. Education. Credit for education will be determined based on degree, additional hours, and whether the degree or additional hours are applicable to the affected program:

DEGREE (+HOURS)	APPLICABLE	NOT APPLICABLE
• B.A.	1 point	½ point
• B.A. + 15	2 points	1 point
• B.A. + 45 or M.A.	4 points	2 points
• M.A. + 15	6 points	3 points
• M.A. + 45 and higher	8 points	4 points
• Ed.D. and Ph.D.	10 points	5 points

4. Performance. The Administrator shall rate the relative performance of each person considered for discharge using evaluation criteria based on the School's approved performance evaluation process. The Administrator may include additional competencies that reflect, in his or her judgment, attributes necessary for success in the particular program(s) affected by a RIF. The rating form will include standard and specific competency areas, will specify the score for each performance category or attribute, and will allow for a maximum score of twenty (20) points. The Administrator may consult with any individual with supervisory responsibilities, if any, over the affected individual when completing the performance evaluation. The Administrator will consider no more than three (3) prior year evaluations received by the individual at School. The Administrator may devise such other measures as deemed necessary to address situations where implementation of the performance rating cannot occur in the normal manner, so long as such measures are rationally designed to award points to licensed personnel based on the employee's performance.

5. Tenure. Where cumulative scores on the rating sheet are equal between two or more licensed school instructors being considered for termination or discharge, tenured licensed school instructors will be retained in preference to licensed school instructors who have been employed by School for less than three consecutive school years of service.

6. Other Criteria. The Administrator may add any other criteria that he or she deems relevant to assessing the necessary qualifications, including but not limited to highly qualified status, technical skills, areas of training for which endorsements or licensure are not awarded, transferability of job skills/versatility, personal strengths and teamwork.

7. Weight. The Administrator may determine whether any or all of the criteria should be assigned a different weight and shall describe such weighting criteria and rationale for the different weight allocation in the Plan.

B. *Selection Based on Scores*. The Administrator will total the points allocated based on the criteria specified above. The person with the lowest score will be the person who is released by termination or discharge unless such action would have a serious and detrimental effect on the total educational program. In such event, the Administrator may select a higher scoring person for

termination or discharge but will prepare a written justification for such action in the best interests of the School, along with the rating sheets for such positions. The computations of the Administrator, plus the rating forms on the persons considered for release, will be available for review by the person released.

C. *Transfer/Reassignment.* If a position is available at School and the person released from the affected program qualifies, he/she may be assigned to that position if:

1. Existing Vacancy. If, upon the effective date of the termination or discharge due to a RIF, there is an existing vacancy in another program for which the affected person is licensed and qualified, he or she will be transferred or reassigned to that vacant position. There will be no obligation to create a vacancy to accommodate such person. The transferred or reassigned employee will be employed at the rate of pay budgeted for that position.

2. No Existing Vacancy. Where the affected person is licensed and qualified for another program or programs at School, but all such positions are currently filled, the selection criteria described above, subject to the modifications described below, will be applied to determine whether the affected person may be transferred or reassigned to another program and another person, currently employed in the other program, may be released.

(a) If the affected person is fully licensed for a position in another program or an administrative position but has not actually taught in such program or held such an administrative position during any part of the preceding five (5) school years, such person will not be considered qualified for transfer or reassignment to the other position.

(b) If the affected person is fully licensed for a position in another program or administrative position, and has current experience in the responsibilities of that position, the Administrator will determine in his/her best judgment whether removing the incumbent and replacing him/her with the affected person is in the best interest of the School program.

D. *Due Process.* A licensed instructor or administrator discharged or a tenured teacher terminated pursuant to this policy will be entitled to the procedural rights provided pursuant to the New Mexico School Personnel Act,⁵ applicable regulations and the School's policies. The written decision of the Governing Council, to the extent required by statute and regulation, will clearly specify that the termination or discharge resulted from a RIF and not from any cause personal to the person released.

E. *Appeal.* Appeals to an independent arbitrator from termination or discharge pursuant to this policy are governed by the provisions of NMSA 1978, §22-10A-25, NMSA 1978§22-10A-28, respectively, and any applicable regulations of the New Mexico Public Education Department.

VIII. CRITERIA, RANKING AND WEIGHT – NON-LICENSED School PERSONNEL

⁵ NMSA 1978 §§22-10A-1, et seq.

A. *Criteria.* The primary consideration in any RIF shall be maintenance of a sound and balanced educational program consistent with the functions and responsibilities of the School, including the duty to conduct its business within the confines of a balanced budget. The Administrator will consider some or all of the criterion below when determining which non-contract personnel (“staff”) within an affected job category (e.g. office personnel) will be recommended for complete or partial termination in order to implement the RIF. This process shall only be required when the employees being considered for termination are employees with three or more consecutive years of service with School or if he/she has a contract.

1. Specialized Qualifications. Specialized training, certification or licensing directly related to the job duties of the affected position (e.g. electrician’s license; computer certifications) may be allocated up to five (5) points.

2. Relevant Skills and Experience. Skills and/or experience directly related to the ongoing operations and administration of the School’s program(s)(e.g. computer skills, student information management, etc.), may be allocated up to five (5) points. The Administrator shall enumerate the specific skills and experiences that are relevant to the School’s programs in the Plan.

3. Performance. The Administrator considers and rates the relative performance of such person in the positions to be eliminated on a rating form to be prepared by the Administrator if evaluation forms are not available. Performance may allocate up to (20) points. If the Administrator is not the affected staff member’s immediate supervisor, the Administrator may assign the performance rating process to the supervisor and/or consult with such individual(s) who are most familiar with the affected staff member’s performance.

4. Length of Service. Affected staff member(s) will be awarded one (1) point for each complete school year of full-time service during the most recent period of uninterrupted service with School up to a maximum number of points equal to the number of years the School has been in operation. Periods of extended leave of absence without pay will not be included, unless contrary to law. Where cumulative scores are equal, the individual who has served longest at the School will be retained.

5. Other Criteria. The Administrator may add any other criteria that he or she deems relevant to assessing the necessary qualifications such as, technical skills, areas of training for which endorsements or licensure are not awarded, transferability of job skills/versatility, personal strengths and teamwork.

6. Weight. The Administrator may determine whether any or all of the criteria should be assigned a different weight and shall describe such weighting criteria and rationale for the different weight allocation in the Plan.

B. *Selection Based on Scores.* The Principal will total the points for the criteria selected. The person with the lowest score will be the person who is released. The computations of the Administrator, plus the rating forms on the persons considered for release, will be available for review by the person released. The person with the lowest score will be the person who is released by

termination unless such action would have a serious and detrimental effect on the total educational program. In such event, the Administrator may select a higher scoring person for termination or discharge but will prepare a written justification for such action in the best interests of the School, along with the rating sheets for such positions. The computations of the Administrator, plus the rating forms on the persons considered for release, will be available for review by the person released.

C. Transfer/Reassignments. If, as a result of the application of the selection criteria, a person is selected to be released from the affected program, but such person is a long-term staff member (i.e. has worked for School for more than three consecutive years) and qualifies for another position within School where a vacancy exists, that person will be considered for transfer/reassignment to the other program.

D. Termination. Each staff member terminated pursuant to this policy will be entitled to the procedural rights provided pursuant to the New Mexico School Personnel Act, applicable regulations and the School's policies, if any. The written decision of the Governing Body, to the extent required by statute and regulation, will clearly specify that the termination or discharge resulted from a RIF and not from any cause personal to the person released.

E. Appeal. Appeals to an independent arbitrator from termination or discharge pursuant to this policy are governed by the provisions of NMSA 1978, § 22-10A-25 and any applicable regulations of the New Mexico Public Education Department.

IX. PROVISIONS APPLICABLE TO ALL EMPLOYEES AFFECTED BY RIF

A. Recall of Released Employees. For a period of one year after the effective date of the discharge or termination of any employee pursuant to this policy, the Administrator will offer to such person any position(s) which becomes available for which such person is licensed and/or qualified, provided that such person has complied with the following requirements:

1. Interest to be recalled. If an opening occurs, the terminated employee must file with the Administrator, within thirty (30) days after the effective date of the discharge or termination, a written statement indicating a desire to be considered for recall and providing an address at which the person may be contacted. The employee shall be responsible for keeping his/her contact information current.

2. Competing applicants. If more than one person who was discharged or terminated within the calendar year prior to recall is qualified for the position by experience, training, and/or licensure to which a person will be recalled, the selection criteria of this policy will be applied to determine which person is to be recalled. The points accrued for "Service at School" and "Performance," if any, will be the same as when the persons were discharged or terminated. Additional points for qualified education earned after the discharge or termination which is directly related to School educational program will be credited and considered.

3. Response to Offer of Recall. Any person selected for recall hereunder will receive written notification of the recall, by certified mail, at the address provided. The recalled person must accept the position offered in writing within fifteen (15) calendar days from the date of mailing the notice to the person. Rejection of the offer, in writing or by failure to timely respond, will result in forfeiture by the recalled person of any further recall rights under this policy. Thereafter, an offer of recall will be made to the next person qualified to be recalled, or if there is none, the position will be filled by another qualified applicant.

4. Restoration of leave upon rehire. Any person recalled pursuant to this policy will have all accrued but unused sick leave restored and will be given credit for all years of actual service at School for salary purposes. However, whether the employee is restored to his/her prior salary or level of benefits is at the discretion of the Administrator consistent with the School's budget and current School policies.

5. Expiration of rights to recall. After the one-year recall period has expired, any person discharged or terminated under this policy will no longer have any right to be recalled. Such persons who wish to be reemployed thereafter will file applications for employment and will be treated as would any other applicant for a vacant position.

B. Modification of this Policy. The Governing Council may amend this policy from time to time at its sole discretion. Any modification to the policy shall be effective immediately.

C. Mandated Reductions in Force. If legislation is passed which requires the School to reduce licensed school personnel, for any reason and such legislation alters the policy and procedures described herein, School will follow the legislative procedures, in lieu of this policy.

Countervailing valid orders of the Secretary of the New Mexico Public Education Department will override this policy. Unless a different procedure is mandated by law, the termination or discharge of school employees shall be in compliance with the New Mexico School Personnel Act, NMSA 1978 §§22-10A-1, *et seq.* as amended.

Las Montañas High School

Work Hours & Attendance – Section 13.08

Section: 13.08.01—Attendance and Punctuality

To maintain a safe and productive work environment, Las Montañas High School expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees, and on the operating efficiency of the school.

If an employee cannot avoid being late to work, or is unable to work as scheduled, the employee is required to contact the substitute system immediately. When possible, an employee should call at least three (3) hours prior to the scheduled starting time. Any employee who fails to call in an absence may be subject to disciplinary action if the supervisor is unable to reach the employee by phone. This may result in disciplinary action up to and including termination of employment.

An employee who is absent for three (3) consecutive days may be required to present a written excuse from the employee's physician. If the supervisor notes a pattern to the absences, or determines that absences are considered to be excessive and disruptive to the operations of the school may result in a disciplinary measure, up to and including loss of employment as a consequence to this infraction.

Las Montañas High School

Leave Provisions – Section 13.09

Section: 13.09.01—Family and Medical Leave (FMLA)

This policy has been adopted by Las Montañas High School in compliance with the ***FAMILY and MEDICAL LEAVE ACT ("FMLA") OF 1993***. The following is a summary of the provisions of FMLA, and how it will apply to qualifying employees of Las Montañas.

