

## Governing Body By-Laws Amendment Form

The Charter Contract was entered into by and between the New Mexico Public Education Commission and [ Southwest Preparatory Learning center ], hereafter "The School", effective [ 1 ] of [ July ], [ 2019 ]. The school was approved for a [ 5 year ] Charter Contract.

The School requests the Public Education Commission approve the changes to the Governing Body By-Laws as follows:

**EFFECTIVE DATE OF CHANGE:**

July 22, 2022

**DESCRIPTION OF CHANGES:**

Per Southwest Preparatory Learning Center's Governing Body Policy Manual, Section B.04-Governing Body Membership:

'The SPLC Governing Body shall consist of five (5) members.'

The School requests that this language be amended to:

'The SPLC Governing Body shall consist of 5-7 members.'

**Submit this form and all supporting documents to [charter.schools@state.nm.us](mailto:charter.schools@state.nm.us)**

The School's Governing Body By-Laws Amendment is hereby submitted by [ Jonas Cossey ] on [ 07/29/2022 ], and affirms the school meets the following eligibility criteria:

- Amendment must be submitted to the PEC within 30 days of the change being communicated or implemented; and
- The school's governing board is in compliance with all reporting requirements.

**Jonas Cossey**

Digitally signed by Jonas Cossey  
Date: 2022.07.29 12:12:49 -06'00'

**07/29/2022**

Charter School Representative Signature

Date

The School's Governing Body By-Laws Amendment was:

Approved  Denied

Chair, Public Education Commission

Date

## Certificate of Governing Body Vote

This document certifies that on July 21<sup>st</sup>, 2022, at 5:00pm, a meeting of the Governing Body of Southwest Preparatory Learning Center, a New Mexico public charter school, was held via the Zoom tele-conference platform. The meeting and all votes were conducted in compliance with the New Mexico Open Meetings Act.

A quorum of the Governing Body's members being present and voting, it was voted 5 in favor and 0 opposed to amend the Governing Body's By-Laws to reflect a change in membership from 5 members to 5-7 members.

The members voting in favor were: Alisa Mavridis, James Burton Chris Ortiz, Jessica Garcia, and DeEtte Peterson

The members voting in opposition were: N/A

I, the undersigned, certify that this is a true copy.

Chris Ortiz



8-3-22

Printed Name

Signature

Date

July 28<sup>th</sup>, 2022

Summary of changes to the Governing Body By-Laws of Southwest Preparatory Learning Center

Per the existing Southwest Preparatory Learning Center's Governing Body Policy Manual, Section B.04-Governing Body Membership states that 'The SPLC Governing Body shall consist of five (5) members.'

The school proposes a change in language to 'The SPLC Governing Body shall consist of five (5) to seven (7) members.'

The purpose of this amendment is to increase the membership capacity of the Governing Body in order to allow for Board members to work on newly created committees. This change will enhance the overall effectiveness of the Governing Body as members will not have to serve on more than two committees at once.

