

# Turquoise Trail Charter School

*Inspiring a Passion for Learning*

## Employee Handbook

2020

# **Turquoise Trail Charter School GOVERNANCE COUNCIL**

Chris Eide, Head Administrator  
Floyd Trujillo, President  
Sammi Triolo, Vice President  
Alejandra Rodriguez, Treasurer  
Victoria Schweizer, Secretary  
Hannah Mazur, Council Member  
Ruth Center, Council Member  
Wendy Flood, Council Member  
Harry Phillips, Middle School Principal  
Christie Berg, Elementary School Principal  
Maya Mirabal, Teacher Representative  
Karen Weigle, Teacher Representative  
Mariah Hamilton, Teacher Representative

Rebekah Runyan, Business Office  
Francesca Margaritondo, Council Scribe

## Table of Contents

<b>200 Policy Series</b> .....	<b>6</b>
<i>POLICY 200 - Personnel Policy Statement</i> .....	7
<i>POLICY 201 - Nondiscrimination Policy</i> .....	8
<i>POLICY 202 - Educators’ Code of Ethics</i> .....	8
<i>POLICY 203 - Standards of Professional Conduct</i> .....	10
<i>POLICY 204 - Applicant Background Investigations</i> .....	12
<i>POLICY 205 - Qualifications for Licensed Employees (revised)</i> .....	14
<i>POLICY 206 - Job Descriptions</i> .....	16
<i>POLICY 207 - Head Administrator of Schools</i> .....	17
<i>POLICY 208 - Evaluation of Employees</i> .....	17
<i>POLICY 209 - Employment, Assignment, Re-Employment, Termination of Employees</i> .....	18
<i>POLICY 210 - Reemployment, Termination, Discharge of Certified School Employees</i> .....	18
<i>POLICY 211 – Re-employment/Termination of Other Employees</i> .....	20
<i>POLICY 212 - Resignations of Employees</i> .....	21
<i>POLICY 213 - Drug-Free Schools/Campuses and Work Place</i> .....	21
<i>POLICY 214 - Bus Drivers Drug Testing</i> .....	25
<i>POLICY 215 - Employee Use of Tobacco Products</i> .....	25
<i>POLICY 216 - Drug/Alcohol Testing: Employees Under the Influence</i> .....	25
<i>POLICY 217 - Reduction-In-Force (R.I.F.)</i> .....	28
<i>POLICY 218 - Unlawful Misconduct</i> .....	31
<i>POLICY 219 - Sexual Misconduct</i> .....	33
<i>POLICY 220 - Employee Assault</i> .....	34
<i>POLICY 221 - Violent and Aggressive Conduct by School Employee</i> .....	34
<i>POLICY 222 - Grievance by Employees</i> .....	36
<i>POLICY 223 - Substitute Teachers</i> .....	36
<i>POLICY 224 - Tutoring of Students</i> .....	38
<i>POLICY 225 - Conflict of Interest</i> .....	38
<i>POLICY 226 – Staff Travel Procedures (revised)</i> .....	38
<i>POLICY 227 - Soliciting and Selling by Employees</i> .....	39

<i>POLICY 228 - Gifts and Gratuities</i> .....	40
<i>POLICY 229 - Political Activities by Employees and Others</i> .....	40
<i>POLICY 230 - Academic Freedom</i> .....	41
<i>POLICY 231 - Employee/Immediate Family Members Doing Business With the School</i> .....	42
<i>POLICY 232 - Personnel Records</i> .....	43
<i>POLICY 233 - Release of Personnel Information</i> .....	43
<i>POLICY 234 - Disclosure of Employee Names</i> .....	44
<i>POLICY 235 - Leaves from Duty</i> .....	45
<i>POLICY 236 - Family and Medical Leave</i> .....	46
<i>POLICY 237 - Annual Leave (Twelve-Month Employees)</i> .....	52
<i>POLICY 238 - Bereavement Leave</i> .....	53
<i>POLICY 239 - Funeral Leave</i> .....	53
<i>POLICY 240 - Professional Leave</i> .....	53
<i>POLICY 241 - Jury Duty/Court/Subpoena Leave</i> .....	53
<i>POLICY 242 - Military Leave</i> .....	54
<i>POLICY 243 - Sabbatical Leave</i> .....	54
<i>POLICY 244 - Educational Leave</i> .....	54
<i>POLICY 245 – Personal/Sick Leave (Nine, Ten and Eleven Month Employees); and Sick Leave Bank Procedure (revised)</i> .....	55
<i>POLICY 246 - Sick Leave (Twelve-Month Employees)</i> .....	59
<i>POLICY 247 - Policy on Payroll Distribution (rev. January 21, 2010)</i> .....	60
<i>POLICY 248 - Employee Eligibility for Fringe Benefits</i> .....	60
<i>POLICY 249 - Personnel and Communicable Disease/Health Threats</i> .....	61
<i>POLICY 250 - Overtime Compensation</i> .....	62
<i>POLICY 251 - Personnel Assignments</i> .....	62
<i>POLICY 252 - Training and Experience Credit</i> .....	63
<i>POLICY 253 - Reporting Illegal or Improper Conduct</i> .....	63
<i>POLICY 254 - Reporting Student Abuse of Alcohol or Drugs</i> .....	64
<i>POLICY 255 - Reporting Acts of Violence and/or Vandalism</i> .....	65
<i>POLICY 256 - Reporting Child Abuse and Neglect</i> .....	65
<i>POLICY 257 Anonymous Complaints</i> .....	66
<i>POLICY 258 - Sex Offender Registration and Notification (Megan’s Law)</i> .....	67

<i>POLICY 259 - Employee Recommendations for Current or Former Employees of the School</i> .....	67
<i>POLICY 260 - Insurance Coverage For Employees on Extended Leave of Absence</i> .....	68
<i>POLICY 261 – Salary Negotiations for “Critical Staff”</i> .....	68
<i>POLICY 262 – Work-Related Injuries</i> .....	69
<i>POLICY 263- Emergency Closings</i> .....	71
<i>POLICY 264 - Cellular phones – owned by the school, issued to staff</i> .....	71
<i>POLICY 265 - TESOL or Bilingual Endorsement</i> .....	72
<i>Policy 266 – Staffing Emergency Coverage</i> .....	72
<b>300 Policy Series</b> .....	<b>73</b>
<i>POLICY 300 - TURQUOISE TRAIL CHARTER SCHOOL ATTENDANCE POLICY</i> .....	74
<i>POLICY 301 - Age of Attendance</i> .....	79
<i>POLICY 302 – Enrollment, Admission and Lottery</i> .....	80
<i>POLICY 303- Extracurricular Activities Participation</i> .....	83
<i>POLICY 304- Intramural Participation</i> .....	85
<i>POLICY 305 - Assignment, Promotion and Retention</i> .....	86
<i>POLICY 306 - Student Records</i> .....	87
<i>POLICY 307 - Disclosure of Student Names</i> .....	92
<i>POLICY 308 - Rights and Responsibilities</i> .....	93
<i>POLICY 309- Sexual Harassment - Students</i> .....	105
<i>POLICY 310 - Hazing</i> .....	108
<i>POLICY 311 - Searches of Students</i> .....	109
<i>POLICY 312 - Students Charged with Serious Crimes</i> .....	112
<i>POLICY 313 - Threats of Violence by Students</i> .....	113
<i>POLICY 314 - Activities</i> .....	115
<i>POLICY 315 - Intimidation and Hostile or Offensive Conduct</i> .....	116
<i>POLICY 316 - Bullying</i> .....	118
<i>POLICY 317 - Corporal Punishment</i> .....	127
<i>POLICY 318 - Gang Activity</i> .....	128
<i>POLICY 319 - Weapons in School</i> .....	130
<i>POLICY 320 - Student Dress</i> .....	132
<i>POLICY 321 - Student Publications</i> .....	133
<i>POLICY 322 - Distribution and Sale of Unauthorized Materials</i> .....	135

<i>POLICY 323 - Student Freedom of Expression</i> .....	136
<i>POLICY 324 - Equal Access for Student Groups</i> .....	138
<i>POLICY 325 - Immunizations</i> .....	139
<i>POLICY 326 – Transportation</i> .....	140
<i>POLICY 327 - Tobacco Products</i> .....	142
<i>POLICY 328 - Medication at School</i> .....	143
<i>POLICY 329 - Communicable Diseases</i> .....	144
<i>POLICY 330 – HIV-AIDS and Blood-Borne Pathogens</i> .....	147
<i>POLICY 331- Resuscitation Orders</i> .....	148
<i>POLICY 332 - Release of Students</i> .....	149
<i>POLICY 333 – Placement Policy</i> .....	150
<i>POLICY 334 – Education of Homeless Children and Youths</i> .....	151
<i>POLICY 335 - Wellness Policy</i> .....	155
<i>POLICY 336 - Pest Control Policy</i> .....	163
<i>POLICY 337 - Meals Payment and Collection Policy</i> .....	164
<i>POLICY 338- Parent communication responsibility</i> .....	166
<b>400 Policy Series</b> .....	<b>167</b>
<i>POLICY 400 - Philosophy</i> .....	168
<i>POLICY 401 - Arts Education</i> .....	169
<i>POLICY 402 - Special Education Services</i> .....	170
<i>POLICY 403 -- Use of Restraint</i> .....	171
<i>POLICY 404 - Calendar</i> .....	174
<i>POLICY 405 - Library Bill of Rights</i> .....	175
<i>POLICY 406 - Videos/Films and Other Materials</i> .....	176
<i>POLICY 407 - Sensitive Instructional Materials and Guest Speakers</i> .....	177
<i>POLICY 408 - Controversial Materials, Methods and Issues</i> .....	178
<i>POLICY 409 - Religion in the Schools</i> .....	179
<i>POLICY 410 - Textbooks</i> .....	183
<i>POLICY 411 - Testing Program of the School District</i> .....	185
<i>POLICY 412- Personality Tests</i> .....	187
<i>POLICY 413 - Equipment, Books and Materials</i> .....	188
<i>POLICY 414 - Copyright</i> .....	189

---

---

<i>POLICY 415 - Pledge of Allegiance .....</i>	<i>190</i>
<i>POLICY 416 - Flag Display .....</i>	<i>191</i>
<i>POLICY 417 - Networked Information Resources.....</i>	<i>192</i>
<i>POLICY 418 - Computers and Internet.....</i>	<i>193</i>
<i>POLICY 419 – Field Trips and Student Activity Travel .....</i>	<i>198</i>
<i>Policy 420 - Title I Parental Involvement .....</i>	<i>199</i>

---

---

# **200 Policy Series Personnel**



## ***POLICY 200 - Personnel Policy Statement***

The personnel policies of the Turquoise Trail Charter School are an essential part of the program of public education in the community. Through its policies, the Governance Council wishes to establish conditions that will attract and hold the highest qualified personnel who will devote themselves to the education and welfare of our students.

The Governance Council encourages cooperative efforts by the administration and employees or their representatives in the development of personnel policies and regulations. Provisions for the implementation of adopted personnel policies should include channels of communication and procedures for the handling of professional and ethical problems, through which all persons or groups affected may voice their opinion.

To achieve the above purposes, the Head Administrator is directed to establish related procedures as needed.

## ***POLICY 201 - Nondiscrimination Policy***

Turquoise Trail Charter School is an Equal Opportunity employer. It is the policy of the school to not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, handicap, national origin, ancestry, physical disability, marital status, sexual preference, gender identity or political affiliation. The school promotes the principle of equal employment opportunity.

Accordingly, all recruiting, hiring and promoting is made without regard to race, color, religion, age, sex, handicap, national origin, ancestry, physical disability, marital status, sexual preference, gender identity or political affiliation, except where relevant to a bona fide occupational qualification. The school makes diligent efforts to assure that all personnel actions, such as recruitment, job advertising, employment, rates of pay or other forms of compensation, promotion, transfer, demotion, layoff, termination, discharge, selection for training, discipline, or any rule, regulation or policy relating to the terms and conditions of employment will be administered without regard to race, color, religion, age, sex, handicap, national origin, ancestry, disability, marital status, sexual orientation, gender identity, or political affiliation, except where relevant to a bona fide occupational qualification.

## ***POLICY 202 - Educators' Code of Ethics***

The Governance Council expects all staff to instill the highest ethical standards in the students and therefore, expects employees to model the highest ethical standards. Instructional and administrative staff are expected to conduct themselves according to the professional standards established in the following Code of Ethics for the educational profession.

### RESPONSIBILITY OF THE EDUCATION PROFESSION

*In fulfilling his/her obligation to the student, the educator shall:*

1. Deal justly and considerately with each student.
2. Encourage the students 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.

*In fulfilling his/her obligation to the community, the educator shall:*

1. Share the responsibility for improving the educational opportunities for all.
2. Acknowledge the right and responsibility of the public to participate in the formulation of educational policy.

3. Evaluate through appropriate professional procedures, conditions within the district, make known serious deficiencies, and take action deemed necessary and proper.
4. Assume full political and citizenship responsibilities, but refrain from exploiting the privileges of our professional positions to promote political candidates of partisan activities.
5. Protect the educational program against undesirable infringement.

*In fulfilling his/her obligation to the profession, the educator shall:*

1. Recognize that a profession must accept responsibility for the conduct of its members and understand that one's own conduct may be regarded as representative of the profession.
2. Participate and conduct oneself 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 one's position 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 writings of others and findings of educational research with intellectual honesty.
10. Maintain integrity when dissenting by basing public criticism of education on valid assumptions as established by careful evaluation of the 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.

*In fulfilling his/her commitment to professional employment practices, the educator shall:*

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 to 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.

## ***POLICY 203 - Standards of Professional Conduct***

The Turquoise Trail Charter School Governance Council acknowledges that ethical values among students cannot exist without moral values among educators. The Governance Council is therefore committed to a code of professional conduct and understands that it provides minimally accepted standards of professional conduct in education.

### DUTY TO THE STUDENT

Ethical leadership requires licensed educators to teach not only by use of pedagogical tools, but by consistent and justifiable personal example. To satisfy this obligation, educators:

1. Shall withhold confidential student records or information about a student or his/her personal and family life unless the release of information is allowed, permitted by the student's parents(s)/legal guardian, or required by law.
2. Shall not discriminate or permit students within the district to discriminate against any other student on the basis of race, color, national origin, ethnicity, sex, sexual orientation, gender identity, disability, religion or serious medical condition.
3. Shall not exploit or influence a student to engage in an illegal act, immoral act, or any other behavior that would subject the employee or student to disciplinary measures for misconduct.
4. 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.
5. Shall not lend a student 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.
6. Shall not have inappropriate contact with any student, whether or not on school property.
7. Shall not harass a student or permit students within the district to harass any other student.

### DUTY TO THE PROFESSION

The educational profession has been vested by the public with an awesome trust and responsibility therefore all educators within the Turquoise Trail Charter School:

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 any professional qualifications.
3. Shall not assist persons into educational employment whom are known to be unqualified in respect to character, education or employment history.
4. Shall not make a false 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 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 employee, school visitor or anyone else encountered in the course of official duties.
11. Shall attend workplace harassment training.
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 use public school property or work time to conduct personal business or personal affairs.
14. Shall use educational facilities and property only for educational purposes or 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 one has any dealings or contact in the course of official duties, on the basis or race, color, national origin, ethnicity, sex, sexual orientation, gender identity, disability, religion, or serious medical condition.
16. Shall not engage in any outside employment which conflicts with one's school duties or impairs one's physical ability to perform the required school duties effectively.
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.
18. Shall not in connection with any 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, when on school property or off campus while representing the school or district or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct, which tends to disturb the peace.
20. Shall not, without just cause, restrain students from independent action in the pursuit of learning, shall not, without just cause, deny students access to varying points of view.
21. Shall not deliberately suppress or distort subject matter for which he/she bears responsibility.
- 22.** Shall make reasonable effort to protect students from conditions harmful to learning or to health and safety.
23. Shall conduct professional business in such a way that students are not exposed to unnecessary embarrassment or disparagement.
24. Shall teach the assigned curriculum.

25. Shall not use professional relationships with students for private advantage.
26. Shall not misrepresent the institution or organization with which he/she is affiliated, and shall take adequate precautions to distinguish between personal and institutional or organizational views.
27. Shall not distort or misrepresent the facts concerning educational matters in direct and indirect public expression.
28. Shall conduct professional business through the appropriate chain of command.

*References: SBE regulation 6.60.9 NMACA.*

### ***POLICY 204 - Applicant Background Investigations***

Turquoise Trail Charter School will conduct work and education investigations and personal reference inquiries on each applicant recommended for hire, including but not limited to, substitutes, temporaries, and finalists for position vacancies. Each applicant must sign a statement which authorizes the School to inspect and/or obtain copies of any arrest fingerprint- card-supported record of information maintained by the State Department of Public Safety, including information concerning felony or misdemeanor arrests pursuant to NMSA 1978, Section 29-10-6 (A) of the New Mexico Arrest Record Information Act, and as maintained in any other state in which an applicant resides/resided. This arrest record investigation will be conducted at the candidate's expense and is a condition of further consideration for employment.

The signed statement shall also include acknowledgements by the applicant:

1. that the person's application reveals any and each prior felony conviction(s), and
2. that the applicant understands that the School may, at its discretion, make inquiries about the applicant with persons other than the persons listed as references.

Any offer of employment is contingent upon the satisfactory completion of all background investigations.

Criminal convictions shall not automatically bar an applicant from obtaining employment with the Turquoise Trail Charter School. However, pursuant to the Criminal Offender Employment Act, NMSA 1978, §§ 28-2-1 et seq. and any other applicable state or federal law, certain prior criminal convictions, e.g. a criminal conviction involving children, may be the basis for refusing employment.

When a background check has events, the Head Administrator will consider the following:

The type of conviction or arrest, and/or the charges..

The length of time since the conviction or arrest, and/or charges.

The work the applicant has been involved in since the conviction or arrest, and/or charges.

References.

Certain criminal charges may be the basis for refusing employment.

Any applicant that is in consideration for employment at the school that has a prior conviction is reviewed by the Head Administrator, and if the decision is to hire, the Head administrator will inform the President Governing board, about the conviction before a formal contract is offered. If the President determines that the entire governing board should be informed, he/she will do so in executive session.

With regard to existing employees, the School may conduct background investigations if the School 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 their fitness to continue employment with the School.

When a former Turquoise Trail Charter School employee applies for an open position, they must obtain a new background check if the date of separation was more than one year prior to the application date.

*Reference: NMSA 1978, Section 29-10-6 (A) of the NM Arrest Record Information Act*

*Criminal Offender Employment Act, NMSA 1978, §§ 28-2-1 et seq.*

#### RETENTION AND SECURITY:

Criminal History Record Information, CHRI records, will be secured in one of the two locations. CHRI records for employees employed during the current fiscal years will be stored in a locked, fireproof cabinet in the business office. After the end of each fiscal year, CHRI records for terminated employees will be moved to a locked fireproof cabinet in the storage room of the front office. CHRI records will be retained indefinitely.

The storage room will remain locked at all times. The key to this storage room will be only accessible to employees of the administrative office. The key to the cabinets will be accessible only to personnel authorized to view CHRI. At no time is the general public to have unescorted access to these records. The business office will be locked anytime business office staff is absent from the building.

CHRI records will not be stored on any computer, server or electronic device. Any person who has a disqualifying result will meet with the Head Administrator, who will advise the applicant of the disqualifying result to check for accuracy of the report. If the applicant believes the information to be incorrect, the applicant must notify the reporting agency or court for correction. No applicant who has been disqualified will be employed or allowed access to school property until written, certified documents are presented that prove the disqualifying conviction is incorrect on the CHRI.

#### MISUSE OF CHRI RECORDS BY EMPLOYEES:

The intentional misuse of confidential Criminal History Record Information (CHRI) will not be tolerated. Misuse is considered any purpose than those allowed by state statute or federal code. Any

employee who intentionally misuses or destroys CHRI records without proper written authorization will face disciplinary action.

Disciplinary actions include suspension or termination, depending upon the circumstances of the misuse. Intentional misuse of CHRI will result in the immediate loss of access to CHRI records and the online delivery system, CogentID. Any employee who intentionally misuses CHRI records or CogentID could also face state or federal criminal prosecution and could be subject to civil liability.

Any intentional misuse of CHRI shall be reported to the Department of Public Safety within twenty-four (24) hours of the discovery of misuse. The report shall include the name of the person suspected of intentional misuse, the allegation of the intentional misuse, and the date(s) the alleged misuse is suspected.

Amended and Approved December 16<sup>th</sup>, 2019

### ***POLICY 205 - Qualifications for Licensed Employees (revised)***

Each licensed employee shall comply with and enforce all laws, regulations and policies applicable to the Turquoise Trail Charter School; if instructing, teach the courses prescribed; exercise supervision over students on Turquoise Trail Charter School property and while students are under the control of the Turquoise Trail Charter School; and furnish such reports and attend such meetings as may be required.

#### **LICENSURE, TRAINING AND EXPERIENCE**

All persons employed to administer, teach, supervise, counsel or provide special instructional services in Turquoise Trail Charter School shall hold and present to the School within 30 days of hire or 90 days from the first teacher work day of the year school year (whichever is greater) a valid New Mexico license authorizing that person to perform that function. Licensed Teachers, Social Workers, Counselors, Librarians and Nurses must present within 30 days of hire or 90 days from the first teacher work day of the year school year (whichever is greater) documentation as specified herein of highest degree held, academic credits beyond the highest degree and years of experience in qualifying positions earned elsewhere. Failure to present such license within the prescribed time will result in forfeiture of all claims to compensation rendered thereafter. Presentation of fraudulent documentation will be reported to the Ethics Bureau of the Public Education Department.

#### **TRAINING DOCUMENTATION STANDARDS**

The employee's highest degree earned from an accredited institution of higher learning must be documented with an original transcript delivered to the school's address of record in an unopened envelope sealed by the degree grantor. In extraordinary circumstances, where such documentation is proven to be impossible to obtain, the Head Administrator may allow substitute documentation. The Head Administrator will determine whether the degree documented qualifies as a Bachelor of



the Arts, Bachelor of Science, Masters or Doctorate degree for the purpose of placement on the school's salary scale and for reporting of qualifications to the Public Education Department.

Additional college credits earned after the highest degree was granted must be documented with an original transcript delivered to the school's address of record in an unopened envelope sealed by the degree grantor. In extraordinary circumstances, where such documentation is proven to be impossible to obtain, the Head Administrator may allow substitute documentation. The Head Administrator will determine whether credits documented will qualify for the purpose of placement on the school's salary scale and for reporting of qualifications to the Public Education Department. Only semester credits will be allowed for salary and reporting purposes. Summer seminar and in-service credits will be granted only if documented with original transcripts from an accredited institution of higher learning and if prorated to equivalence with semester credits.

#### EXPERIENCE DOCUMENTATION STANDARDS

Reported experience must be related to the certified employee's work assignment. The Head Administrator will determine whether the work experience documented qualifies as relevant experience for the purpose of placement on the school's salary scale and for reporting of qualifications to the Public Education Department. To be credited, the employee's work experience record must be documented either with an original work record report delivered to the school's address of record in an unopened envelope sealed by the prior employer or a work record report prepared by the prior employer and faxed directly to the school administrative staff. In extraordinary circumstances, where such documentation is proven to be impossible to obtain, the Head Administrator may allow substitute documentation. The following rules apply to the crediting of experience:

- For instructionally-related employees subject to PED training and experience reporting, no more than sixteen years of experience gained in employment elsewhere will be credited by the school.
- For other staff not subject to PED training and experience reporting, particularly administrative staff, all verified experience gained in employment elsewhere may be credited for salary purposes. The Governance Council will verify the years of experience for the Head Administrator and make the appropriate placement on the school's salary scale.
- Partial years of experience greater than one half of a school year may be rounded up to one year so long as the experience was gained in one position in one span of time.
- A full work year of experience at a full time equivalence less than 1.0 but greater than 0.5 may be rounded up to one year.

#### REPORTING OF TRAINING AND EXPERIENCE

Annually the school will report to the Public Education Department the training and experience of certain licensed school employees identified as instructionally-related. These employees are defined

in the following PED guidance, as are the types of experience that may be reported for those employees.

**INSTRUCTIONALLY-RELATED EXPERIENCE:** To qualify as instructionally-related experience the employee must either be in a position in which the primary job responsibility is the supervision and/ or provision of formal instruction or in a position as a licensed or certified professional in a clinical or parallel setting. The first type of instructionally-related experience *includes but is not limited to* experience as a classroom teacher in a public or private school or postsecondary institution; experience as a superintendent, director of instruction, director of testing, director of special education, or principal in a public or private school; experience as a president, dean, or department head in a postsecondary institution; experience as a formal trainer in government, business, or industry; and experience in a verifiable instructional capacity in the military. The second type of instructionally-related experience *includes but is not limited to* experience as a registered nurse in a school, hospital, doctor's office, or clinical setting; and experience as an occupational or physical therapist (or any other ancillary service provider) in a school, hospital, doctor's office, or clinical setting. The above lists are illustrative, not exhaustive.

#### SALARY SCALES FOR LICENSED EMPLOYEES

The standards described above in this policy will be used to determine the placement of employees on the school's salary scale based on licensure, training and experience. Initial placement will be determined by the Head Administrator and adjusted if necessary when full documentation is received by the school.

Licensure and advancements that take place after the start of the school year will result in salary adjustments as follows:

- If complete documentation of the status change is received within 90 days of the first work day of the year (based on the school's work day calendar) the employee will receive increased salary payment retroactive to the employee's first day worked.
- If complete documentation of the status change is received after 90 days of the first work day of the year (based on the school's work day calendar) the employee will receive an increased salary for the remainder of the year, prorated to the number of days worked after the documentation is verified by the Head Administrator.

[Approved on December 19, 2013]

#### ***POLICY 206 - Job Descriptions***

The Head Administrator is charged with the responsibility for creating job descriptions for all classes of employees. It is the Governance Council's desire that the job descriptions:

1. assist employees to meet their duties and responsibilities,

2. assist employees and supervisors in the employee evaluation process,
3. encourage the cooperation and collaboration among and between employees needed for maximum efficiency and effectiveness in achieving the work of the School, and
4. assist the School in meeting its responsibilities under the Americans with Disabilities Act.

### ***POLICY 207 - Head Administrator of Schools***

The Head Administrator is the chief administrative officer of the Turquoise Trail Charter School.

The Head Administrator is responsible to and shall serve under the direction of the Governance Council.

The Head Administrator shall assume the responsibility and be given the authority for the operation of the school. This responsibility extends to business and administration, educational leadership, personnel, management, public relations, organization of resources, both material and personnel, delegation of duties and authority, and supervision of all delegated tasks and of all individuals to whom authority and responsibility are assigned.

The Governance Council will meet at least once each year with the Head Administrator to discuss the Head Administrator's job performance.

The Head Administrator's salary shall be determined annually by the Governance Council.

The Head Administrator is responsible, in accordance with state standards, regulations, statutes and local school policies, for the organization, administration, supervision and outcomes of the school.

The Head Administrator shall meet New Mexico State Licensure requirements for the position.

### ***POLICY 208 - Evaluation of Employees***

The Head Administrator shall provide a system of periodic evaluation for all employees of the school, with written reports prepared and reviewed with each employee and kept on file. The plan for evaluation for each class of employees shall meet any state regulatory or statutory requirements and shall be reviewed by the Governance Council.

The employee's supervisor is responsible for preparing the periodic evaluation. No evaluation report shall be placed in an employee's file without review and discussion between the employee and the employee's supervisor.

An employee in disagreement with the contents of the evaluation report may submit a written rebuttal to be attached to the report and kept on file. Such a rebuttal must be submitted within five (5) school days of the evaluation review.

### ***POLICY 209 - Employment, Assignment, Re-Employment, Termination of Employees***

The employment, re-employment and termination of employees other than the Head Administrator is the responsibility of the Head Administrator. Employment of the Head Administrator is the responsibility of the Governance Council.

### ***POLICY 210 - Reemployment, Termination, Discharge of Certified School Employees***

On or before the 14<sup>th</sup> calendar day before the end of the school year, the Head Administrator shall serve written notice of reemployment or termination on each licensed school instructor (teacher, counselor, librarian, therapist, and coordinator) employed by the Turquoise Trail Charter School. The notice of reemployment shall be an offer of employment for the ensuing school year. A notice of termination shall be a notice of intention not to reemploy for the ensuing school year. Failure of the School to serve a written notice of reemployment or termination on a licensed school instructor shall be construed to mean that notice of reemployment has been served upon the person for the ensuing school year according to the terms of the existing employment contract but subject to any additional compensation allowed other licensed school instructors of like qualifications and experience employed by the School.

Each licensed school instructor shall deliver to the Head Administrator a written notice of acceptance or rejection of reemployment for the ensuing school year within fifteen (15) days of the following:

1. The date written notice of reemployment is served upon the person; or,
2. The last day of the school year when no written notice of reemployment or termination is served upon the person on or before the last day of the current school year.

In both instances, the offer of reemployment shall be deemed revoked if the employee has not returned an acceptance by the end of the 15th calendar day, unless extended in writing by the Head Administrator.

## TERMINATION

Termination for certified instructors means that the instructor's contract was not renewed for the following school year.

All procedures and required timelines regarding the rights of terminated certified school instructors referred to in the following paragraphs are detailed in NMSA 1978, 22-10A-24, copies of which are on file and available in the Head Administrator's office.

A certified school instructor who has been employed by the Turquoise Trail Charter School for three consecutive years may be terminated only for just cause or a reason that is rationally related to the employee's competence or turpitude or the proper performance of duty and that is not in violation of the employee's civil or constitutional rights. An employee who has received notice of termination may request an opportunity to make a statement to the Governance Council and may also request in writing the reasons for the termination action, as provided by law. Neither the Head Administrator nor the Governance Council shall publicly disclose its reasons for termination.

The employee may be granted a hearing before the Governance Council, as provided by law, under the contention that the decision to terminate was made without just cause. If the employee requests a hearing before the Governance Council within 5 working days from the date the employee receives notice of termination, the employee's termination will not be effective until the Governance Council rules. If the employee is still aggrieved by the decision of the Governance Council following the hearing, the law provides that an appeal may be made to an independent arbitrator for a *de novo* hearing. The arbitrator shall decide whether there was just cause for the decision to terminate.

The Governance Council may decline to re-employ a certified school instructor with less than three years of consecutive service with the Turquoise Trail Charter School, in the same classification, for any reason it deems sufficient. Upon request of the certified school instructor, the Head Administrator shall provide written reasons for the decision to terminate. The Head Administrator or Governance Council shall not publicly disclose the reasons. The reasons shall not provide a basis for contesting the decision.

## DISCHARGE

A certified school employee may be discharged during the school year only for a reason that is rationally related to the employee's competence or turpitude or the proper performance of duty and that is not in violation of the employee's civil or constitutional rights.

The Head Administrator shall serve a written notice of intent to recommend discharge on the certified school employee in accordance with the law of process in civil actions. The notice shall state the intent to recommend discharge and the cause for the recommendation, and shall advise the employee of the right to a discharge hearing before the Governance Council.

The employee may exercise the right to a hearing by giving the Head Administrator written notice of that election within five (5) working days of the receipt of the notice to recommend discharge.

All details pertaining to the employee's rights and the procedures to be followed are detailed in NMSA 1978, 22-10A-27 (2003), copies of which are available in the Head Administrator's office.

*Reference: NMSA 1978, 22-10A-24, 22-10A-27 (2003)*

### ***POLICY 211 – Re-employment/Termination of Other Employees***

Certified school instructors who are employed to fill the position of an instructor who is out on military leave and licensed administrators are not entitled to a hearing or other due process regarding nonrenewal of an employment contract. They are entitled to due process for discharge from a current contract.

The Head Administrator may terminate a non certified employee with fewer than three (3) years of consecutive service for any reason she or he deems sufficient. Upon request of the employee, the Head Administrator shall provide written reasons for the decision to terminate. The reasons shall be provided within ten (10) working days of the request. The Head Administrator or the Governance Council shall not publicly disclose the reasons. The reasons shall not provide a basis for contesting the decision.

All procedures and timelines regarding the rights of terminated non-certified school employees referred to in the following paragraphs are detailed in NMSA 1978, 22-10A-24 (2003), copies of which are on file and available in the Head Administrator's office.

Before terminating a non-certified school employee, the Governance Council shall serve the employee with a written notice of termination. Termination of a non-certified school employee who has been employed for three (3) consecutive years or longer shall be only for just cause or for a reason that is rationally related to the employee's competence or turpitude or proper performance of duty and that is not in violation of the employee's civil or constitutional rights. Any such employee who has been employed for three (3) consecutive years may request an opportunity to make a statement to the Governance Council and may also request in writing the reasons for the termination action. Neither the Head Administrator nor the Governance Council shall publicly disclose the reasons for termination.

If the employee is still aggrieved by the decision of the Governance Council following a hearing with the Governance Council, an appeal may be filed to request a *de novo* hearing with an independent arbitrator. The arbitrator shall decide whether there was just cause for the termination.

*Reference: NMSA 1978, 22-10-14, 14.1; NMSA 1978, 22-10-16*

### ***POLICY 212 - Resignations of Employees***

Certified/licensed employees shall provide Turquoise Trail Charter School with at least thirty (30) days notice of the intent to resign.

Non-certified/licensed employees shall provide at least two (2) weeks notice of the intent to resign.

Under extenuating circumstances, the Head Administrator may waive these notice requirements.

### ***POLICY 213 - Drug-Free Schools/Campuses and Work Place***

The Governance Council recognizes that substance abuse in the work place can seriously injure the health of employees, adversely impair job performance, and endanger the safety and well being of other employees, students and members of the community. In addition, increased health care problems arising from substance abuse can cause increased health care costs to the employee and School in the form of treatment costs and increased insurance costs. In response to this significant problem, the Governance Council has adopted this policy and will make a good faith effort to maintain a drug-free work place.

#### **Prohibited Practices**

Substance abuse in the work place, on school premises, during school programs, or while on school business is prohibited. The unauthorized manufacture, distribution, dispensation, sale, possession, or transfer, use or being under the influence of controlled substances (as proscribed by the Controlled Substances Act and Schedules I through V of the Federal Drug Free Work Place Act of 1988) or any other substance abuse in the work place, on school premises, during school programs, or while on school business constitutes a violation of this policy. Also prohibited is possessing, selling, giving away or using any equipment or apparatus used for measuring, packaging, distributing or facilitating the use of drugs.

#### **Disciplinary Actions**

Any violation of these prohibited practices by an employee is cause for disciplinary action up to and including dismissal, reprimand, suspension without pay, termination or discharge from employment and referral for investigation and/or prosecution by law enforcement agencies. A disciplinary action may also include the satisfactory completion of a rehabilitation program at the individual's expense. However, when an employee acknowledges having an alcohol and/or drug abuse problem and willingly undergoes treatment, his/her job rights and job security will not automatically be jeopardized.

Any violation by a student of these prohibited practices may result in suspension or expulsion from school or in suspension or dismissal from participation in and attendance at extracurricular activities. **(See TTCS Code of Conduct)**

#### DEFINITIONS

*"Substance abuse"* means the unauthorized possession, distribution, dispensing, manufacture, sale, or use or being under the influence of controlled substances that are identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC, Statute 812(United States code, Title XXI, Chapter 13) or in implementing regulations, 21 CFR Sections 1308.11 to 1308.15 where the use is neither authorized by law nor a valid prescription, or the misuse of a legal substance, including but not limited to prescription drugs, that may affect an individual's ability to perform his or her job in a safe, adequate and secure manner. Controlled substances include, but are not limited to marijuana, barbiturates, anabolic steroids, cocaine, (including crack), amphetamines, heroin, PCP, hallucinogens, and certain prescription drugs. Substance abuse shall also include the unauthorized use or possession of, or being under the influence of, alcohol or alcoholic beverages on school premises or during school programs. Also included are solvents or inhalants used for intoxication and any substances that are represented to be controlled or illegal substances.

*"School premises"* means any school building and any school property, any school-owned vehicles and any other school-approved vehicle used to transport students to and from school activities or for school business.

*"School programs"* means any school sponsored or approved activity, event or function, on or off school premises where students are under the jurisdiction of the School; or during any period of time school employees are supervising students on behalf of the School or are otherwise engaged in school business. Collectively, school premises and school programs constitute the work place.

#### USE OF AUTHORIZED PRESCRIPTIONS AND DRUGS

Authorized prescription drugs and "over the counter" legal drugs may be used at the work place so long as prescribed dosage and recommended use is not exceeded and the use of these drugs do not adversely affect the employee's ability to perform required work in a safe and secure manner. When such legal drugs are to be used at the work place and will affect performance, employees should inform their supervisor.