The FMLA regulations require that Las Montañas High School employees be provided with up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12) month period for the following qualifying events:

- Birth of a son or daughter and care of newborn
- Placement of a child for adoption or foster care
- Serious health condition of a spouse, child or parent
- Employee's own serious health condition, which makes the employee unable to perform his or her job function
- A "qualifying exigency" resulting from an employee's spouse, child or parent being on active duty or being called to active duty in support of a contingency operation as a member of the National Guard or Reserves

The following definitions further identify the relationships documented above:

- The term "***son or daughter***" is defined as biological, adopted, or foster child. The term "***son or daughter***" is also defined, to include children who are 18 years or older, and incapable of self-care due to mental or physical disability. To provide foster care for a child requires "State" action. The "State" either through judicial determination, or approval of a voluntary agreement by the parent or guardian that the child will be removed from the home, must be involved in the removal of the child from parental custody.
- The term "***serious health condition***" is defined as illness, injury, impairment, or a physical or mental condition involving either inpatient care, or continuing treatment by a health care provider. FMLA leave is available for treatment of substance abuse, if the abuse qualifies as a serious health condition. Absence

because of an employee's use of a substance, rather than treatment, **does not** qualify under FMLA guidelines. An employee may also take leave to care for an immediate family member who is, *as defined above*, undergoing treatment for substance abuse.

- The new FMLA regulations define "**qualifying exigency**" by referring to a number of broad categories for which employees can use FMLA leave, including:
 - a) Short notice deployment
 - b) Attending military events and related activities
 - c) Arranging for alternative childcare and school activities
 - d) Addressing financial and legal arrangements
 - e) Attending counseling sessions
 - f) Rest and recuperation
 - g) Attending post-deployment reintegration briefings
 - h) Additional activities not covered in other categories, but agreed to by the employer and employee

Eligible employees with a spouse, son, daughter, or parent on active duty, or called to active duty status in the "*National Guard*" or "*Reserves*" in support of a contingency operation may use their 12-week entitlement to address certain "**qualifying exigencies**". Eligible employees may take up to 26-weeks of leave to care for a covered service member during a 12-month period. A covered service member is a current member of the "*Armed Forces*", including a member of the "*National Guard*" or "*Reserves*", who has a serious injury or illness incurred in the line of duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Eligible employees are those who have been employed by Las Montañas High School for at least twelve (12) months, and have worked at least 1,250 hours prior to requesting FMLA leave.

The FMLA provisions apply **equally** to both male and female employees. If Las Montañas High School employs both husband and wife, each spouse will be entitled to twelve (12) weeks of leave.

Las Montañas will require the employee to provide a statement from their health care provider certifying the date the condition started; it's probable duration; related medical

information; whether the employee is needed to care for a family member; or whether the employee is unable to perform work-related duties. This certification requirement is designed as a check against employee abuse of medical leave. If an employee fails to provide medical certification, as requested by Las Montañas, the absence **does not** qualify under FMLA guidelines.

Employees requesting leave for birth or adoption purposes must give at least thirty (30) days notice prior to the requested leave date, or as much notice as possible. Leave may be taken at intermittent intervals, or on a reduced basis, for the birth or adoption of a child, or for a serious health condition, either of a family member or the employee if the arrangement is agreed to, and approved by the Academic Dean.

Employees are required to use their "Sick Leave" for personal illness or medical condition. If applicable, "Annual Leave" can be utilized if sick leave has been exhausted. If the employee has used all accumulated leave (annual and sick), Las Montañas will authorize **leave without pay** to equal the twelve (12) week mandated period.

An employee requesting leave to care for a family member will be required to use accrued "Annual Leave" for this purpose. If *eligible* annual leave has been exhausted, Las Montañas will authorize enough **unpaid** leave to total the twelve (12) weeks.

Employees on FMLA will retain previously accrued seniority, position, pay, benefits, and other terms of employment. Annual and Sick Leave will not accrue during the leave period.

Health benefits will remain in force throughout an employee's FMLA leave. If an employee does not have sufficient accrued leave to earn full wages during the approved absence, and elects not to return to work (i.e., submits resignation), Las Montañas will require the employee to pay the health coverage premiums in full at the time of separation.

Las Montañas High School

Leave Provisions – Section 13.09

Section: 13.09.02—Military Leave

Las Montañas High School will grant a military leave of absence to employees who are absent from work because of service in the “U.S. Uniformed Services” in accordance with the **Uniformed Services Employment and Reemployment Rights Act (USERRA)**. Advance notice of military service is required, unless military necessity prevents such notice, or it is otherwise impossible or unreasonable.

Reservist and National Guardsmen subject to annual training shall be granted military leave for such training upon presenting adequate documentation to the Human Resources Department. All Reservist and National Guardsmen called up for active duty will be covered through the **Job Protection Rights and Employer Obligation Act of the Federal Military Reservists Guidelines**.

The leave will be unpaid. However, eligible employees may use any available annual leave time for the absence.

Continuation of health insurance benefits is available, as required by USERRA based on the length of the leave, and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Leave and holiday benefits will continue to accrue during a military leave of absence.

Employees on military leave for up to thirty (30) days are required to return to work for the first regular scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA, and all applicable state laws. Temporary hires are not eligible for reinstatement.

Employees returning from military leave will be placed in a comparable position in accordance with USERRA.

Las Montañas High School

Leave Provisions – Section 13.09

Section: 13.09.03—Bereavement Leave (Death in Family)

Employees will be allotted a maximum of four (4) days of bereavement leave in the event of loss of an *"immediate family member"*. Family members are defined as:

- Spouse
- Father
- Mother
- Son
- Daughter
- Sister
- Brother
- Grandchild
- Grandmother
- Grandfather
- Father-in-law
- Mother-in-law
- Daughter-in-law
- Son-in-law

Las Montañas High School

Leave Provisions – Section 13.09

Section: 13.09.04—Jury Duty

Las Montañas High School encourages employees to fulfill their civic duties by serving on jury duty when required.

Employees serving on jury duty will be compensated by Las Montañas at the base rate of pay times the number of hours the employee would have worked on the day of absence. Furthermore, any court compensation for jury duty shall be remitted to Las Montañas, with the exception of payment for mileage allowance, which the employee will keep.

A copy of the jury summons, and court compensation documentation will be submitted to Human Resources for retention in the employee's personnel file. The employee must notify the Academic Dean and/or Human Resources at the earliest possible, so that arrangements can be made to accommodate their absence. If the employee's absence creates an operational hardship, Las Montanas will provide supporting documentation, so that the employee can petition the court to excuse them from jury duty.

All employee benefits will remain in force while on jury duty.

Las Montañas High School

Leave Provisions – Section 13.09

Section: 13.09.05—Personal Time-Off (PTO)

Employees of Las Montanas High School will be allotted two (2) days per school year for Personal Time-Off.

Employees will be allotted one (1) day at the beginning of the Fall term (August), and one (1) day at the beginning of the Spring term (January).

Unused “Personal” hours will be converted into Sick Leave time at the end of each fiscal year. **See “Annual Leave Policy”—Section 13-09.06 and “Sick Leave Policy”—Section 13.09.07 for additional information.**

Las Montañas High School

Leave Provisions – Section 13.09

Section: 13.09.06—Annual Leave

Las Montañas High School grants Annual Leave to classified employees to provide opportunities for personal leisure activity. Eligible employees are eligible to earn and use Annual Leave as described in this policy.

Classified Staff

- 1) Classified staff on a 192 day contract shall accrue a total of eight (8) of Annual Leave which is built into their contract.
- 2) Accrued Annual Leave time must be used within the school year. Annual leave will not be carried over to the following school year.
- 3) Classified Staff who have exhausted their Annual Leave and is in need of emergency leave shall be required to take Leave without Pay.
- 4) Request for time off must be approved in advance. If prior notification is not possible due to an emergency, notice should be given as soon as practical.
- 5) Authorization of Annual Leave will be granted only for such time as will least interfere with the efficient operation of LMHS
- 6) Annual Leave time can be taken as a half day or a full day.
- 7) Annual Leave entitlement will have no affect on employees who are on Military Leave; *Reference Policy 13.09.02 for additional information*
- 8) Annual Leave benefits will cease to accrue during FMLA status. An employee will continue accrual of Annual Leave benefits once a working condition is restored; *Reference Policy 13.09.01 for additional information*

Instructional Staff

- 1) Instructional Staff are employees who are classified full-time; exempt (salaried) status, and are not entitled to accrue Annual Leave time
- 2) Instructional Staff are subject to time off (non-teaching days) as specified, and in accordance to their Employment Contract, and the LMHS calendar for the school year
- 3) Instructional Staff will be allotted two (2) days of Personal Time-Off (PTO) in a school year. Unused Personal Time-Off will be converted into Sick Leave at the end of the school year. Request for time off must be approved in advance; *Reference Policy 13.09.07 for additional information*

Academic Dean (Administrator)

- 1) Administrator works full-time and is classified exempt (salaried) status
- 2) Administrator shall accrue a total of eight (8) hours of Annual Leave each pay period (semi-monthly) for a total of (24) working days per contract year
- 3) Accrued Annual Leave time may be carried over from one year to the next with a maximum of 240 hours (30-days). Earned Annual Leave time in excess of 240 hours will be forfeited
- 4) Upon resignation or retirement, Administrator shall be compensated 100% of unused Annual Leave upon satisfying two (2) years of creditable service with Las Montañas High School
- 5) An Administrator with less than two (2) years of creditable employment at LMHS will be compensated 50% of unused Annual Leave at the time of separation
- 6) Annual Leave entitlement will have no affect should Administrator be on Military Leave; *Reference Policy 13.09.02 for additional information*
- 7) Annual Leave benefits will cease to accrue during FMLA status. Administrator shall continue accrual of Annual Leave benefits once a working condition is restored; *Reference Policy 13.09.01 for additional information*

- 8) Administrator shall be allotted two (2) days of Personal Time-Off (PTO) in a school year. Unused Personal Time-Off will be converted into Sick Leave at the end of the contract year. *Reference Policy 13.09.07 for additional information*
- 9) Annual Leave time is not earned for partial pay periods worked

Las Montañas High School

Leave Provisions – Section 13.09

Section: 13.09.07—Sick Leave

Las Montañas High School provides paid Sick Leave benefits to all eligible employees for periods of temporary absence due to illness or injuries. Full-time employees are eligible to earn and use sick leave as described in this policy.