Jonas Cossey  
Head Administrator  
Southwest Preparatory Learning Center



**SOUTHWEST  
PREPARATORY  
LEARNING  
CENTER**

**GOVERNING BODY POLICY MANUAL**

Revised July 2022

**Table of Contents**

Section A: Foundations and Basic Commitments.....6

A.01 Overview .....6

A.02 Mission Statement for SPLC.....6

A.02.1 How is SPLC different from other schools?.....6

A.03 Nondiscrimination .....6

Section B: Governance and Operations .....6

B.01 Governing Body Powers and Responsibilities .....6

B.02 Suspending or Revoking Bylaws, Policies or Directives .....7

B.03 Governing Body Member Authority.....7

B.04 Governing Body Membership .....7

B.04.1 Governing Body President.....7

B.04.2 Governing Body Vice President .....8

B.04.3 Governing Body Secretary.....8

B.04.4 Governing Body Member .....8

B.05 Governing Body Organizational Meeting.....9

B.06 Governing Body Vacancies.....9

B.06.1 Orientation of New Governing Body Members .....9

B.07 Governing Body Member Evaluation.....10

B.08 Governing Body Member Required Training.....10

B.09 Governing Body Member Conflict of Interest .....10

B.10 Governing Body Meetings.....10

B.11 Governing Body Meeting Agenda .....10

B.12 Addressing the Governing Body .....11

B.13 Governing Body Minutes .....11

B.14 Policy Adoption.....11

B.15 Parliamentary Authority.....11

B.16 Governing Body Committees.....11

B.17 Complaint Procedure.....12

B.18 Documents Accepted as Policy .....12

<u>B.19</u>	<u>Governing Body Self-Assessment</u> .....	13
<u>B.20</u>	<u>EPSS Review</u> .....	13
<u>B.21</u>	<u>Governing Body Selection of the Head Administrator</u> .....	13
<u>B.22</u>	<u>Administrative Evaluations</u> .....	13
<u>B.23</u>	<u>Building Accommodations</u> .....	14
<u>Section C: General School Administration</u> .....		14
<u>C.01</u>	<u>Administrative Support</u> .....	14
<u>C.02</u>	<u>Head Administrator’s Authority &amp; Responsibilities</u> .....	14
<u>C.03</u>	<u>Head Administrator Job Description</u> .....	15
<u>Section D: Fiscal Management</u> .....		16
<u>D.01</u>	<u>Budget Process</u> .....	16
<u>D.02</u>	<u>Contracts</u> .....	16
<u>D.03</u>	<u>Central Purchasing</u> .....	16
<u>D.04</u>	<u>Audit</u> .....	17
<u>D.05</u>	<u>Fiscal Integrity</u> .....	17
<u>D.06</u>	<u>Cell Phones</u> .....	17
<u>D.07</u>	<u>GASB 54</u> .....	17
<u>D.08</u>	<u>Voucher Approval</u> .....	17
<u>Section E: Personnel Policies</u> .....		17
<u>E.01</u>	<u>Equal Employment</u> .....	18
<u>E.02</u>	<u>Employee Relations</u> .....	18
<u>E.03</u>	<u>Position Description</u> .....	18
<u>E.04</u>	<u>Compensation and Wages</u> .....	18
<u>E.05</u>	<u>Employee Conflict of Interest</u> .....	18
<u>E.06</u>	<u>Nepotism</u> .....	18
<u>E.07</u>	<u>Employee Standards of Conduct</u> .....	19
<u>E.08</u>	<u>Staff Conduct with Students</u> .....	19
<u>E.09</u>	<u>Sexual Harassment</u> .....	19
<u>E.10</u>	<u>Drug, Alcohol, and Tobacco Free Workplace</u> .....	19
<u>E.11</u>	<u>Health and Safety</u> .....	19
<u>E.12</u>	<u>Employee Insurance</u> .....	19
<u>E.13</u>	<u>Duty Day</u> .....	19