## FEDERAL FUNDING REQUIREMENTS

Turquoise Trail Charter School is a recipient of federal funding and is subject to the Federal Drug Free Work Place Act of 1988. As a condition of employment, each employee shall notify his or her employer of such employee's conviction of any criminal drug statute for a violation occurring in the work place no later than five (5) days after such conviction.

As a condition of employment, each employee of Turquoise Trail Charter School shall abide by the terms of this policy. Violation of this policy is cause for discipline up to and including dismissal, reprimand, suspension without pay, termination, or discharge from employment and referral for investigation and/or prosecution by law enforcement agencies for violation of the standards of conduct. Employees may also be required to participate in and satisfactorily complete a drug abuse assistance or rehabilitation program approved by the School at the employee's expense.

## EMPLOYEE/STUDENT ASSISTANCE

Substance abuse affects employee performance, conduct, and/or reliability, and students' ability to learn and complete assigned tasks.

Turquoise Trail Charter School strongly encourages employees who engage in any form of substance abuse, including alcohol or other drug-related problems, to voluntarily refer themselves for assistance. The School will provide information or referral for employee assistance, rehabilitation, and/or counseling.

Referrals may be provided for employees who request medical help or rehabilitation. Therefore, employees who voluntarily seek such assistance, termed **self-referrals**, will be accorded different treatment than **supervisor referrals**. Information regarding the employee who is participating in the program will be treated as confidential and will be accorded the protection required by applicable state and federal law.

Employees who have entered into rehabilitation must comply with the terms of the program. Employees entered into inpatient rehabilitation a part of a prescribed program will be placed on appropriate leave status for that period. Fees and expenses incurred are the responsibility of the employee.

## EMPLOYEE PERFORMANCE/SUPERVISOR REFERRALS

Supervisors are to take appropriate action as directed in this policy when they:

1. observe behavior that may pose an immediate threat to the health and safety of the employee or of others and the supervisor reasonably suspects that substance abuse may be a contributing factor.
2. observe the use of controlled substances, the misuse of legal substances, or unauthorized use of alcohol in the work place; or,
3. are advised of a work-related accident or incident and the supervisor reasonably suspects

that substance abuse, misuse of legal substances, or alcohol abuse may be a contributing factor.

### STANDARDS OF CONDUCT

All employees are expected to cooperate fully with the School's objective of maintaining a Drug- Free Work Place. Failure to do so is deemed to be a violation of this policy and the standards of conduct prescribed therein. Accordingly, in the event that an employee violates this policy, refuses to submit to a required evaluation for substance abuse, refuses rehabilitation, fails to complete a prescribed rehabilitation program, fails to submit required documentation relative to evaluation, or falsifies any record relative to abuse of any substance, such employee will be subject to disciplinary action up to and including discharge.

### RANDOM DRUG TESTING

The School does not conduct random testing or general periodic testing for drug or alcohol use by employees.

### EDUCATION PROGRAM

1. The Head Administrator shall arrange for periodic (at least annually) training and education in the dangers and risks to physical and mental health, economic welfare, and civil status from the use of illicit drugs and abuse of alcohol and tobacco.
2. The Head Administrator or designee will post notices regarding drug-free work place on a bulletin board in the teacher workroom.
3. This policy shall be included with the orientation package of materials for each new employee. The Head Administrator will distribute the policy to each employee under his/her supervision and will maintain records signed by the employee substantiating this distribution and stating that compliance with the policy is mandatory. This policy shall also be incorporated in student handbooks.

### CONFIDENTIALITY AND DUE PROCESS

Employees and students are assured that every effort will be taken to protect their confidentiality. Actions taken in enforcement of this policy shall comply with such hearing or due process procedures as may be required by district policy or state laws.

This policy is adopted in accordance with Public Law 101-226, Drug-Free Schools and Communities Act Amendments of 1989, for receipt of federal program funds.

*Reference: Public Law 101-226, Drug-Free Schools and Communities Act*

## ***POLICY 214 - Bus Drivers Drug Testing***

Turquoise Trail Charter School and its transportation contractors shall require that all applicants for employment as bus drivers be tested for the use of substances that could lead to impaired performance as a driver. Drivers may be required to undergo such testing at any time during their employment by the School or a school contractor. Refusal by the employee to undergo such testing upon request will be considered insubordination and shall automatically disqualify the employee from further employment as a driver.

Unless required by law, the Turquoise Trail Charter School and its contractors shall not disclose individual drug testing results to anyone other than the applicant without a written release from the applicant or employee requesting the disclosure.

All procedures followed regarding the drug testing of drivers shall be consistent with the Regulations of the United States Department of Transportation.

As used in this policy, drug testing involves the driver or applicant making himself or herself available at a place and time specified by the Head Administrator or his or her designee, and providing a sample of body fluid or tissue to be analyzed for the presence of alcohol or controlled substances, as those terms are defined by DOT regulations.

All contracts with school bus operators are subject to such operators providing the Head Administrator with test results for their employees and applicants for employment.

The Governance Council hereby delegates to the Head Administrator the authority to adopt implementation guidelines and regulations governing testing and testing procedures as called for by this policy.

*References: Federal Highway Administration and Department of Transportation; Federal Regulations Title 49, Part 382; SBE Regulation 95-1, 95-6, 95-9*

## ***POLICY 215 - Employee Use of Tobacco Products***

The use of tobacco products by employees and any other persons is forbidden in school buildings, on school property, in any school-owned vehicle or in any vehicle used to transport students.

## ***POLICY 216 - Drug/Alcohol Testing: Employees Under the Influence***

No employee of Turquoise Trail Charter School shall unlawfully manufacture, distribute, dispense, possess, be under the influence of a hallucinogenic drug, amphetamine, barbiturate, marijuana, or any

other controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined by regulation at 21 CRF 1300.11 through 1300.15. In addition, school employees shall not distribute, dispense, possess, be under the influence of, or use alcoholic beverages in the work place. It is the employee's responsibility to determine from his/her physician whether a prescribed drug may impair job performance.

As a condition of employment in the School, each employee shall notify his or her supervisor of any criminal drug related conviction occurring in the work place as defined below, no later than five (5) days after such conviction.

As a condition of employment in the School, each employee shall abide by the terms of the school district policy regarding a drug free work place (*POLICY 213*).

If there is reasonable suspicion that an employee is under the influence of drugs or alcohol or an employee is suspected of drug or alcohol abuse, the School may have the employee tested without advance notice at the School's expense. If additional testing is necessary, it may be at the employee's expense. If appropriate an ongoing condition of employment may include periodic unannounced drug and/or alcohol testing. Employees to whom this applies will be notified in writing when this is a condition of employment following the initial testing or other notification of reasonable suspicion such as arrest for usage or following completion of a treatment program.

#### DEFINITION

"*Work place*" includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; and off school property during any school-sponsored or school-approved activity, event or function, such as field trip or athletic event, while in an official capacity, where students are under the jurisdiction of the school district.

See *POLICY 213*

#### REASONABLE SUSPICION

Reasonable suspicion may arise from supervisory observation, co-worker reports or complaints, performance decline, attendance or behavioral changes, arrest for violation of

a criminal drug/alcohol statute and/or vehicular accident indicating a possible impairment in judgment or negligence due to the employee being under the influence of drugs or alcohol. Suspicion should be based on observations that a supervisor can articulate concerning appearance and/or behavior. Other factors that may establish reasonable suspicion include, but are not limited to: violation of company safety policies, discovery of illegal drugs, drug paraphernalia and/or alcohol in an employee's possession or near the employee's workplace, a report of drug/alcohol use, sale and/or transfer of drugs/alcohol on work premises/property from a credible and reliable source.

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. The School reserves the right to search all areas of the work site, personal articles at the work site and vehicles on school grounds. A supervisor will conduct searches with appropriate assistance.

#### PROCEDURES FOLLOWING POLICY VIOLATION

If an employee violates Policy 213, 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 timely conference with the employee and the Head Administrator or his/her designee 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 as soon as possible following the incident. The employee will be asked to submit to a drug/alcohol test at the time of the conference.

##### *Step 3*

Suspension with pay/administrative leave may be imposed while:

1. an investigation of the circumstances is conducted and testing is completed. The Head Administrator will direct the employee to the appropriate place for immediate testing to determine if suspicion is confirmed. The Head Administrator will set the appointment and may arrange for an escort of 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 Head Administrator will remind the employee orally and in writing of the policy and that refusal may lead to discipline including termination
2. the employee or the school Benefits Administrator makes an appointment for the employee to meet with the Employee Assistance Program (EAP) or the Head Administrator may make a referral for the employee to a healthcare provider who will monitor the employee's health. This may be done at the employee's expense.
3. 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 Head Administrator or his/her designee and the EAP Coordinator at the end of the suspension or administrative leave period. Final disposition of the situation will depend upon the outcome of the conference and may include, but not be limited to:

1. an opportunity for the employee to explain the positive result;
2. unannounced or periodic drug and alcohol testing for a designated period at the employee's expense;
3. consideration of the following prior to taking disciplinary action:
  - a. job safety of others
  - b. past employment record and length of employment
  - c. employee willingness to seek assistance
4. suspension without pay;
5. participation in the Employee Assistance Program with full status regained after completion of the recommendations made by the EAP Coordinator and agreed to by the employee, supervisor, and the Superintendent or his/her designee; or
6. a recommendation for termination.

The employee may have a representative accompany him/her to this conference.

#### **STEP 5**

Documentation will be kept as follows:

1. Drug testing documentation will be kept in a separate confidential file for medical concerns.
2. Letters or memorandums addressed to the employee outlining disciplinary procedures will be placed in the personnel file.
3. Upon return or completion of treatment, the employee will contact the Head Administrator for an appointment 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.
4. Once compliance has been achieved through EAP and confirmed by the Head Administrator, the employee will receive a letter of release from the memorandum of agreement.

### ***POLICY 217 - Reduction-In-Force (R.I.F.)***

The Head Administrator has the authority to discharge certified school personnel during the term of their contracts or to terminate certified school instructors and non-certified school employees with rights created by NMSA 1978, Section 22-10-14 (C), (hereafter "tenured employees"), after notice and a hearing when a reduction in such personnel is required as a result of decreased enrollment or a decrease or revision of educational programs. Reduction-in-force (R.I.F.) is "just cause" for discharges of certified school personnel and terminations of tenured employees, when established pursuant to this policy. This policy is adopted as the procedure by which reductions in the personnel who are covered by the policy may be accomplished, within the context of the school's general personnel policies.

The Governance Council is vested with the discretion to determine the educational program of the School so long as the Public Education Department's Educational Standards and statutorily required standards are met. The Governance Council, in its discretion, may revise the educational program or decrease the number of employees of the School at any time and is solely vested with the discretion to determine when decreased enrollment, financial exigency, or other causes justify a reduction in personnel.

Situations that justify a R.I.F. shall include, but are not limited to, the following:

1. decrease in student enrollment;
2. decrease in revenue:
  - a. because of decrease of student enrollment;
  - b. because of loss or reduction of tax revenues;
  - c. because of reduction of state, local, or federal financial support; or
  - d. because of inflation reducing the value of revenues received;
3. change in the educational program of the school, as determined by the Governance Council in its good-faith exercise of discretion;
4. court orders;
5. orders of the Public Education Department;
6. legislative mandates.

The Governance Council shall exercise its discretion in good faith, and determinations that a R.I.F. is necessary shall be based on bona fide educational considerations and not be a subterfuge for discharging or terminating certified personnel without good or just cause or for impermissible reasons.

A R.I.F. may occur at any time during the calendar year when the Governance Council, in its discretion, determines that it is justified and the procedures prescribed herein are applicable and are followed. A R.I.F. may be based upon projections of future enrollment, revenues or expenses, and the subsequent receipt of more revenue than expected or a subsequent saving of projected expenses shall not invalidate any actions previously taken in good faith reliance on such projections or require the reemployment of any employees who were released on the basis of such projections.

**Except as required by legislative mandate or orders of the Public Education Department** and to the extent that circumstances permit, the Head Administrator, with the assistance of designated

staff, shall report to the Governance Council any circumstances which may ultimately require a R.I.F., in order that notice be given to certified personnel of the possibility of a R.I.F. and so that consideration be given to means by which a R.I.F. may be avoided.

When the Head Administrator concludes that a R.I.F. is necessary, a plan for R.I.F. shall be developed for presentation to and consideration by the Governance Council, **after consultation with the leadership team at least thirty (30) days prior to the effective date of the R.I.F.** The R.I.F. plan shall not identify individuals to be discharged or terminated, but rather shall focus upon the total educational program of the school and how it may be modified to reduce the number of certified personnel while still providing the educational program required and the particular educational needs of the School. The R.I.F. plan shall include, but need not be limited to, the following:

1. a detailed description of the cause or causes requiring a R.I.F.;
2. a description of all adjustments already made by the administration in an attempt to avoid a R.I.F., if any (e.g. reduction by attrition, cuts in non-certified staff, abolition of extra-curricular activities, etc.);
3. a designation of the part or parts of the total educational program in which the R.I.F. is proposed and the number of positions to be reduced in each program;
4. a designation of extra-curricular activities which are to be retained, with a justification for retaining such programs; and
5. a discussion of alternatives (if any) considered by the Head Administrator and staff committee
6. with an explanation as to why such alternatives were rejected.

The Governance Council shall consider the recommendations of the Head Administrator for the adoption of the R.I.F. plan at a duly called Governance Council meeting, the public notice of which announces that a R.I.F. will be considered. The discussion and action on the plan shall be in open session; however, nothing herein shall restrict the Governance Council from holding portions of those discussions in closed session, if such discussion would be proper under the New Mexico Open Meetings Act. The Governance Council may allow such review, consultation, and comment by employees and members of the public, prior to taking final action on the plan, as the Governance Council, in its discretion, deems appropriate. The Governance Council may accept, reject, or modify the plan recommended by the Head Administrator as it deems appropriate.

Any plan for a R.I.F. adopted by the Governance Council shall be made available to all staff, by providing copies thereof in the office at the Head Administrator's office, within three (3) work days after adoption by the Board.

Based upon the R.I.F. plan approved by the Governance Council, the administration shall perform a study of the school's personnel to determine which person or persons must be wholly or partially terminated or discharged in order to implement the plan.



In the event legislation is passed which requires the Governance Council to reduce certified school personnel, for any reason, the Governance Council shall follow the legislative procedures, if any, in lieu of this policy.

### ***POLICY 218 - Unlawful Misconduct***

The Governance Council is committed to providing a work and learning environment in which all individuals are treated with respect and dignity. Although the policy focuses on sexual harassment it applies equally to all forms of unlawful harassment.

Each employee and student has the right to work and learn in an environment that is free of unlawful discrimination, including sexual harassment and harassment based upon other protected characteristics. No person should be required to endure sexual or other unlawful harassment by supervisors, peers, which includes student-on-student sexual harassment, faculty members, educational support staff, independent contractors or vendors or work or learn in a hostile environment as a condition of employment or pursuit of academic excellence. This policy also applies when an employee is subject to harassment at the school or on school business by someone not affiliated with the school.

It is the policy of the Turquoise Trail Charter School to:

1. Prohibit any person in the work or academic setting from sexually harassing any other person in the work or academic setting.
2. Prohibit any person in the work or academic setting from harassing any other person because of sex, race, religion, national origin, disability, sexual orientation, gender identity, age, veteran status, or other protected characteristic.
3. Not tolerate or condone such harassment by or towards its employees or by or towards its students. The School will take appropriate actions to prevent, correct, and if necessary, to discipline an individual's behavior which violates this policy.
4. Take reasonable steps to provide a work and academic environment free of sexual and other unlawful harassment.
5. Investigate allegations of harassment/misconduct in a timely and thorough way.
6. Take appropriate and timely corrective action with respect to information or allegations that employees or students are being subjected to unlawful harassment in the work or academic environment.
7. Provide on-going education and awareness regarding sexual and other unlawful harassment.
8. Provide information about how to pursue claims of unlawful workplace harassment,.

### **DEFINITIONS**

*“Sexual harassment”* is a form of gender discrimination as defined in Title VII of the Civil Rights of 1964 and is a violation of federal and state law and school policy.

According to the Equal Employment Opportunity Commission, sexual harassment is illegal if:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual, or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can occur in a variety of forms. Harassing conduct based on gender often is sexual in nature but sometimes is not. In order to violate federal and state antidiscrimination laws, sexual harassment must be unwelcome and must be sufficiently severe or pervasive to create an offensive or intimidating hostile working environment. However, any harassing conduct because of sex or any other protected characteristic is a violation of this policy even if it is insufficiently severe or pervasive to violate state or federal law.

Sexual harassment includes unwelcome sexual advances such as requests for sexual favors and written, visual or verbal conduct of a sexual nature.

If the behavior toward another employee makes them feel intimidated, uncomfortable or if the employee feels threatened, it may be considered sexual harassment even if the harasser did not intend for his/her action(s) to be offensive.

Sexual harassment may also be considered a criminal offense under state and local assault and child abuse laws.

#### REPORTING HARASSMENT

Any employee who observes or experiences what they believe to be conduct that violates this policy shall, whenever possible, confront the person or persons responsible for the offensive behavior and indicate that it is unwelcome and should be stopped. The employee also has an obligation to promptly report it to a School Administrator or the Finance Manager. These are the individuals authorized by the School to accept and respond to such complaints

#### INVESTIGATIONS

The School will investigate all allegations of unlawful harassment. All School employees are required to cooperate with such investigations. The investigator will keep the complaint and investigation confidential to the extent possible consistent with the School's duty to conduct a thorough investigation.

#### APPEAL

Any affected employee who is dissatisfied with the conclusion or results of an investigation, or with any corrective measures taken, may appeal the decision to the Governance Council. Any such appeal should be in writing and must include the nature of the employee's dissatisfaction with the conclusions or results of the investigation.

## DISCIPLINE

Conduct that violates this policy is cause for discipline.

## RETALIATION

No one will be retaliated against for making a good faith complaint regarding unlawful harassment. Such retaliation in and of itself is cause for discipline and will not be tolerated.

### ***POLICY 219 - Sexual Misconduct***

Turquoise Trail Charter Elementary School will not tolerate sexual misconduct by any of its employees. All employees, as part of their regular duties, shall therefore be cognizant of their behavior, its intentions and how they may be perceived with respect to circumstances that suggest sexual misconduct against students. This policy also applies to non-employee volunteers, and to any other persons who work subject to the control of school authorities.

## DEFINITIONS

*“Employee/employee”* - Sexual misconduct includes, but is not limited to, physical act(s) of aggression, force or threat against another employee of the same or opposite sex, threatening to force or coerce sexual acts, including the touching of private/intimate parts, and coercing, forcing or attempting to coerce or force sexual intercourse.

*“Employee/student”* - As used herein, sexual misconduct by employees against students means any sexual or romantic contact between any employee of the school and any student of the school.

## DUTY TO REPORT INFORMATION

All employees of the school, including school counselors, shall report to the Head Administrator any information concerning sexual misconduct. In the event the employee implicated by the information is the Head Administrator, then such report shall be made to the Governance Council.

School personnel may have a direct obligation, imposed by state statute, to provide a report to social services or law enforcement agencies immediately upon knowledge or a reasonable suspicion that a child is abused or neglected. The duty to report imposed by this policy, however, is independent of, and in addition to any such statutory obligation.

## FAILURE TO REPORT

Failure of an employee in possession of such information who does not promptly provide the report described above may result in discipline of that employee.

### INVESTIGATION OF REPORTS

Upon receiving information regarding sexual misconduct by a school employee, the Head Administrator shall promptly and fully investigate all reported information concerning sexual misconduct. The Head Administrator, in consultation with legal counsel, shall oversee investigations conducted, including the initial determination as to whether a reasonable suspicion of sexual abuse by a school employee exists, and whether a full investigation should be conducted.

### COOPERATION WITH INVESTIGATIONS

Non-administrative staff are neither authorized nor responsible for conducting investigations with respect to such information, but will be expected to cooperate in the School's investigation by providing information they have received.

Sexual misconduct can result in criminal prosecution by law enforcement authorities. Accordingly, the reporting and investigation procedures described herein are to be conducted by the school in addition to any criminal investigation that may be conducted by law enforcement authorities.

### ***POLICY 220 - Employee Assault***

The Governance Council acknowledges the need for its employees to perform their duties in a safe, secure and non-threatening atmosphere and recognizes the possibility of assault on an employee or another person on school property, or at school-sponsored events. The term "assault" as used in this policy shall mean not only a violent physical or verbal attack, but shall also include the concepts of legal battery, legal assault, and intentional infliction of severe mental or emotional distress.

No employee shall, while on duty, physically or verbally assault any other person. However, an on-duty employee is permitted to use reasonable force to repel a physical assault upon himself or a physical assault on another person. No verbal statements justify use of force. If an on-duty employee is threatened with an assault upon himself or another and has a reasonable method of retreating or causing the other to retreat so as to avoid the assault, the employee shall retreat or cause the other to retreat.

### ***POLICY 221 - Violent and Aggressive Conduct by School Employee***

Violence or violent conduct by employees is inconsistent with the School's mission of instilling respect, self-control, and personal discipline in our students. The effective operation of the Turquoise Trail Charter School requires that employees strictly avoid subjecting other employees or non-student third persons to violence, the threat of violence, other forms of physical harassment, or intimidation.

#### VIOLENT CONDUCT BY EMPLOYEES PROHIBITED

The prohibitions and exceptions in this policy apply to conduct by an employee on school premises, and while an employee is on duty at, or in connection with a school sponsored activity.

The Turquoise Trail Charter School Governance Council's prohibition of employee violence toward students is set forth in its policy on Corporal Punishment. Instances of employee violence toward students shall be addressed according to the terms of that policy.

Violent conduct by employees is prohibited, including, but not limited to, the following:

1. Any form of physical violence, as defined herein;
2. Intimidation, harassment, or any threat of physical violence, communicated by words or conduct;
3. Possession of a weapon.

#### DEFINITIONS

*"Physical violence"* is any form of intentionally forceful, harmful, hurtful, or patently offensive physical contact administered upon or directed to the body of another, including, but not limited to:

1. striking, kicking, squeezing, or pinching any part of the body, or forcefully grabbing the body or clothing, or attempting to do any of the foregoing; or
2. restraining or restricting physical movement through physical contact, or attempting to do either.
3. Exceptions:

The following actions by an employee are exempt from this policy, and will not constitute a violation of the policy.

1. An employee may, but is not required to, reasonably restrain another employee or third party whose conduct is violent or physically disruptive if:
2. The conduct of the person-to-be-restrained is directed toward any person, including, but not limited to, any employee, a student, any third person, or the employee himself or herself.
3. The conduct of the person-to-be-restrained is directed toward school property or the property of another on school premises.
4. In any instance in which another employee or third party has refused valid directives to

proceed to, to leave, or to avoid entering any part of the school's premises, and the employee's or third party's refusal creates a disruption or potential disruption of the operations of the school. An employee may, but is not required to, exercise a reasonable grasp upon, or restraint of, the other employee or third party for the purpose of moving or removing such person, or for the purpose of preventing the other employee or third party from entering the premises.

*"Violence toward property"* is intentionally damaging or destroying the property of the District, of another employee, of a third party, or attempting to do any of the foregoing.

#### DISCIPLINE

An employee who is found to have violated this policy shall be subject to discipline, which may include suspension or discharge for any violation.

#### ***POLICY 222 - Grievance by Employees***

The Governance Council recognizes that in the normal course of school operations, one or more employees may feel that the school's rules and regulations, or their application, adversely and unfairly affect the employee's interests. These differences should be resolved directly by the persons involved if at all possible. However, employees who are unable to resolve their differences directly with the individuals involved may bring their grievance to the Head Administrator. Employees who are dissatisfied with the resolution provided by the Head Administrator may appeal to the Governance Council by submitting a written appeal that describes their grievance and the nature of their dissatisfaction with the Head Administrator's response. Employees may not appeal to the Governance Council without first having presented their concern to the Head Administrator and receiving the Administrator's response.

This procedure does not apply to instances of sexual or other prohibited harassment which are governed by POLICY 218

#### ***POLICY 223 - Substitute Teachers***

The Head Administrator shall maintain an active list of persons approved and licensed by the State Department of Education to act as substitute teachers. Only persons on this approved list or persons holding a New Mexico teaching license or persons assigned to the classroom in question as a student teacher, co-op student, or instructional assistant may be employed as substitutes. The Head Administrator is directed to establish administrative procedures that will enhance the School's ability to maintain the best possible roster of substitutes.

In the event that no substitute can be found on a particular day, or for a particular class period, a school administrator may:

1. Divide a class of students among several teachers,
2. Request teachers to substitute during their preparation period,
3. Assign a classroom instructional assistant who is assigned to a regular classroom.

Teachers who agree to substitute during their assigned preparation period at their school shall be limited to one period per day.

The Head Administrator or designee shall develop and implement administrative procedures necessary to effectively employ, assign, monitor, evaluate, compensate and retain highly qualified substitute teachers for the School. Records will be kept by the Head Administrator or designee of substitute applicants' ability to perform services, meet minimum performance and initial certification requirements, and meet continuing certification requirements as set forth below.

Any person seeking to perform services as a substitute teacher in the School must hold a certificate authorizing that person to perform the duties of a substitute teacher. Substitute teacher certificates shall be issued by the Public Education Department (PED) to persons who, at a minimum, meet the requirements listed on the PED licensure website ([www.ped.state.nm.us/licensure](http://www.ped.state.nm.us/licensure)). Such certificates authorize the substitute teacher to work as a substitute teacher in Turquoise Trail Charter School.

#### BACKGROUND CHECKS

As a condition of employment as a substitute teacher at Turquoise Trail Charter School, all applicants for such initial certification shall submit to a fingerprint-based background check. See TTCS Policy #204.

#### COMPENSATION

Substitute teachers at Turquoise Trail Charter School will be paid according to the current salary schedule, which has specified rates for substitute teachers among the following categories:

- Without a bachelor's degree
- With a bachelor's degree
- Certified teacher

#### LONG TERM SUBSTITUTES

Substitute teachers who are on a long term assignment will be paid at the higher long term substitute rate after completing 10 consecutive days on a single short term assignment. Long term substitutes are expected to fulfill all duties of a regular teacher, such as attending staff meetings, submitting grades, checking email daily, preparing for and attending parent teacher conferences, etc.

#### TIMEKEEPING

Substitute teachers shall sign in and sign out each day at the front desk on the Substitute Log sheet, and all payment for time worked is based on the hours worked, converted to a daily equivalent based on 7.5 hours for a normal teacher workday. Long term substitutes shall submit a biweekly payroll time sheet.

### ***POLICY 224 - Tutoring of Students***

The Turquoise Trail Charter School Governance Council believes that by maintaining an instructional staff of high quality and providing for a rich and varied curriculum the need for individual tutoring is minimized.

When paid tutoring of a student by an employee is deemed necessary, such tutoring will be conducted outside the employee's regular work hours. Such paid tutoring is to be arranged between families or other agencies or the staff and the school if it is a school sponsored program.

### ***POLICY 225 - Conflict of Interest***

Each employee of the Turquoise Trail Charter School is in fact an employee of the State of New Mexico, responsive to the people or taxpayers of the state. As such, each employee will refrain from activities, employment, and business transactions which violate federal, state, or local laws or which, in any way, diminish the integrity, efficiency, or discipline of the school.

Employees are prohibited from using confidential information acquired by virtue of their association with the School for their individual or another's private gain.

*Reference: NMSA 1978, 22-21-1*

### ***POLICY 226 – Staff Travel Procedures (revised)***

***Except as noted below***, "in-area travel" is travel within the Santa Fe School District. All other travel is "out-of area".

#### **In-area travel required by assigned job responsibilities:**

The Director may designate certain staff to perform routine chores requiring in-area travel (example: bank deposits). The Director may designate supervisory staff to approve reimbursements for such travel. The employee will record mileage on the appropriate form and submit the form for approval by their supervisor. Approved reimbursements will be issued by the Business Office.

***Expanded definition of in-area travel: same day travel to and from meetings within 100 miles of the school campus may be considered in-area travel. Prior notice is only required***



***of instructional employees and this notice shall take the form of a professional leave request. Prior notice is not required of administrative or business staff. Mileage to and from the event will be paid upon submission of a mileage reimbursement request form. The mileage request form must include a statement of the reason for travel and a description of the event attended. Mileage request forms are to be approved by the director or designee prior to payment.***

**Other in-area travel and out-of-area travel:**

Any travel that is not required for the performance of routine, assigned tasks and any out-of-area travel must be approved by the Director in advance. Employees must complete and submit a travel request form prior to traveling at school expense. Employees must complete and submit a record of travel expenses at the completion of the trip. The Director must approve travel reimbursement requests. Approved reimbursements will be issued by the Business Office.

***References: NM Travel and Per diem Act***

***POLICY 227 - Soliciting and Selling by Employees***

Employees are prohibited from soliciting from children on school premises during school hours.

School employees are prohibited from conducting any business transactions for political campaigns or candidates or for personal profit during school hours and on school premises.

School employees engaged in the sale of raffle tickets or other items for support of student-related organizations shall do so in a manner and time that will not interfere with the proper conduct of any school function or interfere with a school employee's effective performance of duties.

Application may be made to the Head Administrator's office for Governance Council approval of fundraising activities in special circumstances.

### ***POLICY 228 - Gifts and Gratuities***

Individual employees shall neither solicit nor accept personal gratuities, favors or anything of monetary value from contractors as merchants with whom the Turquoise Trail Charter School is doing business or who are attempting to sell goods or services to the schools.

Individual employees shall not request, receive, or accept a gift or loan for themselves or another that tends to influence them or appear to influence them in the discharge of their duties as employees.

Business with suppliers to school will not be influenced or appear to be influenced by an employee's financial interest.

This policy does not preclude acceptance of food or drinks of a social nature or participation in a social event.

### ***POLICY 229 - Political Activities by Employees and Others***

Employees seeking political office, as well as other candidates, are prohibited from conducting campaign activities during regular working hours on school premises. Under no circumstances will a candidate be permitted to use students during school hours in any campaign activity. Similarly, candidates are prohibited from using school machines or materials to produce campaign literature.

Those persons, including employees, seeking to promote themselves or another candidate for elected office are to observe the following:

All employees:

1. Are encouraged to register and vote,
2. Have a right to express their opinions on all political subjects and candidates,
3. May serve as convention delegates,
4. May attend political rallies,
5. May serve as an elected official, provided the employee is authorized leave; and
6. May be a member of a local board, which shall not be construed to be either holding political office or being an officer of a political organization provided the employee is authorized leave as necessary.

All employees shall observe the following:

1. May not engage in political activity during contract hours to include signing nominating petitions and making voluntary contributions to political organizations,
2. No employee shall use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office or for any other political purpose,
3. No employee shall directly or indirectly coerce, attempt to coerce, command or advise an employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purpose. This includes threatening to make employment decisions regarding hiring, promotion, transfer, training, compensation, benefits or any other employee programs, based upon an employee's choice of candidate in an election.
4. No employee or other person shall place campaign literature in faculty or staff mailboxes or distribute such literature in classrooms.
5. Candidates, if invited by an employee group, will be permitted to address the employee group after school hours. Attendance for employees will not be mandatory. Otherwise, no campaigning will be allowed in the buildings. No visits to classrooms or lounges for campaigning purposes will be permitted if it interferes with instructional time or is unwanted.
6. Students are not to be asked to take home campaign literature for individual candidates.
7. Employees may not use the School's electronic mail (email) service to distribute political activity communications. School telephones will not be used to engage in political activity and will be left free for school business.
8. Bumper stickers affixed to personal vehicles will be allowed. However, campaign buttons or the like will not be worn during school hours.
9. Sale of tickets for campaign fundraisers will not be permitted on school premises during contract hours.

#### The Hatch Act and New Mexico State Statutes

Employees who are covered by the provisions of the Hatch Act may be candidates in nonpartisan elections, if upon filing or accepting the nomination and during the entire campaign the employee is authorized leave. These employees may not be candidates in partisan elections.

Employees not covered by provisions of the Hatch Act may be candidates for any public office, if upon filing or accepting the nomination and during the entire campaign, the employee is authorized leave. In accordance with the provisions of Section 10-9-21(B) NMSA 1978, being a member of another local school board or community college shall not be construed to be holding political office.

#### ***POLICY 230 - Academic Freedom***

The Governance Council desires that discussion and study of political and social issues be undertaken in a dispassionate atmosphere free from bias.

In this spirit, teachers shall serve as impartial moderators and shall not attempt directly or indirectly to limit or control the opinion of pupils on such issues. Teachers are encouraged to foster the study of issues rather than teach particular viewpoints with regard to them.

The Governance Council recognizes that teachers have the right and responsibility to exercise professional judgment, within the limits of the previous statements, when such issues are under study.

Teachers must inform the Head Administrator of names and topics of guest speakers appearing in their classrooms.

### ***POLICY 231 - Employee/Immediate Family Members Doing Business With the School***

Pursuant to the provisions of the Procurement Code and the Public School Code, no school employee or member of an employee's immediate family (as defined in NMSA 1978, Section 13-1-62) shall directly or indirectly sell or be a party to any transaction to sell any instructional material, furniture, equipment, insurance, school supplies, or work under contract to the school with which they are associated or employed when the employee or member of the employee's immediate family has a financial interest in the transaction.

No employee of the Turquoise Trail Charter School shall receive any commission or profit from the solicitation or sale of investment securities or insurance to any other employee under their supervision.

The provisions of this policy shall not apply to any employee making a sale in the regular course of the employee's business when the sale is in compliance with all applicable provisions of the Procurement Code.

The Governance Council reserves the right to grant a waiver of unlawful employee participation in a procurement process, pursuant to Section 163 of the Procurement Code (NMSA 1978, Section 13-1-190), upon making the following findings:

The contemporaneous employment or financial interest of the employee has been publicly disclosed.

The employee will be able to perform the procurement functions without actual or apparent bias or favoritism; and

The employee participation is in the best interest of the charter school.

In the event that the Governance Council determines that it is in the best interest of the school to waive unlawful employee participation, an affidavit stating the terms of the waiver have been complied with shall be completed by the participating employee(s) and appropriate school

official(s) and remain on file in the school's business/finance department and in the procurement file for the applicable transaction.

The term "employee" includes all persons receiving a salary, wages or per diem and mileage from a state agency or local public body whether elected or not and any non-compensated individual performing personal services as an elected or appointed official or otherwise for a state agency or a local public body.

### ***POLICY 232 - Personnel Records***

The Head Administrator shall maintain personnel records for all school employees, the records to include but not limited to: official transcripts, licensure documents, experience records and evaluation reports.

These records shall be open to inspection only to:

the employee concerned, but only in the presence of the Head Administrator or the person in charge of the records. The employee may see any reference only if there **is no written statement** by the employee or the person providing the reference that it will not be made available to the employee.

the Head Administrator, the Head Administrator's staff or other administrators on a need-to-know basis, and

the Governance Council during executive personnel sessions, and

representatives of regulatory or accrediting agencies as required for the conduct of their official business.

Personnel records will not be made available to other persons without the consent of the employee. No material shall be removed from the record except for review. No record shall be removed from the Head Administrator's office.

### ***POLICY 233 - Release of Personnel Information***

It shall be the policy of the Turquoise Trail Charter School Governance Council to protect the privacy of current, former and prospective employees to the extent permitted by law. Accordingly, all personnel information retained by the school shall be considered confidential unless the Inspection of Public Records Act requires otherwise.

Confidential personnel information will not be released without the affected person's written consent unless the Head Administrator determines that exceptional circumstance justify such

action. Other personnel information will be made available pursuant to the Inspection of Public Records Act, as interpreted by the New Mexico courts.

The Act and decisions interpreting it provide that the following types of personnel information may be treated as confidential:

1. Letters of reference concerning employment, licensing or permits;
2. Letters or memoranda in personnel files which are matters of opinion, including documents concerning infractions and disciplinary actions, performance evaluations, and related materials, opinions as to whether a person should be rehired or reasons why an applicant was not hired, and any other material expressing an opinion as to a current or former employee or an applicant for employment;
3. Medical and related information pertaining to illness, injury, disability to perform a job, task, or sick leave; and
4. Other types of personal information, such as military discharge or arrest records, which is solicited by the school; which is considered vital to the employment procedure; which was furnished after a promise to keep the information confidential; and for which disclosure would not appear to serve any identifiable public interest.