Classified Staff

- 9) Classified Staff shall have available eight (8) days of Sick Leave per school year.
- 10) Accrued Sick Leave time may be carried over from one year to the next, and shall accumulate without limit
- 11) Classified Staff is allotted two (2) days of Personal Time-Off (PTO) in a school year. Unused "Personal" days will be converted into Sick Leave at the end of the fiscal year. *Reference Policy 13.09.06 & 13.09.05 for additional information*
- 12) Eligible employees may only use Sick Leave benefits based on the FMLA. (See 13.09.01)
- 13) Employee may be required to furnish evidence that the Sick Leave absence is bona fide if the Academic Dean reasonably suspects abuse or after three (3) consecutive sick days.
- 14) Sick Leave benefits will cease to accrue during FMLA status. An employee will continue accrual of Sick Leave benefits once a working condition is restored; *Reference Policy 13.09.01 for additional information*
- 15) Sick Leave time can be taken in minimum increments of one .5 days.
- 16) Sick Leave entitlement will have no affect on employees who are on Military Leave; *Reference Policy 13.09.02 for additional information*

Certified Staff

- 4) Certified Staff are employees who work full-time and are classified exempt (salaried) status.
- 5) Certified Staff will be allotted two (2) days of Personal Time-Off (PTO) in a school year. Unused Personal Time Off will be converted into Sick Leave at the end of the school year. Request for time off must be approved in advance; *Reference Policy 13.09.07 for additional information*
- 6) Eligible employees may use Sick Leave based on the FMLA.
- 7) Employee may be required to furnish evidence that the Sick Leave absence is bona fide if the Academic Dean reasonably suspects abuse or after three (3) consecutive sick days.
- 8) Certified Staff shall accrue a total of eight (8) days of sick leave per school year.
- 9) Accrued Sick Leave time may be carried over from one year to the next, and shall accumulate without limit.
- 10) Classified Employees will be charged either half day or a full day of sick leave.
- 11) Sick Leave benefits will cease to accrue during FMLA status. An employee will continue accrual of Sick Leave benefits once a working condition is restored; *Reference Policy 13.09.01 for additional information*
- 12) Sick Leave entitlement will have no affect on employees who are on Military Leave; *Reference Policy 13.09.02 for additional information*

Academic Dean (Administrator)

- 1) Administrator works full-time and is classified exempt (salaried) status.
- 2) Administrator will be allotted two (2) days of Personal Time-Off (PTO) in a school year. The employee will be entitled to use one (1) day the first term (Semester—August through December), and one (1) day the second term (Semester—January through June); unused Personal Time-Off will be converted into Sick Leave at the end of the school year. Request for time off must be approved in advance; *Reference Policy 13.09.07 for additional information*
- 3) Administrator may use Sick Leave benefits based on the FML
- 4) Administrator shall accrue a total of four (4) hours of Sick Leave each pay period (semi-monthly) for a total of twelve (12) days per year
- 5) Accrued Sick Leave time may be carried over from one year to the next, and shall accumulate without limit
- 6) Administrator shall be compensated 75% of unused Sick Leave if records show that employee separated employment with creditable service. Compensation of Sick Leave time shall not exceed (30) days
- 7) Exempt status (salaried) employees will not be charged for Sick Leave or partial-day absences if the absence is less than four (4) hours or ½ day. Any absence over four (4) hours or ½ day will constitute a full-day, and the employee will have their Sick Leave time deducted for a full day
- 8) Sick Leave benefits will cease to accrue during FMLA status. An employee will continue accrual of Sick Leave benefits once a working condition is restored; *Reference Policy 13.09.01 for additional information*
- 9) Sick Leave entitlement will have no affect on employees who are on Military Leave; *Reference Policy 13.09.02 for additional information*

Las Montañas High School

Leave Provisions – Section 13.09

Section: 13.09.08—Voting

Las Montañas High School encourages employees to fulfill their civic duties by participating in elections. Generally, employees are able to set aside time to vote either before or after their regular work schedule. Las Montañas will give employees one (1) hour time off for voting purposes if an employee's work schedule conflicts with a polling center's hours of operation.

Employees should consult with the Academic Dean to request time off to vote at least two (2) working days prior to Election Day. Advance notice is required so that the time off can be scheduled at the beginning or end of the work shift, whichever provides the least amount of disruption to the normal work schedule.

Las Montañas High School

Leave Provisions – Section 13.09

Section: 13.09.09—Holidays

Las Montañas (Charter) High School observes **"Holidays"** as established on the school calendar and approved by the Board of Directors.

The following Holidays will be observed each year:

- New Year's Day (January 1st)
- Martin Luther King, Jr. Day (3rd Monday in January)
- President's Day (3rd Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day (July 4th)
- Labor Day (1st Monday in September)
- Veteran's Day (November 11th)
- Thanksgiving Day (4th Thursday in November)
- Winter Holiday (Last 2 weeks in December)

Las Montañas High School

Leave Provisions – Section 13.09

Section: 13.09.09—Holidays

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- Memorial Day (Last Monday in May)
- Independence Day (July 4th)
- Labor Day (1st Monday in September)
- Veteran's Day (November 11th)
- Thanksgiving Day (4th Thursday in November)
- Winter Holiday (Last 2 weeks in December)

Las Montañas Charter High School

Employee Benefits – Section 13.10

Eligible employees of Las Montañas High School are provided a wide range of benefits. A number of the programs such as: Social Security, Workers' Compensation, and Unemployment Insurance cover all employees in the manner prescribed by law.

Las Montañas has established benefit programs designed to assist eligible employees and their dependents in meeting the financial burdens that can result from illness, disability and death. These programs will also help plan for retirement, and assist with job related or personal problems.

This Policy Manual will highlight some features of our benefit programs. Our group health, life, disability, retirement and related programs are described more fully in Summary Plan Description Booklets (SPDs). These booklets are provided to the employee once they are eligible to participate in the program.

In the event of any contradiction between the information appearing in the Policy Manual and the SPD Booklet, the information that appears in the master contract/plan document shall govern in all cases.

Las Montañas reserves the right to amend or terminate any of these programs, or increase employee premium contributions toward any benefits at its discretion. This reserved right may be exercised in the absence of financial necessity.

The Human Resources Department may be contacted for more complete information regarding employee benefits.

Las Montañas High School

Employee Benefits – Section 13.10

Section: 13.10.01—Workers’ Compensation Insurance

Las Montañas High School provides a comprehensive “Workers’ Compensation” Insurance Program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, Workers’ Compensation Insurance provides benefits after a short waiting period, or if the employee is hospitalized immediately.

Neither Las Montañas nor the insurance carrier will be liable for the payment of Workers’ Compensation benefits for injuries that occur during an employee’s voluntary participation in any off-duty recreational, social, or athletic activity sponsored by Las Montañas High School.

Las Montañas High School

Employee Benefits – Section 13.10

Section: 13.10.02—Social Security

The law requires that Las Montañas High School make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. Las Montañas must also deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "Wage Base". Las Montañas matches the amount of Social Security taxes paid by each employee.

If an employee has any questions concerning why deductions were made, or how they were calculated, Human Resources can assist in having questions answered.

Las Montañas High School

Employee Benefits – Section 13.10

Section: 13.10.04—Life Insurance

Las Montañas (Charter) High School provides a basic life insurance plan for eligible full-time employees. Life insurance coverage offers important financial protection for the employee and their family at the time of death.

Accidental Death and Dismemberment “AD&D” insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan.

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between Las Montañas and the insurance carrier.

Details of the basic life insurance plan are described in the Summary Plan Description “SPD” Booklet provided to employees at the time of enrollment.

Employees may contact Administration/Personnel for more information about Life Insurance and AD&D Benefits.

Las Montañas High School

Sensitive (Privacy) Issues – Section 13.11

Section: 13.11.01—Blood Borne Pathogens

In order for Las Montañas High School to reduce the risk of an employee becoming infected with such blood borne diseases as Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV), Las Montañas will comply with the requirements of OSHA Standard 29, CFR 1910.1030.

Las Montañas High School

Sensitive (Privacy) Issues – Section 13.11

Section: 13.11.02—Employees with Communicable Diseases

Upon discovery or being informed that an employee of Las Montañas High School has been diagnosed as having a communicable disease, Las Montañas will endeavor to protect the health and safety of all employees and students while concurrently safeguarding the legitimate interest and rights of the employee.

Las Montañas High School

Sensitive (Privacy) Issues – Section 13.11

Section: 13.11.03—Employee Substance/Alcohol Abuse

It is the policy of Las Montañas High School to provide employees with a working environment that is free of the problems associated with the use and abuse of controlled substances, and the abuse of alcohol. Las Montañas employees are expected to be in such mental and physical condition as will permit them to perform their assigned tasks in a professional and competent manner.

Controlled Substances:

- 1) The non-prescriptive use, sale, possession, distribution, manufacture, or transfer of controlled substances at the workplace or elsewhere during work hours is strictly prohibited. Las Montañas further expresses its strong condemnation of the use, sale, possession, distribution, manufacture, or transfer of controlled substances to the extent that such use impairs and employee's ability to perform his or her job or where such use, sale, possession, distribution, manufacture, or transfer affects the reputation of Las Montañas to the general public, or threatens the integrity of the school.
- 2) The term "*controlled substances*" as used in this policy is defined to include; legal and illegal drugs. The use or possession of legal drugs (i.e., those drugs for which a valid prescription is required before the drug may be used or possessed) is not prohibited by this policy unless that use or possession is inconsistent with the prescription, or where no such prescription has been provided. The term "*illegal drugs*" is defined to include all such drugs where the use, sale, possession, distribution, manufacture, or transfer is prohibited by law, and includes, but is not limited to—narcotics, hallucinogens, stimulants, depressants, so-called "*designer drugs*," and marijuana.
- 3) The term "*workplace*" as used here shall mean Las Montañas premises, or work site to include company vehicles, and public or private means of transportation while engaged in school business.
- 4) Las Montañas personnel may not report to work, or work while under the influence of illegal drugs; nor may any staff report to work under the influence of legal drugs for which no prescription has been issued, or where the use of the legal drugs is

inconsistent with a prescription. As used in this policy, "*under the influence*" means that the individual is impaired by a controlled substance in a detectable manner.

- 5) While this policy does not prohibit the use or possession of over-the-counter, or prescription drugs where such use or possession is consistent with the proper use of such substances, Las Montañas personnel is encouraged to advise supervisors of such use where it may affect performance. Should performance be affected by the use of such substances, the individual may be relieved of his or her job duties under the occasional absence or sick leave program.

Alcohol:

- 1) Las Montañas High School expects that all personnel will maintain proper professional decorum at all times during the workday, on and off school property. Expressly prohibited under this policy is reporting to work or working while impaired from the use of alcohol, and alcohol consumption while on the job, or other inappropriate times during the workday.
- 2) As used in this policy, "*impaired from the use of alcohol,*" means that the individual's performance, or behavior is marked by abnormal conduct, or erratic or aberrant behavior.
- 3) Also prohibited under this policy is drinking to excess at business functions, or at any time where drinking to excess would, or might adversely affect the integrity or image of the school.

Las Montañas Charter High School

Sensitive (Privacy) Issues – Section 13.11

Section: 13.11.06—Sick Policy – Food Service Workers

It is the policy of Las Montañas Charter High School to restrict or exclude employees/volunteers who are sick or have infected cuts or lesions. Employees/volunteers with these conditions shall inform the person in charge. At that time a decision will be made whether or not to exclude from service or restrict their activity based on the conditions. As employees/volunteers in the food service industry, you should be aware of the potential risks and hazards that your health plays in the public health of our community. Each case will be reviewed individually and handled as the facility deems appropriate. This may result in different jobs or positions in the facility during the illness or condition and possibly the exclusion from work entirely.

As employee/volunteer who has any of the following symptoms: diarrhea, fever, vomiting, jaundice, sore throat with fever, persistent sneezing, coughing or running nose, etc., will be excluded from the facility until the individual is symptom free.

Any employee/volunteer who is exposed to or diagnosed as being contagious with any of the following: Salmonella Typhi, Shigella ssp., E. Coli 0157:H7 or Hepatitis A virus, Norovirus, etc., will be excluded from work until documentation is provided from a licensed physician indicating the person is free of the infectious agent of concern. The person in charge of the facility involved is also to contact the local health department, informing them of the diagnosis, and is to receive their approval prior to the employee/volunteer returning to work.

Las Montañas High School

School Property – Section 13.12

Section: 13.12.01—Textbook Policy

Purpose:

The Governance Board of Education is committed to providing textbooks and related instructional material, both print and electronic, that supports the district's curriculum, and to establish responsibility and procedures for compliance with statutory, and regulatory compliance.

Position:

In every case where feasible, the selection of equipment, books and materials shall be made only after consultation with the professional staff responsible for their use.

- 6) The Academic Dean for Instruction of Las Montañas High School will coordinate the process for evaluating and selecting instructional materials; establish guidelines for the review and selection of instructional material by the Instruction Division, and maintain a comprehensive file of evaluation decisions for all instructional materials.
- 7) Instructional materials will be evaluated and selected by the professional staff to assure support for the curriculum, and alignment to the NM Content Standards, Benchmarks, and Performance Standards.
- 8) A procedure will exist for parents, students and staff to request an evaluation of any instructional material being used at Las Montañas High School.
- 9) Instructional material selected for use at Las Montañas High School shall reflect the cultural and linguistic diversity of the community.
- 10) Required textbooks will be issued free to students. The Academic Dean or the Academic Dean's designee is responsible for establishing, and enforcing statutory requirements, and regulations relating to textbooks.