<u>E.14</u>	<u>Leave, Professional Leave, Annual Leave, and Holidays</u> .....	20
<u>E.15</u>	<u>Family and Medical Leave Act</u> .....	20
<u>E.16</u>	<u>Personnel Evaluations</u> .....	20
<u>E.17</u>	<u>Staff Development</u> .....	20
<u>E.18</u>	<u>Transfer of Employees</u> .....	20
<u>E.19</u>	<u>Personnel Reduction-In-Force</u> .....	20
<u>E.20</u>	<u>Conflict Resolution Policy</u> .....	21
<u>E.21</u>	<u>Staff Participation in Political Activities</u> .....	21
<u>E.22</u>	<u>Background Investigations</u> .....	21
<u>E.23</u>	<u>Records and Certification</u> .....	21
<u>E.24</u>	<u>Fraud Awareness, Misconduct, and Whistle Blower</u> .....	21
<u>E.25</u>	<u>E-mail and Internet Use Policy</u> .....	21
<u>E.26</u>	<u>Transportation</u> .....	21
<u>E.27</u>	<u>Business Processes and Central Purchasing</u> .....	22
	<u>E.27-a. Travel and Reimbursement</u> .....	22
	<u>E.27-b. Central Purchasing</u> .....	22
<u>E.28</u>	<u>Documents Accepted as Policy</u> .....	22
<u>Section F: Students</u> .....		22
<u>F.01</u>	<u>Selection of Students</u> .....	22
<u>F.02</u>	<u>Enrollment Requirements</u> .....	23
<u>F.03</u>	<u>Student Attendance, Absence, and Excuses</u> .....	23
<u>F.04</u>	<u>Release of Students</u> .....	24
<u>F.05</u>	<u>Hazing</u> .....	24
<u>F.06</u>	<u>Student Interrogations</u> .....	24
<u>F.07</u>	<u>Student Discipline</u> .....	24
<u>F.08</u>	<u>Extracurricular Activities</u> .....	25
<u>F.09</u>	<u>Student records</u> .....	25
<u>F.10</u>	<u>Student Grade Change</u> .....	25
<u>F.11</u>	<u>Release of Student Lists or Directories</u> .....	25
<u>F.12</u>	<u>Student Possession of a Firearm</u> .....	26
<u>F.13</u>	<u>Release Time for Religious Instruction</u> .....	26
<u>F.14</u>	<u>Do Not Resuscitate Orders</u> .....	26

F.15 Students and Off-Campus Violent Acts .....26  
F.16 Home Language Determination .....26  
F.17 McKinney-Vento Homeless Children and Youth Act. .....28



## Section A: Foundations and Basic Commitments

---

### **A.01 Overview**

Two distinct and very different schools share a common physical location. These two schools are Southwest Preparatory Learning Center (SPLC) and Southwest Secondary Learning Center (SSLC). This Policy Manual is specific to Southwest Preparatory Learning Center (SPLC).

### **A.02 Mission Statement for SPLC**

The mission of SPLC is to utilize blended learning and traditional and community-based instruction in an accelerated academic curriculum to sustain a high-performing learning community.

#### **A.02.1 How is SPLC different from other schools?**

SPLC encompasses grades 4 through 8 in a traditional learning environment with some exposure to technology. SPLC incorporates the overall mission stated above; however, it is traditionally based in its education strategy. SPLC utilizes a unique blended learning environment with accelerated academic curriculum.

Through a long-term commitment to this mission, we are known as a school that can offer quality alternative learning opportunities for all students. Students, parents, and the community view the school as offering challenging and creative learning environments for students with a goal of being prepared for successful entry and performance in any High School.

### **A.03 Nondiscrimination**

SPLC affirms its commitment to the rights of students, parents, and employees with disabilities, as set forth in Section 504 of the Rehabilitation Act of 1973, the New Mexico Human Rights Act (NMHRA) and the Americans with Disabilities Act (ADA).

The SPLC affirms its commitment to the rights of students, parents, and employees with the Human Immunodeficiency Virus (HIV). SPLC will ensure that their right to privacy is protected.

This policy shall be implemented by the administration through the adoption of appropriate procedural directives.

## Section B: Governance and Operations

---

### **B.01 Governing Body Powers and Responsibilities**

The Governing Body of SPLC retains and reserves unto itself all powers and duties conferred upon and vested in it by New Mexico State Statutes (including those prescribed in NMSA 1978, § 22-8B-4) and 6.80.4 NMAC "Charter Schools". The primary powers and duties of the Governing Body are to set school policy, review, approve, and monitor the

budget for SPLC, and hire the Head Administrator. Additionally, the Governing Body will monitor student academic achievement and monitor financial and resource management. The Governing Body is subject to New Mexico Public Education Department regulations, and state and federal statutes.

The following information specified in Section B is considered the SPLC Bylaws.

### ***B.02 Suspending or Revoking Bylaws, Policies or Directives***

Any bylaw or policies of the Governing Body, not specifically prescribed by statute, may be suspended or revoked by a majority vote of the Governing Body.

The Head Administrator of the school may, in the case of emergency, suspend any part of a bylaw, policies or directives as they pertain to the administration of the school; provided, that the Head Administrator report the facts and reasons for such suspension at the next meeting of the Governing Body and provided that the suspension shall expire at the time of said report unless continued in effect by the Governing Body.