These types of information will be treated as confidential to protect the privacy of current, former and prospective employees and to encourage qualified persons to apply for positions with assurance that the mere fact of their application for another job need not become public information.

The School shall be entitled to ask persons seeking disclosure of personnel records to provide reasonable justification for such disclosure.

### ***POLICY 234 - Disclosure of Employee Names***

Pursuant to State Regulation 93-17, no school employee, Governance Council member or school volunteer shall see or use employee lists or disclose the name of any employee for the purpose of marketing goods or services directly to employees or their families by means of telephone or mail.

The exceptions to this policy are when an employee authorizes the name release for any of the following legitimate educational purposes:

1. Regionally accredited colleges and universities
2. Accredited post-secondary and vocational educational entities
3. Accredited public educational entities providing adult basic educational opportunities
4. Educational entities offering continuing education opportunities for licensed and/or non-licensed faculty and staff
5. Educational entities offering tour/travel opportunities which result in educational credits through a regionally accredited college or university, or an accredited post-secondary or vocational school

6. The Armed Forces of the United States offering educational programs and/or opportunities within the military
7. Additionally, the Governance Council authorizes, upon request, release of employee names to the exclusive representative(s) of employees.

*Reference: NM State Regulation 93-17*

### ***POLICY 235 - Leaves from Duty***

The Turquoise Trail Charter School Governance Council provides authorized leaves from duty as follows:

Annual	Leave
Bereavement	Leave
Educational Leave	
Family and Medical	Leave
Funeral Leave	
Jury Duty/Subpoena Leave	Military
Leave	
Personal and Sick	Leave
Professional	Leave
Sabbatical	

All leaves, with or without pay, require advance approval except in emergency situations. Full pay will be deducted from an employee's salary for each unauthorized absence or for any absence not meeting the criteria specified in the policy covering the leave for which the absence was authorized. No leave shall have any compensation as part of it unless specified by the individual leave policy.

*The following paragraphs apply in all cases unless specifically modified in the individual leave policies.*

An employee granted leave of absence will be returned whenever possible to the same position.

Except in cases of extended illness of the certified employee or his/her immediate family, proposed termination of leave of absence must be determined at the time the leave is granted. Date of expected return must coincide with the beginning of a semester unless other arrangements have been made. Failure of a certified employee to present himself/herself for duty upon expiration of a leave of absence relieves the School of its responsibility for reemployment, unless an extension is requested and granted.

No leave shall be granted which exceeds a twelve-month period unless an extension is granted by the Governance Council.

Employees on unpaid leave of more than one month of consecutive work-days may continue group insurance by timely payment of the full premium, with no Turquoise Trail Charter School contribution, unless the leave is under the provisions of the Family and Medical Leave Act.

Employees will not accrue leave or other benefits during any leave without pay.

### ***POLICY 236 - Family and Medical Leave***

The School complies with the Family and Medical Leave Act, 29 U.S.C. §§ 2601 et seq. (FMLA). This policy only provides a general description of the benefits available to eligible employees under this federal law. Specific requests for FMLA leave will be handled according to the FMLA and the regulations promulgated by the Department of Labor. In the event any conflict between the provisions of this or any other leave policy of Turquoise Trail Charter School and the provisions of the FMLA, the latter shall prevail.

The FMLA provides unpaid, job protected leave for eligible employees for certain family, medical, and military service reasons.

#### ELIGIBILITY

In order to be eligible for FMLA leave the employee must: 1) have been employed by the School for at least 12 months; 2) have worked at least 1,250 hours for the School during the 12 month period immediately preceding the leave; and 3) be employed at a worksite located within 75 miles of 50 or more other School employees.

#### 12-MONTH PERIOD

The 12-month period is calculated from the first day an employee takes FMLA leave.

#### 2 REASONS FOR FMLA LEAVE

Eligible employees may be granted up to 12 weeks of unpaid job protected leave during a 12 month period for any one or a combination of the following reasons:

1. To care for the employee's child after birth, or placement for adoption or foster care;
2. To care for the employee's spouse, son, daughter or parent (but not in-law) who has a serious health condition;
3. For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential function of the employee's job; and/or
4. Because of any qualifying exigency arising out of the fact that an employee's spouse, son, daughter or parent is a covered military member on active duty or has been notified of an



impending call or order to active duty status in the National Guard or Reserves in support of contingency operation.

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member may be granted up to 26 weeks of unpaid job protected leave during a single 12 month period to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single 12-month period and, when combined with other FMLA qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured service member.

#### INTERMITTENT LEAVE AND REDUCED LEAVE SCHEDULES

FMLA leave is usually taken for a period of consecutive days, weeks or months. However, employees are also entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered service member.

#### HEALTH INSURANCE BENEFITS WHILE ON FMLA LEAVE

During FMLA leave eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work. An employee who wishes to continue their health insurance benefits must pay their portion of the insurance premium. If the employee fails to make payment of the employee's share of health insurance premiums for thirty (30) days after such payment is due, coverage of such employee for benefits shall be discontinued. If the employee fails to return to work following leave under the FMLA for any reason (1) other than the continuation of the FMLA qualifying circumstances upon which the need for leave was originally based, or (2) circumstances beyond the control of the employee, the employee shall be required to reimburse the school for the cost of health insurance premiums which the school paid to maintain coverage for the employee during the leave period.

#### FMLA LEAVE AND WORKERS COMPENSATION

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness run concurrently with any FMLA leave entitlement.

#### USE OF ACCRUED PAID LEAVE WHILE ON FMLA LEAVE

Although FMLA leave is unpaid, the School requires employees to use their accrued paid sick, annual and personal leave while on FMLA leave. Employees who take family/medical leave must utilize any available paid leave they have accrued. If the requested leave period extends beyond the employee's accrued number of paid leave days, the remaining leave days will be unpaid.

#### REQUESTING FMLA LEAVE

Employees who wish to request FMLA leave should fill out a "Request for Leave form" and submit it to the Head Administrator with a copy of the request given to the employee's direct supervisor. An employee seeking leave for a foreseeable reason such as the birth or placement of a child or for planned medical treatment shall provide the School with at least thirty (30) days advance notice of the leave. If thirty (30) days advance notice is not possible under the circumstances, e.g. in the case of a premature birth, the employee shall give such notice as is practicable, e.g., within one or two business days of the day the employee learns of the need for leave. If an employee's reason for seeking leave was unforeseeable, such employee shall give such notice as is practicable. An employee who fails to give notice of leave as required herein may be denied such leave until the notice requirements are met. Employees who fail to give adequate notice of foreseeable leave may have their leave delayed or denied. If less than thirty (30) days notice of leave is provided, the employee must schedule an appointment with the Head Administrator for approval if practicable.

If an employee requests leave for treatment of an employee's serious medical condition or for that of a child, parent, or spouse, the employee must make a reasonable effort to schedule the treatment at a time that is not unduly disruptive to the school.

All requests for family/medical leave must be approved by the Head Administrator. It shall be the school's responsibility to identify the requested leave as covered by the FMLA and as paid or unpaid on the basis of leave time accrued under or during such leave, on the basis of information provided by the employee.

#### SERIOUS HEALTH CONDITION

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that (a) requires in-patient care in a hospital, hospice, or residential medical care facility, or (b) requires continuing treatment by a health care provider and which, if left untreated, would likely result in an absence from work of more than three (3) days, or (c) involves pre-natal care. A "serious health condition" does not include voluntary cosmetic treatments, unless inpatient care is required, or routine physical examinations.

#### MEDICAL CERTIFICATION

Depending upon the nature of the FMLA leave sought, employees may be required to provide medical certifications supporting their need for FMLA qualifying leave.

An employee seeking leave on the basis of the serious medical condition of the employee or the employee's spouse, son or daughter, or parent, must provide certification issued by the health care provider of the employee or of the employee's spouse, son or daughter, or parent, stating:

1. the date the condition began,
2. its probable duration
3. appropriate medical facts, and

4. that, for a specified time, either
  - a. the employee is unable to perform his or her job functions or will be unavailable to do so while receiving necessary medical treatment, or
  - b. the employee will be needed to care for the sick family member.

If the adequacy of medical certification is questioned by the school, the school may require the employee to seek, at the school's expense, the opinion of a second health care provider, who is not regularly employed by the school. If the opinions of the first and second health care providers differ, the school may require, at the school's expense, a third opinion from a health care provider agreed upon by the employee and the school. The third opinion shall be final and binding.

#### FMLA LEAVE FOR SPOUSES

Spouses employed by the school are limited to a combined total of twelve (12) work weeks per year for the birth or placement of a child, or to care for a parent. However, for other covered leaves, such as to care for a spouse or child, or for the treatment of the employee's own serious health condition, each spouse may take up to twelve (12) weeks a year.

#### INSTRUCTIONALEMPLOYEES

If an eligible "instructional employee" seeks intermittent leave or reduced-schedule leave for the care of a spouse, son or daughter, or parent, or for the employee's own serious health condition, and the leave is foreseeable on the basis of planned medical treatment, and the employee would be on leave for more than twenty (20) percent of the work days during the period, the employee must choose either to:

1. Take leave for a period or periods of a particular length, not greater than the length of the planned medical treatment; or
2. Transfer temporarily to an equivalent position which better accommodates recurring periods of leave.

"Instructional employees" include teachers, instructional assistants, and other employees whose duties Head Administrator involve the direct provision of instructional services to students. In the event an employee involuntarily takes additional leave time under subparagraph 1, above, the entire leave time shall be counted against the employee's available leave under the FMLA and any school leave policy.

If any employee requests intermittent leave or leave on a reduced work schedule to care for a seriously ill family member or for the employee's own serious health condition, and the need for leave is foreseeable based upon planned medical treatment, the employee may temporarily be transferred to an available alternative position with equivalent pay and benefits, if the employee is qualified for the position and the position better accommodates recurring periods of leave than the employee's regular job.

The responsibilities of instructional employees near the end of academic terms - examinations, grading, etc. requires that the school be able to limit leave taking by instructional employees at such times as follows:

1. Leaves beginning more than five (5) weeks before the end of a semester: If an instructional employee starts a leave more than five weeks before the end of a semester, the school may require the employee to continue the leave until the end of the semester if: the leave is of at least three (3) weeks duration; and the employee would return from leave during the three-week period preceding the semester's end.
2. Leaves beginning five weeks or less before the end of a semester: If an instructional employee begins a leave five (5) weeks or less before the end of a semester, the school may require the employee to continue the leave until the end of the semester if: he leave will last more than two (2) weeks; and the employee would return from leave during the two-week period before the term's end.
3. Leaves beginning three (3) weeks or less before the end of a semester: If an instructional employee starts a leave three (3) weeks or less before the end of a semester, the school may require the employee to continue the leave until the end of the term if the leave will last more than five (5) working days.

#### ACCRUAL OF LEAVE

Employees will not accrue leave or other benefits during the family/medical leave period while on unpaid leave.

#### RETURN TO WORK/FITNESS FOR DUTY MEDICAL CERTIFICATION

Employees returning to work from FMLA leave taken because of their own serious health conditions may be required to provide the School with a medical certification confirming that they are able to return to work and perform the essential function of their position with or without reasonable accommodation. The School may delay or deny job restoration until the employee provides a return to work/fitness for duty certification.

#### NO WORK WHILE ON LEAVE

Taking another job while on FMLA leave is prohibited and grounds for termination.

#### POSTING

The school shall post notice to all employees describing the provisions of the FMLA in a form approved by the Wage and Hour Division of the United States Department of Labor.

*Reference: FMLA 1993*

#### REINSTATEMENT

Upon return from FMLA leave, an employee is entitled to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment. It is the School's policy that existing positions are held open for employees on standard length maternity leaves consistent with FMLA provisions. Otherwise an equivalent position will be made available, if the same position has been filled. If an employee is no longer qualified due to a change in his/her certification or licensure, the employee will be given a reasonable opportunity to fulfill any requirements of the position that may have expired during the FMLA leave, however, the employee will not be required to obtain a different license, endorsement or certification to be eligible for reinstatement.

Failure to return to work at the end of the FMLA leave period that is not related to a mental or physical condition for which the employee is entitled to a reasonable accommodation under the Americans with Disabilities Act (ADA), will be considered as a voluntary resignation by the employee and he/she will be severed from employment.

If an employee discovers that he/she is able to return to work earlier than anticipated, he/she must notify the Head Administrator, no less than five (5) business days prior to his/her return. An employee will not be required to take more FMLA leave than necessary to address his/her qualifying condition, except as stated under "Instructional Employees" above.

#### Extended Leave

Extended Leave for a period after expiration of FMLA leave benefits may be appropriate, if an employee's own health condition prevents the employee from returning to work. In such circumstances, the employee must notify and provide medical certification that he/she is not able to return to work by the end of FMLA leave. The School, based on information provided, will determine whether the circumstances are governed by the Americans Disabilities Act and whether Extended Leave is a reasonable accommodation. The employee may be eligible for Extended Leave as an accommodation, however, approval of Extended Leave does not extend the job protections afforded under FMLA.

Extended Leave will be granted only for specific period of time based on medical evidence and certification from a physician. Failure to apply for an demonstrate the need for Extended Leave by medical certification and evidence prior to the expiration of FMLA leave, may result in termination. In addition, the employee may be terminated if he/she does not return to work at the end of the Extended Leave or if the medical evidence provided demonstrates that extended leave requested is not necessary because the employee cannot return to work within a reasonable period as determined by the Head Administrator.

If an employee is able to return to work after Extended Leave, return to the same or equivalent position is not assured. If the same or equivalent position is available, the employee will be reinstated if to do so would not cause substantial disruption for the School. If the same or equivalent position is not available, open positions will be offered to the employee, however, if there are no positions open at the end of the Extended Leave, the employee will be terminated. In addition, there is no assurance that the employee will be reinstated at the same rate of pay, benefits, or employment terms and conditions. If Extended Leave is granted, an employee will be given his/her rights to COBRA benefits and be required to pay the full cost of coverage for medical benefits to continue.

## ***POLICY 237 - Annual Leave (Twelve-Month Employees)***

Full time twelve (12) month employees shall accrue 20 days annual leave, or 1.67 days per month.

The following provisions apply:

1. Annual leave shall not accrue to any employee while on a leave without pay status
- 2.
3. Annual leave will not be granted in excess of the number of days earned by the employee at the time of leave.
4. Authorization from an employee's immediate supervisor must be granted in writing no less than 1 week prior to taking leave, and only for such times as will least interfere with the efficient operation of the school (except in cases of emergency).
5. Employees absent without prior authorization may be subject to deduction from annual leave or salary, suspension without pay or dismissal from the system.
6. Up to and no more than 20 days of unused annual leave may roll over to the next fiscal year.
7. Annual leave is computed on the basis of the number of months and percentage of FTE (full time equivalency) of greater than one-half of service in any given year.

Annual leave shall not be granted to temporary agency or part-time (under one-half FTE) employees.

### Holidays

The Governance Council upon recommendation of the Head Administrator will approve a calendar of paid holidays for all twelve-month employees that is in accord with the adopted school calendar.

Amended 7/13/2020

### ***POLICY 238 - Bereavement Leave***

In the case of death in the immediate family during an employment period of the employee, the employee shall be allowed leave with full pay for up to three (3) working days immediately following the date of such death. The immediate family is defined to include: husband, wife, domestic partner, child, grandchild, parents, grandparents, sister, brother, mother and father in-law, brother and sister in-law. If requested, two (2) additional days leave with pay may be granted when out of town travel is required. Additional days may be granted on a case by case basis by the Head Administrator.

### ***POLICY 239 - Funeral Leave***

Employees may be excused without loss of pay, for a period up to four hours, to attend funeral services of relatives other than those defined as immediate family in the bereavement leave policy and/or friends.

In the event of the death of a staff member or student, the school Crisis Management Team will recommend and coordinate action with the Head Administrator.

### ***POLICY 240 - Professional Leave***

Leaves from duty without deduction may be granted for professional visitation and attendance at job-related meetings, conferences and training sessions or other activities which in the Head Administrator's judgment would be beneficial to the work of the employee or to the school as a whole. A procedure for equitable distribution of professional leave funds will be devised by staff.

### ***POLICY 241 - Jury Duty/Court/Subpoena Leave***

An employee receiving a Court summons for jury duty or a Court issued subpoena will be released from work in accordance with state and federal law. Employees receiving a subpoena to testify will be released on leave without pay (unless the employee elects to use Personal Leave) except in the case where said subpoena concerns matters related to School business. Leave with pay will be granted when an employee is subpoenaed to appear in an official proceeding, if such proceeding does not involve self employment or other employer and does not concern the employee's own personal affairs.

Leave with pay will be granted to an employee for appearance in court as a witness, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Employees are not

required to accept paid time off for witness/court duty. However employees who take leave with pay in order to serve as a witness or juror must provide any reimbursement they receive for their service to the School

An employee who is served with a subpoena should show it to the Head Administrator immediately after it is received so that staffing can be adjusted, where necessary to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

### ***POLICY 242 - Military Leave***

Any employee who is a member of an organized unit of the National Guard, or a reserve unit of any of the military branches, when ordered to active duty training with such organized units, shall be given military leave with pay not to exceed fifteen (15) days annually.

Such leave is to be in addition to other leave or vacation time to which the employee is otherwise entitled. Such leave also provides fifteen days pay for what would otherwise be unpaid FMLA leave for eligible employees.

Any employee who is drafted or called into duty by the armed forces of the United States shall be considered as on leave without pay, eligible for return to duty as provided by the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301-4333.

### ***POLICY 243 - Sabbatical Leave***

Sabbatical leaves without pay for up to one year are available for staff who have taught for seven consecutive years at Turquoise Trail Charter School. Sabbatical leaves are available for opportunities, which enhance the teacher's ability to provide quality education for students or provide enhancement of the overall education community. Sabbatical leaves are designed to allow faculty to take advantage of opportunities outside of the traditional classroom rubric. Sabbatical leave is granted when in the Head Administrator's judgment, the leave would be beneficial to the work of the employee, to the school or to education as a whole. Staff must apply for sabbatical leave no later than March 1 of the year in which the leave is to begin. Staff returning from sabbatical leaves will be guaranteed their previous positions. Sabbatical leave is based on the ability of the school to hire a replacement teacher. Sabbatical approval may be withdrawn if no replacement is available.

### ***POLICY 244 - Educational Leave***

Leaves without pay for up to two years may be granted for educational purposes such as advanced degree programs which in the Head Administrator's judgment would be beneficial to the work of the employee or to the school as a whole. Staff must apply for educational leave no later than March 1 of the year in which the leave is to begin. Staff returning from educational leave of



one year or less, will be guaranteed their previous positions. In cases of educational leave beyond one year, there are no guarantees of returning to previously held positions.

***POLICY 245 – Personal/Sick Leave (Nine, Ten and Eleven Month Employees); and Sick Leave Bank Procedure (revised)***

Nine, Ten, and Eleven month employees accrue leave according to the terms of their contracts (see below) and may use their yearly allowed days of leave without loss of pay each school year for sickness, personal, legal, business, household, educational or family matters. Notice to the employee’s Head Administrator that personal leave is to be taken will be given at least one (1) day before taking such leave (except in cases of emergency or unforeseen illness). The employee is not required to state the reason for taking such leave and his/her signature on the notice of absence form will attest that the leave is being taken under the conditions stated above.

<u>Employment</u>	<u>Days/Year Allowed</u>
Regular School Term	10
Ten (10) Month	11
Eleven (11) Month	12

Leave accrual applies only to a regular contract assignment. For example, summer school teaching is not part of a regular contract and is therefore not covered by the sick leave policy.

Unused leave may be rolled over to the following year except that the Head Administrator will not approve more than 10, 11, or 12 days of leave (depending upon the employees contract term) in any given contract year for reasons other than permitted under the FMLA. The Head Administrator may require medical certification or a physician’s statement attesting to the fact that the employee is unable to return to work for health reasons in order to justify leave taken over and above the annually accrued amount. Accrued leave is not payable upon termination.

Employees on FMLA leave are required to use their accrued personal leave. Employees on Workers Compensation Leave are required to use their accrued personal leave to make up the difference between their Workers Compensation benefit and their regular rate of pay as provided in

***POLICY 262 WORK RELATED INJURIES.***

In the event that an employee terminates employment prior to completion of a contract, personal leave shall be prorated from the above leave schedule. If the terminating employee has used more leave than has been earned, the adjustment shall be deducted from the final payment due the employee. If the continuing employee uses more days than those to which he/she is entitled

for the contract year, payroll deduction for those days in excess of those allowed will begin the following pay period.

[In recognition of the needs of employees who suffer from catastrophic illness or injury the Governance Council authorizes the Head Administrator to establish procedures and regulations for the operation of a sick leave bank. Such procedures and regulations shall contain the provision that employee participation will be strictly voluntary. These procedures shall be presented to the Governance Council prior to the beginning of the school year, along with a report on the current status of the sick leave bank program (number of employees participating, number of days left in the bank, etc.) In addition a financial analysis detailing the previous years cost of the program, and a cost projection for the current year will be presented to the Governance Council. The Council will then vote on the procedure. -- *Added December 2011*]

### **SICK LEAVE BANK PROCEDURE**

A. The purpose of the Sick Leave Bank is to assist employees who earn sick leave from Turquoise Trail Charter School but who have suffered catastrophic illness or injury and have used up all available sick leave days. "Catastrophic" is understood to be debilitating illness or injury, which results in the loss of ability to work, as verified by a physician and generally requires hospitalization or home confinement. Grants of sick leave from the Sick Bank may be used intermittently if the medical condition warrants it. Catastrophic illness or injury and related eligibility for Sick Leave Bank usage does not include such matters as normal pregnancy, the six-week normal recuperation period after child birth, or elective procedures.

B. Each eligible employee has the option of contributing earned sick leave days to the Sick Leave Bank in any amount that they choose up to a maximum defined as follows: Maximum Contribution = Total Sick Leave Balance minus Sick Leave Accrued in Current School Year. Enrollment is not automatic, and employees must renew each year. Exceptions will be made for new employees and those who have 10 days or less in their Sick Leave Balance. These employees may contribute one day only. Those employees, who contribute a minimum of one day during the annual open enrollment by February 15, 2012 and by September 15<sup>th</sup> of all subsequent school years, or within fifteen days of their first regular working day, will be considered members of the Sick Leave Bank. Sick leave contributions and withdrawals from the Sick Leave Bank are calculated on the basis of the regular work hours per day for the affected employee(s) participating in the bank.

C. The donating employee may no longer use sick leave day(s) donated to the Sick Leave Bank. The donated day(s) are credited to the pool of sick leave days in the Sick Leave Bank to be allocated to qualified employees in accordance with this plan. Sick leave days donated to the Sick Leave Bank, but unused by the end of any contract year, shall remain in the Sick Leave Bank and accumulate from year to year.

D. All applications and Sick Leave Bank Committee deliberations will be confidential. Decisions with respect to employee use of days from the Sick Leave Bank shall be made by a committee consisting of one administrative representative, a nurse and at least three other representatives from the Turquoise Trail Charter School staff. The Sick Leave Bank Committee will notify the applicant for a

grant of the disposition of his/her request in writing (either via email or hard copy). When sick leave days are granted, the Committee will also notify the payroll office.

E. Applications may be made for a maximum of thirty working days. All applications must be on the Sick Bank Application Form and be accompanied by documents certifying the condition(s) necessitating a grant, including a physician's signature. The application form must be signed by the employee or in extenuating circumstances by his/ her designee. All Sick Leave Bank applications will be considered on an individual basis.

F. The Sick Leave Bank Committee may require a second opinion from another physician at its discretion, and at the employee's expense.

G. Employees must use all of their credited sick/personal leave before using leave from the bank. Twelve month employees must use their annual leave accrual before using leave from the bank.

H. Should there be any compensation for loss of wages from any personal disability insurance, the employee may receive a Sick Leave Bank grant. The Sick Leave Bank must be reimbursed for any compensation received from Workers' Compensation, or as a result of a lawsuit, equal to the value of the days that were granted due to the event causing the loss of wages. The Sick Leave Bank Committee may request a statement from the employee's attorney of benefits available.

I. Sick Leave Bank grants to employees will not be carried over from one school year to the next, but will end on the last workday of the employee's contract or employment memorandum. The Sick Leave Bank Committee shall consider renewal requests, if submitted by the employee, for the following school year.

J. Any and all unused days granted to an employee by the Sick Leave Bank shall be returned to the Sick Leave Bank.

K. Should the total number of Sick Leave Bank days fall below ninety (90) days, the Sick Leave Bank Committee has the option of requesting another day of sick leave from participating members, after the members have been notified. No more than two days of sick leave will be deducted during any school year at the initiation of the Sick Leave Bank Committee.

L. Individual Sick Leave Bank committee members making application to the committee shall abstain from voting on their own application, and an administrator will vote in their place.

M. The Sick Leave Bank Committee shall be responsible for posting an end-of-the-year report reflecting the total number of days contributed, the number of days used, the number of days remaining in the Sick Leave Bank, and any other information the committee believes would be useful to its members. Sick Leave Bank Committee recommendations will include suggestions previously solicited from the membership regarding desirable improvements in the program. The Sick Leave Bank Committee will notify the members in writing of major problems or concerns, which might predicate the termination of the Sick Leave Bank program.

N. Contributions are made to the general Sick Leave Bank fund. They may not be earmarked for specific individuals.

O. The Sick Leave Bank committee is composed of five volunteers. If not enough people volunteer, the principal will appoint committee members.

P. Sick Leave Bank Committee decisions are final and are not subject to the grievance procedure. By enrolling in the Sick Leave Bank, the employee waives any right to seek redress for any claim, real or imagined, against Turquoise Trail Charter School, the Sick Leave Bank Committee, any of its members represented on the committee as a result of any decision made by the Sick Leave Bank Committee.

Q. Approved requests are subject to on-going review by the Sick Leave Bank Committee to assure that all guidelines are being followed. If the Sick Leave Bank Committee finds that an employee is not complying with guidelines, requested Sick Leave Bank benefits will terminate. In addition, the Sick Leave Bank Committee reserves the right to terminate membership/privileges and the employee may be held responsible for repaying any inappropriately obtained benefits from the Sick Leave Bank. The Sick Leave Bank reserves the right to seek garnishment to retrieve inappropriately obtained benefits.

R. Benefits are available subject to the Sick Leave Bank's ability to pay.

S. In the event this Sick Leave Bank program is terminated, all sick leave days awarded by the Sick Leave Bank shall be honored through the end of the current contract year. The balance of unused Sick Leave Bank days will then be dissolved by the Sick Leave Bank Committee.

#### LEAVE DONATION PROCEDURE (EMPLOYEE TO EMPLOYEE)

- A. In accordance with State Requirements, TTCS has developed this procedure to provide employees the opportunity to donate leave to another employee for specific allowable medical and immediate family events.
- B. The allowable events are:
  - Hospitalization of employee
  - Extended illnesses of employee with a signed doctor's note.
  - Hospitalization of an employee's immediate family member.
  - Birth or adoption of a child under legal guardianship of employee.
- C. Employees seeking donated leave must have already used all their available leave balances, including sign leave bank options. Having met this requirement, they will then utilize the form provided by the business office to solicit employees for leave donations. Employees can only request the amount of leave appropriate to the allowable event at the time. Should they need more leave at a later date, they must complete another request. If an employee is unable to complete the form themselves, they may request management complete the form on their behalf.
- D. Employees seeking donated leave are limited to 30 days of employee to employee donations per year. A work day will be determined by the requester's hours worked per day. Ex: an employee with an 8 hour work day would only donate 7.5 hours to a requestor with a 7.5 hour work day.
- E. Donated leave will be converted at the value of the donor's leave based on hourly rates. Ex: If an Employee earning \$20 per hour wishes to donate 8 hours to a requestor who earns \$10 per hour,

donor's leave balance would be reduced by 4 hours and the requestor's balance would be increased by 8.

- F. Employees who respond to the leave donation request must meet the following criteria:
- Employees may donate to multiple coworkers throughout the year, but are limited to 1 day of leave donation (after hourly rate conversion) per coworker, per year.
    - Ex: An employee with a 7.5 hour work day would be allowed to donate 8 hours, or 1 day, to a coworker with an 8 hour work day.
  - Employees must maintain at least 5 days of leave when donating.
    - Ex: An employee with a 7.5 hour work day has 52.5 hours of leave available. He/She may donate 7.5 hours to two separate coworkers who both have a 7.5 hour work day. Donating more than 15 hours would leave him/her with fewer than 5 days of leave available.
  - Employees will utilize the form provided by the employee seeking donated leave in order to submit their proposed donation of leave.
- G. Management will review both the donation request and the donation response to ensure all requirements are in place in order to process the donation.

[Approved on January 28, 2016]

### ***POLICY 246 - Sick Leave (Twelve-Month Employees)***

A. Twelve Month employees are entitled to eight (8) days of sick leave in addition to their annual leave and may use their sick leave without loss of pay for sickness and for any reason authorized by the FMLA. Notice to the employee's supervisor that sick leave is to be taken must be given as far in advance as practical unless the need for leave is unforeseen in which case it will be given at least one (1) hour before taking such leave.

The Head Administrator may require a physician's statement attesting to the fact the employee is unable to return to work for health reasons and may also require certification as provided by the Family and Medical Leave Act when applicable.

Employees on FMLA leave are required to use their accrued sick leave. Employees on Workers Compensation Leave are required to use their accrued sick leave to make up the difference between their Workers Compensation benefit and their regular rate of pay as provided in ***POLICY 262 WORK RELATED INJURIES***

Unused sick leave may be rolled over to the following year. Accrued sick leave is not payable upon termination. In the event that an employee terminates employment prior to completion of a contract, sick leave shall be prorated from eight days. If the terminating employee has used more leave than has been earned, the adjustment shall be deducted from the final payment due the employee. If the continuing employee uses more days than those to which he/she is entitled for the contract year, payroll deduction for those days in excess of those allowed will begin the following pay period.

***POLICY 247 - Policy on Payroll Distribution (rev. January 21, 2010)***

Turquoise Trail Charter School employees on nine, ten or eleven month contracts are paid in installments equal to 1/26th of their contracted salary, except when they qualify for and elect the alternate pay plan described below. Except as noted below, installments commence after the employee's first day of work and will be paid biweekly over a period of twelve months or by August 31, whichever comes first. Installments for late starting employees will be reduced in number by the number of installments missed.

A nine, ten or eleven month Turquoise Trail Charter School employee who does not carry any insurances for which regular payroll deductions must be taken, may elect to be paid their salary on a biweekly schedule as earned, as opposed to over twenty-six installments, provided that a written election to do so is made and received by school administration prior to their first day of work in the contract year. If an election form is not received or is received late, the employee will be paid on the twenty-six installment plan (as above). An employee's elective payroll distribution plan will be in effect until revoked by the employee in writing or until revoked by the school due to the employee having purchased an insurance policy that requires payroll deductions.

[Approved on September 29, 2010]

***POLICY 248 - Employee Eligibility for Fringe Benefits***

All full-time employees of the Turquoise Trail Charter School are eligible for all benefits provided by statute or regulation and by the Governance Council. For the purposes of this policy "full-time" is defined as regularly scheduled to work at least thirty (30) hours per week. Employees regularly scheduled to work between twenty (20) and thirty (30) hours per week are part-time, and are eligible for any medical/dental or other voluntary insurance coverage paid for in part or in whole by the School. Employees in any capacity working less than twenty (20) hours per week are ineligible for any medical/dental or other voluntary insurance coverage paid for in part or in whole by the School, and are also ineligible for annual leave. Part-time employees will be provided any fringe benefit required by state or federal law or regulation.

Part-time employees who are regularly scheduled to work at least twenty (20) hours per week but less than thirty (30) hours per week are eligible for all benefits provided by statute or regulation and by the Governance Council, except annual leave. Employees working between thirty (30) and forty (40) hours will accrue leave on a pro-rated basis equal to their FTE status. Any employee working less than full time who was receiving annual leave as a benefit in the 2000- 2001 school year will continue to receive that benefit during continued employment working at least twenty (20) hours per week until ending employment with the School. Turquoise Trail Charter School provides a Life Insurance Policy to all employees that are regularly scheduled to work fifteen (15) or more hours per week.

Fringe benefit eligibility is determined by NMSPIA, and TTCS will follow the NMPSIA regulations. Employees who meet the hours per week eligibility requirements stated above will have their coverage start on the first day of the month after the employee's hire or eligibility (e.g. hired on August 1st begins coverage on September 1st). Coverage will end in the month when the employee is terminated, receives their last normal paycheck, or when their regularly scheduled work week goes below 20 hours.

### ***POLICY 249 - Personnel and Communicable Disease/Health Threats***

The Governance Council recognizes that the health and safety of the students and personnel are primary concerns and that it is necessary to adopt a policy governing the manner in which the Governance Council and its administration will protect the health and safety of all students and personnel when a current or potential employee is infected with a communicable disease. This policy is adopted in order to protect the legitimate interests and rights of personnel with communicable diseases or who are carriers of communicable diseases, while also protecting all students and the remaining personnel in the district.

No individual will be denied employment in the school, nor will any employee be suspended, terminated, segregated, discharged or have his or her assignment changed as a result of the individual being a carrier or having a communicable disease, unless the procedures specified herein have been followed.

Any decision affecting the employment, continued employment, or the suspension from duty of an individual who is a carrier of or who has a communicable disease will be based upon competent medical advice and will balance the rights of the infected individual against the legitimate interest of the district in protecting the health and safety of the students and the remaining personnel.

Applicants for employment who are carriers of or who have a communicable disease are obligated to disclose that fact before being employed. Current employees who are carriers of or who are infected with a communicable disease are obligated to disclose the fact to the Head Administrator, as soon as the employee is aware of the condition. For purposes of this policy, communicable diseases include, but are not limited to the following:

- Measles
- Acquired Immune Deficiency Syndrome (HTLV-III)
- Hepatitis B Virus
- Chicken Pox
- Whooping Cough
- Diphtheria Typhoid
- Fever Rubella
- Salmonella

Cytomegalovirus  
Herpes Simplex

The School will not require mandatory testing or screening of individuals for communicable diseases as a condition for employment, either initially or annually. However, if the school authorities have reasonable cause to believe that an individual (employee) has or is a carrier of a communicable disease, such individual (employee), may be required to submit to an appropriate medical examination at the expense of the School.

Employees may voluntarily choose to absent themselves from their position, using accumulated sick leave or other appropriate leave or leave without pay, for any period during which the employee's condition is infectious or communicable, provided that such absence is supported by a statement to the effect by a medical doctor or other competent medical professional. If school authorities have reasonable cause to question the continued absence of an employee, such employee may be required to submit to an appropriate medical examination by medical professionals selected by the school district at the expense of the district.

Employees who have or are carriers of communicable diseases and who have not voluntarily absented themselves from their duties, will have their employment situation reviewed by a committee consisting of: (a.) the employee's physician, (b.) a physician appointed by the school, (c.) the employee, (d.) the President of the Governance Council, (e.) the Head Administrator and (f.) any other person, to be appointed to the committee by the Head Administrator, whose expertise would be useful to the committee in reaching and implementing its decision.

In determining the employment situation for any employee who has or is a carrier of any communicable disease, the following factors will be evaluated: (a.) the nature of the disease, (b.) the expected type of interaction the employee will have with students and other employees, (c.) the risk of transmission of the disease from the infected employee to students and other employees, (d.) the physical condition of the employee, (e.) the hygienic practices of the employee and (f.) any other pertinent factor reasonably related to the decision.

A maintenance of full employment for all employees is the primary goal of this policy. Restrictions of or suspension from full employment will only be imposed when the risks to students and other employees outweigh any benefits which the employee may receive from remaining on duty.

### ***POLICY 250 - Overtime Compensation***

The School complies with the Fair Labor Standards Act and pays covered nonexempt employees overtime at the rate of one and one-half times their regular rate of pay when they work more than forty hours in a workweek. Overtime must be authorized by the employee's supervisor and is calculated based upon actual hours worked. Paid time off does not count as hours worked.

### ***POLICY 251 - Personnel Assignments***



No employee of the Turquoise Trail Charter School shall be assigned a position or job classification in which the immediate supervisor is the spouse, father, father-in-law, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law of the assigned employee. As used herein, "immediate supervisor" shall include the Head Administrator or administrative unit to which the employee is assigned or any other person responsible for the assigned employee.

### ***POLICY 252 - Training and Experience Credit***

On an annual basis the Head Administrator will prepare an index salary schedule, containing both horizontal and vertical steps, for the review and approval of the Governance Council. When fiscally possible, the Turquoise Trail Charter School index salary schedule will meet or exceed the Santa Fe Public School index salary schedule.