11)Every student will have a textbook for each class that conforms to curriculum requirements, and students will be allowed to take textbooks home.

Review:

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

Las Montañas High School

School Property – Section 13.12

Section: 13.12.02—Use of Equipment and School Vehicle

Las Montañas (Charter) High School provides the *'Use of Equipment and School Vehicle'* to accomplish job duties. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Employees are required to notify Administration if the school vehicle, or any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repair could prevent deterioration of equipment and possible injury to employees or others. Administration can answer any questions about an employee's responsibility for maintenance and care of equipment, or vehicle used on the job.

As a condition of driving a school vehicle, each employee shall notify Administration of any violations such a driving under the influence, unpaid motor vehicle violation tickets, unpaid child support, or any other reason that an employee may lose driving privileges and/or their driver's license.

Any person who drives a school vehicle must be an employee of Las Montañas, and must possess a valid New Mexico driver's license. The employee's driving record must be acceptable in accordance with the State of New Mexico Motor Vehicle Division Driver Transaction/State Statute, Violation Code and Point Index. The employee must have less than nine (9) points; ten (10) points and above will suspend driving privileges. If the employee received a 'driving under the influence' (DUI) violation within the last three (3) years; driving privileges will be suspended.

The improper, careless, negligent destructive, or unsafe use or operation of equipment or the school vehicle, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

Las Montañas High School

School Property – Section 13.12

Section: 13.12.03—Houskeeping

Although custodial services are furnished by Las Montanas (Charter) High School, every employee is encouraged to keep their classroom, office or immediate work area in a clean and orderly fashion.

Trash receptacles, which are easily accessible, are located throughout the building. All litter should be placed in these trash bins.

Any employee caught littering or contributing to unsanitary or unsafe working conditions will be subject to disciplinary action.

Las Montañas High School

School Property – Section 13.12

Section: 13.12.04—Key Control

Las Montañas (Charter) High School may issue keys to employees to gain access to areas in the school where they will be working.

School keys issued to an employee must be kept in their possession at all times. It is the employee's responsibility to safeguard their assigned keys.

Employees shall not loan their keys to other individuals, nor leave them where they may be found and picked up by others.

Lost keys should be reported immediately. An employee finding a lost or unattended key(s) shall promptly turn in such key(s) to the Office.

A 'Key Control Log' is maintained on each employee. At the end of the school year assigned keys are inventoried, and checked in to Personnel.

Las Montañas High School

School Property – Section 13.12

Section: 13.12.05—Safety

The Board of Directors and Las Montañas (Charter) High School will maintain a sincere and dedicated commitment to the safety of its employees, property, and to the interest of the public recognizing that safety is a part of every member organization, and part of every job and school function, as well as an obligation of each member employee.

Las Montañas accepts the basic discipline that no job or function is so important or so urgent that time cannot be fully allowed to ensure its safety in the interest of the employees, students, and the public.

Las Montañas High School

School Property – Section 13.12

Section: 13.12.06—Disruption of Instructional or School Program

Any individual or individuals coming upon the school grounds of Las Montañas (Charter) High School whose apparent and open purpose is the disruption of either the school's adopted program, or a student's approved schedule of activity, shall be informed of his/her or their interference with statutory delegation of authority.

No person may enter onto school premises, including visits or audits to a classroom, or other school activity, without approval by the Academic Dean or designee. Neither, will any person be allowed to conduct or attempt to conduct any activity on school premises that has not had prior approval by the Academic Dean.

Anyone who is not a student or staff member of the school, and is in violation of this policy, may be asked to leave the property of the school. Failure to comply with the lawful directions of school officials, or of school security officers, or any other law enforcement officers acting in performance of their duties, and failure to identify one-self to such officials, or officers when lawfully requested to do so, will be against school regulations. Failure to obey such instructions may subject the person to criminal proceeding applicable under law.

Las Montañas (Charter) High School

Other (Miscellaneous) Policies – Section 13.13

Section: 13.13.01—Purchasing

All purchases from Las Montanas (Charter) High School funds shall be made in accordance with applicable statutes. All purchases of and contract for supplies, materials, equipment and contractual services shall be based when necessary on competitive bids, as provided by law. Formal bids shall be sealed, and shall be opened by the Academic Dean, or designee.

The business office of Las Montañas shall be the Director of Purchasing. The business office is authorized to administer the procurement functions of the charter. The Board shall award all formal bids and proposal contracts in excess of \$20,000. Formal bids less than \$20,000 shall be awarded to the lowest bid meeting, or exceeding specifications, and submitted to the Charter Governance Board for approval, at its next regular meeting. The business office shall promulgate and administer purchasing regulations and procedures not specific in the statutes including small procurement procedures.

Other (Miscellaneous) Policies – Section 13.13

Section: 13.13.02—Small Business Procurements

It shall be the policy of the Charter Governance Board to encourage small businesses to conduct business with Las Montañas (Charter) High School.

Small business is defined “as a business, not a subsidiary, or division of another business having an average.”

It shall be the policy of the Charter Governance Board to encourage small businesses to annual volume for the preceding three (3) fiscal years, which does not exceed one million five hundred thousand dollars (\$1,500,000.00).

Las Montañas (Charter) High School

Other (Miscellaneous) Policies – Section 13.13

Section: 13.13.03—Travel Policy

It is the policy of Las Montañas High School to authorize employees of the school to attend a educational programs and job related conferences each year. In addition to the expense of the conference or program, reasonable travel expenses will be paid by Las Montañas. **Original receipt will be required on some expenditures.**

Eligibility for Travel

1. Employees from time-to-time will be authorized to attend conferences and educational seminars, either in the local area, or out-of-town.
2. Authorization for attendance will be secured in advance by the Academic Dean.

Choice of Transportation

1. The choice of flying versus driving is influenced by distance, time, cost, and ones' preference. When flying is the economical choice but one chooses to drive, the reimbursement may not exceed the cost of the lowest available air transport for the same points of origin and destination. The traveler must provide appropriate price quotes from either Travel Service On-line or from one of the contract Travel Agencies to document the appropriate airfare for comparison.
2. Airfare is to be purchased at the lowest available commercial economy fare that meets the business purpose of the trip. Where multiple coach fares exist, the lowest available commercial economy fare must be selected.
3. If a bona fide reason exists for cancellation of a trip using a non-refundable ticket, the ticket will be used as credit toward subsequent travel.
4. On occasion, when the difference of a refundable and non-refundable ticket is minimal, the option to purchase fully refundable tickets to enable flight schedule changes may be approved by the Academic Dean.

Personal Vehicle Expense

1. Use of personal vehicle is reimbursed on an actual mileage basis for the business portion of the trip. Reasonable mileage must be calculated for the most direct route plus the required business travel while at the business site.
2. Reimbursement for **"Vehicle Mileage"** is set in accordance with that established by the federal government and Internal Revenue Service (IRS) guidelines. The reimbursement rate is per mile. **IRS reduced rate per mile**
3. Mileage allowance covers all operating costs, including repairs, insurance, fuel, depreciation, towing, and other auto-related expenses. **Line Item #3 Removed**

Ground Transportation

1. Approval for a "Rental Car" shall be obtained in advance.
2. Actual expenses for taxi fare, shuttle fees, parking fees, handling of luggage, gratuities, etc., is approved for trips to and from the airport and conference/meeting site only. Reimbursement for these expenses without original receipts is limited to **\$12** dollars per day.
3. Taxi fare to meals and shopping is not paid unless the hotel/motel is in a remote area, and meal facilities are not available in the hotel/motel or nearby.

Traffic Violations, Parking , and Towing

1. All fines and penalties resulting from operation of a vehicle are the responsibility of the driver. No reimbursement will be made for payment of fines and citations, or resulting in towing expense.

Overnight Lodging

1. For conference travel it is appropriate to stay at the hotel hosting the Conference, assuming that the daily rate is reasonable. Reasonableness would be determined by comparing relative cost, convenience, safety, the reduced need for taxi or rental car, and the ability to interact with other conference members.

2. The total number of eligible overnight lodging days may not exceed the total number of days during which the conference or meeting is scheduled; this may include, lodging one (1) day before if the meeting or conference is scheduled to start early. If the last day of a meeting or conference extends into the late evening; overnight lodging is authorized.
3. Reimbursement for lodging shall not exceed **\$125** dollars per night. The per diem rate for overnight lodging in a high cost area will be determined by the IRS allocated rate. **Added verbiage highlighted in green.**
4. Personal expenses charged to the hotel bill such as in-room movies, laundry, mini-bar service, grooming, or exercising expenses are not allowed and are not eligible for reimbursement.
5. Actual lodging receipts are required for lodging expenses.

Lodging in a Private Residence`

1. In the event a traveler lodges in a private residence in lieu of a commercial establishment, the traveler is eligible for a reimbursement of actual expenses not to exceed **\$25** dollars per day.
2. Recognizing that Las Montañas will save substantially from reduced lodging expenses; the reimbursement is intended to facilitate this choice. The traveler is required to provide the name and address of the residence, in which he or she stayed. This reimbursement is not eligible when the residence is owned by the traveler.

Meeting Expense

1. The cost of Registration for approved Meetings or Educational Sessions directly relating to the well-being of the school will be paid by Las Montañas High School.
2. Attendees will be expected to attend all official functions of the Meeting or Educational Session.
3. Registration shall include name of Conference/Meeting, dates and location, and cost for attending.
4. Reimbursement will not be made for personal entertainment.

Meal Allowance

1. A per diem rate to cover meals is set by Las Montañas based on the most common travel locations and IRS guidelines. Original receipts shall be submitted for meal expenses. The per diem rate allocated for meals is **\$30.00** per day. The per diem rate for meals in a high cost area will be determined by the IRS allocated rate. **Removed verbiage in red boxed area.**
2. If meals are provided, or included in the registration fee; no reimbursement will be made for per diem.
3. Tips appropriately range up to 20 percent. Those over 20% will be considered excessive and will not be reimbursed from any source. **Removed Line Item #3; gratuity included in daily meal per diem**
4. Reimbursement will not be made for purchases of alcoholic beverages.

Travel Pay

1. Exempt (salaried) employees will not receive any additional pay for travel time outside the regular workweek.
2. As per the *Fair Labor Standards Act, Section 785.39* "Travel Away from Home"—Non-Exempt employees will receive pay for hours of travel and conference or meeting attendance throughout the week between 8:00 a.m., and 5:00 p.m., including Saturday and Sunday. Regular meal period is not counted. The maximum conference hours paid will not exceed eight (8) per day. Scheduled flight time **before** 8:00 a.m., and **after** 6:00 p.m., will be paid.
3. If a Non-Exempt employee exercises the option to not return on the earliest available flight after the conference or meeting ends, time past 5:00 p.m., that day will not be paid.

Spouse/Families of Employees on Business Trip

1. Family members and other companions may accompany employees on business trips if all expenses resulting from their presence are borne personally by the employee or companion.

2. In all instances, Las Montañas shall be the first importance during business travel. The traveler is responsible for documentation to prove that any personal travel did not result in additional cost to the school.

Conduct/Behavior

1. Individuals traveling at Las Montañas High School expense are representative of the school, and are expected to maintain a high level of professionalism.
2. Las Montañas policies and rules in regard to expected behavior can be found in Section **13.06.02** "*Code of Ethical Responsibility*", and Section **13.06.03** "*Standards of Professional Conduct*" of the LMHS Policy manual.
3. Las Montanas policies and rules in regard to drug and alcohol abuse can be found in Section **13.11.03** "*Employee Substance and Alcohol Abuse*" of the LMHS Policy Manual.

Las Montañas High School

Other (Miscellaneous) Policies – Section 13.13

Section: 13.13.04—School Advisory Councils

Purpose

School Advisory Councils of Las Montañas Charter High School shall assist the Academic Dean with school-based decision-making, and involve parents in their children's education.

Position

- A. LMCHS shall create a school council, and its members shall be elected in accordance with local school board rule. School council members shall reflect an equitable balance between school employees, parent, and community members.

- B. The LMCHS council shall:
 - 1) Work with the Academic Dean, and give advice consistent with state and school district rules and policies relating to instructional issues and curriculum, on the school's proposed and actual budget.
 - 2) Develop creative ways to involve parents with Las Montañas
 - 3) Coordinate with any existing Workforce Development Boards, or Vocational Education Advisory Councils to connect students and school academic programs to business resources and opportunities.
 - 4) Build community support for schools, and encourage greater community participation in the public schools, and
 - 5) Ensure that provisions regarding parental involvement in the **No Child Left Behind Act** are implemented.

Review

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

Las Montañas High School

Other (Miscellaneous) Policies – Section 13.13

Section: 13.13.05—“Tobacco-Free” Environment

- A. The Board of Governance for Las Montañas Charter High School has established a comprehensive substance abuse **“Tobacco-Free”** policy that includes prohibition of tobacco use on school property or during school events. The development of this policy will maintain a safe learning environment for students, staff as well as visitors to the school.

With a stronger policy we want to ensure the following:

- 1) A ban of all tobacco products on school campuses
 - 2) A clear no-use and no-possession statement at all times for all students
 - 3) A clear no-use statement at all times for all staff and other individuals visiting or using the school or any of its property
 - 4) A ban on tobacco advertising on school property, at school functions or in school publications
 - 5) Enforcement provisions for violations of the policy
 - 6) Support for classroom-based instruction on tobacco use preventions, including training for teachers whose instructional duties would include tobacco use prevention
- B. A comprehensive **“Tobacco-Free”** school policy includes eight (8) components. The six (6) essential elements are embedded within these eight components, and several additional items are added to make the policy more comprehensive.

The eight (8) components of a comprehensive **“Tobacco-Free”** school policy are:

- 1) A Rationale for Developing and Implementing the Policy
 - The rationale focuses on reducing health risks related to tobacco use
- 2) Prohibitions against Tobacco Products and Tobacco Use
 - This policy applies to all areas of school property; such as, school building, school vehicles, athletic and extracurricular facilities, and school-sponsored events, including school functions held off campus

Las Montanas Charter High School, inclusive of all its buildings and property, shall be tobacco free 24 hours a day, 365 days per year. This includes all days when school is not in session, and all events and other activities not associated with, or sponsored by the school.

Possession of use of tobacco products by students on district property, in district vehicles, and at school-sponsored events (whether on or off district property) is prohibited at all times.

The use of tobacco products by all school employees on district property, or in district vehicles, and at school-sponsored events (whether on or off district property) is prohibited at all times.

The use of tobacco products by all visitors on district property is prohibited. This includes non-school hours, and all events sponsored by Las Montanas or others.

3) Prohibition against Tobacco Advertising or Tobacco Promotions

- Prohibition applies to: school property, school-sponsored events, and school publications

Advertising of tobacco products is prohibited in school buildings, on school property, at school functions, and in all publications. This includes clothing that advertises tobacco products.

4) Tobacco Use Prevention Education

The health hazards of tobacco use have been well established. Tobacco is the number one killer and leading cause of preventable death in the United States. This policy is established to:

- Reflect and emphasize the hazards of tobacco use
- Be consistent with state and deferral laws
- Protect the health and safety of all students, employees and the public
- Set a non-tobacco use example by adults

Tobacco prevention education will be provided to students through Families and Youth, Inc., **Tobacco Prevention Program** via a comprehensive approach so that students will be aware of the health and social consequences of use/non-use

of tobacco products. Families and Youth, inc., **Tobacco Prevention Program** will also deliver prevention education to staff, as needed.

5) A Method of Communicating the Policy to Affected Persons

This policy will be printed in the employee, and the student handbook. It will be posted in highly visible places in all schools of the district. Signs will be posted at all entrances of school buildings, school properties, and athletic facilities. Parents and guardians shall be notified, in writing, and the local media will be asked to communicate this "Tobacco-Free" policy community wide.

Clear procedures must be established. The Academic Dean and other Supervisory personnel are to notify the persons affected by the "**Tobacco-Free**" Policy. These persons would include students, staff and faculty, parents and families and all school visitors.

6) Enforcement Procedures and Provisions

Procedures and provisions for consistent and equitable enforcement must be well defined. A description of how the policy is to be enforced should be clearly stated and disseminated. Consequences for students, staff and visitors are delineated and should include, but not limited to the following:

- Progressive disciplinary action for students
- Educational alternative-to-suspension programs
- Employees receive warning and/or will be escorted off campus\facility
- All school staff is to be trained on the correct and fair enforcement of the "**Tobacco-Free**" policy. Some students with disabilities may need to have tobacco use behavior addressed on the Individual Education Program (IEP). The need to do so would be determined by each student's IEP team.

Sanctions for Students:

- a) **First Offense**—will result in any or all of the following: Confiscate tobacco products, notification of parents, and notification of police, meeting and assessment with Substance Abuse Educator or designated staff, participation in 'Tobacco Education Program' (*American Lung Association, alternative to Suspension Cessation Program.*) Students will also be provided with 1-800-QUIT-NOW referral information.

- b) **Second Offense**—will result in any or all of the following: Confiscate tobacco product, notification of parents and police; turn tobacco product over to police, parental conference, meeting and assessment with Substance Abuse Educator, or designated staff; possible suspension and/or community service. Students will also be referred to Families and Youth, Inc., 'Tobacco Prevention Program' where students will be part of the (*American Lung Association, alternative to Suspension Cessation Program.*) Students will also be provided with 1-800-QUIT-NOW referral information.
- c) **Third Offense**—will result in any or all of the following: Confiscate tobacco products, notification of parents and police, turn tobacco product over to police, parental conference, meeting and assessment with substance abuse educator or designed staff, possible suspension and/or community service. Students will also be referred to Families and Youth, Inc., 'Tobacco Prevention Program' where students will be part of the (*American Lung Association, alternative to Suspension Cessation Program.*) Students will also be provided with 1-800-QUIT-NOW referral information.

Las Montañas Charter High School is willing to help any student quit using tobacco products; However, Las Montañas at any time has the right to use immediate disciplinary action, up to and including expulsion on any student who is found in violation of this policy.

Sanctions for Staff:

Faculty and staff include—Administrators, Teachers, Custodians, Aides, Secretaries, Clerks, Teacher Assistants, Monitors, Bus Drivers, Cafeteria Workers, Crossing Guards, etc. These individuals may not use tobacco products on school property at any time. Those staff members violating this policy will be subject to the following sanctions:

- a) **First Offense**—A documented verbal warning by the Academic Dean, and a referral to Families and Youth, Inc., 'Tobacco Prevention Program—*Freedom from Smoking Adult Cessation Services.*' Staff will also be provided with 1-800-QUIT-NOW information.
- b) **Second Offense**—A formal written reprimand by the Academic Dean, and a letter of same is to be placed in the employees personnel file; along with a referral to Families and Youth, Inc., 'Tobacco Prevention Program—*Freedom*

from Smoking Adult Cessation Services. Staff will also be provided with 1-800-QUIT-NOW information.

- c) **Third Offense**—Meeting with the Las Montañas Board of Governance, and a possible 'Leave without Pay' or 'Dismissal.' Referred to Families and Youth, Inc., 'Tobacco Prevention Program—*Freedom from Smoking Adult Cessation Services.*' Staff will also be provided with 1-800-QUIT-NOW information.

Sanctions for Visitors:

Visitors to the campus facilities must comply with regulations. Smoking or use of tobacco products of any kind is prohibited. This included non-school hours, and all functions of the school, athletics or otherwise. This also includes other organizations using campus property.

Anyone found smoking or using tobacco products will be asked by the appropriate school official to refrain from smoking or tobacco use while on campus property. The visitor will be informed of the school's 'Tobacco-Free' policy. If the visitor does not comply, he/she will be asked to leave. If the person refused to leave, the police may be called.

7) Cessation

Provisions should be made for students and all school staff who desire to quit using tobacco to have access to tobacco '*Cessation Programs*' through Families and Youth, Inc., or 1-800-QUIT-NOW. Attendance at or completion of a tobacco use '*Cessation Program*' should be allowed as a [voluntary substitute to suspension for possession, or use of tobacco.](#)

8) Definition of Terms used in the Policy

For purpose of this policy, "**Tobacco**" is defined to include any lit or unlit cigarette, cigar, pipe, bidi, clove cigarette, electronic cigarette, and any other smoking product, along with any tobacco flavored product, and spit tobacco, also known as smokeless tobacco, dip, chew and snuff in any form.

The term "use" means the chewing, swallowing, lighting, and smoking of any tobacco product.

Las Montañas High School

Other (Miscellaneous) Policies – Section 13.13

Section: 13.13.06—Lottery Selection Process

Scope

Las Montañas Charter High School (LMCHS) a public charter high school follows New Mexico Board of Education regulations, guidelines and practices regarding enrollment of all students. By design and State Charter, Las Montañas is limited to 350 students, grade 9 through 12. Lotteries may be required when more applications for enrollment exist than Las Montañas is chartered to enroll. On occasion Las Montañas may have open enrollment periods, and they will be announced on the Web page, or other public means.

The Lottery Requirements and Process

- a) Students who are current students at Las Montañas Charter High School shall be automatically re-enrolled for the following academic school year.
- b) New students registering prior to the end of the Spring Semester shall be counted toward meeting the projection numbers for the current school year.
- c) Students' actual grade level status will be determined at the end of the grading cycle when credits are issued, and/or at the end of the Spring Semester. This will assist to determine the numbers needed to meet enrollment or projections for the current school year.
- d) Students registered after the projection numbers are met will adhere to the Lottery System approved the Governance Council.
- e) Las Montañas Charter High School has the obligation to inform the public of its open enrollment, and all Letter-of-Intent procedures. Notification will be placed in the local newspaper, signs posted in the community, PSA advertisements on local radio, and the Las Montañas website. Flyers will be sent to local education institutions and governmental agencies interested in youths looking for alternative school settings. This information will be provided to "*get the word out*" to prospective students and community organizations wanting to assist with Las Montañas Charter High School. Lottery drawings take place to determine placement for the next academic school year. The notice shall include the opening

and closing dates of the lottery. The notice shall also include the date, time and location of the lottery drawing, and the contact information for interest parents/guardians.

- f) A lottery process is necessary when filed applications exceed the available admission openings. A waiting list will be generated by the lottery process. This list is effective for the current school year only, and will be re-generated yearly. If openings occur during an academic year for which a lottery was not necessary, a lottery drawing to fill those vacancies will occur.
- g) Attendance at the lottery drawing is not required; though the parent/guardian is welcome to attend. Names will be entered into the openings available list in the order drawn from the filed application. When no vacancies remain, a **waiting list** will be created. Applicants are required to comply with federal and state regulations, such as, providing proper immunization records, etc.
- h) Parent/guardian of prospective students must file **Letters-of-Intent**, which place their student on the *waiting list*, and into the lottery. Open filing of Letters-of-Intent for prospective students begins on June 1st of each year, and extends through July 31st (2-months later). An open enrollment will take place beginning August 1st if Las Montañas has not reached its projected enrollment. When slots become available, the parent/guardian of the student who is on top of the list will be contacted by phone and given (3) days in which to enroll their student. If the parent/guardian fails to enroll their student during that time frame, then the **Letter-of-Intent** is placed in a pending file, and destroyed after 10-days if parents do not contact the school.
- i) An on-going list will be kept for each grade level for the parent/guardian who wants to have their student attend Las Montañas Charter High School after the current school year has started. Names will be kept in the order in which the **Letter-of-Intent** is received. Las Montañas will select students from top to bottom of the waiting list; as spots become available.
- j) The **waiting list** will stand until the student is enrolled, or the parent/guardian removes the student from the waiting list. If an opening occurs, and the family declines enrollment, the student will be automatically removed from the waiting list.