The following characteristics will structure the teachers' salary schedule:

A minimum of ninety-one (91) continuous days of service will be counted as a full year's experience.

Each teacher will be responsible for verification of his or her teaching experience in other school systems. All verification of experience and transcripts must be in the Business Office by October 1, to be considered for salary purposes.

All additional hours and degrees earned during the summer and all completed paperwork must be in the Business Office by October 1, to be considered for salary purposes for that school year.

All college or university credit must have been earned at a college or university regionally accredited or approved by the New Mexico Public Education Department.

All additional credit hours must have been earned after the Bachelor's Degree to be placed on the salary schedule at either Bachelor's + 15 or Bachelor's + 45, and graduate hours after the Master's Degree for the placement on the Master's +15 or Master's + 45.

Final placement on the appropriate step(s) will be made only after ALL required documentation (transcripts, verification of past employment, New Mexico teaching license, and fingerprinting for a background check) is in the employee's personnel file.

### ***POLICY 253 - Reporting Illegal or Improper Conduct***

The Governance Council affirms its commitment to adherence to proper and legal conduct by all employees of the Turquoise Trail Charter School. As part of this commitment, the Governance Council requires that an employee who has reliable information that another employee is engaging in illegal or improper conduct shall report such information to the Head Administrator. The School shall hold the employee making the report safe from any retaliation, unless the employee acted in bad faith or with malicious purpose. Any employee who retaliates against an employee who makes a proper report of illegal or improper conduct shall be subject to discipline.

It is the duty of appropriate administrative officials to investigate any report of illegal or improper conduct by an employee. The employee making the report has no duty to investigate, but shall cooperate with the investigating administrator(s). During the investigation the originating report shall be held confidential, consistent with the requirements of an effective investigation. Upon the conclusion of the investigation, a determination shall be issued.

If the charge(s) of illegal or improper conduct is supported by the investigation, appropriate disciplinary action shall be taken including, but not limited to, warning or reprimand, suspension, termination or discharge, subject to any applicable procedural requirements.

If the charge(s) is found to be without merit, the record retained by the School shall be on file in the Head Administrator's office and not be part of the employee's personnel file.

### ***POLICY 254 - Reporting Student Abuse of Alcohol or Drugs***

New Mexico law (NMSA 22-5-4.4) requires that school employees who know or in good faith suspect any student of using or abusing alcohol or drugs shall report such use pursuant to procedures established by the Governance Council. So long as such report is made in good faith, the reporting school employee shall be immune from civil damages for his or her action. This policy is enacted to provide a procedure to be followed by all school employees in reporting known and/or suspected use of alcohol or drugs by students.

All employees have a mandatory, non-discretionary duty to report known or suspected alcohol or drug use or abuse by any student of the school.

All reports made shall be on a uniform reporting form, available from the Head Administrator, and shall be given to the Head Administrator upon completion.

Reports shall be made within a reasonable time after the employee learns or suspects the use or abuse of drugs or alcohol by a student.

It is not the duty of the school employee making the report to conduct an investigation to determine whether the student identified has in fact used or abused drugs or alcohol. The duty to

investigate shall be upon the Head Administrator provided, however, that the reporting employee shall cooperate with responsible school officials during the course of any investigation.

The failure to any school employee to report knowledge or suspicion of student alcohol or drug use in a timely manner may be cause for discipline of the employee.

*Reference: NMSA 22-5-4.4*

### ***POLICY 255 - Reporting Acts of Violence and/or Vandalism***

New Mexico law (NMSA 22-1-7) requires that any district employee who observes or has direct knowledge from a participant or victim of an act of violence upon any employee of the Governance Council engaged in the lawful discharge of duty or of vandalism to public school property shall file a report describing the incident pursuant to procedures established by the State Department of Public Education. Any person who files such a report shall not be discriminated against in any manner or discharged because he/she has filed that report.

*Reference: NMSA 22-1-7*

### ***POLICY 256 - Reporting Child Abuse and Neglect***

New Mexico law (22-5-4.2) requires that school employees who know or suspect that a child is an abused or a neglected child shall immediately report the matter to:

The Children, Youth and Families Department, or

The probation services of the judicial district in which county the child resides, or The

criminal prosecution division of the Office of the District Attorney.

So long as such report is made in good faith, the reporting school employee shall be immune from civil liability or criminal sanctions for his/her action. Any school employee who permits a member of a law enforcement agency or an employee of the Children, Youth and Families Department to interview the child with respect to that report without the permission of his/her parent, guardian or custodian is presumed to be acting in good faith and shall be immune from civil and criminal liability that might otherwise be incurred, unless the employee acted in bad faith or with malicious purpose.

All employees have a mandatory, non-discretionary duty to report known or suspected abuse or neglect of a child.

It is not the duty of the school employee making the report to conduct an investigation to determine whether the child identified has in fact been abused or neglected. The duty for the state to investigate the report is set forth in Section 32-1-15 of New Mexico Statutes.

The failure of any school employee to report knowledge or suspicion of child abuse or neglect will be cause for criminal prosecution and may be cause for discipline of the employee.

*Reference: New Mexico Statute 22-5-4.2*

### ***POLICY 257 Anonymous Complaints***

The following guidelines instruct staff on the proper prioritizing and processing of anonymous complaints.

Anonymous complaints are defined as a complaint or concern received either in written or verbal form that is from a person who does not wish to be named or go on the record. This policy attempts to balance various legal and procedural issues against the need for protecting the right of both parties of a complaint. Staff who receive an anonymous complaint should encourage the complaining party to report their concerns to Child Protective Services. Anonymous complaints should be assigned the lowest priority for investigation for practical and legal reasons.\*

To properly investigate a complaint it is often necessary to obtain additional or clarifying information from the complainant. It is also vital to close the circle and inform the complainant when there is not a violation, or that an investigation has resolved the issue, so they both understand the issue and the School's response. This follow up is not possible if the complainant wishes to remain anonymous. In investigations, the School limits information shared with others only on a need to know basis. In all cases, retaliation, against the complainant, for raising a complaint or concern is prohibited. Thus employees should not make their concerns or complaints on an anonymous basis.

Exceptions to this policy may be made if the following conditions are present:

1. The complaint concerns what appears to be a serious imminent threat to an individual's safety and well being.
2. The complaint concerns what appears to be a serious imminent environmental issue.
3. The complaint involves the reporting of actual or suspected child abuse.

\* Significant constitutional issues arise regarding the right of the accused to face his or her accuser. Additionally, the Freedom of Information Act requires records of complaints be made public so anonymity cannot be promised.

## ***POLICY 258 - Sex Offender Registration and Notification (Megan's Law)***

It is the policy of the Turquoise Trail Charter School Governance Council to support the purposes of the Sex Offender Registration and Notification Act (New Mexico's version of "Megan's Law") by providing notification to parents and guardians of the school's students about the availability of public information concerning the presence of registered sex offenders residing within the area of the Turquoise Trail Charter School.

Accordingly, the Head Administrator will issue a notice to parents and guardians of the Turquoise Trail Charter School students at least once a year, preferably at the beginning of each school year. The following information will be included in the notification:

Website of the New Mexico Department of Public Safety ([www.nmsexoffender.com](http://www.nmsexoffender.com))

Information urging parents and guardians to check the website for offenders within the county, city, and school community

Location of publicly available computer terminals in the community including public libraries and schools and

The accuracy of the information on such website may be confirmed by calling the Department of Public Safety at (505) 827-9193

The Head Administrator may also issue such administrative directives that, in his or her judgment, may further promote the purposes of the Sex Offender Registration and Notification Act.

## ***POLICY 259 - Employee Recommendations for Current or Former Employees of the School***

An employer and individual employees may be held liable for having provided incomplete or misleading employment references or recommendations in regard to the employer's current or former employees under certain circumstances. The individual employees of the Turquoise Trail Charter School who wish to provide employment references or recommendations for current or former employees may not be in possession of all pertinent information regarding a current or former employee to provide a complete and fair employment reference or recommendation. That under current law, individual employee of the school who provides a recommendation or reference for a current or former employee of the school may be mistakenly perceived as providing such reference or recommendation on behalf of the Turquoise Trail Charter School. Limitations and conditions are required to prevent employment references or recommendations by individual employees from being attributed to the School when the School has not authorized such references or recommendations.

## ***POLICY 260 - Insurance Coverage For Employees on Extended Leave of Absence***

1. Turquoise Trail-sponsored insurance coverage may not remain in effect longer than twelve (12) months from the first day of an extended leave. The beginning of an extended leave is the first day of work missed, regardless of any continuing payments the employee may receive from accrued leave, from the Sick Leave Bank, or from deferred payroll distributions.
2. The terms of Turquoise Trail-sponsored Long Term Disability coverage require that such coverage will end on the last day of the month following the month in which the employee stops receiving pay. An employee may receive benefits or a premium waiver under the terms of their Long Term Disability plan.
3. During approved, extended leave of types other than FMLA leave or Worker's Compensation leave, the employee will be responsible for payment of the entire insurance premium from the start of leave until the coverage expires under the provisions of this policy. Employee payments are due on the payroll dates at which the employee's premium deduction would ordinarily be taken.

## ***POLICY 261 – Salary Negotiations for “Critical Staff”***

The purpose of this policy is to establish a policy regarding the Turquoise Trail Governance Committee's (TTGC) ability to negotiate salary with “critical” staff.

1. It is the policy of the TTGC that the Head Administrator shall make recommendations regarding staff positions identified as “critical” to the operation of the school on a case by case basis and provide justification.
2. It is the policy of TTGC that upon recommendation by the Head Administrator, the TTGC shall vote on an appropriate salary range for “critical” staff positions.
3. It is the policy of the TTGC that the Head Administrator will negotiate salary with Turquoise Trail staff deemed “critical” to the operations of the school.

The Head Administrator has discretion to pay a teacher holding a NM Level 1 license from the Level 2 salary scale if the all following conditions are met:

1. The teacher completes one full year teaching at TTCS and receives a satisfactory evaluation on all NM teacher competencies.
2. The teacher completes, submits and satisfactorily meets all the requirements of the NM Dossier Process to progress from Level 1 to Level 2.
3. The teacher has at least two prior years experience from another state with written evidence of satisfactory evaluations.

The Level 1 school nurse may be paid from the Level 2 salary scale with at least three prior years experience working as a licensed nurse.

All teachers paid from the Level 3 salary scale must hold a NM Level 3 license. The policy applies to the Turquoise Trail Charter School staff.

### ***POLICY 262 – Work-Related Injuries***

Employees will be compensated for lost earnings and medical expenses incurred as the result of job-related injuries or illnesses in accordance with the New Mexico Worker’s Compensation Act (NMSA 1978 §§ 52-1-1 et seq.).

1. Exclusive Remedy / No-Fault Standard  
Workers’ Compensation is the exclusive remedy for employees injured on the job. It establishes a no-fault system that focuses on recovering health and getting employees back to work.
2. Reporting an Injury
  - a. Regardless of the severity of the injury or whether or not medical treatment is sought, on the job injuries or accidents must be reported to the employee’s supervisor immediately and no later than 15 days after the injury/accident occurred.
  - b. The employee is responsible for completing the Notice of Accident report and providing it to the Business Office for processing as soon as possible and no later than 15 days after the employee knew or should have known of the accident. See NMSA 1978 §52-1-29.
3. Treatment Facilities
  - a. Employees who are injured at work shall seek medical attention at a TTCS-designated facility. Contact the Business Office for the current facility options.
  - b. If after sixty days of treatment through a TTCS-specified provider the employee is not satisfied with the care, the employee has the right to select a new care provider by following certain specified steps in compliance with workers’ compensation law and regulation. An Ombudsman at the Workers’ Compensation Administration (1-800- 255-7965) or an attorney can explain the process to the employee.
4. Emergencies
  - a. If the injury is an emergency that requires immediate medical attention the injured party or anyone in a position to help shall secure the necessary treatment without delay. In the event of an emergency any appropriate medical facility may be used, including the injured employee’s primary care physician.
  - b. Follow-up treatment for any injury must be through an approved facility. Contact the Business Office for the name of a designated facility.
  - c. When the emergency has abated, the employee must inform the supervisor of the injury as soon as possible, and no later than 15 days after the injury occurred.
5. Injuries Due to Employee’s Own Intoxication, Willfulness or Intention  
The New Mexico Workers’ Compensation Act provides that no compensation will become due or payable in the event that the employee’s injury is the result of the employee’s own intoxication, or if the injury is willfully suffered or intentionally inflicted by the employee.

## 6. Medical Billing

Approved medical facilities will bill the school's Workers' Compensation administrator directly. Other providers should send bills and medical records to:

CCMSI  
P.O. Box 30870  
Albuquerque, NM 87190 Phone: 800 635-0679

## 7. Coordination with Other Leave Policies

- a. Sick Leave. An employee's sick leave is not charged for lost time on the day of the injury. Employees are expected to return to work unless the treating physician provides a statement that the employee is not fit to return to work.
- b. Family and Medical Leave Act (FMLA). If an employee experiences a job-related injury or illness that meets the definition of an FMLA qualifying event, the employee shall be placed on FMLA leave. The amount of FMLA leave that the employee is eligible to take is reduced by the time off covered under Workers' Compensation.
- c. Available Accrued Leave. Workers' Compensation is automatically paid by the insurance carrier after seven days of missed work. The first seven days of work missed due to a work-related injury or illness will be paid from the employee's available accrued leave. In addition, Worker's Compensation benefits do not compensate an employee for the full amount of their lost wages. Employees must use available accrued leave to make up for the difference between their regular pay and workers compensation benefits.
- d. Leave Accrual. An employee does not accrue leave while off work on workers' compensation leave.

## 8. Compensation

- a. After seven days workers' compensation wage replacement benefits go into effect, paying the employee an amount equal to two-thirds of the employee's average weekly wage at the time of the injury up to the current State-determined maximum.
- b. The employee's available accrued leave will make up for the difference between their regular pay and workers compensation benefits. Employee must sign their worker's compensation check(s) over to Turquoise Trail Charter School for any period of time compensated by the school from accrued leave. TTCS will reimburse the employee's leave bank proportionately.
- c. If the employee is off work for more than 28 calendar days, workers' compensation benefits will reimburse the employee for the first seven days of absence. In this case the employee signs the workers' compensation check over to TTCS and TTCS restores a proportional amount of the employee's accrued leave that was used for that period.

## 9. Group Health Plans.

- a. The school's workers compensation insurance will pay for reasonable and necessary medical care to treat the employees work related injury.
- b. Employees may not use private or TTCS-sponsored health insurance for injuries or illnesses covered under the Workers' Compensation Act.

## 10. Benefits Coverage While on Workers' Compensation Leave

- a. While an employee is on leave as the result of a work-related injury or illness, the



- employee's existing benefits remain in place as long as premiums are paid.
- b. TTCS will pay the employer's share of insurance premiums and the employee will repay TTCS for the employee share of insurance premiums that have not been deducted from payroll checks.
  - c. Employee payments are due at the time that the premium deduction would ordinarily be taken.
11. Return to work
- a. An employee returning to work following a leave of absence due to a work-related injury or illness must submit a physician's statement certifying that the employee can return to work and can perform the essential functions of the job, with or without reasonable accommodations.
  - b. If an employee fails to return to work within three work days after their approved leave has ended and they have been released to return to work, the employee may be considered to have resigned.
12. Retaliation
- TTCS will not discharge, threaten to discharge or otherwise retaliate in the terms of employment against any employee who seeks workers' compensation benefits for the sole reason that the employee seeks workers' compensation benefits.
13. Fraud
- TTCS's Workers' Compensation Administrator investigates all claims to determine coverage and reviews medical records for indications of fraud.

### ***POLICY 263- Emergency Closings***

At times emergencies such as severe weather or power failures can disrupt school operations. In extreme cases, these circumstances may require closing the school or delaying the start time. For the protection of employees, a snow day or delay is called when it is unsafe to travel. Pay for instructional employees is not docked when the school is closed or a delay is called for employees otherwise scheduled to work. Individuals who are not scheduled to work or who are off work due to sickness or vacation are not affected by emergency closures or delays.

During emergency school closings, non-instructional employees will report to work as soon as road conditions allow safe travel to the school. Non-instructional employees may have their pay docked for hours not worked during school closures when the Head Administrator determines that road conditions allow safe travel.

### ***POLICY 264 - Cellular phones – owned by the school, issued to staff***

Cell phones provided by TTCS to employees are for non-compensatory business use. Cell phones will be issued only when the Head Administrator finds such issuance to be necessary for the operation of the school.

At the direction of the Head Administrator, reviews of cell phone usage may be conducted and when billed usage charges exceed the amounts contracted for by the school with its carrier, an audit to identify excessive personal use will be conducted.

The school reserves the right to seek reimbursement from employees for excessive personal use of its cell phones.

[Approved on March 19, 2015]

### ***POLICY 265 - TESOL or Bilingual Endorsement***

A certified teacher may receive a TESOL or Bilingual increment to his or her annual salary under these conditions: 1) the teacher's PED licensure shows TESOL or Bilingual endorsement and an official copy of that licensure is delivered to the business office; and 2) the teacher agrees to accept a language instruction assignment as determined by the Head Administrator.

A certified teacher seeking TESOL or Bilingual endorsement for the first time may be reimbursed up to \$200 for approved costs of related professional development provided that: 1) a TESOL or Bilingual endorsement is obtained and an official copy is delivered to the business office; 2) the teacher agrees to accept a language instruction assignment as determined by the Head Administrator; and 3) receipts are presented to document the costs incurred. Any new increment in salary granted to the teacher as provided for in the school's salary schedule will be prorated from the time the endorsed license is presented to the school business office unless endorsement is provided in the first 90 days of the teacher work year, in which case it will be retroactive to the first day worked.

[Approved on March 19, 2015]

### ***Policy 266 – Staffing Emergency Coverage***

In the case of an unfilled/open teaching position, where no qualified candidate is available, and the position is in a "hard to staff" category, the TTCS head administrator may request that a currently employed licensed teacher, administrator or staff member be placed in this open position on a temporary basis. This placement could be in addition to an already existing full time or part-time position. The licensed employee would be paid a monthly stipend (or prorated) based on licensing level and outside of their current contract with the school. This stipend will be proposed by administration and approved annually by the governing board as a part of the stipend expense exhibit in the budget approval process.

The intent of this staffing is to provide quality instruction where none is available. The school will continue to actively advertise and search for a new qualified licensed employee to fill the open position. If this coverage lasts up to 3 months, the Head administrator will be required to get approval from the Governing Board to extend the emergency employment.

Approval of this policy by the Governing Board will give the Head Administrator the authority to act quickly where there are unexpected or hard to staff, unfilled positions. Licensed teachers and administrators will receive an extra stipend for this additional teaching duty.

# **300 Policy Series**

# **Student Administration**

## ***POLICY 300 - TURQUOISE TRAIL CHARTER SCHOOL ATTENDANCE POLICY***

Turquoise Trail Charter School (TTCS) requires a high level of participation in engaged learning. Regular classroom attendance enables students to benefit from classroom discussions, presentations and interactive activities. These shared academic experiences are integral to the learning process.

The presence or absence of each student must be recorded each school day. Teachers follow TTCS directives and state requirements in coding unexcused/excused absences and tardiness.

The New Mexico Attendance for Success Act requires that all school-age children attend school until the age of eighteen, or until they graduate from high school or receive a GED certificate. This Policy implements state law; to the extent that any portion of this Policy conflicts with state law, the state law shall control.

This policy applies to students and their parents or legal guardians.

### **A. DEFINITIONS**

- a. “Absence” is when a child is not at school for a class or school day, whether excused or not, provided that “absence” does not apply to participation in interscholastic extracurricular activities.
- b. “Excused absence” is an absence due to illness, appointments with health or mental health care providers, death in the family, religious instruction or tribal obligations. At TTCS’ discretion, a written confirmation may be required by the office when the student returns to school. If requested, such letter should come from medical practitioner, funeral service provider, provider of religious education or tribal official. Special family situations may be considered appropriate for excused absence when subject to *prior* written notice from the parents/guardians and *prior* approval is received from the Principal. The Principal’s decision on the request shall be considered final.
  - i. Excused Absence due to Religious Instruction: A student may, subject to prior written notice from parents/guardians and the prior approval of the Principal, be absent from school to participate in religious instruction for not more than 1 class period of the school day with the written consent of the parent/guardian, at a time that is not in conflict with the academic program of the school. TTCS does not assume responsibility for the religious instruction for any student, nor does it permit religious instruction to be conducted on school property. TTCS shall provide time for the student to make up the school work missed during the absence.
  - ii. Excused Absence due to Tribal Obligations: A student will, subject to prior written notice from parents/guardians and the prior approval of the Principal, be absent from school to participate in tribal obligations with the written

consent of the parent/guardian. TTCS shall provide time for the student to make up the school work missed during the absence.

- c. “Unexcused absence” is an absence from school or from a class for which the student does not have an allowable excuse as identified in this Policy.
- d. “Half Day Absence” is an absence from school for less than 49% of the school day or class period.
  - i. “Excused half day absence” is a half day absence from school for excused reasons identified in this Policy.
  - ii. “Unexcused half day absence” is a half day absence from school or from a class for which the student does not have an allowable excuse as identified in this Policy.
- e. Absence equivalencies:
  - 1. Any combination of two half-day excused absences will equate to one excused absence.
  - 2. Any combination of two half day unexcused absences will equate to one unexcused absence.
  - 3. Percentages are based on absences from *class periods* for the Middle School and *daily absences* for the Elementary School.
- f. “Tardy” is an arrival to school after the start of the day. Late arrivals in excess of 30 minutes or half a class period for Middle School, will be considered a “half day absent.”
  - i. “Excused tardy” is a tardy for excused reasons listed in this Policy.
  - ii. “Unexcused tardy” is a tardy for reasons not listed in this Policy.
- g. “Early Release” is a student’s departure from school 30 minutes or less prior to dismissal for reasons listed in this Policy. Early releases longer than 30 minutes will be considered a “half day absence.”
  - i. “Excused early release” is an early release for excused reasons listed in this Policy.
  - ii. “Unexcused early release” is an early release for reasons not listed in this Policy.
- h. “Chronically Absent” is a student with an absenteeism rate of 10%, but less than 20%, regardless of the reason for absence, and/or whether excused or not. Chronically absent students require Early Intervention; see below.
- i. “Excessively Absent” is a student with an absenteeism of 20% or greater, regardless of the reason for the absence and/or whether excused or not. Excessively absent students require Intensive Support; see below.

- j. "Voluntary Withdrawal" is TTCS interpreting a student's continued unexcused absences to constitute a voluntary disenrollment of the child from the school, after all TTCS' intervention attempts have been exhausted. Voluntary withdrawal is not an expulsion of a student and does not require the due process for expulsion.

## B. PROCEDURES

### a. Attendance Requirement

- a. The New Mexico Attendance for Success Act requires that all persons between the ages of five and eighteen attend a public, private, or home school, or a state institution, unless that person has graduated from high school or has received a general education development certificate, or that person's parent or guardian provides written, signed permission for that person to leave school for health reasons or in case of hardship, and that permission is approved by the Principal.
- b. Students enrolled in TTCS shall attend school for the length of time of the school year as established by the school charter and any resulting reauthorization thereof.
- c. Students are expected to have no more than 5% absentee rate per school year, which includes both excused and unexcused absences.
- d. Students are expected to arrive on time to school each day and to remain in school until the scheduled dismissal.

### b. Whole School Efforts to Ensure Student Attendance

- i. Notification of an Absence by a Parent or Guardian: The parent or guardian shall notify TTCS' front office each day that his or her student will be absent from any part of the school day, except in the case of an emergency, and shall give the reason for the absence and shall provide a written parental verification upon the child's return to school.
- ii. Notification of an Unexcused Absence by the School: If a student is absent from school or class without a parent or guardian's notification of absence, TTCS' front office will, as soon as practicable, contact the parent or legal guardian by telephone or e-mail to give notice of the student's unexcused absence and to ascertain and document the reason for absence.
- iii. The School Counselor shall notify parent/guardian of a child who has reached a 5% absentee rate regardless of reason for absence and shall keep a record of notification(s).

### c. Make up of Work Missed

- i. Following an **excused** absence, parent or guardians shall discuss make-up work with the student's teacher. A student shall be given a reasonable time by the teacher

within which to make up the work the student missed during the absence. Following an **unexcused** absence, make-up work is at the discretion of the teacher.

d. School Actions Regarding Attendance Issues

- i. Out-of-school suspension and expulsion will not be used as punishment for truancy or unexcused absences. **However**, after explicit notification to the parent/guardian that the student is excessively absent despite exhaustion of all intervention efforts described in this Policy, the school may consider further unexcused absences to constitute a voluntary withdrawal of the child from school enrollment.
- ii. Students in need of individualized prevention (5-9% absent)
  1. The School Counselor shall talk to the parent/guardian (either in writing or in person) and inform them of the student's attendance history, the impact of student absenteeism on student academic outcomes, the intervention or services available to the family, and the consequences of further absences, which may include referral to the Children, Youth and Families Department (CYFD) for chronic absenteeism.
- iii. Early Intervention for Chronically Absent Students (10 – 19% absent)
  1. Parents/guardians of students found to be Chronically Absent shall meet with the School Counselor. .
    - a. The Attendance Administrator shall notify parent/guardian of a child found to be chronically absent in writing, and include the date, time and location for parent/guardian to meet with the School Counselor. .
    - b. The purpose of the meeting will be to establish an Early Intervention Plan. This plan will include an Attendance Contract and weekly monitoring and reporting of student attendance to the parent/guardian.
  2. Parents of students with any further unexcused absence after meeting with the Principal to develop an Early Intervention Plan may be referred to the Children Youth and Families Department for suspected neglect.
- iv. Intensive Support for Excessively Absent Students (20% or greater absent)
  1. Parents/guardians of students found to be Excessively Absent shall meet with the Principal and the School Counselor.
    - a. TTCS' School Counselor shall notify the parent/guardian of the student found to be excessively absent in writing, and include the date, time and location for parent/guardian to meet with the Principal and the School Counselor.
    - b. The purpose of this meeting will be to establish non-punitive consequences and school level supports to eliminate future absences,

and to apprise the student and parent of the consequences of further absences.

- c. Parents of students with any future absences of any type after meeting with the Principal for Intensive Support shall be reported to the probation services office of the local judicial district within 10 days after such absence. Such referrals shall include documentation of interventions provided to the family.
- v. Voluntary withdrawal for 10 Consecutive Unexcused Absences: The school will consider 10 consecutive unexcused absences as a voluntary withdrawal from enrollment at TTCS. Voluntary withdrawal will be processed by the school only after:
  - 1. TTCS has documented and exhausted intervention efforts to keep the child in school per this Policy.
  - 2. TTCS has contacted the juvenile probation department.
  - 3. TTCS has notified the parent/guardian in writing upon the fifth consecutive unexcused absence that accumulating ten consecutive unexcused absences will constitute a voluntary disenrollment of the child. Such notice will require a scheduled meeting between the parent and the Principal.
- vi. The Public Education Department's truancy prevention coordinator (or designate) or Children Youth and Families Department representative, or representative of the Probation Services Office, shall be permitted access to any records and information related to chronically absent students or excessively absent students.
- vii. TTCS shall provide a parent/guardian, within 5 days of parent's written request, access to attendance data of the student, including information about any intervention strategies that have been employed.
- e. School Action for Tardy/Early Release
  - i. The School Counselor shall notify parent/guardian of a child when the child has accumulated 15 or more of any combination of Tardies or Early Releases.
    - 1. Chronically late/leaving early: When a child's combined total of Tardies and/or Early Releases reaches 25, the parents/guardians shall be required to meet with the School Counselor and the division principal.
    - 2. The School Counselor shall notify the parent/guardian of the student found to have 25 Tardies and/or Early Releases, and include the date, time and location for parent/guardian to meet with the School Counselor and the division principal. .
      - a. The purpose of this meeting will be to discuss methods of ensuring on-time arrival and/or limiting early dismissal of students.



- b. The School Counselor and the Principal will decide on appropriate consequences for continued Tardies or Early Releases.
    - c. Continued meetings will be scheduled for every 10 instances of tardies or early releases.
  - ii. Excessively late/leaving early: When a child’s combined total of Tardies and/or Early Releases reaches 55, the parents/guardians shall be required to meet with the Principal and the School Counselor.
    - 1. The School Counselor shall notify the parent/guardian of the student found to have 55 Tardies and/or Early Releases, and include the date, time and location for parent/guardian to meet with the Principal and the School Counselor.
      - a. The purpose of this meeting will be to discuss methods of ensuring on-time arrival and/or limiting early dismissal of students.
      - b. The School Counselor and the Principal will decide on appropriate consequences for continued Tardies or Early Releases.
    - iii. The Principal and/or the Head Administrator may create and implement additional measures to address chronic or excessive late arrivals/early releases.
- f. Native American Students.
  - i. In carrying out its duties under this rule and the school attendance law, TTCS shall take into consideration the sovereignty of a Native American tribe. While all children attending public schools will still be subject to being reported to the Public Education Department or other authorities per this Policy, TTCS shall respect tribal laws and traditions in carrying out its duties of early identification, intervention, and parental notification and will furthermore collaborate with tribes to provide support for Native American students.
  - g. If a student becomes pregnant in elementary school, a 504 plan (if not on an IEP) will be devised to support the student’s educational needs through their pregnancy. The recommendations in the 504 would be on a case-by-case basis, but would fully support their education through homebound or in school education. Decisions about excused and unexcused absences would be discussed and agreed upon in the 504 meeting.

A copy of this Policy shall be placed on the TTCS website.

References: NMSA 1978 22-12A- 1 et seq.  
Amended Oct 16<sup>th</sup> 2019

***POLICY 301 - Age of Attendance***

An early childhood Pre-K education program shall be made available to students through the lottery process for a child who has attained his/her fourth birthday prior to 12:01 a.m. September 1 of the year of enrollment.

### ***Kindergarten***

An early childhood education program shall be made available to every child who has attained his/her fifth birthday prior to 12:01 a.m. September 1 of the year of enrollment. An exception will be made for any child who comes to Turquoise Trail Charter School from another state having attended kindergarten in that state for not less than sixty (60) days and whose birthday falls on or before December 31 of the year of enrollment.

### ***First Grade***

To be eligible for first grade the student must have attained his/her sixth birthday prior to 12:01 a.m. September 1 of the year of enrollment. An exception will be made for any child who comes to Turquoise Trail Charter School from another state having attended the first grade in that state for not less than sixty (60) days and whose birthday falls on or before December 31 of the year of enrollment.

After completion of the first grade, children who apply for initial admission to Turquoise Trail Charter School by transfer from non-public schools or from schools outside the district will be initially enrolled at the grade level they attained elsewhere pending evaluation by classroom teachers, guidance personnel, and the school Head Administrator. After such evaluations have been completed the Head Administrator will determine the final grade placement of the student.

### ***Special Education***

Turquoise Trail Charter School provides “special education” services additional to, supplementary with, or different from those provided in the regular school program by a systematic modification and adoption of instructional techniques, materials and equipment to meet the needs of exceptional children.

***References: NMSA 1978, Sections 22-12-1 to 22-12-7***

## ***POLICY 302 – Enrollment, Admission and Lottery***

*Policy Statement:* Students are admitted to TTCS through the enrollment and lottery processes described below. Any student living in New Mexico may apply to attend TTCS. TTCS does not discriminate against any student or family based on race, gender, religious affiliation, national origin, ethnicity, physical or mental disability, gender identity, sexual orientation or any other classification of individuals as recognized by state or federal law.

*Class Size Limitations:* Each year TTCS will announce the total number of classes by grade and the total number of students accepted into those classes for each of its locations. At no time will TTCS's total enrollment for K-8 exceed the PEC approved enrollment cap, currently 840 students. TTCS Governing Council may adjust the number of classes and students accepted per class, if enrollment trends necessitate an adjustment to accommodate staffing or enrollment demand. In no event shall an adjustment result in the disenrollment of any student.

*Enrollment Preferences:* TTCS shall grant enrollment preferences as follows:

First: Students who have been enrolled in the charter school and who remain in attendance through subsequent grades;

Second: Siblings of students who are already enrolled in or are attending TTCS; or

Third: Beginning with the enrollment period for 2019-2020 School Year, students who apply to TTCS and who reside in the pre-1994 Santa Fe Public School Turquoise Trail Elementary School Attendance Area boundaries as described on the Attendance Map ("Preference Zone"). Eligibility for this preference will require acceptable documentation of the student's current address. Acceptable documentation shall be required to verify a student's attendance zone.

All other students shall be awarded a space on a first-come, first-serve basis or through a lottery process when the number for students applying for TTCS for any grade level exceeds the number of spaces available after the preferences are applied. Students must both complete an application during the Lottery Application Window, and be registered during the Registration Window. See process for each described below.

**Lottery Application Window:**

TTCS's Lottery Application Window shall be at least 60 days, which dates shall be posted on TTCS's website. During this period, students currently enrolled and new applicants must each complete the following applicable process:

**Students Currently Enrolled**

During this Lottery Application Window families of enrolled students must complete a "Returning Student Form" to return for the next school year. Forms will be distributed through email during the Lottery Application Window. The Returning Student Form must be returned by no later than 14 calendar days from the distribution date. TTCS will send 2 reminders to parents before the due date. If after the second documented attempt the Returning Student Form is not completed and returned, TTCS will identify that student's space as vacant for purpose of the lottery. Any student forfeiting a space because the Returning Student Form was not timely returned, must reapply and is subject to the lottery

process. **Families should be aware that failure to timely return a Returning Student Form will jeopardize a student's sibling's enrollment preference.**

### **New Students**

Students wishing to apply to attend TTCS for the following school year must complete TTCS's online application found at the "Lottery Link" on TTCS's website during the Lottery Application Window. Families who do not have access to the Internet may use a computer at TTCS or contact the school for assistance (505) 986-4000. All Applicants must provide a valid physical address. If a student's family lives within the Preference Zone, they will need to provide two documents with the same address as proof of residency like those required for a NM Driver's License (see [www.mvd.newmexico.gov](http://www.mvd.newmexico.gov)) to receive the preference, with the exception of documents from another educational institution.

### *Lottery Process*

After the Lottery Application Window has closed and the time period for existing students to return the Returning Student Form has expired (see above), TTCS will determine the number of open spaces available for admission to TTCS in the next school year. TTCS will use a computer-based, random selection process to conduct a lottery for each grade level to fill the open spaces from applications received during the Lottery Application Window. Once all open spaces are filled, students will be placed on a Wait List in the order selected by the random selection process. The date for the lottery will be announced on TTCS's website as well as within the Lottery application webpage.

### *Notice*

Within two business days of the lottery, TTCS administration shall post a list of students in the front lobby of the School. In addition, families will be notified by email and/or text message that a space is available for the student(s). Returning students and new students must complete the Registration process described below. **Failure to complete Registration by the deadline will result in a forfeiture of the space for the ensuing school year.**

### *Registration Window*

#### **Registration Window for Returning Students**

Returning students must complete the Returning Student Form. The Returning Student Form will be via email sometime during the Lottery Application Window each year and must be completed and returned to TTCS within two (2) weeks of its distribution date, and the Registration Deadline will be clearly stated in the email and on the form. **Missing the Registration Deadline will result in forfeiture of the student's space for the next school year.** The following documents must be completed and returned to TTCS by the Registration Deadline:

- Returning Student Form

#### **Registration Window for New Students**

Students who have been offered a space MUST attend a registration session or call the school to make a registration appointment. **Missing the registration session or appointment will result in forfeiture of the student's space for the next school year.** The following documents must be provided to TTCS at the registration session or appointment:

- Immunization Record or completed State Approved Certificate of Exemption
- Original Birth Certificate
- Short Cycle Assessment data (MAPs, STARS, Discovery) from current or prior year
- Any relevant court documents
- Any IEP, 504, SAT data

#### *Wait List*

Students will be placed on the Wait List in the order drawn during the lottery. TTCS will notify families when open a space become available. Families will have four (4) business days to respond to the School whether the student will accept the open space. Registration must be completed within three (3) business days of the family's response to accept the space. If either deadline is missed, the offer for an open space will be rescinded and the next student on the Wait List will be offered the open space. The Wait List for the current school year will be honored until June 1 of that year, thereafter, it will be renewed using the list generated by the lottery for the ensuing school year. In other words, the Wait List will not roll over to a new school year and a student on the Wait List should reapply during the Lottery Application Window every year.