- k) Any student or his/her sibling(s) who withdraw from Las Montañas Charter High School, and wishes to re-enroll in the future does not have priority placement in the lottery process.

- l) Siblings of current students will be allowed to enroll at Las Montañas Charter High School immediately once a slot has become available. According to New Mexico State law; siblings of students already attending a Charter School will not be placed on a waiting list.

Las Montañas High School

Other (Miscellaneous) Policies – Section 13.13

Section: 13.13.06—Lottery Selection Process

Scope

Las Montañas Charter High School (LMCHS) a public charter high school follows New Mexico Board of Education regulations, guidelines and practices regarding enrollment of all students. By design and State Charter, Las Montañas is limited to 350 students, grade 9 through 12. Lotteries may be required when more applications for enrollment exist than Las Montañas is chartered to enroll. On occasion Las Montañas may have open enrollment periods, and they will be announced on the Web page, or other public means.

The Lottery Requirements and Process

- a) Students who are current students at Las Montañas Charter High School shall be automatically re-enrolled for the following academic school year.
- b) New students registering prior to the end of the Spring Semester shall be counted toward meeting the projection numbers for the current school year.
- c) Students' actual grade level status will be determined at the end of the grading cycle when credits are issued, and/or at the end of the Spring Semester. This will assist to determine the numbers needed to meet enrollment or projections for the current school year.
- d) Students registered after the projection numbers are met will adhere to the Lottery System approved the Governance Council.
- e) Las Montañas Charter High School has the obligation to inform the public of its open enrollment, and all Letter-of-Intent procedures. Notification will be placed in the local newspaper, signs posted in the community, PSA advertisements on local radio, and the Las Montañas website. Flyers will be sent to local education institutions and governmental agencies interested in youths looking for alternative school settings. This information will be provided to "*get the word out*" to prospective students and community organizations wanting to assist with Las Montañas Charter High School. Lottery drawings take place to determine placement for the next academic school year. The notice shall include the opening

and closing dates of the lottery. The notice shall also include the date, time and location of the lottery drawing, and the contact information for interest parents/guardians.

- f) A lottery process is necessary when filed applications exceed the available admission openings. A waiting list will be generated by the lottery process. This list is effective for the current school year only, and will be re-generated yearly. If openings occur during an academic year for which a lottery was not necessary, a lottery drawing to fill those vacancies will occur.
- g) Attendance at the lottery drawing is not required; though the parent/guardian is welcome to attend. Names will be entered into the openings available list in the order drawn from the filed application. When no vacancies remain, a **waiting list** will be created. Applicants are required to comply with federal and state regulations, such as, providing proper immunization records, etc.
- h) Parent/guardian of prospective students must file **Letters-of-Intent**, which place their student on the *waiting list*, and into the lottery. Open filing of Letters-of-Intent for prospective students begins on June 1st of each year, and extends through July 31st (2-months later). An open enrollment will take place beginning August 1st if Las Montañas has not reached its projected enrollment. When slots become available, the parent/guardian of the student who is on top of the list will be contacted by phone and given (3) days in which to enroll their student. If the parent/guardian fails to enroll their student during that time frame, then the **Letter-of-Intent** is placed in a pending file, and destroyed after 10-days if parents do not contact the school.
- i) An on-going list will be kept for each grade level for the parent/guardian who wants to have their student attend Las Montañas Charter High School after the current school year has started. Names will be kept in the order in which the **Letter-of-Intent** is received. Las Montañas will select students from top to bottom of the waiting list; as spots become available.
- j) The **waiting list** will stand until the student is enrolled, or the parent/guardian removes the student from the waiting list. If an opening occurs, and the family declines enrollment, the student will be automatically removed from the waiting list.

- k) Any student or his/her sibling(s) who withdraw from Las Montañas Charter High School, and wishes to re-enroll in the future does not have priority placement in the lottery process.

- l) Siblings of current students will be allowed to enroll at Las Montañas Charter High School immediately once a slot has become available. According to New Mexico State law; siblings of students already attending a Charter School will not be placed on a waiting list.

Las Montañas (Charter) High School

Attendance—Procedure

Each absence and early dismissal will be recorded as excused or unexcused by the Las Montañas Charter High School—Attendance Officer.

Classroom teachers will determine if students arriving tardy to class (less than 30 minutes late) are recorded as tardy (arriving without a valid excuse) or as present (arriving with a valid excuse).

Excused absences are defined as: short-and long-term mental and physical illnesses, recurring illnesses, observance of religious holidays, bereavement, disciplinary actions or short-term suspensions, required court proceedings, school-sponsored/school-sanctioned activities, hazardous weather conditions, work approved or sponsored by the school, parent request for other reasons with prior principal approval, or other emergency or set of circumstances that, in the judgment of the principal, constitutes a good and sufficient cause for absence from school.

All other absences, lateness, or early dismissals will be considered unexcused. [See LCPS Regulation JHD-RA Exclusions and Exemptions for more information, available at www.lcps.k12.nm.us under “Policies”]

Attendance will be taken during each class period.

Any absence, lateness, or early dismissal must be accounted for. It is the parent’s responsibility to notify the school within 24-hours of the absence , and to provide a written excuse upon the student’s return to school. The written note should include student’s name, date of absence, reason for the absence, and parent’s signature. This note should be given to the attendance officer on the day the student returns to school. Each day a child is absent a phone call from the parent is requested; however, all absences will be recorded as unexcused until a written note is received. It is the student’s responsibility to provide documentation for all in-school appointments that will prevent a student from attending class prior to dismissal from class.

Parental Notification

As soon as possible after the sixth (6th), tenth (10th), and fourteenth (14th) absence from a semester course, the administration shall send written notification to the student’s parents(s)/guardian(s). The letters shall notify the parent(s)/guardian(s) as follows:

- **After the 6th absence:** The student has been absent nearly half the number of maximum absences and may lose credit if absences continue.

- **After the 10th absence:** The student has only four absences remaining and will lose credit if absences exceed the limit.
- **After the 14th absence:** The student will not receive credit due to excessive absenteeism.

In every letter to a student's parent(s)/guardian(s), a request will be made for the parent to meet with the child's counselor. The impact of excessive absences on the student's education, possible intervention strategies to eliminate the problem, and the consequences associated with the student's absenteeism will be discussed. The parent(s)/guardian(s) will have an opportunity to confer with the school staff; however, a conference with the parent(s) is not a prerequisite to denying academic credit to a student who has failed to meet the attendance requirements. The prime responsibility for the student's attendance in class rests with the student.

Reporting Requirements

Las Montañas Charter High School will comply with the "**Compulsory School Attendance Law,**" Chapter 10, Part 8, Article 8. At the student's third, fifth, seventh, and tenth **unexcused** absences, Las Montañas will contact the student's parent(s)/guardian(s) by mail to inform them of their child's **unexcused** absences from school.

At the tenth (10th) unexcused absence, a student is considered a habitual truant. If there is another unexcused absence after delivery of a written notice of habitual truancy, the student shall within seven (7) days of this unexcused absence be reported to the probation services office or the District Attorney's office of Las Cruces.

Appeal Process

For catastrophic or extenuating circumstances only, a parent has the right to file a written appeal for review by the appeals committee. The appeals committee will consist of one administrator, one guidance counselor, and one teacher. The written appeal, including all supporting documentation, must be received by the principal within ten (10) days of the date of the loss of credit letter. The committee will then rule on whether the student will continue as a regular student in the class or be placed on audit. The final decision will rest with the principal. Any further absence during the appeals process may result in dismissal of appeal and loss of credit.

Incentives

- **Monthly**—Students with one or fewer absences in each of their classes each month may select an award from the "Treasure Chest."

- **Quarterly**—Students who, by their attendance and current grade, are earning course credit in each of their classes will be eligible to attend an off-campus field trip.
- **Semester**—At the end of the marking period, students with three or fewer absences and an 80% or higher average in any class will be excused from taking the final exam in the class.
- **Yearly**—Students will be awarded raffle tickets throughout the school year based on class attendance. At the end of the year, several large prizes will be given away by raffle.

Las Montañas (Charter) High School

Background Investigations, Examinations & Tests—Procedure

Las Montañas (Charter) High School will comply with the Educators Background Check Program established by the 1997 New Mexico Legislature, which provides for FBI background checks for State Licensure, and for employment purposes at local Charter Schools. The Charter Schools may accept a background report from the New Mexico Children, Youth and Families Department, or other New Mexico Charter Schools, if less than one year old.

Any offer of employment is contingent upon satisfactory completion of all required background investigations, aptitude and ability tests, and/or physical health examinations. A job related test may be given to help determine aptitude, or ability to perform a specific set of essential job functions. Such tests may be given to candidates for job changes and promotions, as well as to new applicants. Test results will be confidential.

Employment may also be contingent on passing a post-offer physical/health examination at the applicant's/employee's expense. At any point during employment, Las Montañas may require an employee to undergo a health examination during regular work hours—at Las Montañas' expense, in order to ensure that the employee is physically capable of performing the essential functions/tasks of the position in a safe manner.

Employees may also be required to undergo post-accident testing. Tests may be required in situations when management believes that judgment, coordination, human error, or physical or mental ability may have been a contributing factor, or when management has reasonable suspicion to believe that drugs or alcohol may have been involved. As soon as practical following an accident or injury, which occurs while in the process of performing the employee's assigned duties, the appropriate supervisor may require a drug/alcohol screen of the employee involved in the accident. The employee will be suspended with pay until the results are received and/or the review is complete.

Criminal convictions shall not automatically bar an applicant from obtaining employment with Las Montañas (Charter) High School, but pursuant to the "*Criminal Offenders Act*," NMSA 1978 28-2-4 and 28-2-5, may be the basis for refusing employment. Information or copies from background checks shall not be disclosed except to persons directly involved in the certification or employment decision involving the applicant or employee. Copies may only be shared with the employee or other New Mexico Charter Schools if the report is less than one year old. Las Montañas will have the employee sign a release when giving or sending a copy of the report.

With regard to existing employees, Las Montañas may conduct equivalent FBI background investigations if Las Montañas becomes aware of facts, circumstances or conduct giving rise to a reasonable suspicion that the employee has a history that, if substantiated, may adversely affect his/her fitness to continue employment with Las Montañas High School.

Pursuant to state law, the Academic Dean will report to the State Department of Education any known convictions of a felony, or misdemeanor involving moral turpitude of a school employee that results in any type of action against the employee. All Administrators shall report any such information to the Academic Dean.

Volunteers:

All individuals requesting to volunteer at Las Montañas (Charter) High School are required to apply with the Human Resources Department. Any volunteer that will be unsupervised must go through the following:

- 1) FBI Background Check
- 2) TB Test
- 3) Complete a Waiver Statement
- 4) Complete a Volunteer Information Form

Exception to this procedure would be:

A Parent(s) of a Las Montañas student that is visiting, assisting or providing food in the class less than four (4) times per semester.

Las Montanas is required to keep an up-to-date list of all volunteers in the building, and are responsible in making sure each volunteer has a complete file in the Human Resources Department.

Las Montañas (Charter) High School

Code of Ethics—Procedure

We, professional educators of New Mexico, affirm our belief in the worth and dignity of humanity. We recognize the supreme importance of the pursuit truth; the encouragement of scholarship, and the promotion of democratic citizenship. We regard as essential to these goals the protection of freedom to learn, and to teach with the guarantee of equal educational opportunity for all. We affirm and accept our responsibility to practice our profession according to the highest ethical standards. We acknowledge the magnitude of the profession we have chosen, and engage ourselves, individually and collectively, to judge our colleagues and to be judged by them in accordance with the applicable provisions of this code.

Commitment to the Student:

We measure success by the progress of each student toward achievement of his/her maximum potential. We, therefore work to stimulate the spirit of inquiry; the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. We recognize the importance of cooperative relationships with other community institutions, especially the home. In fulfilling our obligation to the student, we:

1. Deal justly and considerately with each student.
2. Encourage the student to study and express varying points of view and respect his/her right to form his/her own judgment.
3. Conduct conferences with or concerning students in an appropriate place and manner.
4. Seek constantly to improve learning facilities and opportunities.

Commitment to the Community:

We believe that patriotism in its highest form requires dedication to the principles of our democratic heritage. We share with all other citizens the responsibility for the development of sound public policy. As educators, we are particularly accountable for participating in the development of educational programs and policies, and for interpreting them to the public. In fulfilling our obligation to the community, we:

1. Share the responsibility for improving the educational opportunities for all.
2. Recognize that each educational institution has a person authorized to interpret its official policies.

3. Acknowledge the right and responsibility of the public to participate in the formulation of educational policy.
4. Evaluate through appropriate professional procedures and conditions within a Charter School or Institution of learning; make known serious deficiencies, and take action deemed necessary, and proper.
5. Assume full political and citizenship responsibilities, but refrain from exploiting the institutional privileges of our professional positions to promote political candidates of partisan activities.
6. Protect the educational program against undesirable infringement, and promote academic freedom.

Commitment to the Profession:

We believe that the quality of the services of the educational profession directly influence the future of the nation, and its citizens. We, therefore exert every effort to raise educational standards, to improve our service; to promote a climate in which the exercise of professional judgment is encouraged; to demonstrate integrity in all work-related activities and interactions in the school setting, and to achieve conditions which attract persons worthy of the trust to careers in education. Aware of the value of united effort, we contribute actively to the support, planning and programs of our professional organizations. In fulfilling our obligations to the profession, we:

1. Recognize that a professional must accept responsibility for the conduct of its members, and understand that our own conduct may be regarded as representative of our profession.
2. Participate and conduct ourselves in a responsible manner in the development and implementation of policies affecting education.
3. Cooperate in the selective recruitment of prospective teachers and in the orientation of student teachers, interns and those colleagues new to their positions.
4. Accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.
5. Refrain from assigning professional duties to nonprofessional personnel when such assignment is not in the best interest of the student.
6. Refrain from exerting undue influence based on the authority of our positions in the determination of professional decisions by colleagues.
7. Keep the trust under which confidential information is exchanged.
8. Make appropriate use of the time granted for professional purposes.
9. Interpret and use the writings of others, and the findings of educational research with intellectual honesty.

10. Maintain our integrity when dissenting by basing our public criticism of education on valid assumptions, as established by careful evaluation of facts.
11. Respond accurately to requests for evaluation of colleagues seeking professional positions.
12. Provide applicants seeking information about a position with an honest description of the assignment; the conditions of work, and related matters.

Commitment to Professional Employment Practices:

We regard the employment agreement as a solemn pledge to be executed both in spirit, and in fact, in a manner consistent with the highest ideals of professional service. Sound professional personnel relationships with governing boards are built upon integrity, dignity and mutual respect between employees, administrators, and local school boards. In fulfilling our obligations to professional employment practices, we:

1. Apply for or offer a position on the basis of professional and legal qualifications.
2. Apply for a specific position only when it is known to be vacant and refrain from such practices, as underbidding or commenting adversely about other candidates.
3. Fill no vacancy except where the terms, conditions and policies are known.
4. Adhere to, and respect the conditions of a contract, or the terms of an appointment until either has been terminated legally, or by mutual consent.
5. Give prompt notice of any change in availability of service, in status of applications, or in change of position.
6. Conduct professional business through recognized educational, and professional channels.

Las Montañas (Charter) High School

Disruption of the Instructional or School Program—Procedure

When dealing with an individual who is disrupting the school program, the Academic Dean/Principal should act immediately to stop the disruption, either by personal action or by summoning the police, or by both methods if it is deemed advisable. The Office of the Superintendent should be notified as soon as possible of the disruptive action.

[New Mexico State Statutes Annotated 30-20-13 \(D\) and \(F\) Interference with Members of Staff, Public Officials or the General Public, States:](#)

- (D) No person shall willfully interfere with the educational process of any public or private school by committing, threatening to commit or inciting others to commit any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of a public or private school.
- (F) Any person who violates any of the provisions of the section shall be deemed guilty of a petty misdemeanor.

Las Montañas (Charter) High School

Employee Substance / Alcohol Abuse—Procedure

(Drug-Free / Tobacco-Free Work Place)

Reasonable suspicion may arise from supervisory observation, co-worker reports or complaints, performance decline, attendance or behavioral changes and/or vehicular accident indicating a possible effort in judgment or negligence. Suspicion should be observations that a supervisor can articulate concerning appearance and/or behavior.

An employee shall be required to undergo a drug/alcohol screening/testing if there is reasonable suspicion that the employee's alcohol and/or drug use could impair job performance and/or affect safety. Where appropriate, the Charter School reserves the right to search all areas of the work site, personal articles at the work site, and vehicle on school grounds. A site supervisor will conduct searches with assistance from Central Office.

If an employee violates this policy, the actions to be taken are described in the steps below. Supervisors are required to document each step.

- **Step 1**

Remove the employee from the work area. If the employee is under the influence, the employee will not be allowed to leave without supervision. In fitness for duty incidents, the supervisor is responsible for ensuring that the employee is offered transportation home or to a test facility. If the employee refuses the transportation, and attempts to drive, the supervisor should notify the local law enforcement.

- **Step 2**

A same-day conference with the employee and the Associate Academic Dean for Human Resources, and Employee Relations will be held. The employee may choose to be accompanied by a representative of his/her own choosing at any step of this procedure. If the incident occurs at an after work hours school event, the conference shall be held no later than the morning of the next workday. The employee will be asked to submit to a drug/alcohol test at the time of the conference.

- **Step 3**

A suspension of up to three (3) days with pay shall be imposed while:

- a) An investigation of the circumstances is conducted, and testing is completed. Human Resources will direct the employee to the designated doctor for immediate testing to determine if suspicion is confirmed. Human Resources will set the appointment, and may escort the employee to the testing site. Testing safeguards will be in effect including an observed test. If the test is tampered with, the employee will be required to submit to a second test immediately. This second test may be at the employee's expense. If the employee refuses or does not appear for the test, the Human Resources Department will remind the employee orally, and in writing of the policy, and the refusal may lead to discipline including termination.
- b) The employee makes an appointment within that time to meet with the Employee Assistance Program Coordinator (EAP). The EAP Coordinator may make a referral for the employee to a physician who will monitor the employee's health. This may be done at the employee's expense.
- c) A positive result or refusal to submit to a drug/alcohol screening; refusal of a search and/or refusal to make an appointment with the EAP and/or failure to comply with all the EAP compliance procedures will be considered insubordination, and will result in a disciplinary action up to and including termination. The employee will be placed on administrative leave or suspension pending administrative review and action. Pay status is to be determined in review.

- **Step 4**

A second conference will be held with the employee, the supervisor, the Associate Academic Dean for Human Resources and Employee Relations, and the EAP Coordinator at the end of the suspension period. Final disposition of the situation will depend upon the outcome of the conference and may include, but not be limited to:

- a) An opportunity for the employee to explain the positive result;
- b) Random drug and alcohol testing for a designated period at the employee's expense;
- c) Consideration of the following prior to taking disciplinary action:
 - i. Job safety of others

- ii. Past employment record and length of employment
 - iii. Employment willingness to seek assistance
- d) Suspension without pay
- e) Participation in the *Employee Assistance Program* (EAP) with full status regained after completion of the recommendations made by the EAP Coordinator, and agreed to by the employee, supervisor, and the Associate Academic Dean for Human Resources and Employee Relations; or
- f) A recommendation for termination. The employee may have a representative accompany him/her to this conference. The Human Resources Department will accompany assist supervisors with any additional disciplinary action that may be taken.

- **Step 4**

Documentation will be kept as follows:

- a) Drug testing documentation will be kept in a separate file for medical concerns
- b) Letters or memorandums addressed to the employee outlining disciplinary procedures will be placed in the personnel file
- c) Upon return or completion of treatment, the employee will contact the Human Resources Department for an appointment with the HR Administrator, and will be required to comply with the terms stated in a "*Memorandum of Agreement.*" This agreement shall contain specific guidelines for future expectations indicating whether further disciplinary action including termination, will be taken.
- d) Once compliance has been achieved through EAP and concurred with the Human Resources Department, the employees will receive a letter of release from the "*Memorandum of Agreement.*"

Employees Driving a School Vehicle

As a condition of driving a school vehicle, each employee shall notify his or her supervisor of any violation such as driving under the influence, unpaid motor vehicle violation

tickets, unpaid child support, or any other reason that an employee may lose driving privileges and/or their driver's license.

- 1) Any person who drives a school vehicle must be an employee of the Charter School
- 2) The employee must possess a valid New Mexico driver's license
- 3) The employee's driving record must be acceptable in accordance with the State of New Mexico Motor Vehicle Division Driver Transaction / State Statute, Violation Code and Point Index
 - a) The employee must have less than nine points. Ten points and above will suspend driving privileges
 - b) If the employee received a driving under the influence violation within the last three (3) years, driving privileges will be suspended
- 4) The employee must comply with Regulations for using a school vehicle
- 5) Any point accumulation past nine (9) points, or a driving while intoxicated charge must be reported to the Human Resources Department. In this case, the employee may be:
 - a) Excluded from driving a school vehicle for an undetermined time
 - b) Referred to EAP
 - c) Subject to further disciplinary action

Las Montañas (Charter) High School

Employment / Assignment—Procedure

Employment:

Employment job offers at Las Montañas (Charter) High School will be extended only to the Academic Dean or designee. All other offers are null and void.

The immediate supervisor shall be responsible for the work assignments, and ultimate supervision of all employees and their duties.

The Academic Dean is authorized to issue short-term employment contracts. The Board will be apprised of employee(s) working under a *waiver* from the State Department of Education.

All employees shall abide by the terms of Las Montañas (Charter) High School policies concerning a drug-free and tobacco-free work place, sexual harassment, and child abuse reporting.

Each employee is required to have a high school diploma, General Equivalency Diploma (GED), or documentation stating they are completing their GED, or enrolled in a GED program, and/or additional degree required for that position.

Assignment:

Certified employees shall be assigned within the scope of their teaching license and endorsement unless authorized to work outside of their licensure with a waiver granted by the State Department of Education, and with the concurrence of the certified employee. Such concurrence for waiver will include the certified employee's responsibilities to comply with the requirements.

The Academic Dean will consult with individual certified employees regarding the number of subject areas, grade levels, and preparations to be taught by the certified employee.

High school certified employees, excluding Special Education certified employees, shall not be required to teach in more than two (2) department/subject areas, or have more than three (3) preparations, except by agreement with the certified employee.

Changes in assignment shall not be made without prior consultation between the Academic Dean, and the employee(s) affected. Employees will be informed of any changes made after the end of the school year. If an employee cannot be reached, notification will be mailed to the employee's last known address on file.

Employees are required to comply with all aspects of their job description. Duties within a school/department, which are assigned in addition to the regular job description, shall be assigned as equitably as possible by the Academic Dean.

Las Montañas (Charter) High School

Non Discrimination—Procedure

Any employee/applicant may bring a matter of discrimination to the Human Resources Department.