#### *First-Come First Served*

If an open space becomes available during the school year and there are no students on the Wait List, students will be enrolled on a first-come, first-served basis, until the beginning of the Lottery Application Window. If there are open spaces after the lottery is complete and Registration Window has expired, students will be enrolled, but only if filling the open space will not exclude a student selected by preference or the lottery process for the next school year.

Amended, January 2019

It is the policy of Turquoise Trail Charter School to adhere to and comply with the policies, directives and procedures regarding participation in extracurricular activities as set forth in state statute, the New Mexico Activities Association regulations and guidelines, and the TTCS Code of Conduct.

*References: NMSA 1978, Sections 22-12-2.1*

**New Mexico Activities Association Regulations and Guidelines TTCS  
Code of Conduct**

***POLICY 304- Intramural Participation***

Intramural participation by students in grades 4, 5, and 6 may be denied should that student not meet the established grade criteria.

### ***POLICY 305 - Assignment, Promotion and Retention***

The Head Administrator with the assistance of teachers shall determine all grade placements of students. Room assignments of pupils shall be made by the Head Administrator and committees of teachers.

The Governance Council acknowledges that the awarding of marks, retesting and decisions relative to promotion or retention of students is a responsibility of the student success team. It is the Council's policy to support its professional staff in this professional duty. The Governance Council feels that the professional staff can be depended upon to make all such decisions in the best interests of children. However, the Governance Council considers it important that parents be consulted and informed at an early date when retention is advisable.

Promotion and retention decisions affecting a student enrolled in special education shall be made in accordance with the provisions of the individual educational plan established for that student.

Parental refusal to allow a student to be retained in grades K-6 must be in a written statement. In this case, the parent or guardian shall sign a waiver indicating his/her desire that the student be promoted to the next higher grade with an academic improvement plan designed to address specific academic deficiencies. Students failing to attain proficiency of content standards at the end of that year shall then be retained in the same grade for no more than one year in order to have additional time to master the required content standards.

A student who fails to attain proficiency of content standards for two successive school years shall be referred to the student success team for placement in an alternative program designed by the school.

***References: NMSA 1978, 22-2-8.6***



### ***POLICY 306 - Student Records***

Turquoise Trail Charter School shall maintain a cumulative record folder for each student. The cumulative record folder shall contain all permanent written records directly related to a student that are kept by the respective school unit, with the exceptions noted in policy 326.

For a variety of reasons parents or guardians sometimes choose to have their children called other than their legal surnames. This is permissible but shall be done only when it has been ascertained that it is the request of the legal guardian. It shall be the policy of the Turquoise Trail Charter School to recognize the wishes of the person having custody. However, for future verification and identification, the legal name shall also be included on any permanent records.

Turquoise Trail Charter School shall make every effort to comply with the Family Educational Rights and Privacy Act and to keep student records confidential.

#### **CLASSIFICATION AND MAINTENANCE OF RECORDS**

Turquoise Trail Charter School shall maintain a cumulative folder for each student. The cumulative record folder shall contain all the written records directly related to a student that are kept by the school unit except records kept by teachers, counselors, or supervisory or administrative personnel that are in the sole possession of the maker and are not revealed to any other person except a substitute;

The following types of records are kept in cumulative record folders:

- Identification information, including name, sex, race, birthplace, and birth date

- Family data

- Medical health records and emergency medical information

- Attendance records

- Scholastic records

- Standardized test scores

- Records of interest, activities, and honors Records

- of educational or vocational plans

- Information pertaining to special services provided for students Other

- educational records kept by individual school unit

Cumulative record folders shall be kept in the office of the Head Administrator. If the student no longer attends Turquoise Trail Charter School or a school within the district, the cumulative record folder shall be stored at Turquoise Trail Charter School for a minimum of five years.

The Head Administrator is responsible for maintaining the cumulative record folders of students attending Turquoise Trail Charter School.

Unnecessary and outdated material may be deleted from the student's record at any time except when a request for a review by a parent or student is pending. At a minimum, the student's records shall be reviewed for unnecessary and outdated information when the student completes elementary school.

Original special education records are kept at the B. F. Young Professional Development Center, and copies are maintained at Turquoise Trail Charter School.

#### RIGHTS OF PARENTS TO REVIEW AND INSPECT RECORDS

Those who have the right to inspect and review the cumulative record folder kept about the student include parents of students who are under eighteen (18) years of age. It is presumed that parents of students who have not yet reached the age of 21 who are currently attending school claim the student as a dependent for tax purposes.

Parents who wish to inspect and review the cumulative record folder shall submit a request in writing to the Head Administrator. When the Head Administrator receives a written request for review of the records from a parent to inspect the records, the Head Administrator shall schedule the review. The appointment date should be as early as possible but never later than fifteen (15) days after the request. The inspection and review shall be made in the office of the Head Administrator or at another designated place.

A school official competent in interpreting student records shall be present to explain the implications of the records that are examined.

Parents who wish to inspect records and live within fifty (50) miles of the place where the records are kept must do so at the place designated by the school. After the inspection, they may request copies of the records they inspected. Parents who live farther than 50 miles from the place where the records are kept may request copies of the records without first inspecting them at the school. The copies shall be sent by registered mail, return receipt requested.

#### HEARING TO CORRECT INACCURACIES

Parents of a student who has not yet reached the age of 18 have the right to challenge the content of records in the student's cumulative record. A parent who believes that information contained in the student's cumulative record folder is inaccurate or misleading or otherwise violates the student's rights may request, in writing, that the records be amended by the Head Administrator. Not

later than five (5) school days after receipt of a request to amend, the Head Administrator shall decide whether to amend the records in accordance with the request. If the Head Administrator finds that the challenge is not justified, the Head Administrator shall inform the person who made the request of the finding and shall also inform that person of the right to request, in writing, a hearing before the Governance Council. If a parent requests a hearing, the hearing officer shall set a date for the hearing as soon as possible but not more than ten (10) school days after the request for the hearing was made and shall give the parent at least two (2) school days advance written notice of where and when the hearing will be held. At the expense of the parent an attorney or anyone else of their choice may assist at the hearing.

The hearing officer shall render a written decision as soon as possible and must make it within five (5) school days after the hearing. The decision shall be based only on evidence presented at the hearing and shall include a summary of this evidence and the reasons for the decisions.

If the hearing officer decides that the information is not inaccurate or misleading or does not otherwise violate the student's rights, the parent or student shall be notified of that decision. At the same time, the parent or student shall be informed of the right to submit to the Head Administrator a statement of objection of reasonable length to the information contained in the records. Any explanation submitted by the parent shall be placed in the student's cumulative record folder, shall be disclosed by the school whenever the contested portion of the cumulative record is disclosed, and shall not be destroyed unless the contested portion of the cumulative record is destroyed.

A parent or student who is dissatisfied with the decision of the hearing officer may appeal to the Governance Council within fifteen (15) days. The review shall be on the record and not a *de novo* hearing.

## DISCLOSURE TO PERSON OTHER THAN PARENTS OR STUDENTS

### *Persons Authorized to Have Access*

Turquoise Trail Charter School may, without the consent of the parent, disclose information kept in the student's cumulative record folder to the following persons:

1. School officials who have a legitimate educational interest in examining the information. The term school official includes any teacher, administrator, assigned student teacher, intern, teacher aide, or other professional employee of the school and members of the Governance Council. The Head Administrator of the school where the records are kept determines whether a school official is seeking the information to carry out official duty and whether the specific information sought will help in carrying out that duty.
2. Authorized representatives of the Comptroller General of the United States; the Secretary of the U. S. Department of Health and Welfare; the Secretary of the U. S. Office of Education; or officials of the New Mexico State Department of Education, if they seek the information in connection with either the audit and evaluation of state or federally funded programs or the enforcement of state or federal legal requirements that relate to these

- programs.
3. Accrediting organizations that seek the information to carry out their accrediting functions.
  4. Persons or organizations conducting studies for or on behalf of the school administrative unit or another educational agency to develop or validate predictive tests, administer student aid programs, or improve instruction. Any report released on the basis of data collected under this paragraph may not include information that personally identifies students or their parent.
  5. Persons who seek the information in connection with a student's application for, or receipt of, financial aid.
  6. Officials of another school in which the student seeks or intends to enroll. After the Head Administrator receives a request from another school in which the student seeks or intends to enroll, the Head Administrator of the school shall forward the cumulative record folder without notifying the parents of the transfer or seeking their consent. If the parents so request, the Head Administrator shall furnish them an unofficial copy of the records to be transferred and give them an opportunity to correct any inaccuracies in accordance with the procedure set out in Rights of Parents to Inspect Records.
  7. Persons who seek information in connection with a health or safety emergency that threatens the health or safety of the student or other persons.

***ALL EMPLOYEES WHO HAVE ACCESS TO STUDENT RECORDS ARE DIRECTED BY THE GOVERNANCE COUNCIL TO MAINTAIN THE MOST SCRUPULOUS PROTECTION OF INFORMATION IN THOSE RECORDS WHICH IS OF A SENSITIVE AND PRIVATE NATURE.***

#### PARENTAL OR STUDENT CONSENT

No one else may have access to personally identifiable information from the cumulative record folder except under one of the following circumstances:

1. When proper written consent to the release of such records has been obtained. If the student is not yet 18, one of his parents must consent to the release. The consent must be signed and dated and must specify the records to be disclosed, the purpose for disclosure, and the persons or class of persons to whom the disclosure may be made. Upon request, the school shall supply a copy of records released to the parent who gave the consent. If the parent gives consent for a student, the parent may request that a copy of the records released be given to the student even though the student is not yet 18.
2. To comply with a court order or lawfully issued subpoena. Upon receipt of a court order or subpoena, the Head Administrator shall immediately send written notice to the student's parents at their last known address that a court order or subpoena has been received.
3. When a school official discloses information from the student's cumulative record folder to anyone other than the parents of the student, the student himself, or other school officials, the office shall inform the person who receives the information that it may not be transferred to any other party without the consent of the parents.

## INSPECTION LOG

The Head Administrator shall maintain in each cumulative record folder a cumulative record inspection log. The inspection log shall include the name and reason for inspection of each person who requests access to the cumulative record, but shall not include disclosures to the parents, the student, school officials, or persons who have student or parent consent. The inspection log may be inspected by the student's parents.

## WAIVER OF RIGHTS

Parents of a student may waive any of their rights under this policy. A waiver of rights must be in writing, must be by the parents, and must specify the rights to be waived. A waiver is effective until revoked in writing.

## NOTICE TO PARENTS AND STUDENTS

Annual notice of this declaration of compliance with the Family Educational Rights and Privacy Act (FERPA) shall be made by the Governance Council and said declaration shall be published in the parent handbook.

## RE-DISCLOSURE

Turquoise Trail Charter School may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.

## COMPLAINTS

A parent or eligible student may file a written complaint with the Family Policy Compliance Office regarding and alleged violation of the Federal Education Rights and Privacy Act. The Office's address is:

*Family Policy Compliance Office*  
**U.S. Department of Education 400  
Maryland Avenue, SW  
Washington, DC 20202-4605**

**References: Family Educational Rights and Privacy Act (FERPA)**

### ***POLICY 307 - Disclosure of Student Names***

Pursuant to State Regulation 93-17, no employee, Governance Council member or school volunteer shall sell or use student lists or disclose the name of any student for the purpose of marketing goods or services directly to students or their families by means of telephone, mail, or electronic communication.

***References: State Regulation 93-17***

## ***POLICY 308 - Rights and Responsibilities***

### **STATEMENT OF POLICY**

A primary responsibility of the Turquoise Trail Charter School and their professional staff shall be to instill in students an appreciation of our representative form of government, the rights and responsibilities of the individual, and the legal processes whereby necessary charges are brought about.

The school is a community and the rules and regulations of a school are the laws of that community. All persons enjoying the rights of citizenship are subject to the laws of their community. Each right carries with it a corresponding obligation.

The right to attend public school is not absolute. It is conditional on each student's acceptance of the obligation to abide by the lawful rules of the school community until and unless the rules are changed through established processes.

Teachers, administrators, and other school employees also have rights and duties. Teachers are required by law to maintain a suitable environment for learning in their classes and to assist in maintaining school order and discipline. Administrators are responsible for maintaining and

facilitating the educational program by ensuring an orderly, safe environment. In discharging their duties, all school employees have the right to be free from intimidation or abuse and to have their lawful requests and instructions followed by students.

The schools have both the authority and responsibility to ensure that suitable rules of student conduct and appropriate disciplinary processes are established.

## GENERAL PROVISIONS

### *Jurisdiction Over Students*

All officials, employees, and authorized agents of the Turquoise Trail Charter School whose responsibilities include supervision of students shall stand in *loco parentis* with regard to any students whom they are required to supervise whenever students are lawfully subject to school control, regardless of place. During such periods, Turquoise Trail Charter School authorities shall have the right to supervise and control the conduct of students, and students shall have the duty to submit to the school's authority.

### *School Authority Over Non-Students*

School officials have the following forms of limited authority over non-students whose actions adversely affect school operations or activities.

#### *On School Property*

The Turquoise Trail Charter School Governance Council has the authority to prohibit entry to and the removal from the school building, grounds or facility of any person who refuses to identify him/herself and state a lawful purpose for being present. Any person who refuses to do so may be removed by school authorities, who may use such reasonable force as is necessary to accomplish the removal. Alternately, a person who refuses to do so and who also refuses a lawful request to leave school premises may be subject to arrest by law enforcement authorities for a variety of possible criminal offenses, including but not limited to interference with the educational process, disorderly conduct or criminal trespass. A person who identifies him/herself and states a lawful purpose may, nevertheless, be subject to removal by school officials for engaging in prohibited activities as defined in this policy or to arrest by law officers if he/she is also engaging in criminal activity.

#### *Off School Property*

Turquoise Trail Charter School authorities have indirect and limited authority over the activities of non-students off school property. To the extent that non-students' conduct at or near the school or school-sponsored activities may constitute a criminal offense, including the crimes of disorderly conduct, criminal trespass (after refusing a lawful custodian's request to leave) or interference with the



educational process, school authorities may request the assistance of law enforcement agencies to remove or arrest the offenders.

## DEFINITIONS

For the purpose of this policy, any words, terms, or phrases defined herein shall have the meanings stated:

*“Administrative Authority”* means the Head Administrator, or a person authorized by either to act officially in a manner involving school discipline or the maintenance of order.

*“NMSA 1978”* means the 1978 compilation of New Mexico Statutes Annotated.

*“Parent”* means the natural parent, a guardian, or other person or entity having custody and control of a student who is subject to the Compulsory School Attendance Law, or the student himself if he/she is not subject to compulsory attendance. One claiming to be an "other person or entity having custody and control of a student" must provide evidence in the form of a properly executed, acknowledged and filed Power or Attorney Delegating Powers of Parent or Guardian.

*“Public School”* means the Turquoise Trail Charter School campus, any building, facility, vehicle, or other item of school property owned, operated, controlled, or in the possession of the school. For purposes of student discipline, the term also includes any non-school premises being used for school-sponsored activities.

*“Student”* means a person who is enrolled in the school or a person who was a student during the previous school year, and is participating in a school-sponsored activity connected with his or her prior status as a student.

## RULES OF CONDUCT FOR THE TURQUOISE TRAIL CHARTER SCHOOL

### *Prohibited Activities*

#### Acts Prohibited by this Policy

Criminal and delinquent acts which include, but are not limited to:

1. Willful interference with the educational process at Turquoise Trail Charter School, 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 this public school; impair, interfere with or obstruct the lawful mission, processes, procedures, or functions this public school;
2. Arson;
3. Assault and/or battery;
4. Criminal damage to property;

5. Criminal libel;
6. Criminal trespass;
7. Unlawful assembly or disturbing lawful assembly;
8. Extortion;
9. Larceny, robbery or burglary;
10. Illegal sale, possession, transportation or use of alcoholic beverages, controlled substances, firearms or other weapons, or explosives;
11. Possession or use of tobacco products;
12. Sexual harassment or misconduct;
13. Hazing;
14. Gang activity.

Disruptive conduct includes, but is not limited to:

1. Willfully obstructing or preventing freedom of movement or use of property, facilities, or parts of Turquoise Trail Charter School, or the right of ingress or egress;
2. Willfully committing any act which does, attempting, threatening or inciting others to commit any act which would reasonably be expected to disrupt, impair, interfere with or obstruct the lawful mission, purposes, processes or procedures of the schools;
3. Willfully impairing the ability of the school in efforts to provide instruction.
4. Refusal to identify self;
5. Refusal to cooperate with school personnel covers situations where students willfully disobey lawful instructions or orders from school personnel or agents such as volunteer chaperons whose responsibilities include supervision of students. This regulatory offense includes, but is not limited to, a student's:
  - a. Willfully refusing a direction to cease any conduct which a supervisory person in charge of a class or other activity has clearly identified to the student as a hindrance to the activity;
  - b. Willfully refusing a direction to cease engaging in disruptive conduct;
  - c. Willfully refusing or failing to leave a school facility or school-sponsored activity after being directed to do so by an administrative authority;
  - d. Willfully refusing or failing to abide by restrictions on student privileges or other lawful conditions imposed by an administrative authority as a disciplinary measure.

### Definitions for Prohibited Acts

*“Criminal Acts”* are acts defined as criminal under the Criminal Code and the Liquor Control Act. Such acts include the crime of willful interference with the educational process of Turquoise Trail Charter School.

*“Disruptive Conduct”* means willful conduct which:

1. materially and in fact disrupts or interferes with the operation of the school or the orderly conduct of any school activity, including individual classes, or
2. leads an administrative authority reasonably to forecast that such disruption or interference is likely to occur unless preventive action is taken.

*“Refusal to Identify Self”* means a student’s willful refusal, upon request from school personnel known or identified as such to the student, to identify himself or herself accurately.

*“School Personnel”* means all members of the staff, faculty, and administration employed by the Governance Council. The term also includes authorized agents, such as volunteer chaperones, whose responsibilities include supervision of students.

*“Refusal to Cooperate with School Personnel”* means a student’s willful refusal to obey the lawful instructions or orders of school personnel whose responsibilities include supervision of students.

## REGULATED ACTIVITIES

All other areas of student conduct shall be regulated within legal limits by the Governance Council, as it deems appropriate. Conduct by non-students, which affects school operations shall be regulated within legal limits pursuant to any of the forms of authority described above.

## LEGAL LIMITS

“Legal Limits” include the requirements of the federal and state constitutions and governing statutes, standards, and regulations, and also include the fundamental common-law requirement that rules of student conduct be reasonable exercises of the school's authority in pursuance of legitimate educational and related functions.

**Activities Subject to Governance Council Policy** within legal limits include, but are not limited to:

- ‘ School Attendance
- ‘ Use of and access to the public buildings, including: restrictions on vehicular traffic on school property; prohibition of or conditions on the presence of non-school persons on school grounds or in school buildings while school is in session, and reasonable standards of conduct for all persons attending school-sponsored activities or other activities on school property; student’s dress and personal appearance; speech and assembly within the school;
- ‘ Publications distributed in the school;
- ‘ Participation in extracurricular activities;
- ‘ The existence, scope and conditions of availability of student privileges.

## ENFORCING RULES OF CONDUCT

### *Basis for Disciplinary Action*

A student may appropriately be disciplined by administrative authorities for violating rules governing “prohibited” or “regulated” activities as defined in this policy or in other rules of conduct promulgated by an administrative authority pursuant to the authorization of the Turquoise Trail Charter School Governance Council. The existence of a specific rule is not a prerequisite for disciplining a student for conduct which endangers the health or safety of students, school

personnel, or others for whose safety the public charter school is responsible or for conduct which reasonably appears to threaten such dangers if not restrained.

### *Selection of Disciplinary Sanctions*

Within legal limits, the Governance Council has the discretion to determine the appropriate sanction(s) to be imposed for violations of rules of student conduct. The Governance Council authorizes administrative authorities to make such determinations at such levels and in such decisional framework(s) as appropriate.

### SCHOOL DISCIPLINE AND CRIMINAL CHARGES

Appropriate disciplinary actions may be taken against students regardless of whether criminal charges are also filed in connection with an incident.

### NONDISCRIMINATORY ENFORCEMENT

Administrative authorities shall not enforce school disciplinary rules or impose punishments in a manner which discriminates against any student on the basis of race, color, religion, age, sex, national origin, ancestry, disability, marital status, sexual orientation, or political affiliation, except to the extent otherwise permitted or required by law or regulation. This policy shall not be construed as requiring identical treatment of students for violation of the same rule; it shall be read as prohibiting differential treatment, which is based on race, color, religion, age, sex, national origin, ancestry, disability, marital status, sexual orientation, or political affiliation, rather than on other differences in individual cases or students.

### CORPORAL PUNISHMENT

The Turquoise Trail Charter School Governance Council forbids corporal punishment for behavior modification. The Governance Council encourages the development and use of other effective means of maintaining orderly, safe schools.

### DETENTION, SUSPENSION AND EXPULSION

Where detention, suspension, and/or expulsion is determined to be the appropriate penalty, it may be imposed only in accordance with procedures that provide at least the minimum safeguards prescribed below. Suspensions or expulsions of special education students shall be subject to the further requirements of the following subsection.

### DISCIPLINE OF SPECIAL EDUCATION STUDENTS

Special Education students are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other children in the program. However, the individual educational needs of exceptional children

must be met to the extent that state and federal law requires. Accordingly, before a long-term suspension or expulsion may be imposed on a special education student, school authorities shall seek to determine whether the objectionable conduct is caused by a failure to provide the student with an appropriate educational plan. It is the policy of the Turquoise Trail Charter School Governance Council to comply with all state and federal regulations governing the discipline of students with disabilities, as set forth in the Code of Conduct.

1. Program Prescriptions. A special education student's Individual Educational Program (IEP) need not affirmatively authorize disciplinary actions which are not otherwise in conflict with this regulation. However, the IEP Team may prescribe or prohibit specified disciplinary measures by including appropriate provisions in a student's IEP. Administrative authorities shall adhere to any such provisions contained in a special education student's IEP, except that an IEP Team may not prohibit the initiation of proceedings for long-term suspension or expulsion, which are conducted in accordance with this regulation.
2. Immediate Removal. Nothing herein shall be construed as limiting the administrative authority's ability to remove a special education student from school immediately under emergency conditions. However, an IEP Team meeting shall be held within ten (10) days of removal to determine whether the misconduct is part of the student's handicapping condition. If the behavior is due to the handicapping condition, an alternative placement must be implemented prior to accumulation of ten (10) days of suspension.

#### SEARCH AND SEIZURE

A student's person or property while under the authority of the schools, and school property assigned to a student, are subject to search, and items found are subject to seizure.

#### ENFORCING ATTENDANCE REQUIREMENTS

The Turquoise Trail Charter School Governance Council shall initiate the enforcement of the provisions of the Compulsory School Attendance Law for students enrolled at Turquoise Trail Charter School. An administrative authority who has reason to believe a student is violating the Compulsory Attendance Law shall:

1. Initiate the prescribed statutory procedures for enforcement by sending written notice by certified mail to the parent, and
2. Proceed with whatever administrative sanctions are considered appropriate. If the violation continues after the parent has received the written notice, the administrative authority shall report the matter to the local Children's Court as required by statute. If there is an indication that the continued violation can be ascribed to the parents' act or omission, the administrative authority shall also consider whether to seek or initiate a criminal action against the parent.

## PROCEDURE FOR DETENTIONS, SUSPENSIONS, AND EXPULSIONS

The authority of the Governance Council to prescribe and enforce standards of conduct for students must be exercised consistently with the constitutional safeguards of individual student rights. The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violation of school rules. But it is a property right which may only be denied where school authorities have adhered to the procedural safeguards required to afford students due process of law.

The administrative authority shall have the power to suspend from the privileges of the school any student guilty of gross misconduct or continual insubordination to school organization and/or regulations. Any student who is disruptive in a manner contemplated in the zero tolerance offences, as reflected in the Code of Conduct, may be suspended, subject to certain conditions for reinstatement.

When a student is suspended or expelled from school, he is not to be on any school campus or attend any school-sponsored activity for the duration of the suspension or expulsion. Failure to comply may result in legal or other disciplinary action against the student.

The right to expel a student, however, is a power retained by the Turquoise Trail Charter School Governance Council.

### IMMEDIATE REMOVAL

*"Immediate Removal"* means the removal of a student from school for one school day or less under emergency conditions and without a prior hearing. Students whose presence poses a continuing danger to persons or property or an ongoing threat of interfering with the educational process may be immediately removed from school, subject to the following rules:

A rudimentary hearing, as required for temporary suspensions, shall follow as soon as possible.

1. Students shall be reinstated after no more than one school day unless within that time a temporary suspension is also imposed after the required rudimentary hearing.
2. As soon as practicable, the school shall exert reasonable efforts to inform the student's parent(s) of charges against the student and the action taken. If direct contact is not established by the middle of the school day following the immediate removal, the school shall prepare a written notice with the required information and deposit the notice for mailing to the parent's address of record.

### TEMPORARY SUSPENSION

*"Temporary Suspension"* means the removal of a student from school for a specified period of ten (10) school days or less after a rudimentary hearing conducted in accordance with the requirements below.

A student facing temporary suspension shall first be informed of the charges against him or her and if she/he denies them shall be told what evidence supports the charge(s) and be given an opportunity to present his/her version of the facts. The following rules apply:

1. The "hearing" may be an informal discussion and may follow immediately after the "notice" is given.
2. Unless the administrative authority decides a delay is essential to permit a fuller explanation of the facts, this discussion may take place and a temporary suspension may be imposed within minutes after the alleged misconduct has occurred.
3. A student who denies a charge of misconduct shall be told what act(s) he/she is accused of committing, shall be given an explanation of the evidence supporting the accusation(s), and shall then be given the opportunity to explain his or her version of the facts. The administrative authority is not required to divulge the identity of informants other than school personnel. She/he is required to disclose the substance of all evidence on which she/he proposes to base a decision in the matter.
4. The administrative authority is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charge(s) or to call witnesses to verify the student's version of the incident, but none of the foregoing is prohibited.
5. The school shall exact reasonable efforts to inform the student's parent(s) of the charges against the student and their possible or actual consequence as soon as practicable. If direct contact has not been established by the end of the first full day of suspension, the school shall on that day deposit a written notice with the required information for mailing to the parent's address of record.

#### IN-SCHOOL SUSPENSION

*"In-school suspension"* means suspending a student from one or more regular classes while requiring the student to spend the time in an alternate classroom or other designated area at the same school or elsewhere.

In-school suspension may be imposed with or without further restrictions or student privileges. Any student who is placed in an in-school suspension, which exceeds ten school days must be provided with an instructional program that meets both local educational requirements and the Educational Standards for New Mexico Schools. Student privileges, however, may be restricted for longer than ten (10) days.

In-school suspensions of any length shall be accomplished according to the procedures for a temporary suspension as outlined above.

#### DETENTION

*"Detention"* means requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school. Detention may be imposed in connection with in-school suspensions, but is distinct from in-school suspension in that it does not entail removing the student from any of his or her regular classes.

Long-term Suspension and Expulsion. "Long-term suspension" means the removal of a student from school for a specified time exceeding ten (10) days. "Expulsion" means the removal of a student from school either permanently or for an indefinite time exceeding ten (10) school days. The Head Administrator or his/her designee will initiate procedures leading to long-term suspensions or expulsion. A temporary suspension may be imposed while the procedures for long-term suspensions or expulsion are activated. However, where a decision following the required formal hearing is delayed beyond the end of the temporary suspension, the student must be returned to school pending the final outcome of the hearing.

## DEFINITIONS

Hearing Authority: Disciplinarian. "*Hearing Authority*" means the Head Administrator or his/her designee who is designated to hear evidence and determine the facts of a case at a formal hearing authority. The same person will perform both functions, but no person shall act as hearing authority, or disciplinarian, in a case in which (s)he has previously been involved, except as an initiating administrative authority.

"*Review Authority*" is the Governance Council. A student aggrieved by the hearing authority's decision after a formal hearing, shall have the right to have the decision reviewed by the Governance Council if the penalty imposed was at least as severe as a long-term suspension, expulsion, or an in-school suspension exceeding one school semester, or a denial or restriction of student privileges for one semester or longer.

Initiation of Procedures. An administrative authority shall initiate procedures for long-term suspension or expulsion of a student by designating a hearing authority and disciplinarian, scheduling a formal hearing in consultation with the hearing authority and preparing and serving a written notice meeting the requirements below.

Service of Notice. The written notice shall be addressed to the student, through his or her parent(s), and shall be either personally delivered or mailed to the parent.

Timing of Hearing. The hearing shall be scheduled no sooner than five (5) nor later than ten (10) school days from the date of delivery or mailing of the notice whichever is earlier. The hearing may be scheduled sooner, if mutually agreed upon by the parent and hearing authority. The hearing authority may grant or deny a request to delay the hearing.

Contents of Notice. The written notice must contain all of the following information:

1. The school rule(s) alleged to have been violated, a concise statement of the alleged act(s) of the student on which the charge(s) are based, and a statement of the proposed penalty;
2. The date, time and place of the hearing, and a statement that both the student and parent are entitled and urged to be present;
3. A clear statement that the hearing will take place as scheduled unless the hearing authority grants a delay or the student and parent agree to waive the hearing and comply voluntarily with the proposed disciplinary action, and a clear and conspicuous warning that a failure to appear will not delay the hearing and may lead to imposition of the



- proposed penalty by default;
4. A statement that the student has the right to be represented at the hearing by legal counsel, a parent, or some other designated representative;
  5. A complete description of the procedures which will govern the conduct of the hearing;
  6. The name, business address, and telephone number of a contact person through whom the student, parent, or designated representative may request a delay or seek further information, and
  7. Any other information, materials, or instructions deemed appropriate by the administrative authority who prepares the notice.

**Delay of Hearing. Student's Status During Delays.** The hearing authority shall have discretion to grant or deny a request by the student or the appropriate administrative authority to postpone the hearing. Where a student has been suspended temporarily and a postponed hearing will not occur until after the temporary suspension has expired, the student shall be returned to school at the end of the temporary suspension unless:

1. The student and parent have knowingly and voluntarily waived the student's right to return to the school pending the outcome of the formal proceedings, or
2. The appropriate administrative authority has conducted an interim hearing pursuant to a Governance Council policy made available to the student which affords further due process protection sufficient to support the student's continued exclusion pending the outcome of the formal procedures, or the provisions of the following paragraphs apply.

**Waiver of Hearing. Voluntary Compliance or Negotiated Penalty.** A student and his or her parent may elect to waive the hearing and the hearing review and negotiate a mutually acceptable penalty with the hearing authority. Such a waiver and compliance agreement shall be knowing, intelligent, and made voluntarily, and shall be evidenced by a written document signed by the student, the parent(s), and the hearing authority.

**Procedure for Hearing and Decision.** The following rules govern the conduct of the hearing and the ultimate decision:

1. The school shall have the burden of proof of misconduct;
2. The student and his or her parent shall have the following rights, any of which may be waived in writing.
3. The right to be represented by legal counsel or other designated representative;
4. The right to present evidence, subject to reasonable requirements or substantiation at the discretion of the hearing authority and exclusion of evidence deemed irrelevant or redundant;
5. The right to confront and cross-examine adverse witnesses, subject to reasonable limitation by the hearing authority;
6. The right to have a decision based solely on applicable legal rules, including the governing rules of student conduct, and the evidence presented at the hearing.

The hearing authority shall determine whether the alleged act(s) of misconduct have been proved by a preponderance of the evidence presented at a hearing at which the student and/or a designated representative have appeared.

If no one has appeared on the student's behalf within a reasonable time after the announced time for the hearing, the hearing authority shall determine whether the student, through the parent, received notice of the hearing. If so, the hearing authority shall review the school's evidence to determine whether it is sufficient to support the charge(s) of misconduct.

The hearing authority who is also a disciplinarian shall impose the proposed sanction or other appropriate measure if he/she finds that the allegations of misconduct have been proved.

Arrangements to make a tape recording or keep minutes of the proceedings shall be made by the administrative authority who scheduled the hearing and prepared the written notice.

The hearing authority may announce a decision on the question of whether the allegation(s) of misconduct have been proved at the close of the hearing. The hearing authority who is also the disciplinarian may also impose a penalty at the close of the hearing.

The hearing authority shall prepare and mail or deliver to the student, through the parent, a written decision including reasons therefore within five (5) working days after the hearing. The hearing authority shall include in the report a statement of the penalty, if any, to be imposed.

The hearing authority's decision shall take effect immediately upon notification to the parent, either at the close of the hearing or upon receipt of the written decision. If notification is by mail, the parent shall be presumed to have received the notice on the fifth calendar day after the date of mailing.

Effect of Decision. If the hearing authority decides that no allegation(s) of misconduct have been proved, or declines to impose a penalty despite a finding that an act or acts of misconduct have been proved, the matter shall be closed. If the hearing authority imposes any sanction on the student, the decision shall take effect immediately upon notification to the parent, even if the student subsequently appeals to the review authority.

Right of Review. A student aggrieved by the hearing authority's decision after a formal hearing, shall have the right to have the decision reviewed by the Governance Council if the penalty imposed was at least as severe as a long-term suspension or expulsion, an in-school suspension exceeding one school semester, or a denial or restriction of student privileges for one semester or longer.

Conduct of Review. The Turquoise Trail Charter School Governance Council shall be bound by the hearing authority's factual determination unless the student persuades the review authority that a finding of fact was arbitrary, capricious, or unsupported by substantial evidence or that new evidence which has come to light since the hearing, which could not, with reasonable diligence, have been discovered in time for the hearing and would manifestly change the factual determination. Upon any such finding, the review authority shall have discretion to receive new evidence or conduct a *de novo* hearing.

Effect of Review Authority's Decision. The Turquoise Trail Charter School Governance Council's decision shall be the final administrative action to which a student is entitled.

## ***POLICY 309- Sexual Harassment - Students***

Sexual harassment is an illegal behavior. Title IX of the Federal Education Amendments of 1972 provides that schools 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 toward students by employees or harassment of student(s) toward other students may violate the law.

The Turquoise Trail Charter School Governance Council therefore forbids harassment of any student on the basis of sex. The Governance Council will not tolerate sexual harassment of students by employees or by other students.

The intent of this policy regarding conduct between employees and students is clear and straightforward. No employee of the school district may engage in any conduct of a sexual nature with any student, regardless of the student's age, ability to consent, or actual consent.

The intent of this policy regarding conduct among students requires some further discussion. Much of the conduct described in the detailed specification of this policy - including sexually-oriented name-calling, graffiti, teasing, etc. - clearly has no place in school, and would not be welcomed by anyone. Requests for dates or other age-appropriate expressions of interest or affection, however, are not characteristically inappropriate, and can even contribute to the socialization process that is a large part of education. Accordingly, requests for dates and other age-appropriate expressions of interest between students is not sexual harassment unless the student to whom such requests or expressions are directed has indicated that they are unwelcome.

When a student has made it reasonably clear that he or she does not welcome the requests or attention by the other student, it is sexual harassment for the other student to continue to make such requests or give such attention. In other words, one does have to take "No" for an answer.

### **DEFINITIONS AND STANDARDS OF CONDUCT**

Between an employee and a student, sexual harassment is any conduct of a sexual nature. Between students, sexual harassment is unwelcome conduct of a sexual nature. Special definitions follow:

## *Conduct of a Sexual Nature*

Conduct of a sexual nature may include, but is not limited to:

1. verbal or physical sexual advances, including subtle pressure for sexual activity;
2. sexually oriented touching, pinching, patting, staring, pulling at clothing, or intentionally brushing against another;
3. showing or giving sexual pictures, photographs, illustrations, messages, or notes;
4. writing graffiti of a sexual nature on school property;
5. comments or name-calling to or about a student regarding alleged physical or personal characteristics of a sexual nature;
6. sexually-oriented “kidding”, “teasing”, double-entendres, and jokes; and
7. any harassing conduct to which a student is subjected because of or regarding the student’s sex.

## *Standard of Conduct for Employees*

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.

## *Standard of Conduct for Students: Unwelcome Conduct of a Sexual Nature*

Verbal or physical conduct of a sexual nature by one student toward another student, may constitute sexual harassment when the conduct, by its nature, is clearly unwelcome or inappropriate, even if the allegedly harassed student has not indicated that it is unwelcome.

A student who has initially welcomed conduct of a sexual nature by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

## REPORTING, INVESTIGATION, AND SANCTIONS

### *Reporting:*

It is the express policy of the Turquoise Trail Charter School Governance Council to encourage students who feel they have been sexually harassed by a school employee or by another student or students to report such claims.