Employees covered by a negotiated agreement shall follow their agreement, as stated therein.

(See Federal Grievance Procedure)

LAS MONTAÑAS CHARTER HIGH SCHOOL POLICY

TITLE I PARENT INVOLVEMENT PROCEDURES

In order to ensure that parents of children being served have adequate opportunity to participate in the design and implementation of the Title I program, Las Montañas Charter High School has established the following policies under The Title Parent Involvement section of the “**No Child Left Behind Act**” (NCLB), section 1118.

1. Will convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school’s participation under this part and to explain the requirements of this part, and the right of the parents to be involved.
2. Will offer a flexible number of meetings, such as meetings in the morning or evening.
3. Will involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the planning, review, and improvement of the school parental involvement policy and
 - a. will jointly develop the school-wide program plan under section 1114(b) (2), including representation of parents of participating children
4. Will provide parents of participating children
 - a. timely information about programs under this part
 - b. description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet
 - c. if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible
5. If the school wide program plan under section 111(b) (2) is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available.
6. Shall jointly develop with parents for all children served under this part a **school-parent compact** that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will

build and develop a partnership to help students achieve the State's high standards. **The Compact Shall –**

- a. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the students served under this part to meet the State's student academic achievement standards.
 - i. Ways in which both parents will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, television watching, and volunteering in their child's classroom.
 - ii. Ways in which parents will participate, as appropriate, in decisions relating to the education of their child and positive use of extracurricular time.
 - b. Address the importance of communication between teachers and parents on an ongoing basis through:
 - i. Parent-Teacher conferences held at Las Montañas held twice a year. During the meetings for Next Step Planning, the compact shall be discussed as it relates to the individual child's achievement.
 - ii. Frequent reports (weekly) to parents on their child's progress. Parents may access TeacherEase for academic information on their child.
 - iii. Reasonable access to staff, opportunities to volunteer and participate in their children's classes, and occasions to observe classroom activities.
7. To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student academic achievement, the school and local educational agency assisted under this part --- [Section 1118 (e) (1) (5) (14)]
- a. will assist parents of the students being served in understanding state standards, district and school assessments, and how to monitor a child's progress
 - b. will provide materials and training to help parents work with their children
 - c. will educate teachers, pupil services personnel, principals and other staff with the assistance of parents in the value and utility of contributions of parents and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build **ties between** parents and the school.
 - d. will to the extent feasible and appropriate, coordinate and integrate parental involvement strategies under this part with parental involvement strategies under other programs, such as the Action for Youth, ENLACE, Aggie Tutor or after school programs, etc
 - e. will ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and to the extent practicable in a language the parents can understand
 - f. will provide reasonable support for parental involvement activities

8. LMCHS will inform parents and parent organizations of the purpose and existence of the Parent Information and Resource Center (PIRC) in New Mexico (i.e., **New Mexico Parent Information and Resource Center**, Albuquerque, NM). Contact:
<http://www.parentsreachingout.org/nmpirc.php> [Section 1118 (g)]
 - a. A survey to parents from DABCC will be collected and assess to seek the possibility of offering courses in GED, English and Citizenship
 - b. Teachers will utilized and be trained on using the PED, Working Together: School Family, & Community Partnerships (resource information can be obtained: www.cespd.nmhu.edu , resources are also available in Spanish, developed by the Center for the Education and Study of Diverse Population at NM Highlands University, sponsored by NM Public Education Department, www.ped.stte.nm.us .

Documentation to be available and collected to support our efforts regarding:

1. Copy of notice sent to all parents
2. Record of opportunities provided to parents
3. Sample of written reports that went to parents
4. Copy of invitations to Title I meetings
5. Copy of Title I meeting agendas
6. Record of conferences between teacher and parents

Las Montañas Charter High School shall jointly develop with parents, a plan that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement. Las Montañas Charter High School will share in the responsibility by providing opportunities for technical assistance and the necessary support for success of the effort. LMCHS will also provide for a high quality curriculum and instruction and will require a supportive and effective learning environment.

The importance of communication between the school and parents will be supported through quarterly school newsletters Ram Express, scheduled parent/teacher conferences, weekly progress reports, providing reasonable access to staff and activities during the school day, and other formal and informal activities that support development of mutual advocacy for student learning.

Las Montañas Charter High School will:

1. Involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of parent involvement training.
2. Provide necessary literacy training from Title I funds if the school has exhausted all other reasonably available sources of funding for such training.
3. Pay reasonable and necessary expenses associated with the school's parental involvement activities, including transportation and childcare costs to enable parents to participate in school-related meetings and training sessions.
4. Train parents to enhance the involvement of other parents.
5. Arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation.
6. Adopt and implement model approaches to improving parental involvement.

Presented to Board of Education under Procedures to Parent Involvement Policy

Title I Parent Involvement Plan Synopsis

A meeting of parents of students participating in the Title I program will be convened during the month of December and April for the purpose of defining the program and requesting any suggestions or recommendations from the parents concerning the activities provided.

A parent advisory committee will be set up at the time to meet during the school year to discuss various matters. A general meeting with the Title I parents will be held during each semester.

Funds have set aside to carry out parental involvement activities. Programs in the school for parental involvement are scheduled; materials for parents to check out to use at home, materials sent home with students and meals.

Parent, teacher and student surveys will be discussed at Title I meetings held at various times of the year. Ideas from the meetings will be used to update the Parent Involvement Policy and Procedures.

Parents are invited and encouraged to attend meetings to be advised of their right to be involved. At the first meeting of the year, parents are informed of their rights in this regard. The Title I program will be discussed with parents at said meeting, including the Parental Involvement Policy and Procedures that addresses their right to become involved. Parents will be involved in needs assessment and annual Title I meetings. A parent advisory committee will be set up to address all areas of the Title I program.

The first meeting of the year will be held in November during after the regular day. A description and explanation of the curriculum, forms of assessments and expectations for student achievement are given at the first meeting of the year. Achievement scores, MAP (Measures of Academic Progress) will be discussed at this meeting. National education goals, standards of excellence, competency framework and content standards are available September meetings. A brief description will be given about each, with a discussion to follow.

The school/parent compact will be presented at the first Title I meeting in December. The school's Parent Involvement Policy including the School/Parent compact was developed from input received from the Las Cruces Public School's PAC committee and the Title I meetings of the past, our authorizer for the charter school.

The second meeting of the year will be held during the regular school day. An evaluation of the program will be assessed. Recommendations for the Title I application will be discussed and agreed upon.

Information about Title I will be mailed out at various times of the year. Report cards are sent out every nine weeks, and progress reports are sent weekly. Parents will be able to access their child's progress using TeacherEase. Information will be presented to parents during the first semester on TeacherEase, during Open House and via letters sent home. Correspondence is distributed to parents in English and Spanish. An interpreter is present at meetings to ensure that all attending parents can understand and contribute to the discussions. Parents can comment or make suggestions at the annual meetings, or they can schedule individual meetings with teachers. Title I personnel will respond to the parent suggestions as soon as possible.

Conclusion

Because Las Montañas Charter High School has been entrusted by the parents and community to provide its students with the best possible education possible, we will continue to actively seek ways to involve parents and community members in the educational efforts constructed for their students. Las Montañas Charter High School represents the community to other districts and other communities, and the school constantly strives to ensure that the standards of LMCHS reflect the expectation of the citizens of Las Cruces. By involving parents and the community members in our endeavors, we hope to maintain our role in the community by gaining trust and respect.

Parent Involvement Plan

Goal: Encourage parents and community members to become involved in the educational process and school decision making.

Objectives	Action Taken to Achieve objective	How Measured
<p>Encourage Parents and Community to become involved in the Educational Process and School Decision making Process</p>	<p>Parents at Las Montañas Charter High School will be invited to participate in the Title I Parent Program. A presentation will consist of Teen Issues and Techniques for Parents in dealing with their young son or daughter. Fall and Spring Parent Meetings will be held each semester.</p> <p>Our first Open House for the Fall Semester of school will be held for Parents to meet Teachers and Academic Dean.</p> <p>A Quality of Education Survey will be sent to Parents during the Spring Semester to obtain feedback for school improvement.</p> <p>A Parent Advisory Committee will whose responsibilities are to collaborate with Administration of School Academic Programs and Policies and Procedures will be formed in the Fall with Quarterly Meetings established.</p> <p>Parents will be invited to attend Senior Meetings with our school counselor during the month of September</p> <p>Next Step Plans for all students will take place during the Spring Semester to Review Academic and Yearly Planning for school success leading to graduation.</p> <p>College Nights for Parents of Graduating Seniors.</p> <p>A quarterly Parent Newsletter will be sent to all parents with important school information.</p>	<p>Invitation and Signature Page Event Agenda</p> <p>Attendance Log</p> <p>Documentation of Results</p> <p>Agenda Notebook and Meeting Notes</p> <p>Counselor's Meeting Dates and Times</p> <p>Calendar Date and Invitation</p> <p>Schedule Day of Event</p> <p>Copy of Newsletter</p>

	<p>Student art will be displayed at an annual Art Show where parents will be encouraged to attend.</p> <p>A survey for parents to gather information for Spring Semester English Courses or GED Courses and or Computer Introduction Courses via DABCC.</p>	<p>Parent Invitation</p> <p>DABCC Survey/ Results</p>
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Goal: To create an invitational environment at Las Montañas Charter School for parents, volunteers and local community, businesses, organizations and service agencies

Objectives	Action Taken to Achieve objective	How Measured
<p>Provide activities for Parents and Volunteers to feel Welcomed at Las Montañas Charter High School.</p>	<p>Parents are invited to participate in field trips.</p> <p>Parents are invited to attend all school board meetings</p> <p>Poetry Readings presented by students. Parents will serve as the audience.</p> <p>Teacher planned parent involvement activities</p>	<p>Field Trip Teacher Logs</p> <p>Board Minutes</p> <p>Teacher Lesson Plans</p> <p>Second Semester Teacher Lesson Plan Logs</p>
<p>Increase Community Partnerships with Local Businesses and Service Agencies.</p>	<p>FYI- Parent Referrals to Counselors, Psychologist and Specialist</p> <p>AmeriCorp- Aggie Tutor Service for all Students</p> <p>ENLACE- NMSU Partnership and delivery of ENLACE Curriculum</p> <p>Action for Youth Dona Ana County Prevention Programs – Alcohol & Tobacco</p>	<p>Related to Student Issues or Concerns.</p> <p>Student Daily Logs</p> <p>Friday Curriculum</p> <p>40 Developmental Assets – Friday Curriculum,</p>

	<p>La Pinon - Human Sexuality related to teens</p> <p>Army National Guard Partnership for school success</p> <p>IMA Real Estate – Partnership for School Success</p>	<p>Presentations</p> <p>Scheduled Presentations</p> <p>Beginning of the Year Collaboration and Donations</p> <p>On-going Support Year Round – Board Minutes</p>
<p>Schedule Parent Collaboration Days and or Parent/Teacher Conferences</p>	<p>Fall and Spring Parent Conferences</p> <p>Next Step Planning Conferences</p> <p>Attendance Conferences</p> <p>Registration Conference – Interviews by Administrators</p>	<p>Invitation</p> <p>Spring Schedule in February</p> <p>Attendance Log by Principal and Teacher Logs</p> <p>Registration Documents, Attendance Contracts, Compacts (Title I) and Student Behavior Accountability Form</p>
<p>Host more Events where Students are “Show Cased”</p>	<p>Honors Assembly</p> <p>Mayors Top Ten</p> <p>Advertisement – Bulletin, Charter Newsletter, NM Charter Publication Radio</p>	<p>Invitation and Agenda</p> <p>Magazine</p> <p>Bulletin, Thursday Newspaper, Charter School Newsletter and Charter Publication, Radio Agreements</p>