### Reporting of Sexual Harassment by a School Employee

1. Any student who believes he or she has been subjected to any conduct of a sexual nature by a school employee may tell a counselor or Head Administrator.
2. If a student who believes he or she has been sexually harassed by a school employee feels uncertain about who to tell, or feels uncomfortable telling any counselor or Head

Administrator, 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 personnel.

3. If a student believes that he or she has been sexually harassed by a counselor or a Head Administrator, or by any other administrator the student should seek the assistance of his or her parent(s) in reporting such harassment to the Head Administrator or to a member of the Governance Council.

#### ***Reporting of Sexual Harassment by a Student or Students***

1. Any student who believes he or she has been sexually harassed by another student or other students, may tell a teacher, counselor, or administrator.
2. If a student who believes he or she has been sexually harassed by another student or students, and who feels uncertain about whom to tell, or feels uncomfortable telling any counselor, or Head Administrator, 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 personnel.

#### **Reporting of Employees - Mandatory**

1. 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, must notify his or her immediate supervisor or the Head Administrator of such a report, regardless of whether the employee receiving the report considers the report credible or significant.

#### ***Investigation:***

All reports of sexual harassment of students will be appropriately and promptly investigated by the Head Administrator or his/her designee. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.

#### ***Sanctions:***

##### **Employees**

Any employee found to have engaged in conduct of a sexual nature with a student shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to any applicable procedural requirements.

##### ***Students:***

Any student found to have engaged in sexual harassment of a student shall be subject to discipline, including, but not limited to, suspension or expulsion, subject to any applicable procedural requirements.

### ***POLICY 310 - Hazing***

Hazing will not be permitted within the Turquoise Trail Charter School. Hazing is a form of intimidation used to initiate a person or persons into a perceived group. Intimidation is a single act or group of acts that consists of knowingly behaving in a way that is intended to torment, seriously alarm or terrorize another person.

Hazing is defined as follows:

1. To harass by requiring the performance of unnecessary, disagreeable, or degrading tasks.
2. To require students to engage in activities which may result in harm or bodily injury to an individual.
3. To play abusive and humiliating tricks or pranks on an individual by way of initiation.

All employees are required to intervene when any hazing activity is detected and to immediately report any such activity to the Head Administrator. Failure to report such activities may result in disciplinary action. Students who engage in hazing activities will be subject to immediate disciplinary action in accordance with the Student Code of Conduct.

## ***POLICY 311 - Searches of Students***

School officials shall be guided by the following in determining if a search should take place and the scope of the search:

### STUDENT AND SCHOOL RIGHTS

Students have the right to be protected from unreasonable searches. School officials have the right and duty to maintain order and discipline and to provide for an appropriate and safe educational environment.

### Who May Search

School administrators and/or their designee(s) are authorized to conduct searches when a search is permissible. An authorized person who is conducting a search must, if at all possible, request the assistance of some other person(s), who upon consent become(s) an authorized person for the purpose of that search only.

School bus drivers are “authorized persons” to conduct searches under the following guidelines. If safety considerations make a search advisable, the driver may require a student to empty clothing pockets or to disclose the contents of purses, bookbags, backpacks and items of a similar nature. The student’s person is not to be touched. Drivers must request another authorized school employee to search, when safety permits delay for that purpose.

## SCOPE AND EXTENT OF SEARCHES OF STUDENTS

The scope and extent of the search must be reasonably related to the reason for the search. For example, the scope of the search for a stolen pen would be more limited than the search for a weapon. If the scope of the search is very minimal, e.g., "Show me your hands," the school official will not necessarily need to have an individualized suspicion that the student is violating the law, or the rules or policies of the school.

More intrusive searches, such as pat-downs, may be conducted only on the basis of reasonable suspicion of the individual student to be searched. The more intrusive the search of a student's person, the greater the necessity that school officials be able to articulate the specific basis of the suspicion justifying such a search. The following are offered as examples only:

1. If gum is contraband, those students chewing gum can be required to empty their pockets. School officials should not, however, search any student without such reasonable belief that the particular student has violated the rule.
2. A student smelling of marijuana can be searched for contraband, but other students should not be searched without an individualized suspicion that they are violating the law or school rules.

Prior to a search of a student's person, unless school officials reasonably perceive imminent risk or grave bodily harm, every effort shall be made to contact the parent and allow that parent to be present for the search.

Searches of a student's person beyond such minimal levels as "show me your hands," shall be conducted by a person of the same sex as the student, and shall be conducted in the presence of another authorized person of the same sex.

School employees are expressly forbidden to conduct strip searches. If there is compelling reason to believe that grave bodily harm is imminent or possible from a weapon which could be seized only after a strip search or that illegal substances or evidence of a criminal act is similarly concealed, the following procedures will be used:

1. The student will be isolated from all other students immediately and will be subject to constant adult supervision.
2. Police authorities will be alerted to the danger and asked to take appropriate action immediately.
3. Every reasonable effort will be made to notify the student's parent(s) of the above actions as quickly as possible.

## SCOPE AND EXTENT OF SEARCHES OF STUDENT PROPERTY

School property such as lockers, desks, and similar storage facilities remain under the control of the school, although students are expected to assume full responsibility for the security of their property. Lockers, desks and similar storage facilities may be searched by school officials at any time,



with or without notice or consent. Students may not use personal locks on school lockers unless access is made available to school authorities. Personal locks may be destroyed if school authorities conduct a search of lockers.

Purses, wallets, bookbags, backpacks and similar items of student's personal property may be searched.

### *Use of Dogs*

In any of the foregoing actions and in the absence of students, the Turquoise Trail Charter School is authorized to use dogs whose reliability and accuracy for sniffing and detecting illegal or unauthorized substances and objects has been established. The dogs will be accompanied by a qualified and authorized dog trainer-handler who will be responsible for the dog's actions. An indication by the dog that an illegal or unauthorized substance or object is present on school property or in a vehicle on school property shall be reasonable cause for a search by school officials.

### *Seizure of Items*

Illegal items, legal items, which threaten the safety or security of others, items that are evidence of prohibited activities or items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items may be released to appropriate authorities or a student's parent or returned to the student later as the administrative authority deems appropriate.

When a search discloses illegally possessed contraband material or evidence of some other crime, the administrative authority shall notify the local Children's/Juvenile Court attorney, or other law enforcement officers.

### *Notice to Students*

This policy shall be published in student handbooks and/or the ***Santa Fe Public School Code of Conduct*** and provided to students at the beginning of the school year or upon admission of students entering during the school year.

### ***POLICY 312 - Students Charged with Serious Crimes***

Any student charged with or convicted of a serious crime, as determined by the Head Administrator or his/her designee, unrelated to his or her status as a student who wishes to continue his or her education may do so only according to the terms and conditions, and under the circumstances, provided herein:

Any such student who wishes to continue his or her education during the pendency of his or her criminal proceedings must submit a written request to do so to the Head Administrator. Upon receipt of such a request, the Head Administrator shall develop and submit to the Governance Council, for approval, a plan to provide continued educational services to the student on an off-campus, homebound, or other alternative basis. Upon such approval by the Governance Council, the student shall be limited to the alternative educational plan until:

He or she is acquitted of the charge or charges; or

He or she is removed from or leaves the Turquoise Trail Charter School.

The terms of this policy shall also be applied to any new student validly seeking to be enrolled In Turquoise Trail Charter School.

### ***POLICY 313 - Threats of Violence by Students***

Threats of violence toward other students, school staff members, or school facilities are prohibited and will result in suspension or expulsion, regardless of whether the student has previously engaged in such conduct.

All employees and students are required to report evidence of threats of violence to the Head Administrator. Such reports shall be investigated by the Head Administrator or his/her designee. All such incidents shall be documented by the Head Administrator or his/her designee. Any reports that are regarded as insufficiently credible to warrant investigation shall be documented stating all reasons and basis for such a conclusion.

In cases of threats that may constitute a violation of the criminal law, the Head Administrator, or designee, shall notify law enforcement authorities.

Regular education students who are charged with violations of this policy shall be placed on short-term suspension pending investigation of the charge(s). Those found, through a due process hearing, to have violated this policy shall be subject to discipline, including long-term suspension (temporary or indefinite removal from school) or expulsion (permanent removal from school).

As a condition or conditions of a student's return to school from a short-term or long-term suspension, for a violation of this policy, the Head Administrator or his/her designee shall consider, and may impose, the following, individually or in any combination, as well as other conditions deemed necessary or appropriate:

That the parent of such student shall provide a documented opinion by a licensed professional that the student does not represent a threat of harm to himself/herself or to others, and, for a period to be determined by the Head Administrator or his/her designee, that the parents provide regular documented updates from the licensed professional;

That the parent of such student agree that, for a period to be determined by the Head Administrator or his/her designee, a parent shall check the student for weapons at home, and shall accompany the student to the school office upon arrival at school at the beginning of each school day, at which time the student shall be searched for weapons or other contraband by school personnel;

That the parent of such student agree that, for a period to be determined by the Head Administrator or his/her designee, the student shall be prohibited from leaving campus during the school day, and that during any non-class time, the student shall remain in a monitored, segregated environment;

That the parent of such student agree that, for a period to be determined by the Head Administrator or his/her designee, the student shall be transported home from school by the parent at the end of the school day;

That the parent of such student agree that, for a period to be determined by the Head Administrator or his/her designee, the student shall not be permitted to participate in any extracurricular activities, or school functions except classroom instruction during the school day; and

That the parent of such student agree that, for a period to be determined by the Head Administrator or his/her designee, the student will not be permitted to enter or be present on school premises except during the regular school day, and that the parent will enforce such prohibition by appropriate means.

In permitting a student to return to school from a short-term or long-term suspension, conditions imposed by the Head Administrator or his/her designee shall be incorporated into a written

agreement to be signed by the parents or parent of the student in question. In permitting a student to return to school from a short-term or long-term suspension, the Head Administrator or his/her designee shall document the reasons and basis for permitting and maintaining such return.

Similar problems with Special Education students shall be addressed under the specific procedures applicable to Special Education students according to state and federal law(s).

### ***POLICY 314 - Activities***

All student activities shall be carried on under the authority of the Turquoise Trail Charter School Governance Council and its delegated administrators.

A parent or guardian may request that a student from the family be excused from certain types of student activities for religious or physical reasons. The administration will consider the request in terms of the welfare of all students as well as the individual.

Residual funds from inactive student organizations shall revert to the general student body funds unless otherwise designated.

***POLICY 315 - Intimidation and Hostile or Offensive Conduct***

The effective education of our students requires a school environment in which students feel safe and secure. The Turquoise Trail Charter School Governance Council is committed to maintaining an environment conducive to learning in which students are safe from violence, threats, name-calling, intimidation, and unlawful harassment.

## DEFINITIONS

*“Unlawful harassment”* means verbal or physical conduct based on a student’s actual or perceived race, color, national origin, gender, religion, sexual orientation, 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

*“Bullying”* means intimidating verbal or physical conduct toward another student when such conduct is habitual or recurring.

*“Name-calling”* means 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 unwelcome, or when the names or comments, by their nature, are clearly unwelcome, inappropriate or offensive.

## PROHIBITIONS

It is the policy of the Turquoise Trail Charter School Governance Council to prohibit violence, threats, name-calling, bullying, intimidation, assault, battery, extortion, robbery, vandalism, and other victim-based misconduct that creates an intimidating, hostile or offensive environment, regardless of motive or reason. The Governance Council will not tolerate such victim-based misconduct by students or staff.

It is the express policy of the Governance Council to encourage students who are victims or such physical or verbal misconduct to report such claims. Students or their parents may report such conduct to any teacher, Head Administrator, or counselor.

## REPORTING

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, must notify, report as soon as possible, his or her Head Administrator or supervisor.

## INVESTIGATION

The school Head Administrator or his/her designee shall promptly investigate all reports of physical or verbal misconduct in violation of this policy.

In assessing the existence of a violation of this policy and the appropriate discipline, the Head Administrator 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.

## SANCTIONS

Any employee found to have engaged in misconduct in which a student is a victim of violence, threats, name-calling, bullying, assault, battery, extortion, robbery, vandalism, etc. shall be subject to sanctions including, but not limited to, warning or reprimand, suspension, termination, or discharge, subject to any applicable procedural requirements, state or federal law.

Any student found to have engaged in misconduct in which another student is a victim of violence, threats, name-calling, bullying, assault, battery, extortion, robbery, vandalism, etc. shall be subject to discipline including, but not limited to, suspension or expulsion subject to any applicable procedural requirements, state or federal law.



When students are afraid to attend school/classes they cannot learn. Bullying prevention programs can help to provide a safe environment in which teachers can teach and students can learn. When a student is *bullied* his or her ability to participate in and benefit from the school's educational programs or activities is adversely affected.

The goal of this policy is to ensure that procedures are in place to prevent bullying, limit the prevalence of bullying, and to make consequences salient to everyone involved.

Turquoise Trail Elementary Charter School believes that providing an educational environment for all students, employees, volunteers, and families, free from harassment, intimidation, or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse. Harassment, intimidation or bullying are forms of dangerous and disrespectful behavior that will not be tolerated.

#### DEFINITIONS

*"Bullying"* means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.

*"Harassment"* means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.

*"Disability Harassment"* is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the district.

Harassment and Disability Harassment include but are not limited to:

- a. Verbal acts, teasing, use of sarcasm, jokes;
- b. Name-calling, belittling;
- c. Nonverbal behavior such as graphic or written statements;
- d. Conduct that is physically threatening, harmful, or humiliating; or
- e. Inappropriate physical restraint by adults.

*"Racial Harassment"* consists of physical or verbal conduct relating to an individual's race when the conduct:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment;
- b. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
- c. Otherwise adversely affects an individual's academic opportunities.

*“Sexual Harassment”* means any unwelcome sexual advances, requests or sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature. Sexual harassment may take place under any of the following circumstances:

- a. When submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or
- b. Submission to or rejection of that conduct or communication by an individual is used to factor in decisions affecting that individual’s education; or
- c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s education, or creating an intimidating, hostile or offensive educational environment.

*“Hazing”* means committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization, or for any other purpose. Hazing includes but is not limited to:

- Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing a harmful substance on the body.
- Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subject the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
- Any activity that causes or requires the student to perform a task that involves a violation of state or federal law, or district policies.

#### ***Notice of Prohibition Against Bullying and Anti-Bullying Interventions***

1. The prohibition against bullying shall be publicized by including the following statement in the student handbook(s):

“Bullying behavior by any student in the Turquoise Trail Elementary Charter School is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. “Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual

orientation that a reasonable person under the circumstances should know will have the effect of:

- a. Placing a student in reasonable fear of physical harm or damage to the student's property; or
  - b. Physically harming a student or damaging a student's property; or
  - c. Insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student.
    - i. Students and parents may file verbal or written complaints concerning suspected bullying behavior to school personnel and administrators. Any report of suspected bullying behavior will be promptly reviewed. If acts of bullying are verified, prompt disciplinary action may be taken against the perpetrator, up to and including suspension and/or expulsion."
2. Staff will be reminded at the beginning of each school year about the Anti-Bullying Policy, as well as their responsibilities regarding bullying behavior. A copy of the policy will be disseminated annually.
  3. The Anti-Bullying Policy will be available on the Turquoise Trail Elementary Charter School website, and in all student, staff, and parent handbooks.

#### ***Reporting Intimidation, Harassment, or Bullying Behavior***

1. Any student who believes he/she has been the victim of harassment, intimidation, bullying, or hazing by a student or school personnel, or any person with knowledge or belief of such conduct that may constitute harassment, intimidation, bullying, or hazing toward a student should immediately report the alleged acts.
2. The report may be made to any staff member. The staff member will assist the student in reporting to the Head Administrator or other district personnel.
3. Teachers and other school staff who witness acts of bullying or receive student reports of bullying are *required* to promptly notify designated staff.
4. Reports should be done in writing using the Harassment, Intimidation, Bullying, or Hazing Complaint Form (See Sample Form, Appendix D). A copy of this form will be submitted to the Safe School coordinator.
5. School Head Administrator or designee is *required* to accept and investigate all reports of intimidation, harassment or bullying.
6. School Head Administrator or designee is *required* to notify the parent or guardian of a student who commits a verified act of intimidation, harassment, or bullying of the response of the school staff and consequences that may result from further acts of bullying.
7. Nothing in this policy shall prevent any person from reporting directly to the office of the Superintendent.
8. Retaliation against an individual who either orally reports or files a written complaint regarding harassment, intimidation, bullying, or hazing or who participates in or cooperates with an investigation is prohibited.
9. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.
10. If harassment or bullying continues, the perpetrator will be immediately suspended and removed from the school, pending a long-term hearing.

11. To the extent permitted under the Family Educational Rights and Privacy Act (FERPA) school staff is *required* to notify the parent or guardian of a student who is a target of bullying of the action taken to prevent any further acts of bullying.

### ***Investigating Intimidation, Harassment, or Bullying Behavior***

The Turquoise Trail Elementary Charter School, or their designee will appropriately and promptly investigate all reports of harassment, intimidation, bullying, or hazing. In determining whether the alleged conduct constitutes bullying, the totality of the circumstances, the nature of the conduct, the student's history, and the context in which the alleged conduct occurred will be investigated.

1. The administrator will make every effort to inform the parents/guardians of the victim and the accused of any report of harassment, intimidation, bullying, or hazing *prior* to the investigation taking place.
2. The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint was filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods or documents deemed relevant by the investigator.
3. The district may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.
4. The investigation shall be completed as soon as possible. The Head Administrator (or investigator) shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report shall be filed directly with the New Mexico Public Education Department, Educator Ethics Bureau. The report shall include a determination of whether the allegations have been sustained as factual and whether they appear to be violations of this policy. A copy of the completed report will be maintained by the district's Safe School Coordinator.

### ***Consequences for Bullying***

1. Verified acts of bullying shall result in intervention by the building Head Administrator or his/her designee that is intended to ensure that the prohibition against bullying behavior is enforced.
2. Bullying behavior can take many forms and can vary dramatically in how serious it is, and what impact it has on the targeted individual and other students. Accordingly, there is no one response to bullying. While conduct that rises to the level of "bullying" as defined above will generally warrant disciplinary action against the perpetrator of such bullying, whether and to what extent to impose disciplinary action (detention, in and out-of-school suspension, or expulsion) is a matter for the professional discretion of the building Head Administrator.

### ***Consequences for Knowingly Making False Reports***

1. False charges shall also be regarded as serious offense and will result in disciplinary action or other appropriate sanctions.

### *Anti-Bullying included in Health Education Curriculum*

“Health Education” is the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease, and reduce health related risk behaviors. It allows students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills, and practices. It meets the content standards with the benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Bullying behavior is mentioned specifically in many areas of the Health Education performance standards, in all grade levels. All students need to be aware of bullying behavior beginning in Kindergarten and continuing throughout their school years. It is imperative that students are comfortable with understanding, describing, and recognizing bullying behaviors, and then in the later grades being able to analyze those behaviors and role play refusal skills.

Our curriculum does recognize the importance of bully prevention skills in all grade levels.

### *Threats of Violence*

1. Threats of violence toward other students, school staff, or facilities generally are prohibited and may result in suspension or expulsion, regardless of whether the student has previously engaged in such conduct.
2. All employees and students are required to report evidence of threats of violence to their Head Administrator. Such reports shall be investigated by the Head Administrator or designee. All such reports shall be documented by the Head Administrator.
3. In cases of threats that may constitute a violation of criminal law, the Head Administrator, superintendent or designee shall notify law enforcement authorities.
4. Students who are charged with violation of this policy shall be placed on short-term suspension pending investigation of the charge(s). Those found, through a due-process hearing, to have violated this regulation shall be subject to discipline, including long-term suspension or expulsion. For Special Education students administrators will consult with the Director of Special Education regarding the appropriate process.

### *Resources*

1. New Mexico Public Education Department, School and Family Support Bureau – online <http://www.ped.state.nm.us> or phone: 505-827-1804
2. Anti-Bullying Policy rule 6.12.7 NMAC.
3. School District Wellness Policy rule 6.12.6.6 NMAC.
4. New Mexico Youth Risk and Resiliency Survey – online at <http://www.health.state.nm.us/pdf/YRRS2003FinalReport.pdf> or <http://hsc.unm.edu/chpdp/projects/pyrrs.htm>.
5. Center for the Study and Prevention of Violence, University of Colorado – online at <http://www.colorado.edu/cspv/safeschools/bullying/overview.html>.
6. Northwest Regional Education Laboratory, How to choose Anti-Bullying Program <http://www.nwrel.org/request/dec01/choosingcreating.htm>.
7. National Youth Violence Prevention Resource Center, Government approved resources on

- prevention, intervention, & stats <http://www.safeyouth.org/scripts/topics/bullying.asp>.
8. The *Steps to Respect* program is a schoolwide curriculum to develop healthy relationships and decrease bullying behavior. Committee for Children  
<http://www.cfchildren.org/strf/strindex/>
  9. Coloroso, Barbara (2003). *The Bully, the Bullied, and the Bystander*, New York, NY: HarperCollins Publishers.
  10. Student Reports of Bullying: Results from the 2001 School Crime Supplement to the 2001 National Crime Victimization Survey, USDE,  
<http://nces.ed.gov/pubs2005/2005310.pdf>

APPENDIX D\*

<b>TURQUOISE TRAIL CHARTER SCHOOL Harassment, Intimidation, Bullying, or Hazing Complaint Form</b>		
<b>Student Information</b>		
Name		ID#
Grade	Phone Number	Home Address
<b>Complaint Filed Against</b>		
Name		Grade (or position if not a student)
Name		Grade (or position if not a student)
<b>Incident</b>		
Date		Time
Location		
Is this the first time this has happened?		YES [ ]      NO [ ]
Is this the first time you are reporting this?		YES [ ]      NO [ ]
<b>Description – PROVIDE AS MUCH DETAIL AS POSSIBLE</b>		
<b>Witnesses (if applicable)</b>		
Name	Grade/position	Phone number
Name	Grade/position	Phone number
Name	Grade/position	Phone number

**TURQUOISE TRAIL CHARTER SCHOOL**  
**Harassment, Intimidation, Bullying, or Hazing Complaint Form**

**Report Information**

Today's Date		
--------------	--	--

Did anyone help you fill out this form?      YES [  ]      NO [  ]  
 If yes, who?

**Office Information**

Who received this complaint form?

Position

Date Received		
---------------	--	--



***POLICY 317 - Corporal Punishment***

Turquoise Trail Charter School shall not use corporal punishment for student discipline, punishment or behavior modification.

## ***POLICY 318 - Gang Activity***

Gangs and gang-related activities are prohibited in Turquoise Trail Charter School, according to the following:

### DEFINITION

A “gang” can be represented by an individual or groups of two or more persons whose purposes include the commission of illegal acts or acts in violation of disciplinary rules of the Turquoise Trail Charter School.

### PROHIBITIONS

No student on or about school property shall:

1. wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem badge, symbol, sign or other items that evidences or reflects membership in or affiliation with any gang;
2. engage in any act, either verbal or nonverbal, including gestures or handshakes, showing membership or affiliation in any gang;
3. solicit membership in, or affiliation with, any gang;
4. solicit any person to pay for “protection”, or threatening any person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
5. paint, write, or otherwise inscribe gang-related graffiti, messages, symbols, or signs, on school property;
6. engage in violence, extortion, or any other illegal act or other violation of school policy.

### APPLICATION AND ENFORCEMENT

In determining, as part of the application and enforcement of this policy, whether acts, conduct or activities are gang related, school officials are encouraged to exercise discretion and judgment based upon current circumstances in their schools, neighborhoods and areas.

The removal of gang-related graffiti shall be a priority in maintenance of school property. All such graffiti on school property shall be removed or covered within twenty-four (24) hours of its first appearance, as noticed by school officials, or as soon thereafter as possible, unless additional time is needed to obtain replacements for damaged items.

School officials should also encourage private property owners to promptly remove or cover gang-related graffiti on private property in school neighborhoods.

School officials are strongly encouraged to work closely with local law enforcement officials in controlling gang-related activities. Local law enforcement can provide school officials with

information regarding gang related activities in the area, including names and characteristics of local gangs.

The Head Administrator or designee, in consultation with the teachers, must report instances of gang-related criminal acts or acts of serious disruption to local law-enforcement authorities for further action.

### *Violations of Policy*

Students who violate this policy shall be subject to the full range of school disciplinary measures, in addition to applicable criminal and civil penalties.

## ***POLICY 319 - Weapons in School***

It is the policy of the Turquoise Trail Charter School Governance Council to forbid the possession, custody, and use of weapons by unauthorized persons in or around school property.

This policy is enacted to implement the requirements of the federal Gun Free Schools Act of 1994 and Gun Free School Zones Act of 1990, and it is the intention of the Governance Council that it be interpreted to conform to provisions of those referenced laws.

### **DEFINITIONS**

*“Weapon”* - For purposes of this policy, a “weapon” is any firearm, knife, explosive, or other object, even if manufactured for a nonviolent purpose, that has a potentially violent use, or any “look-a-like” object that resembles an object that has a potentially violent use, if, under the surrounding circumstances, the purpose of keeping or carrying the object is for use, or threat of use, as a weapon.

*“Firearm”* - For purposes of this policy, and for purposes of compliance with the federal Gun-Free Schools Act, a “firearm” is defined as any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer, or any destructive device.

*“School Zone”* - For purposes of this policy, and for purposes of conformity with the Gun Free School Zones Act of 1990, a “school zone” is any area in or on the grounds of a school or within a distance of 1,000 feet from the grounds of a school.

### **PROHIBITIONS**

It is the policy of the Turquoise Trail Charter School Governance Council that no student shall bring a weapon into a school zone, nor carry or keep any weapon in a school zone or while attending or participating in any school activity, including during transportation to or from such activity.

## ENFORCEMENT

This policy shall be enforced according to the Turquoise Trail Charter School Governance Council's Student Search and Seizure Policy. Disciplinary actions pursuant to this policy shall follow the procedures detailed in Governance Council Policies regarding due process hearings.

Any student who brings a firearm or weapons to a school or within a school zone shall, in addition to penalties imposed under the Governance Council's policy, be referred to appropriate law enforcement authorities for prosecution.

## PENALTIES FOR VIOLATION

Any student found to be in violation of this policy shall be subject to discipline, including long-term suspension and expulsion.

In compliance with the federal Gun Free Schools Act, any student found to be in violation of this policy due to possession of a firearm, as defined, shall at a **minimum**, be expelled from school for a period of not less than one (1) year, provided that the Head Administrator or the Turquoise Trail Charter School Governance Council may modify such penalty in appropriate cases in their discretion.

This policy shall be interpreted in a manner consistent with the Individuals with Disabilities Education Act (IDEA) Revised 97, Sections 300.519 through 300.526.

*References: Gun Free Schools Act of 1994;*

*Gun Free School Zones Act of 1990;*

*Individuals with Disabilities Education Act (IDEA) 20 U.S.C. 1415e(3)(B);*

*IDEA Revised 97, Sections 300.519 through 300.526*

***POLICY 320 - Student Dress***

The Turquoise Trail Charter School Governance Council authorizes the administration to determine appropriate standards for student dress. A student's dress and appearance shall be such that it does not materially disrupt or interfere with a school's educational mission or threaten the safety of others.

### ***POLICY 321 - Student Publications***

Student publications are important elements of the instructional program and contribute directly to the accomplishment of the schools' goals.

The Governance Council recognizes the students' constitutionally protected right to freedom of expression. Freedom of expression in our schools shall be interpreted as including, and not being contrary to:

1. the development of student responsibility in distinguishing between freedom and license.
2. the consideration by the faculty of the maturity levels of students and of appropriate standards of journalistic taste.
3. the development of written expression skills among students.

Any student or student group deprived of freedom of expression under this policy shall have the right to request a hearing to determine whether such deprivation is justified under these rules. Such a hearing must be held as soon as possible after the request before a committee, which includes representatives of the faculty and the student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of this policy. At such hearings, the school shall have the burden of justifying its actions.

The student or student group has the right to appeal the decision of the hearing authority to the Turquoise Trail Charter School Governance Council. Such appeal shall be a review of the procedure and the findings of the hearing authority and shall not be set aside unless it is established, by a preponderance of the evidence presented, that insufficient cause existed for the decision.

The schools are entitled to set high standards and to exercise control in regard to publications produced or distributed under school auspices and will not permit or sponsor the publication or dissemination of student expression that is biased or prejudiced, vulgar, profane, obscene or lewd, unsuitable for immature audiences, defamatory or otherwise intrusive upon the rights of others, inadequately researched, ungrammatical or poorly written, or that will, or is likely to, disrupt or impede the work of the schools.

The schools may control production or distribution of school publications so long as some valid educational purpose is served by such control. Publications may not be deemed disruptive merely because they express unpopular or controversial views. The Head Administrator is hereby authorized to act under the guidance of this policy taking the Santa Fe community standards into account.



### ***POLICY 322 - Distribution and Sale of Unauthorized Materials***

No one, including students and district employees, shall, on any school grounds, publish, distribute, or sell materials, papers, supplies, or any other matter without first obtaining the written consent of the Head Administrator wherein such publications, distribution, or sale is proposed to be made. To petition to distribute or sell, the petitioner must submit a written request to the Head Administrator detailing the nature of the item in question. The Head Administrator shall approve or disapprove the request within ten (10) workdays. In the event of disapproval of a request by students, a review may be requested by a review committee appointed by the Head Administrator composed of two instructors, two students, and the Head Administrator's designee. They shall make their determination known in writing to the petitioner and Head Administrator within ten (10) workdays after the receipt of the request. In the event of disapproval by the review committee, a review by the Head Administrator may be requested, a determination in writing to be made within ten (10) workdays.

## ***POLICY 323 - Student Freedom of Expression***

The non-disruptive expression of opinions by students in the Turquoise Trail Charter School, or by non-students near the schools, is protected by the free-speech guarantees of the United States and the New Mexico Constitutions. However, a person's right of expression may be restrained when, because of the time, place or manner of the speech or expressive conduct, it infringes on the schools' compelling interest in maintaining undisrupted school sessions conducive to learning.

The primary liberties in a student's life have to do with the process of inquiry and learning, or acquiring and imparting knowledge, and of exchanging ideas. This process requires that students have the right to express opinions, to take stands, and to support causes, publicly and privately. There should be no interference in the schools with these liberties, or with the students' access to or expression of controversial points of view, except as provided below:

### **BULLETIN BOARDS**

School authorities may restrict the use of certain bulletin boards to school announcements. Bulletin board space shall be provided for the use of students and student organizations, including a reasonable area for notices relating to out-of-school activities or matters of general interest to students. The following general limitations on posting may be applied:

School authorities shall prohibit material that is obscene according to current legal definitions, which are libelous, or which inflames or incites students so as to create a clear and present danger of the commission of unlawful acts or of physical disruption to the orderly operations of the school.

Identification shall be required on any posted notice of the students *for* student group issuing the notification.

The school shall require that notices or other communications be dated before posting and that such material be removed after a prescribed reasonable time to assure full access to bulletin boards.

### **DISTRIBUTION OF PRINTED MATERIAL AND CIRCULATION OF PETITIONS**

Students shall be free to distribute handbills, leaflets, and other printed materials and to collect signatures on petitions concerning either school or out-of-school issues, whether such materials are produced within or outside the school. The following limitations will be applied:

The time of such activity shall be limited to periods before school begins, after dismissal, and during breakfast break or lunch time, if such limitation is necessary to prevent interference with the school program.

The place of such activity shall be reasonably restricted to permit the normal flow of traffic within the school and at exterior doors.

The manner of conducting such activity shall be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining signatures on petitions. The danger of littering is not sufficient grounds for limiting the right of students to distribute printed materials.

The school shall require that all printed matter and petitions distributed or circulated on school property bear the name of the sponsoring organization or individual.

In case of petitions presented by students to the school authorities, students shall have the right to have their petitions considered and to receive an authoritative reply.

In imposing limitations on student expression for any reason under any of the foregoing provisions, the school must ensure that its rules are applied on a non-discriminatory basis and in a manner designed to assure freedom of expression to students. Any student or student group deprived of freedom of expression under any of these provisions shall have the right to request a hearing to determine whether such deprivation is justified under these rules. As soon as possible, such a hearing must be held before a committee, which will include representatives of the faculty and the student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of the policy in question. At such hearings, the school shall have the burden of justifying its action.

### ***POLICY 324 - Equal Access for Student Groups***

Activities traditionally sponsored by the school but not directly related to the curriculum, such as athletic activities, school plays, and school talent shows, etc., shall not be considered as creating a “limited open forum”. A “limited open forum” for a school would be created if student initiated groups can meet on school premises during non-instructional time and the subject matter of the group is not directly related to the school’s curriculum. Subject matter is related to the curriculum under these circumstances:

1. the subject matter of the student groups is actually taught in a regularly offered course;
2. if the subject matter of the student group concerns the body of courses as a whole;
3. if participation in the student group is required for a particular course; or
4. if participation in the student group results in academic credit.

School employees shall not:

1. influence the content of any prayer or other religious activity in the school;
2. require any person to participate in prayer or other religious activity in the school;
3. provide any public funding of any religious activity other than the cost incidental the space for the student meetings;
4. compel school employees to attend any meeting if content of the speech at the meeting is contrary to the beliefs of the employees;
5. sanction meetings which would otherwise be unlawful;
6. attend such religious meetings other than in a non-participatory capacity;
7. allow meetings which materially and substantially interfere with the orderly conduct of educational activities within the school;
8. allow non-school persons to direct, conduct, control, or regularly attend activities of such religious meetings, both during scheduled meeting times or at other times during the school day;
9. limit the authority of the school to maintain order and discipline on school premises, to protect the well being of students and faculty, to assure that attendance at such religious meetings is voluntary, and to make such regulations as required by considerations of space, safety, and the common good.

***References: Equal Access Act of 1984***

### ***POLICY 325 - Immunizations***

No student will be enrolled in Turquoise Trail Charter School unless he/she has been immunized, as required under the rules and regulations of the State of New Mexico and can provide satisfactory evidence of such immunization. If the student produces satisfactory evidence of having begun the process of immunization, he/she may enroll and attend school as long as the immunization process is being accomplished in the prescribed manner. It is unlawful for any parent to refuse or neglect to have his/her child immunized unless the child is properly exempted. Out-of-state students shall have a six weeks period after enrollment to become immunized or to provide proof of immunization.

#### ***Exemptions:***

Any minor child through his/her parent or guardian may file with the Head Administrator of the school the certificate of a duly licensed physician stating that the physical condition of the child is such that immunization would seriously endanger the life or health of the child.

Any minor child through his/her parent or legal guardian may file affidavits or written affirmation from an officer of a recognized religious denomination with the state health agency, Health and Social Services Department, stating that such child's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing.

Any minor child through his/her parent or legal guardian may file affidavits or written affirmation with the State Health Agency, Health and Social Services Department, stating that such child's parents or legal guardians religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agents. Upon filing and approval of such certificate, affidavit, or affirmation, the child is exempt from the legal requirement of immunization for a period not to exceed nine (9) months on the basis of any one certificate, affidavit, or affirmation.

## ***POLICY 326 – Transportation***

Turquoise Trail Charter School will provide bus transportation to and from school through a contracted bus company who is properly licensed and insured, or by contracting through the local school district. Bus riding privileges are given annually on a first come, first served basis.

Limited bus routes are determined annually based on need and is solely at the discretion of the school administration. Decisions regarding any change of service shall consider length of route, student safety and the availability of funding in the transportation budget.

Students riding school buses shall be under the supervision, direction and control of the driver. The driver shall report in writing all disciplinary cases to the school Principal and, when deemed necessary, the school Principal shall report individual disciplinary cases to the Head Administrator. Bus riding privileges can be suspended or terminated for disciplinary reasons by the school administration.

Students may not be dropped off at a bus stop without a parent or legal guardian present unless they are in 2nd grade or higher, *and* the “*permission to drop off*” form has been filled and signed by the parent *and* the permission has been approved by one of the principals or the Head Administrator.

Pre K students may only reserve a space and ride the bus when accompanied by a currently enrolled household member 8 years of age or older and cannot be dropped off without a parent or legal guardian present at the bus stop. PreK students will also be given space on the bus on a first come, first served basis.

The administration of the pupil transportation program shall at all times be consistent with the current regulations and statutes of the State of New Mexico, and follow the Turquoise Trail Charter School transportation procedures.

### **Student Travel Reimbursements - Eligibility Requirements**

In the case of an IEP team or LEA administrator determining that parental/guardian compensation for travel to and from school is required as part of the IEP services, the Head Administrator will have the duty to evaluate and approve the request. Reimbursement will only be considered under extenuating circumstances, as the Head Administrator deems necessary. The decision on whether to award reimbursement and how much will be based on the parameters below set by the State as well as the following:

- The Student must arrive on time for the beginning of school every day and must be picked up no later than dismissal time, unless Aftercare arrangements have been made in advance.
- The parent/guardian must still follow the attendance requirements set by the state and described in the Attendance Policy as well as the Student Handbook.
- Per state statutes, TTCS will pay mileage at the currently applicable NM mileage rate.

- The parent/guardian must request a meeting with the head administrator to obtain approval for student transportation mileage reimbursement, and be able to provide proof of drivers license, insurance and registration of the vehicle to be used for the student transportation.
- Daily mileage reimbursements not to exceed 30 miles round trip per day.
- Mileage reimbursement is based on one round trip from home to school each day, based on student's home address.

**6.43.2.15 TRANSPORTATION REIMBURSEMENT REQUIREMENTS:**

- A. When transportation reimbursement is utilized, the local board must be notified of the agreement with the parent or guardian, which defines the terms of the agreement for service, the contract amount, and the responsibilities of the parent/guardian. Decisions regarding any change of service shall consider length of route, student safety and the availability of funding in the transportation budget.
- B.
- C. Administration is responsible for developing a system of accountability to ensure that services are rendered according to the terms of the agreement. Administration shall ensure that payment is not made until services have been rendered.
- D. Parent or guardian must submit a signed mileage log at least monthly to the school's Business Office, but no later than June 15<sup>th</sup>.

(Amended December 16<sup>th</sup>, 2019

[12-31-98; 6.43.2.15 NMAC - Rn, 6 NMAC 9.4.1.15 & A, 10-15-01]

***POLICY 327 - Tobacco Products***

Use and/or possession of tobacco products is discouraged in school buildings, on school property, or in any vehicle used to transport students to and from schools or school-related activities. For purposes of this policy a school vehicle is defined as any vehicle used to transport students to and from any school or school-related function and which has school-sponsored chaperons.

Turquoise Trail Charter School will provide a program of instruction regarding the effects of the use of such products.



### ***POLICY 328 - Medication at School***

It is the policy of the Turquoise Trail Charter School to adhere to and comply with the policies, directives and procedures regarding medication and students as set forth in the New Mexico School Health Manual and the Code of Conduct.

Updated copies of the New Mexico School Health Manual will be maintained in the nurse's office at Turquoise Trail Charter School.

***References:*** [\*NM School Health Manual\*](#)  
**TTCS Code of Conduct**

## ***POLICY 329 - Communicable Diseases***

Upon discovery or being informed that a student attending Turquoise Trail Charter School has been diagnosed as having a communicable disease, the school will endeavor to protect the health and safety of all students while concurrently safeguarding the legitimate interests and right to a free public education of the infected student.

Communicable diseases are defined as diseases caused by infectious agents that may be transmitted directly or indirectly from person to person. For the purpose of this policy, communicable diseases include, but are not limited to, the following: chicken pox, Cytomegalovirus, diphtheria, herpes simplex, hepatitis B virus, acquired human immune deficiency virus, measles, pertussis (whooping cough), rubella, salmonella, tuberculosis, typhoid fever, and similar communicable diseases with serious consequences.

### **DEFINITIONS**

*“Short-term Communicable Diseases”* are those that have a communicable period generally lasting up to ten days. Included in this category are chicken pox, measles, and whooping cough.

*“Long-term Communicable Diseases”* are those that have a communicable period generally lasting for more than ten days.

### **IDENTIFICATION/DIAGNOSIS OF STUDENTS WITH COMMUNICABLE DISEASES**

Turquoise Trail Charter School will not require mandatory testing, screening, or vaccination of students for communicable diseases as a condition before registration, admission, or readmission to school either initially or annually, unless required to do so under state or federal law or ordered to do so by the State District Health Officer. However, if school authorities have reasonable cause to believe that a student has or is a carrier of a communicable disease, such student may be required to submit to an appropriate medical examination.

Parents or guardians of students presently attending or enrolling in Turquoise Trail Charter School have a legal obligation, if there is no health care professional attending the student, to report to the Health Services Division of the Health and Environment Department of the State of

New Mexico, the fact that the student is a carrier of or is infected with a communicable disease, as soon as the parent or guardian becomes aware of the condition.

A student with a communicable disease whose medical condition causes a handicap, as defined under federal law, shall be referred to the Special Education department for determination of eligibility as an exceptional student.

#### CONFIDENTIALITY

The number of personnel who will be informed of the student's communicable disease will be kept to a minimum to assure the confidentiality of records and other information regarding the student.

School personnel and members of any committee appointed according to the provisions of this policy, shall maintain the student's right of confidentiality with respect to the fact that the student has or is a carrier of a communicable disease. With respect to any records, documents, statements, letters, or memoranda developed or prepared by a committee, nothing shall prohibit or prevent the disclosure of information that may be permitted or required by state or federal law or regulations promulgated as to the reporting of communicable diseases. The chairperson shall remind all committee members about the student's right to confidentiality.

#### EDUCATIONAL SERVICES FOR SHORT-TERM COMMUNICABLE DISEASES

For communicable diseases of short and well known duration, parents or guardians will be asked to absent their child(ren) during the contagious period. In the event that the parent or guardian refuses to do so, the Head Administrator shall suspend the child for up to ten (10) days, following the procedures governing short-term suspensions of students. For communicable diseases of less well determined duration, parents or guardians may absent their child(ren) from school for any period during which the student's condition is infectious or communicable, provided that such absence is supported by a statement to the effect prepared by a medical doctor.

#### EDUCATIONAL SERVICES FOR LONG-TERM COMMUNICABLE DISEASES

A student who qualifies as an exceptional student according to the Educational Standards for New Mexico schools shall have placement and services provided in the least restrictive environment as determined by an IEP Multi-Disciplinary Team in accordance with those standards and will be afforded all protections under federal law as to a handicapping condition.

Decisions concerning the educational program and placement setting for non-exceptional students, according to the Educational Standards for New Mexico schools, who have or are carriers of long-term communicable diseases will be made by a committee composed of the following:

The student's physician,  
The parent(s) or legal guardian(s),  
The Head Administrator or  
designee,  
School personnel with whom the student will interact and who are familiar with the  
student's educational abilities and needs.  
Any person to be appointed by the Head Administrator, whose expertise would be useful  
to the committee in reaching and implementing its decision.

In determining the least restrictive educational program and placement setting for a non-exceptional student who has or is a carrier of a long-term communicable disease, the following factors will be evaluated:

The nature of the disease,  
The age of the student,  
The behavior of the student,  
The neurological development of the student,  
The physical condition of the student,  
The expected type of interaction that the student will have with other students or  
with employees in the proposed placement setting,  
The hygienic practices of the student,  
The risk of transmission of the disease from the student to other students or employees,  
with whom the student may interact, and  
Any other pertinent factor reasonably related to the decision.

Restrictions placed upon the educational program and/or the placement of a non-exceptional student with a long-term communicable disease will be imposed only when the committee determines that the risks of an unrestricted program and placement outweigh any benefits, which the student may receive from an unrestricted program and/or placement.

The student's placement and program will be reevaluated, and modified if necessary, as often as the circumstances will require, but in no event will the educational program and/or the placement setting continue without reevaluation at least once a semester or twice a year. Any reevaluation will be done by the committee taking into account those factors listed above.

The parent or guardian of a non-exceptional student who has or is a carrier of a long-term communicable disease, who is aggrieved by a program or placement decision made pursuant to this policy, may appeal that decision to the Turquoise Trail Charter School Governance Council by requesting a hearing, in writing, within ten (10) days of the program or placement decision. Such hearing will be held at a time convenient to both parties and shall be held in closed session. The decision of the Turquoise Trail Charter School Governance Council shall be final.

***POLICY 330 – HIV-AIDS and Blood-Borne Pathogens***

OSHA regulations require the reduction of risk to employees from blood-borne pathogens. It is the policy of the Turquoise Trail Charter School that employees adhere to the District's Exposure Control Plan. Complete information is available at the Head Administrator's office.

Any employee exposed to blood or other potentially infectious material while on duty will be offered a three-injection vaccination series by the Santa Fe School District with the expense to be paid by Turquoise Trail Charter School. All needed information is available at the nurse's office.

## ***POLICY 331- Resuscitation Orders***

### DEFINITION

*“Do Not Resuscitate”* (DNR) order means a parent’s or physician’s written request to withhold life saving techniques or resuscitative measures in the event of a respiratory or cardiac arrest suffered by a severely impaired or terminally ill student.

### PROCEDURE

The Turquoise Trail Charter School Governance Council believes that a decision not to resuscitate a student or initiate life-saving measures is a medical judgment best made by a physician in the context of a clinic, hospital, or other medical facility, based upon the particular circumstances presented by the student.

School health personnel and other school personnel who have been trained in emergency rescue procedures (CPR) are expected to administer first aid, including life-saving or resuscitation procedures, to a student in the event of an accident, choking, respiratory and/or cardiac arrest, or other life-threatening emergency.

Community emergency response personnel (911) will be called immediately and school personnel will continue resuscitation procedures until they are relieved by emergency response personnel.

This policy, as adopted by the Turquoise Trail Charter School Governance Council, will be fully explained to parents who present DNR orders. The school nurse shall meet with the parent(s) and physician to determine the child's medical diagnosis, current condition, prognosis and anticipated medical needs. School personnel shall then convene a Multidisciplinary Team (MDT) meeting to develop a health management plan for the student, which may include a medical resuscitation plan, and individually appropriate life-sustaining interventions to be followed in a medical emergency. If the parent declines to meet or to agree to a health management plan, this shall be noted in the student's file.

The Governance Council takes the position that its paramount responsibility is to protect the health and well being of all students and school personnel. Great emotional trauma could result to students and school personnel if school personnel are required to stand by, unable to render aid to a student in distress. This position shall be explained to the parents at the health management plan meeting.

Once transportation of the student from the school to an emergency room or medical facility begins, "Do Not Resuscitate" orders shall become the responsibility of parents and physicians.

### ***POLICY 332 - Release of Students***

No student shall be released into the custody of any organization, institution, individual, or other without prior consent from or documented attempts at communication with the parents or legal guardians. This includes law enforcement officers whom in performing their assigned duties request permission to remove a student from the campus. In the case of an emergency, every effort will be made to contact the parents or legal guardian before a student is released into the custody of law enforcement or medical personnel. In any case where officials investigating suspected child abuse come to school to place a child or children in protective custody, the documentation procedures must be followed, with the exception of notice to parents or guardians if they are suspected of committing or aiding in the abuse.

### ***POLICY 333 – Placement Policy***

Beginning with the applicants for the 2014-15 school year, all new students to TTCS entering grades 3-6 will be required to show attainment of proficiency through previous external testing (not teacher grades or local assessments) or take a (free) grade level assessment in reading and mathematics. The assessment will be held in the spring prior to the start of the school year at TTCS. This assessment may be administered throughout the school year and required of applicants as enrollment openings become available.

If the new student does not score at the proficient level on this test (beginning step or nearly proficient) the student will be required to attend the TTCS summer school session or, if entering after the school year starts, to participate in other no-cost make-up programs, such as after school tutoring as specified by the school.



The purpose of the summer session is to provide additional instruction for students who are not at grade level in reading and or math. They will receive help in a small group setting in which the school, with help from the parents, will provide the services necessary to get student performing on assessments at grade level. This will provide a significant opportunity for all of our new students to be successful as they enter our challenging curriculum.

Students who cannot attend the summer session because of travel or other personal reasons will need to sign a waiver and then will be allowed to take individualized alternative instruction online. This alternative instruction can take place any time during the summer and will be free and available online at any Internet connected computer (home, library, friend's house or as arranged at TTCS).

All students will be assessed at the end of the summer school session and a required conference will take place with the new TTCS student so that the teacher and parents can discuss the appropriate grade level placement for the student in addition to any further requirements that will provide the very best opportunity for academic success.

[Approved on February 20, 2014]

### ***POLICY 334 – Education of Homeless Children and Youths***

#### STATEMENT OF POLICY

Turquoise Trail Charter School will provide academic and other school services to homeless students without discrimination so that homeless student have the opportunity for academic and social success.

#### DEFINITIONS

*“Homeless child or youth”* means a child or youth who lacks a fixed, regular, and adequate nighttime residence and includes:

1. a child or youth who is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
2. a child or youth who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. a child or youth who is living in carts, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
4. migratory children living in the conditions described above.

### SCHOOL SELECTION AND ENROLLMENT

TTCS will accommodate the attendance of homeless children by ensuring access to its lottery admission process and, after the close of the lottery admission process, by offering appropriate grade-level classroom openings to homeless applicants as openings arise. In event that the enrollment cap or classroom capacities have been met and no openings exist, TTCS will cooperate with Santa Fe Public Schools in a school placement and will provide educational services while the district locates a permanent classroom situation.

TTCS will enroll homeless students even if they do not have the documents normally required for enrollment including immunization and other medical records. The school will obtain school records from the student’s previous school and provide school services while such records are being obtained.

If a student does not have immunizations or immunization or medical records, the school will immediately assist them in obtaining them.

TTCS will maintain records for homeless students and forward them promptly to future schools.

TTCS will develop procedures that will remove barriers to the enrollment and retention of homeless children.

### DISPUTE RESOLUTION

When a dispute arises over enrollment the student will be immediately enrolled at Turquoise Trail while the dispute is resolved.

If enrollment is not feasible at TTCS due to its enrollment cap or to class size limits the school will provide the parent or guardian with a written explanation of its decision and the right to appeal.

TTCS will refer the student to its liaison to carry out the dispute resolution as expeditiously as possible.

The TTCS liaison will ensure that the same access to the dispute resolution process is provided to unaccompanied youth.

### TRANSPORTATION

At apparent or guardian's request, homeless students will be provided with transportation to and from school.

For unaccompanied youth, transportation to and from school must be provided at the local liaison's request.

If the student's temporary residence is within the TTCS transportation zone, as developed with Santa Fe Public Schools, TTCS will provide transportation. If the enrolled student lives outside of the TTCS transportation zone, and within the Santa Fe Public School district transportation service area TTCS and the district must determine how to divide the cost and responsibility or share it equally.

### HOMELESS STUDENT LIAISON

TTCS will designate a liaison to assist homeless children and their parents or guardians in obtaining services from TTCS, Santa Fe Public Schools and other public and private agencies.

The duties of the liaison are:

Post notice in the school of the educational rights of children and youth experiencing homelessness.

Ensure that homeless children and youth enroll in and have full and equal opportunity to succeed at TTCS.

Assist the homeless student and family in obtaining all necessary documents for school enrollment including immunizations, immunization records and other medical records.

Assist the student in the enrollment process at TTCS or in choosing and enrolling in another public school.

Coordinate with other public agencies and community groups in identifying homeless children and youth within the TTCS service area.

Coordinate and collaborate with State Coordinators for Homeless Education and community and school personnel responsible for the provision of education and related services to children and youths in homeless situations.

Ensure that school personnel, service providers and advocates who work with families in homeless situations are aware of the duties of the school liaison.

Ensure that homeless students and families have access to all educational programs at TTCS for which they are eligible, including pre-school programs administered by TTCS. Ensure that referrals are made to health, mental health, dental, and other appropriate services.

Ensure that parents or guardians of homeless students are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.

Disseminate notice of the educational rights of students in homeless situations to locations where such children and youths receive services.

Ensure that enrollment disputes are mediated in accordance with the provisions of the McKinney-Vento Act.

Ensure that parents, guardians and unaccompanied youth are informed fully of all available transportation services, including to school, and are assisted in accessing these services.

### SEGREGATION

Homeless children and youth enrolled at TTCS will not be separated from the mainstream school environment by virtue of homeless status alone. TTCS will establish no separate programs or separate settings within the school.

Services provided by the school on its grounds will not take place in settings that segregate homeless children from other children except as is necessary for short periods of time for health and safety emergencies or to provide temporary, special and supplementary services.

TTCS will adopt practices to ensure that homeless children are not segregated or stigmatized on the basis of their status as homeless.

Special funding for homeless services, if received by the school, will not be used to replace the regular academic programs and must be expended to improve and supplement services provided as part of the school's regular academic program.

[Approved on March 19, 2015]

## ***POLICY 335 - Wellness Policy***

### STATEMENT OF POLICY

Turquoise Trail Charter School believes that good health habits foster benefits for children and adults that last a lifetime, as well as creating an optimum environment for effective teaching and learning. In accordance with this philosophy and with the direction provided in New Mexico Public Education Department Wellness Policy rule 6.12.6.6. NMAC and the requirements of Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004, the school establishes the following policies relating to health, wellness, and nutrition.

### DEFINITIONS

***Competitive Food*** means a food or beverage sold at school other than one served as part of the United States Department of Agriculture school meal program. The term includes any item sold in vending machines, a la carte or through other school fundraising efforts.

***Coordinated School Health Approach*** means the framework for linking health and education. The focus is healthy and successful students. There are eight interactive components of coordinated school health: health education; physical education and activity; nutrition; social and emotional well-being; healthy and safe environment; health services; staff wellness; and family, school and community involvement.

***Family, School and Community Involvement*** means an integrated family, school and community approach for enhancing the health and well-being of students accomplished through the establishment of a school health advisory council with the responsibility for making recommendations to the school board in the development or revision, implementation, and evaluation of the wellness policy.

***Fund Raisers*** means beverage or food products sold to raise money that are not sold in vending machines.

***Health Education*** means the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease, and reduce health-related risk behaviors. The health education program will allow students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills, and practices and meet the content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

**Health Services** means services 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, identify program references for emergency care, illness, or injury, promote and provide optimum sanitary conditions for a safe school facility and school environment, and provide educational and counseling opportunities for promoting and maintaining individual, family, and community health.

**Healthy and Safe Environment** means 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.

**Nutrition** means programs that provide access to a variety of nutritious and appealing snacks that accommodate the health and nutrition needs of all students.

**Physical Activity** means body movement of any type, including recreational, fitness, and sport activities.

**Physical Education** means the instructional program that provides cognitive content and learning experiences in a variety of activity areas. It provides the opportunity for all students to learn and develop the skills, knowledge and attitudes necessary to personally decide to participate in a lifetime of healthful physical activity. It meets the content standards with benchmarks and performance standards as set forth in Section 6.30.2.20 NMAC. 6.12.6 NMAC.

**Social and Emotional Well Being** means services provided to maintain and/or improve students' mental, emotional, behavioral, and social health.

**Staff Wellness** means opportunities for school staff to improve their health status through activities such as health assessments, health education and health-related fitness activities. These opportunities encourage school staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale, and a greater personal commitment to the school's overall coordinated school health approach.

**Vended Beverages and Foods** means a beverage or food product sold in vending machines to students in school.

## FAMILY, SCHOOL, and COMMUNITY INVOLVEMENT

The goal of family, school and community involvement within a coordinated school health approach is to create a total school environment conducive to student health and academic achievement. Shared responsibility and effective partnerships among families, school and

community support for the development and maintenance of this comprehensive learning environment.

In accordance with Public Education Department rule 6.12.6.6 NMAC, TTCS will establish a School Health Advisory Council (SHAC) that consists of parent(s), school food authority personnel or equivalent, school board member(s), school administrator(s), school staff member; student(s); and community member(s). It shall be the responsibility of the Director or designee to appoint the members of the SHAC in accordance with federal and state requirements. The SHAC will have the responsibility to make recommendations to the TTCS Governing Council in the development or revision, implementation, and evaluation of the wellness policy consistent with this rule and will meet for this purpose a minimum of two times annually.

### ASTHMA

Asthma is a chronic condition in which airflow in the bronchial tubes becomes periodically obstructed, making breathing difficult. Obstruction can be caused by bronchospasms (tight constriction of the respiratory muscles around the bronchi), by swelling and inflammation of the membranes lining the bronchi and by thick, sticky mucous in the bronchi.

The parent/guardian of a student with asthma should provide the TTCS school nurse with a complete asthma health history, an Asthma Action Plan from the healthcare provider for care in the school setting, and the healthcare provider's orders for any medication, inhalers, and nebulizer treatments to be administered in the school setting. The TTCS school nurse will identify Asthma students to the classroom teacher, special teachers and aftercare staff. The TTCS school nurse will document any asthma episode, care, and medication given to an asthma student.

### DIABETES

Diabetes encompasses a group of chronic metabolic conditions characterized by hyperglycemia (high blood sugar)/hypoglycemia (low blood sugar) resulting from defects in insulin secretion by the pancreas, insulin utilization in the body or both. Diabetes is one of the most common chronic diseases of childhood and is categorized as Type 1 (formerly insulin dependent or juvenile onset diabetes) or Type 2 (formerly adult onset or non-insulin dependent diabetes).

The parent/guardian of a diabetic student should provide the TTCS school nurse with a complete diabetic health history, the Diabetic Management Plan completed by the diabetic healthcare provider, and all diabetic supplies including glucose monitoring equipment, Insulin, Glucagon, juice, protein and carbohydrate snacks.

The TTCS school nurse will organize, supervise, and document all care and treatment given the diabetic student, and communicate with the parent/guardian.

Ongoing medical management of the student with diabetes in the school setting will include assessment and assistance of diabetes self care towards the student's independence per the medical provider's recommendations and education of the student and TTCS staff.

### PHYSICAL EDUCATION

Physical education is an instructional program taught by a certified physical educator. Physical education is one of many sources, and it will not be the only source of physical activity. TTCS shall offer a planned, sequential physical education curriculum serving Pre-Kindergartners to 6<sup>th</sup> graders aligned to the physical education content standards with benchmarks and performance standards as set forth in 6.30.2.20 NMAC. Activities shall be based on goals and objectives that are appropriate for all TTCS student requirements.

### PHYSICAL ACTIVITY

Physical activity covers a broad spectrum of opportunities for students to move and exercise their brains and bodies outside of the physical education curriculum. These may include but are not limited to integration of movement into core curriculum to provision of sports, fitness, recreational activities, arts-based and teacher led, during, before and/or after school.

Students shall be provided with opportunities to engage in moderate to vigorous physical activity during, before and/or after school. The school shall create guidelines to provide such physical activity opportunities to students.

TTCS will provide education on the health benefits of physical activity that align with the New Mexico Health Education content standards, benchmarks, and performance standards as set forth in 6.30.2.19 NMAC.

### NUTRITION

Nutrition Education aims to teach, encourage and support healthy eating by students. Nutrition Education and healthy eating support proper physical growth, physical activity, brain development, ability to learn, emotional balance, a sense of well-being, obesity prevention and the ability to resist disease.

TTCS will promote the role of nutrition in academic performance and quality of life and will adhere to or exceed the nutrition guidelines set forth in 6.12.5.8. NMAC, to include: Guidelines for school sponsored fund raisers during the normal school hours that

- meet or exceed the minimum guidelines set forth in Paragraph (1) of Subsection C of 6.12.5.8 NMAC.
- Guidelines for school sponsored fund raisers before and after school hours ensuring that at least 50% of the offerings shall be healthy choices in accordance with the requirements set forth in Paragraph (2) of Subsection C of 6.12.5.8 NMAC.



TTCS will provide nutrition education activities that align with the New Mexico Health Education content standards, benchmarks, and performance standards as set forth in 6.30.2.19 NMAC. These will include integrated elements of the arts based curriculum.

### HEALTH EDUCATION

TTCS will provide a planned, sequential, pre-K-6 Health Education curriculum that addresses the physical, mental, emotional and social dimensions of health and is aligned with the health education content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC. The curriculum will provide the mechanism to help students acquire healthy life skills that promote personal, family, community, consumer, and environmental health.

TTCS will provide activities in comprehensive health education that align with the New Mexico Health Education content standards, benchmarks, and performance standards as set forth in 6.30.2.19 NMAC.

Parents may opt into courses of study in grade levels where the sexuality performance standards are addressed such as the state Health Education curriculum that includes all performance standards about human sexuality included in the state standards and benchmarks. At the time parents register their son/daughter for school in those grade levels in which the sexuality performance standards are addressed, they will be asked to review and accept the instruction. Alternatives will be considered as necessary.

TTCS shall provide age-appropriate instruction about HIV and related issues in the curriculum of the required health education content area to all students in the elementary grades, in the middle/junior high school grades as set forth in 6.12.2.10.C NMAC.

### HEALTHY AND SAFE ENVIRONMENT

A healthy and safe school environment is vital to academic achievement and includes both the physical and aesthetic surroundings of the school and the creation of a climate and culture before, during, and after school that promotes personal growth, healthy interpersonal relationships, and respect for all members of the school community.

TTCS will develop and regularly review school safety plans that meet state requirements. These plans must include prevention strategies, policies and procedures in line with federal and state law and board policy, and emergency response plans.

TTCS will comply with state law requiring that a minimum of 12 emergency drills will be conducted each year. These drills must include nine fire drills, two shelter-in-place drills, and one evacuation drill (which may be conducted as an in-class lesson exercise) at the intervals described in subsection M of 6.30.2.10 NMAC.

## SAFETY RISKS ASSOCIATED WITH HEALTH/PHYSICAL CONDITIONS

Safety considerations in the school setting at TTCS should be designed to help students who have health conditions or special needs become as independent as possible, while protecting the individual student's safety and well-being as well as that of the rest of the student body and school staff.

A school support/educational team meeting for students who meet the criteria for 504 placement is the appropriate place to address safety concerns and precautions that should be taken with each individual student. For special education students, these concerns are addressed in the IEP. All educational team members, including the school nurse, administrator and parent/guardian should participate.

Risk factors must be determined on a case-by-case basis and documented in the 504 or IEP. All safety precautions will be posted in the student's classroom so that the information is readily available. Procedures to protect the health, safety and well being of students during off campus activities i.e. field trips must be addressed (NMSHM-Section IV (09/2013)).

## SOCIAL AND EMOTIONAL WELL-BEING

A safe and healthy school environment where all students are effective learners requires creating a respectful and nurturing climate where students' mental, emotional, behavioral, and social health needs are supported and, as necessary, improved.

TTCS shall develop and maintain plans addressing the behavioral health needs of all students in the educational process. Where possible, TTCS will collaborate with community agencies to provide services and promote strategies that maintain and/or improve students' social and emotional well-being.

## TOBACCO, ALCOHOL AND DRUG FREE SCHOOL

Definitions:

*"Tobacco"* means substances that include, but are not limited to cigarettes, ecigarettes, cigars, chewing tobacco, dipping tobacco, snuff and similar substances.

*"Alcoholic beverage"* means a beverage with no less than one-half percent alcohol and includes wine, beer, fermented, distilled, rectified and fortified beverages.

*"Illicit drugs"* means steroids and prescription and over-the-counter medications being used for an abusive purpose or when they are not used in compliance with the prescription or directions for use and are not being used to treat a current health condition of the student.

*“Mood-altering substances”* means substances that include, but are not limited to paint, glue, aerosol sprays and similar substances.

TTCS prohibits tobacco use, alcoholic beverage possession or use, and illicit drug possession or use by students, school staff, parents, and school visitors in school buildings, on school property, and for students at school functions away from school property. TTCS will communicate this policy to students, school staff, parents, school visitors, and the community. Notices should be posted on school grounds stating that the use of tobacco and possession or use of alcoholic beverages and illicit drugs is prohibited on school grounds according to NMAC 6.12.4.1

### VISION SCREENING

A PED licensed school nurse or designee, primary healthcare provider, or a lay eye screener (Lions Club) shall administer a vision screening test for students enrolled in pre-kindergarten, kindergarten, first and third grades, and for transfer and new students in those grades. Students who fail a vision screening should be referred to an eye care specialist for a comprehensive diagnostic exam. TTCS will follow these standards stated in the NM School Health Manual Chapter 11, page 26, section II.

### IMMUNIZATION REQUIREMENTS

New Mexico State Law, House Bill 223 requires that all students be immunized against certain communicable diseases. These requirements are determined by the NM Department of Health (NMDOH) in collaboration with the NM Vaccine Advisory Committee. The State’s official immunization requirements for schools and childcare facilities are released annually. TTCS will follow these standards based on state law so that no child may be registered without the proper up to date immunizations or approved waiver filed with the NMDOH.

### HEALTH SERVICES

TTCS is committed to providing health services that are appropriate to the school setting and that meet the needs of students in the educational process.

TTCS shall develop and maintain plans providing for health services that meet the needs of all students in the educational process. Such services shall be defined, coordinated, and evaluated and agreed upon by all parties through the students’ SAT, IEP and ILP meetings.

School personnel will meet all federal and state reporting, recordkeeping and confidentiality requirements.

### STAFF WELLNESS

TTCS Staff wellness activities are designed to promote the physical, emotional and mental health of school employees as well as to prevent disease and disability. A staff wellness program allows the staff to learn and practice skills to make personal decisions about health-enhancing daily habits.

TTCS staff wellness plan will address the staff wellness needs of all employees that minimally ensures an equitable work environment and meets the Americans with Disabilities Act, Part III. B. Employees will be provided with opportunities to learn and participate in strategies supporting a healthy lifestyle.

#### SCHOOL HEALTH ADVISORY COUNCIL ( SHAC) NMAC 6.12.6

The TTCS Governance Council will establish and maintain a SHAC. The SHACs are responsible to:

- meet at least two times annually ; and
- make recommendations to the council in the development or revision; implementation; and evaluation of the Wellness Policy.

The SHAC must consist of:

- Parent(s)
- School food authority personnel
- Council member(s)
- School Administrator(s)
- School Staff
- Student(s)
- Community member(s)

#### EVALUATION

The TTCS health and wellness plans for family/school/community involvement, physical activity, nutrition, health education, physical education, healthy and safe environment, health services, social and emotional well-being, and staff wellness will include measurable targets and benchmarks for evaluating the implementation of the policy.

In conformance with the provisions of rule 6.12.6.6. NMAC, one or more persons shall be delegated operational responsibility for ensuring that TTCS is in compliance with this policy.

The School Health Advisory Council (SHAC) will provide an annual progress report to the Governance Council measuring implementation and evaluation of the Wellness Policy (Healthy Schools Report Card).

## ***POLICY 336 - Pest Control Policy***

Turquoise Trail Charter School is committed to providing students a safe environment. It seeks to prevent children from being exposed to pests and pesticides. While pesticides protect children from pests that may be found in the school and its surrounding grounds, under some circumstances they may pose a hazard to children. Therefore, pest control practices may involve a variety of chemical and non-chemical methods that are designed to control pests effectively while minimizing potential pesticides exposure to children.

The policy does not apply to the following pesticides:

1. When used in normal cleaning activities: germ killers, disinfectants, sanitizing agents, and water purifiers.
2. Personal insect repellents when self applied
3. Gel baits or manufactured, enclosed insecticides when used where students and staff members do not have access to the insecticides.

Pesticides will be applied by certified applicators and pesticides applied to public school property must be currently registered for legal use in the state by the New Mexico department of agriculture. Pesticides will be applied when students and staff members are not present, such as during non-instructional time or school vacation periods. Pesticides will only be applied in or on the outside of school buildings when a pest is present and will not be applied on a regular or calendar basis unless it is to treat an infestation and is part of a pest management system being implemented to address a particular target pest.

Pursuant to this commitment, the school will:

1. Inform annually parents and staff members of the schools pest control policy at the time student registration by a separate memorandum or as a provision in the handbook.
2. Provide the name and phone number of the person to contact for information on regarding pest control.
3. Establish a registry of parents and staff members who want to receive advance of all pesticide use and provide such notice.
4. Provide notice of planned pesticide application to parents and employees who have requested advance notice
5. Provide notice of all pesticide application to school nurse.
6. Maintain written record for 3 years of pesticide application and available upon request to parents, guardians, students, teachers, and staff.

TTCS has an ongoing pest control action plan. TTCS awards an annual contract to a pest control company for all types of insects, pests, and rodents. Employees report any concerns to our operations/plant manager and all reports are dealt with on an individual remediation basis. Records are kept on reports and response actions.

A list of restricted and allowable pesticides is available upon request.

[Approved on March 19, 2015]

## ***POLICY 337 - Meals Payment and Collection Policy***

***It is the intent of Turquoise Trail Charter School to provide an opportunity for every student to eat a nutritious breakfast and lunch during the school day. It is also the intent of TTCS to comply with all federal program regulations pertaining to the National School Breakfast and National School Lunch Programs.***

***Parents must remit payment for student's meals prior to service.***

**The goals of TTCS payment and collection procedures are:**

- To maintain a positive experience for students during meal service.
- To treat all students with dignity and respect.
- To establish practices which are age-appropriate.
- To minimize meal charges and encourage parents to pre-pay for all meals.
- To promote parents' responsibility for meal payments and self-responsibility of the student.

**TTCS Pre-paid Meal System:** The school meal accounting system is a pre-paid system. Parents or guardians should deposit money into their child's account before meals are served. Payments can be made daily, weekly, monthly, or annually. In addition to using cash and checks, parents can also pay online on the school's website with their credit/debit cards. It is the ***guardian/parent's responsibility*** to make sure that sufficient funds are in the account or a home-prepared meal is sent to school with their child.

**Billing Procedures:** The school will bill families for outstanding charges in excess of \$5 by sending a billing statement home with their student in a sealed envelope. Billing statements with an outstanding balance greater than \$100 will be mailed to the home address. Statements are sent once per month, and are due within 14 days of the billing date. Also, students may always check the current balance of their students account on the school's web portal (currently Family Link).

**Payment Prior to filling out USDA Free and Reduced Application:** All meals eaten before a Free and Reduced-Price application is processed and approved are the responsibility of the parent/guardian and must be paid for as required by law. Should the student's application be approved for free or reduced price meals, any future billing will reflect the new status and the parent will be notified of the result of their application by a letter mailed to the home address.

***Payment in advance for meals enables TTCS to achieve approved goals:***

**Emergency Meal Service:** Turquoise Trail Charter School acknowledges that on occasion, students may forget or lose meal money to pay on student account. In such cases, the child's statement of need shall be accepted and food will be made available and the student's account will be charged.

**Evaluate Individual Circumstances:** When a student repeatedly comes to school without a meal from home or money to participate in the pre-paid school meal program, TTCS school administrators will consider if circumstances in the home warrant contacting social workers or Child Protective Services. Frequent requests may indicate the family's need for free or reduced-price meals. If for any reason, parents decline to complete an eligibility application and the principal is aware that the student is eligible for free or reduced-price meals, the

principal/business office may complete an application on behalf of the student. Written justification must be made on the application as to the reason the student should be receiving free or reduced-price meals.

**Repayment for Meal Charges and Bad Checks:** Federal guidelines prohibit TTCS from writing off bad debts as a result of charged meals. Every effort will be made to collect for unpaid meals. The school reserves the right to use the services of a debt collection agency when charges exceed \$300 and every effort has been made to make payment arrangements with the family with no success.

**Unpaid meal charges will result in the following:**

- A letter of explanation of past due charges will be mailed to guardian/parent. • Automated telephone call home and an email will be sent to guardian/parent
- In case of significant delinquent payments, TTCS reserves the right to take legal action

**USDA Program:** In partnering with USDA, Turquoise Trail Charter School will adhere in accordance with Federal civil rights law and U. S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees. Institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.) should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410

Fax: (202) 690-7442; or

Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

Turquoise Trail Charter School is an equal opportunity provider under the USDA guidelines.

Amended and Approved, December 16<sup>th</sup>, 2019

### ***POLICY 338- Parent communication responsibility***

During a school year there are many enrollment and student participation deadlines , e.g re-enrollment for the next year, bus registration, field trips, after school programs etc. The school communicates with parents/guardians in many ways including but not limited to, email, robo calls and the school website. TTCS relies on parent/guardians to provide timely, accurate parent/guardian contact information: including address, phone, student pickup and authorization changes, etc. within two weeks of any change.

It is the responsibility of the parent/guardian to answer and review phone calls and phone messages from the school, open and read email from the school, routinely review announcements on the web site. If a student is denied enrollment in the school, or participation in a school-sponsored activity because a parent has not fulfilled their responsibility, the school will not make an exception for the student missing an opportunity or enrollment.

In an emergency, if we cannot reach parents/guardians or their emergency contacts within two hours, the adult(s) responsible risk a report to CYFD.



# **400 Policy Series School Philosophy**

### ***POLICY 400 - Philosophy***

The Turquoise Trail Charter School Governance Council accepts the concept of accountability to the community that it serves and recognizes that a rigid adherence to traditional methods of instruction may not adequately prepare students for success in a rapidly changing society. Therefore, constant study and evaluation of present instructional methods are encouraged as well as the initiation of innovative present/future instructional methods based on trends and issues of improved instructional approaches, in an attempt to keep pace with the rapidly changing demands of technology and diverse populations.

## ***POLICY 401 - Arts Education***

### VISION

The vision for Arts Education in the Turquoise Trail Charter School is to provide comprehensive and sequential Performing and Visual Arts Education to all students, at all grade levels and at all schools, as part of the core curriculum.

### MISSION

The mission of the Turquoise Trail Charter School in Arts Education is to ensure that every student has opportunities to participate in the creation of Art (Dance, Music, Visual and Media Arts) and to understand and value the Arts.

### Policy for the Arts at Turquoise Trail Charter School

The Turquoise Trail Charter School maintains Arts programs, including Dance, Music, Visual and Media Arts, which support the overall academic achievement of all students. To that end, Turquoise Trail Charter School works in partnership with community arts resources and cultural organizations and provide resources to reach these goals.

### The programs:

1. provide K-6 Arts curricula and programs, recognizing the integrity of each Arts discipline.
2. provide an integrated approach to Arts in the general curriculum to build relationships between the Arts and other academic disciplines and content areas.
3. foster creative, flexible and analytical thinking, appreciation for differing viewpoints, teamwork and collaboration, language development, and other cognitive skills.
4. provide opportunities for students to participate in public performances and exhibitions.
5. provide for exploration of career opportunities in the Arts and related fields.
6. provide professional development in the Arts for educators.
7. reflect the implementation of the New Mexico Standards and Benchmarks in the Arts.
8. reflect the use of community arts and cultural resources through active partnerships.
9. reflect cultural diversity.

### ***POLICY 402 - Special Education Services***

The Governance Council believes that all eligible children with disabilities attending Turquoise Trail Charter School have a right to a Free Appropriate Public Education (FAPE). Turquoise Trail Charter School will provide services and programs in compliance with New Mexico Statutes, Public Law 94-142, and IDEA: Part B, for students with disabilities. It shall be the responsibility of the Head Administrator and the Special Education Department to develop procedures, ensure compliance, and inform the Governance Council, as necessary, regarding the needs of the students receiving special education services.

*References: NM Statutes 1978 Annotated, Public Law 94-142, IDEA Part B,  
Revised 1999*

## ***POLICY 403 -- Use of Restraint***

### PURPOSE

The purpose of this policy is to provide for the appropriate use of restraints to protect students from harming themselves, other students, or staff in a manner that protects the student's dignity and well-being.

### DEFINITION

A "restraint" is a method used to physically and involuntarily restrict a person's movement or physical activity.

### RESTRAINT POLICY

Physical restraint shall only be used in emergency situations, after less intrusive alternatives have failed or been deemed inappropriate. School personnel should use physical restraint with two goals in mind:

1. to administer physical restraint only when needed to protect the student, other students and/or a school staff member from imminent harm; and
2. to prevent or minimize any harm to the student as a result of the physical restraint.

Only individuals who have been properly trained in physical restraint will use physical restraint on a student. Whenever possible, the administration of a restraint will be witnessed by at least one adult who is not participating in the restraint. Students who have known medical or psychological limitations on restraint will be restrained only in cases of imminent danger to self or others and only with caution. *Restraints may never be used as a form of punishment or to force compliance from a student.*

Each incident of restraint shall be reported to the Head Administrator and any restraint on a student with medical or psychological limitations will also be reported to the school nurse for review. The report should include the names of the school staff involved, the name of the student involved and a description of the incident leading up to the restraint and the procedures used in the restraint along with information regarding whether any additional actions are required by the school. Following the release from a restraint the participants will implement

follow-up procedures. These procedures will include reviewing the incident with the student to address the behavior that precipitated the restraint, review of the incident with the person who administered the restraint to discuss whether proper procedures were followed and follow-up to determine if any discussion needs to occur with those who witnessed the incident.

#### APPROPRIATE USE OF RESTRAINT FOR STUDENTS WITH DISABILITIES.

##### *Authorization for Physical Restraint*

1. In all cases, the use of physical restraint must be approved by the student's IEP team, documented in the student's BIP, have the expressed written agreement of the parent or legal guardian, and be addressed in Santa Fe Public School's Written Notice of Actions Proposed (Prior Written Notice) provided to parents following an IEP meeting. The IEP team approves the type of restraint to be used, who is authorized to apply it, the specific setting or conditions under which the use of restraint shall apply, how it will be monitored by other staff, as well as reporting requirements for when restraint is used.
2. In all cases, a mental health professional (i.e., social worker, counselor, psychologist) needs to be a member of the IEP team if physical restraint is being considered as an intervention. The mental health professional reviews all information about the student and observes the student prior to making recommendations at the IEP meeting about the use of physical restraint in the BIP. A recommendation could include the need for additional evaluative or other information before imposing physical restraint in the student's BIP.
3. In some cases, the IEP team may also need to seek approval from the student's medical provider if the use of physical restraint might adversely impact or be in conflict with any medical/physical/mental condition that the student may have or be suspected of having.
4. The IEP team must craft the BIP so as to use a graded system of alternatives for the student's behavior. In other words, positive interventions are the first methods for addressing unacceptable behavior. A variety of such interventions designed to de-escalate a crisis should be listed in the student's BIP, as well a provision to warn the student that restraint will be used if the target behavior does not stop. Verbal threats or refusal to comply with a staff directive or school rule would not warrant physical restraint unless this is agreed upon in the BIP. Physical restraint is the last resort to protect the student and others from harm. However, its immediate use may be justified if there is imminent, serious danger only.
5. The IEP team needs to establish that other less restrictive interventions have not been effective. The provision for physical restraint that is in the BIP is only appropriate if less restrictive behavioral management techniques have been tried and documented as not working for the behaviors for which physical restraint will apply.
6. The use of physical restraint must be consistent with the student's IEP and Behavioral Intervention Plan (BIP). Applying the IDEA, the use of physical restraint is restricted the same way the law restricts the use of other teaching or behavioral interventions methods in general. That is, it is a denial of a Free Appropriate Public Education (FAPE)

- if the use of physical restraint is inconsistent with the student's IEP and BIP.
7. No form of physical restraint may be used that restricts a student from speaking or breathing. The restraint must be applied in such a way that it is safe and only reasonable force is used. A responsible third party should monitor the student's status during the restraint procedure to check respiration and skin color, and to see that limbs are not moved out of the normal range of motion. The restraint should be immediately discontinued if the student exhibits any signs of undue physical distress or injury. In addition, the restraint must not be applied any longer than is necessary to protect the student from causing harm to himself or others.
  8. Do not restrain the student in front of other students. If possible, move to another location or clear the setting of other students.

### STAFF TRAINING

1. Any staff or staff team designated to apply physical restraint must be professionally trained and/or certified in the particular technique being used *prior to* any such procedures being used on a student. Staff chosen to be trained to apply physical restraint should be individuals who are physically able to do so and can handle a crisis in a calm manner.
2. The professional training needs to emphasize the use of positive interventions, including verbal de-escalation techniques and other strategies to be attempted prior to using physical restraint. Resources for this kind of training include, but are not limited to, Positive Behavioral Intervention and Supports, Crisis Prevention Institute, and The Mandt System.

### DOCUMENTATION AND REPORTING

1. Any incident of physical restraint should be immediately reported to the Head Administrator and be documented. Include the following in a written report:
  2. Name of the student
  3. Date and description of the incident that led to the restraints
  4. Names and titles of staff member(s) who applied the restraints and monitored it
  5. Other interventions tried
  6. Type of restraints used
  7. Length of time the restraints was applied
  8. Any injuries sustained by the student or staff
  9. Information about the student's behavior after the restraints and any further action taken by school staff including disciplinary action
10. The student's parents shall be informed about the use of the restraint the same day and shall be provided with a written report within 2 days.

***POLICY 404 - Calendar***

The Head Administrator shall submit to the Turquoise Trail Charter School Governance Council no later than a regular March meeting, one or more proposed calendars that have been developed utilizing the involvement of both employees and school parents.

The adopted school calendar will provide for at least the minimum days required by law.

When at all possible, Turquoise Trail Charter School will maintain the same calendar as the Santa Fe Public Schools for the purpose of student transportation.



### ***POLICY 405 - Library Bill of Rights***

The Turquoise Trail Charter School Governance Council supports the School Library Bill of Rights, provided by the American Library Association, which asserts that the responsibility of the school library is:

- to provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the pupils served.
- to provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
- to provide a background of information which will enable pupils to make intelligent judgments in their daily lives.
- to provide materials on opposing sides of controversial issues so that young citizens may develop the practice of critical reading and thinking.
- to provide materials representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.
- to place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

Each librarian and Head Administrator or designee, shall annually convene a materials selection committee of at least a parent, teacher, library specialist and student (if appropriate) to review the needs of the school library and adherence to the principles as stated in this policy.

***POLICY 406 - Videos/Films and Other Materials***

The use of videos/films and other media shall be regarded as a part of the total educational program and shall be aligned with state standards, the school curriculum and the Educational Plan for Student Success (EPSS). This policy will be implemented at Turquoise Trail Charter School and may not be waived without Governance Council approval.

### ***POLICY 407 - Sensitive Instructional Materials and Guest Speakers***

Instructional materials dealing with personal or sensitive subjects must be previewed by the teacher before they are introduced into the classroom. If materials are sensitive, but the instructor feels they are germane to the subject being taught, the Head Administrator or designee shall adjudge their propriety and pertinence. The Head Administrator's deliberation should include among other things, consideration of the general standards of the clientele served by the Turquoise Trail Charter School and must be aligned with the school's curriculum and Educational Plan for Student Success (EPSS).

The instructor is also responsible for personal or sensitive subjects introduced or discussed by guest speakers in the classroom. Teachers shall provide their students advance notice of the possibility of the use of sensitive materials prior to their use so that students finding the materials offensive may be excused from that portion of the assignment or presentation and provided with an alternative assignment more in keeping with their beliefs. Parents/Guardians may make such a request on behalf of their currently enrolled children.

Teachers should notify the Head Administrator of any apparent problem which arises from the use of sensitive materials or from remarks by a guest speaker.

At appropriate developmental levels, parents should be given advance notice of presentations on topics involving human sexuality.

### ***POLICY 408 - Controversial Materials, Methods and Issues***

The Turquoise Trail Charter School Governance Council recognizes that it is sometimes necessary for students to study controversial issues and topics and that in order to deal effectively with them, teachers will sometimes use materials or methods that might lead to misunderstandings. In considering such matters, it shall be the purpose of our school to recognize the student's right and/or obligation:

1. to study any controversial issue which has political, economic, or social significance in which the student should begin to have an opinion,
2. to have free access to all relevant age-appropriate information,
3. to study under competent instruction in an atmosphere of freedom from bias and prejudice,
4. to form and express independent opinions on controversial issues without jeopardizing relations with teachers, staff and administration,
5. to recognize that a reasonable compromise is often an important facet in decision-

- making in our society, and
6. to respect the opinions of others, including opinions of the minority.
  7. to have materials aligned with state standards, school curriculum and the Educational Plan for Student Success, and
  8. to have materials reviewed and approved by the administrator.

The teacher is responsible for presenting a balanced view of controversial issues. No materials shall be introduced into the school curriculum by an individual or organized group to promote a biased viewpoint on religious, racial, sexual, or political issues.

The Governance Council authorizes the Head Administrator or his/her designee to establish procedures to address complaints and challenges to reading, teaching methods and materials.

### ***POLICY 409 - Religion in the Schools***

It is the belief of the Turquoise Trail Charter School Governance Council that active governmental participation in religious matters and even the appearance of official preference for or antagonism toward any religious belief or non-belief is disruptive and infringes upon the individual's freedom of conscience. Our school shall neither actively sponsor nor interfere with religions.

Turquoise Trail Charter School recognizes that religion has played an undeniable role in the formation of world civilizations, the foundation of our country, and the lives of its citizens. The place of religion in our society should be recognized as an important one. Clearly the proper role of religion in Turquoise Trail Charter School is in its educational value and non-religious observance or celebration. The school can play a vital role in bringing about an understanding

between peoples of different backgrounds. In that capacity and when appropriate within the curriculum, the school is valuable in teaching our children about various belief systems. Belief systems will be discussed in an atmosphere of tolerance and mutual respect. Intercultural programs or curriculum focusing on the role that religion has played in history, literature or in the development of society and the influence that religion has had on historical figures or movements are acceptable and desirable. It is anticipated that students will also develop tolerance and mutual respect as they become aware of diverse belief systems and their current and historical impact on human culture.

### RELIGION IN THE CURRICULUM

When religion is included in the curriculum as part of the study of art, literature, history, etc., it should be treated with the same objectivity and educational intent expected in other areas.

Religious themes in the fine arts, literature and history should be recognized and discussed only as extensively as necessary for a balanced and comprehensive study of these areas. Such studies should not foster any particular religious tenet or demean any religious belief.

Materials and activities should be sensitive to the diversity of belief systems.

Instructional activities addressing religion should meet the three-part test established by the Supreme Court to determine constitutionality:

The activity must have a secular purpose.

The activity's Head Administrator or primary effect must be one that neither advances nor inhibits religion.

The activity must not foster an excessive governmental entanglement with religion.

When the subject of religion occurs naturally in studying other topics such as history, literature, culture, etc., it should be treated as part of that study. (For example: Study of the American Indian, the Pilgrims, Greek mythology or the Crusades may be enhanced by the inclusion of the role of religion.)

Student initiated responses to questions or assignments that reflect their beliefs or non-beliefs about a religious theme will be accommodated when appropriate. (For example: Students are free to express religious beliefs or non-beliefs in compositions, art forms, music, speech and debate.)

Students should be taught to develop an appreciation of the value of religious liberty as guaranteed by the United States Constitution.

The teaching of theories to promote a religious doctrine is not permitted. Religious theories/beliefs shall not direct curriculum content.

Subject matter content may not be included or excluded from the curriculum primarily to conform to the religious views of a particular group.

Students may be excused, without penalty, from instructional activities that are contrary to their religious beliefs unless their absence would defeat an overriding educational goal.

#### SCHOOL CALENDAR, HOLIDAYS, SCHEDULES, ABSENCES

The origin and significance of diverse holidays shall be presented in an unbiased manner without religious indoctrination. Holiday activities should not be religious in nature. These activities may include the singing of some holiday songs with religious content, but must also include a balanced variety of music not solely of a religious nature.

Neither instructional materials nor assembly programs may be used to promote, encourage or denigrate specific religious groups or religious activities.

The district's calendar shall be prepared so as to minimize conflicts with religious holidays. Where conflicts are unavoidable, care should be taken to avoid tests, special projects, introduction of new concepts and other activities, which would be difficult to make up. Absences by students for religious observances are to be handled based on existing attendance rules.

#### RELIGIOUS SYMBOLS

##### *Definition*

*"Religious Symbol"* - A religious symbol is any object that portrays or represents a religious belief. A religious symbol can also be an object that is so closely associated with religion(s) or with the celebration of a religious holiday that it is commonly perceived as being of a religious nature.

##### *Policy*

Religious symbols may be displayed or used as a teaching resource provided no effort is made to impose any particular beliefs that may be associated with such symbols. They may be used as examples of a culture and/or a specific religious heritage.

Whenever appropriate, teachers are encouraged in their presentations to expose students to symbols and traditions from a variety of cultures.

Religious symbols may be displayed for show-and-tell or reports or class discussions as long as the students volunteer their appearance and as long as the symbols are removed from display upon completion of the report or discussion.

Students should not be discouraged from appropriately expressing themselves through the use of religious symbols in completing assignments.

#### RELIGIOUSDISCLOSURE/PRIVACY

Staff or students shall not be induced to disclose their personal religious preferences or beliefs or those of their family members. No one shall be compelled to profess a religious belief, or disbelief, or those of their family members.

#### PERFORMANCES, CEREMONIES, PROGRAMS AND GATHERINGS

School programs, assemblies or gatherings sponsored by the school shall not have a religious orientation. However, seasonal programs presented by school student groups may include religious music. Such programs shall include a balanced variety of music not solely of a religious nature.

The school shall not include religious invocations, benedictions or formal prayer at school-sponsored events.

School musical groups may not participate, under the auspices of the school, in religious services.

#### WORSHIP/PRAYER

No form of prayer, worship or expression of belief shall be prescribed or sanctioned in fact nor in appearance by the schools.

Students may voluntarily pray and/or meditate during school and engage in discussions about religion provided this activity does not interfere with the educational process or infringe upon the privacy rights of others.

#### PROSELYTIZING

In working with students, school staff shall not proselytize or inject personal religious beliefs into any school-related activities. Unwelcome attempts by individuals or groups of students to impose religious beliefs or convert others to religious beliefs or to non-belief are not permitted in school related activities.

The distribution of religious literature on school district property, unless directly related to instructional activities, is not permitted. Teaching materials shall not include the endorsement of ideas or practices of any belief system.



Non-student members of religious groups are not allowed in the school to proselytize or recruit during the school day or during school activities.

The expression of views by staff or students, which disparage or degrade any religion or religious belief, is not permitted at any school-related activity.

It is the policy of Turquoise Trail Charter School that each student in every class shall have textbooks and all other necessary materials in alignment with state curriculum standards and in alignment with additional curriculum requirements developed by the school. Students are allowed and encouraged to take these textbooks and curriculum materials away from the school for home study. Students shall be required to return the materials to the school on the following day or as otherwise instructed by the classroom instructor. The school may recover the cost of lost textbooks and curriculum materials from the responsible parent or guardian of the student upon written notice and after a fourteen day grace period.

## ***POLICY 411 - Testing Program of the School District***

Turquoise Trail Charter School will maintain a standardized testing program that can be used, communicated and interpreted by school personnel and patrons.

The program will provide:

1. A qualitative assessment of the educational program of the school for purposes of reporting the overall status of the school and charting the growth of its pupils, grades, and areas from year to year.
2. Data for preparing appropriate reports to the Governance Council.
3. Interpretation and use by the teacher, counselor, and administrator so that the test findings may be used to improve the guidance and counseling of individual children and the development of a high quality curriculum.

The program will reflect:

1. The academic growth of pupils according to their own mental capacities and to local and national norms.
2. Adequate and financially feasible training for involved school personnel.
3. Assessment of the growth of pupils in the basic skills and subject matter in the elementary grades.

The school program shall incorporate any test required by state law and/or regulations.

It shall be the responsibility of the Head Administrator to ensure that all standardized tests are handled, stored, prepared for and administered in accordance with SBE Regulation 6.10.7 NMAC and in accordance with any precautionary instructions provided with the tests.

All school staff, including administrators, teachers, volunteers and office personnel who come in contact with standardized tests, shall familiarize themselves with basic principles of standardized test security.

Test examiners shall:

1. administer the test according to the directions and specifications in the test examiners manual and during the designated test administration window.
2. return the tests to the school as

directed. It shall be a prohibitive practice to:

1. photocopy or reproduce in any other fashion, including paraphrasing, any portion of a standardized test including a student's answer.
2. teach from, possess or in any way disseminate a photocopy or other reproduced or paraphrased standardized test or portion of a standardized test.
3. copy copyrighted test preparation materials for the purpose of distribution.
4. provide students with a review of specific test questions or answers before, during

- or after a test.
5. permit secure standardized test material to remain unattended in an unlocked room.
  6. coach or otherwise inappropriately assist with the selection or writing of student answers.
  7. take standardized test material off campus unless specifically authorized by the School Test Coordinator of the Assessment and Evaluation Unit of the SDE.

Violating any part of this section could result in suspension, termination or revocation of the staff member's licensure.

An Individual Education Program (IEP) team is charged with the responsibility to determine how students with disabilities will participate in assessment programs. The IEP team must agree that the student is eligible according to the criteria as set forth by the New Mexico Alternate Statewide Student Assessment System and is documented on the student's current IEP.

*References: SBE Regulation 6.10.7 NMAC*

***POLICY 412- Personality Tests***

No personality tests or inventories or individual intelligence tests are to be administered to any student without the express written consent of the child's parent(s), and if so approved, such tests are to be administered through the Special Education Department for diagnostic purposes only.

### ***POLICY 413 - Equipment, Books and Materials***

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

For the selection of basic textbooks for general use, parent representation will be involved in the selection process, with notice provided to parents and the community of the selection process. Turquoise Trail Charter School Governance Council does not require specific textbook adoptions.

***POLICY 414 - Copyright***

It is the policy of the Turquoise Trail Charter School to prohibit illegal copying of any and all copyrighted materials, including videotaped materials and microcomputer software. Persons who duplicate copyrighted materials shall obtain the necessary permission to do so legally. The insurance and legal protection normally afforded to Turquoise Trail Charter School employees is not extended to include legal protection for willful violations of copyright laws.

***POLICY 415 - Pledge of Allegiance***

The Pledge of Allegiance to the flag of the United States will be recited on a daily basis. However, no student shall be required to participate in reciting the pledge.



***POLICY 416 - Flag Display***

The flag of the United States of America and the flag of the State of New Mexico shall be displayed in each classroom of the Turquoise Trail Charter School.

### ***POLICY 417 - Networked Information Resources***

With the introduction of telecommunications throughout the modern work place, the Turquoise Trail Charter School Governance Council recognizes that employees will expand the ways they share ideas, transmit information, and contact others. As staff members are connected to the global community, their use of new tools and systems brings new responsibilities as well as opportunities.

The Governance Council expects that the school will develop its capabilities in these areas and, as they develop, will learn to use electronic mail and telecommunications tools and apply them daily in appropriate ways to the performance of tasks associated with their positions and assignments.

Network administrators may review files and communications to maintain system integrity and to ensure that staff members are using the system responsibly. Users should not expect that files stored on school or district servers will be private. The following behaviors are not permitted on the school or district network:

1. Sharing confidential information on students or employees

2. Sending or displaying offensive messages or pictures
3. Assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition
4. Using obscene language
5. Harassing, insulting or attacking others
6. Engaging in practices that threaten the network (e.g., loaded files that may introduce a virus)
7. Violating copyright laws
8. Using others' passwords
9. Trespassing in others' folders, documents or files
10. Employing the network for commercial purposes
11. Violating regulations prescribed by the network provider

The network supervisor will report inappropriate behaviors to the employee's supervisor who will take appropriate disciplinary action. Violations may result in a loss of access and/or other disciplinary actions. When applicable, law enforcement agencies may be involved.

## ***POLICY 418 - Computers and Internet***

### DEFINITIONS

*“User”* shall mean all persons who are granted access to the Turquoise Trail Charter School and/or Santa Fe School District’s computer resources.

*“Computer Resources”* shall mean all computer hardware, software, communications devices, facilities, equipment, networks, passwords, licensing and attendant policies, manuals and guides.

### NO EXPECTATION OF PRIVACY

The computers and computer accounts given to Users are to assist them in performance of their jobs. Users do not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the Turquoise Trail Charter School and may be used only for business or educational purposes.

## WAIVER OF PRIVACY RIGHTS

Users expressly waive any right of privacy in anything they create, store, send, or receive on the computer or through the Internet or any other computer network. Users consent to allowing personnel of Turquoise Trail Charter School to access and review all materials Users create, store, send, or receive on the computer or through the Internet or any other computer network. Users understand that Turquoise Trail Charter School may use human or automated means to monitor use of its computer resources.

## PROHIBITED ACTIVITIES

### *Inappropriate or unlawful material(s)*

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, threatening or potentially violent, defamatory, racially offensive, inappropriate proselytizing, or otherwise unlawful, or in violation of the Turquoise Trail Charter School Governance Council's policy may not be sent by email or any other form(s) of electronic communications (i.e. bulletin Governance Council system, newsgroups, chat groups, list-servers) or be displayed on or stored in the School's computers. Users encountering or receiving this kind of material should immediately report the incident to their Head Administrator(s).

### *Prohibited uses*

Without prior written permission from the Head Administrator or his/her designee, computer resources may not be used for dissemination or storage of commercial or personal advertisements, promotions, destructive programs (including but not limited to self-replicating codes or viruses), political or religious materials, or any use which is unauthorized or in violation of the Turquoise Trail Charter School Governance Council's policy.

### *Waste of computer resource*

Users may not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending or forwarding mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, sending or forwarding jokes, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic.

### *Misuse of software*

Without prior written authorization from the Head Administrator or his/her designee, Users may not do any of the following:

1. Copy software for use on their home computers;
2. Provide copies of software to any third person;
3. Install software on any District workstation or server;
4. Download any software or run executable files from the Internet, email or other online services to any Santa Fe School District's workstations or servers;
5. Modify, revise, transform, recast, or adapt any software; or
6. Reverse-engineer, disassemble, or de-compile any software. Users who become aware of any misuse of software or violation of copyright law must immediately report the incident to their Head Administrator.

### *Communication of confidential information*

Unless expressly authorized by the Head Administrator or his/her designee, sending, transmitting, or otherwise disseminating confidential information is strictly prohibited.

## PASSWORDS

### *Responsibility for passwords*

Users are responsible for safeguarding their passwords for access to the computer system. Individual passwords should not be printed, stored online, or given to others. Users are responsible for all transactions made using their passwords. No User may access the computer system with another User's password or account.

### *Passwords do not imply privacy*

Use of passwords to gain access to the computer system or to encode particular files or messages does not imply that Users have an expectation of privacy in the material they create or receive on the computer system.

## SECURITY

### *Computer security*

Each User is responsible for ensuring that use of outside computers and networks, such as the Internet, does not compromise the security of the Turquoise Trail Charter School's Computer Resources. This duty includes taking reasonable precautions to prevent intruders from accessing the School's network via Internet connections or by leaving systems on and logged into the network without authorization and to prevent the introduction and spread of viruses.

## VIRUSES

### *Virus detection*

As viruses can cause substantial damage to computer systems, each User is responsible for taking reasonable precautions to ensure he or she does not introduce viruses into the School's or District's network. To that end, all material received on floppy disk or other magnetic or optical medium and all material downloaded from the Internet or from computers or networks that do not belong to Turquoise Trail Charter School must be scanned for viruses and other destructive programs before being placed onto the computer system or network. Users should understand that their home computers and laptops may contain viruses; therefore, one should be extremely cautious in transferring from these computers to the School's network.

## MISCELLANEOUS

### *Compliance with applicable laws and licenses*

In their use of Computer Resources, Users must comply with all software licenses, copyrights, and all other state, federal and international laws governing intellectual property and online activities.

### *Other policies applicable*

In their use of Computer Resources, Users must observe and comply with all other policies and guidelines of the Turquoise Trail Charter School. Sending, receiving, downloading, displaying, printing, or otherwise disseminating material that is sexually explicit, profane, obscene, harassing, fraudulent, intimidating, threatening or potentially violent, racially offensive, defamatory, proselytizing, inappropriate or otherwise unlawful or in violation of the Turquoise Trail Charter School Governance Council's policy is strictly prohibited.

## UNACCEPTABLE USE

The Turquoise Trail Charter School has the right to take disciplinary action, remove computer and networking privileges, take legal action, or report to proper authorities any activity characterized as unethical, unacceptable or unlawful. Unacceptable use activities constitute, but are not limited to the following:

- Any activity through which the user seeks to gain unauthorized access to information resources, obtains copies of, or modifies files or other data, or gains and utilizes passwords belonging to other Users;
- Destroys, alters, dismantles, disfigures, prevents rightful access to or otherwise interferes with the integrity of computer-based information resources, whether on stand alone or networked computers;

- Invades the privacy of individuals or entities; or
- Submits, publishes or displays any defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually oriented or threatening materials or messages either for public or private use.

## VIOLATIONS/CONSEQUENCES

### *Students*

Students who violate this policy shall be subject to revocation of School Computer access up to and including permanent loss of privileges and discipline up to and including expulsion. Violations of law will be reported to law enforcement officials. Disciplinary action may be appealed by parents and/or students in accordance with existing District procedures for suspension or revocation of student privileges.

### *Staff*

Staff members who violate this policy shall be subject to discipline up to and including suspension, termination or discharge in accordance with Governance Council Policy, negotiated agreements and applicable law. Violations of law will be reported to law enforcement officials.

### ***POLICY 419 – Field Trips and Student Activity Travel***

Fieldtrips are designed to fulfill the Turquoise Trail Charter School curricular standards and objectives through activities that enhance pupil learning in ways not easily reproduced within the school context.

The decision to use instructional time for a classroom fieldtrip should be carefully considered. The amount of instructional time used for a fieldtrip should be in proportion to the significance and/or number of curricular objectives. Fieldtrips should provide learning experiences that cannot be provided in school through another format such as bringing a speaker to the classroom. Further, fieldtrips must be aligned with state standards, school curriculum and the Educational Plan for Student Success.

Promotion of and solicitation for any trip not sponsored by the Turquoise Trail Charter School as a part of the curriculum shall be prohibited in school facilities. Neither students nor staff may promote a trip at school.

Fieldtrips beyond the boundaries of the continental United States require approval of the Governance Council according to the guidelines of the administrative regulations.



## ***Policy 420 - Title I Parental Involvement***

### REQUIREMENTS OF TITLE I

The Title I Parent Involvement section of the No Child Left Behind Act (NCLB) requires each Title I school to develop a written parental involvement policy that describes the means for carrying out the requirements of Section 1118. The School must ensure that information related to school and parent programs, meetings, and other activities are sent to the parents of Title I children.

Turquoise Trail Charter School agrees to implement the following statutory requirements:

School policies and practices will meet the required parental involvement requirements of section 1118 of the Elementary and Secondary Education Act (ESEA).

The school will notify parents of the policy in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. The policy will be made available to the local community and updated periodically to meet the changing needs of parents and the school.

In carrying out the Title I, Part A, parental involvement requirements, to the extent practicable, the school will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 of the ESEA in an understandable and uniform format and including alternative formats upon request and, to the extent practicable, in language parents understand.

If the school-wide program plan for Title I, Part A, developed under section 1114(b) of the ESEA, is not satisfactory to the parents of participating children, the school will submit any parent comments with the plan when the school submits the plan to the local educational agency (school district).

The school will involve the parents of children served in Title I, Part A schools in decisions about how funds reserved under this part are spent for parent involvement activities. The school will build its own and the parent's capacity for strong parental involvement, in order 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 will provide parental involvement activities under section 1118 of the ESEA in the areas of improving student achievement, child development, child rearing and additional topics parents may request.

The school will be governed by the statutory definition of parental involvement, and will carry out programs, activities, and procedures in accordance with this definition:

Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

- that parents play an integral role in assisting their child’s learning;
- that parents are encouraged to be actively involved in their child’s education at school;
- that parents are full partners in their child’s education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and
- the carrying out of other activities, such as those described in section 1118 of the ESEA.

DESCRIPTION OF HOW THE SCHOOL WILL IMPLEMENT REQUIRED SCHOOL PARENTAL INVOLVEMENT POLICY COMPONENTS

Turquoise Trail Charter School shall take the following actions to involve parents in the joint development and review of its school parental involvement policy under section 1118 of the ESEA:

We need to enter some stuff here. These are real rough ideas. You’ll have to get a group together and give this some thought and do some event planning.

- TTCS will hold a Title I meeting in the fall semester of all parents with special outreach to Title I parents. One agenda item will be to review and take suggestions for the parental involvement policy.
- The school’s Governance Council will solicit parental input during its deliberations on the parental involvement policy.

Turquoise Trail Charter School shall take the following actions to involve parents in the process of planning, joint development of the program, review and improvement of programs under Title I Part A of the ESEA :

We need to enter some stuff here. These are real rough ideas. You’ll have to get a group together and give this some thought and do some event planning.

- TTCS will hold a Title I meeting in the spring semester of all parents with special outreach to Title I parents. One agenda item will be to review and take suggestions planned Title I programs to be included in the school’s budget for the following school year.
- The school’s Governance Council will solicit parental input during its deliberations on the school’s budget and planned programs to be included in the budget

Turquoise Trail Charter School shall hold an annual meeting to inform parents of the school's participation in Title I, Part A programs, and to explain the Title I, Part A requirements and the right of parents to be involved in Title I, Part A programs. The school will invite all parents of children participating in Title I, Part A programs to this meeting. The fall parent meeting will include these agenda items.

Turquoise Trail Charter School shall provide parents of participating children information in a timely manner about Title I, Part A programs that includes a description and explanation of the school's curriculum, the forms of academic assessment used to measure children's progress, and the proficiency levels students are expected to meet. Both the fall and spring parent meeting will include these agenda items.

Turquoise Trail Charter School shall, at the request of parents, provide opportunities for regular meetings, held at flexible times, for parents to formulate suggestions and to participate, as appropriate, in decisions about the education of their children. The school will respond to any such suggestions as soon as practicably possible within 30 days after the fall and spring parent meetings

Turquoise Trail Charter School shall provide each parent an individual student report about the performance of their child on the State assessment in math and reading. The school will fulfill this requirement during the fall parent-teacher conferences.

Turquoise Trail Charter School shall take the following actions to provide each parent timely notice when their child has been assigned or has been taught for four (4) or more consecutive weeks by a teacher who is not highly qualified within the meaning of the term in section 200.56 of the Title I Final Regulations (67 Fed. Reg. 71710, December 2, 2002).

Turquoise Trail Charter School shall provide assistance to parents of children served by the school, as appropriate, in understanding topics by undertaking the actions described below:

The Common Core State Standards

State and local academic assessments including alternate assessments

Title I, Part A requirements

How to monitor their child's progress

How to work with educators

We need to enter some stuff here. These are real rough ideas. You'll have to get a group together and give this some thought and do some event planning.

- These topics will be on the agendas of the fall and spring parent meetings and "How to monitor their child's progress; How to work with educators" will also be covered during the parent teacher conferences.

Turquoise Trail Charter School shall provide materials and training to help parents work with their children in the areas of improving student achievement, (including literacy training and using technology) child development, child rearing and additional topics parents may request.

We need to enter some stuff here. These are real rough ideas. You'll have to get a group together and give this some thought and do some event planning.

- These topics will be on the agendas of the fall and spring parent meetings.

Turquoise Trail Charter School shall, with the assistance of its parents, educate its teachers, pupil services personnel, principals and other staff in how to reach out to, communicate with, and work with parents as equal partners in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools by:

We need to enter some stuff here. These are real rough ideas. You'll have to get a group together and give this some thought and do some event planning.

- These topics will be on the agendas of at least four staff meetings per year with presentations by individuals with expertise in staff-parent communications.

Turquoise Trail Charter School shall, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with appropriate school programs. The school will also conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children by:

We need to enter some stuff here. These are real rough ideas. You'll have to get a group together and give this some thought and do some event planning.

- Early in the school year the school will have a parent open house in the library/media center to demonstrate resources available there for families.
- The school's enrichment, tutoring and after school programs will promote their activities to Title I parents.

Turquoise Trail Charter School shall take the following actions to ensure that information related to the school and parent-programs, meetings, and other activities is sent to parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand. The school will translate all parent communications into Spanish for families using that as the primary language at home. Parent communications will be reviewed by the Head Administrator or designee for clarity and uniformity.

## DISCRETIONARY SCHOOL PARENTAL INVOLVEMENT POLICY COMPONENTS

NOTE: The School Parental Involvement Policy may include additional information and describe other discretionary activities that the school, in consultation with its parents, chooses to undertake to build parents' capacity for involvement in the school to support their children's academic achievement, such as the following discretionary activities listed under section 1118(e) of the ESEA:

Remove note and state: "In addition to the efforts described above Turquoise Trail Charter School will undertake to build parents' capacity for involvement in the school to support their children's academic achievement by:"

These are all the suggestions in the template. I highlighted some that seem practical.

- Involving parents in the development of training for teachers, principals, and other educators to improve the effectiveness of that training.
- Providing necessary literacy training for parents from Title I, Part A funds, if the school district has exhausted all other reasonably available sources of funding for that training.
- Paying reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions.
- Training parents to enhance the involvement of other parents.
- Arranging school meetings at a variety of times, or conducting in-home conferences between teachers or other educators who work directly with participating children, arrange meetings with parents who are unable to attend conferences at school in order to maximize parental involvement and participation in their children's education;
- Adopting and implementing model approaches to improving parental involvement.
- Establishing a school parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs.
- Developing appropriate roles for community-based organizations and businesses, including faith-based organizations, in parental involvement activities.

(List any activities and/or action the school will be implementing.)

### ADOPTION

This School Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I, Part A programs, as evidenced by

\_\_\_\_\_.

This policy was adopted by Turquoise Trail Charter School on date and will be in effect for the period of \_\_\_\_\_. The school will distribute this policy to all parents of participating Title I, Part A children and make it available to the community on or before date.

---

Signature of Principal

---

Signature of President, Turquoise Trail Charter School Governance Council

---

Date

These parents were involved with the development of the document:

(List parents)

[Approved on April 23, 2014]