### ***B.03 Governing Body Member Authority***

Governing Body Members have authority only when acting as a Governing Body in regular or special session. The Governing Body will not be bound in any way by any statement or action on the part of any individual Governing Body Member. No Governing Body Member will speak for or represent the entire Governing Body unless so authorized and documented by a majority of the Governing Body.

### ***B.04 Governing Body Membership***

The Governing Body Members serve as voluntary members and new members are voted on by the current Governing Body. The SPLC Governing Body shall consist of five (5) to seven (7) members. The quorum is determined as the majority of Governing Body Members on record for this school. In the case of a tie vote, either consensus discussion will be used to determine the outcome or the Governing Body President or presiding member will remove his or her vote to determine the outcome. Per NMSA § 22-5-7, SPLC Governing Body will elect a President, Vice President, and Secretary on an annual basis during the organizational meeting.

#### ***B.04.1 Governing Body President***

1. Is elected as set forth in Section B.05
2. Is a Member of the Governing Body
3. Works in close collaboration with the Head Administrator in achieving the school's mission.
4. Provides leadership to the Governing Body.
5. Chairs meetings of the Governing Body after developing the agenda with the Head Administrator as needed.
6. Encourages the Governing Body's role in strategic planning.
7. Helps guide and mediate Governing Body actions with respect to the school's priorities and governance concerns.
8. Reviews with Head Administrator any issues of concern to the Governing Body.

9. Monitors financial planning, financial reports, and academic performance.
10. Plays a lead in formally evaluating the Head Administrator.
11. Participates annually in the required Governing Body training – Section B.08.
12. Performs other responsibilities as assigned by the Governing Body.
13. Serves as a school’s ambassador to the community

**B.04.2 Governing Body Vice President**

1. Is elected as set forth in Section B.05
2. Is a Member of the Governing Body
3. Is designated as the Governing Body Member to preside over meetings in the Governing Body President’s absence.
4. Attends Governing Body-related training to support more effective governance of the school’s operation – Section B.08.

**B.04.3 Governing Body Secretary**

1. Is elected as set forth in Section B.05
2. Is a Member of the Governing Body
3. Ensures documentation and accuracy of Governing Body meeting minutes
4. Attends Governing Body-related training to support more effective governance of the school’s operation – Section B.08.

**B.04.4 Governing Body Member**

1. Is an active participant in the Governing Body, by contributing needed hours per month toward Governing Body service. “Active participation” may include, but is not limited to, the following:
  - a. Attending a monthly Governing Body meeting
  - b. Participating on a Governing Body committee (or committees)
  - c. Reading school- or Governing Body-related material and preparing for meetings
  - d. Attending events at SPLC, related legislative sessions or events and other tasks as required
  - e. Attending Governing Body-related training to support more effective governance of the school’s operation – Section B.08.

Each Governing Body Member understands that if three meetings are missed in-person within any consecutive twelve month period, her or his seat may be vacated by a vote of 50% or greater of Governing Body Members present at the meeting following the third absence, unless it is difficult or impossible for the Governing Body Member to attend. Absences may be accommodated by Governing Body Member participation via teleconference or similar communication equipment under the Open Meetings Act, specifically NMSA 1978, § 10-15-1(C). Furthermore, “difficult or impossible” shall be defined as medical or family emergencies or other similar, unforeseeable instances.

2. Monitors financial planning, financial reports, and academic performance.
3. Volunteers and willingly accepts assignments and completes them on time.
4. Prepares well for meetings, reviews and comments on minutes and committee reports.
5. Works in good faith to build effective working relationships with other Governing Body Members, the SPLC administration and the SPLC staff.

6. Plays a role in formally evaluating the Head Administrator.
7. Performs other responsibilities as assigned by the Governing Body President.
8. Serves as a school's ambassador to the community.

If a Governing Body Member believes that her/his duties can no longer be fulfilled to SPLC and its specific Governing Body, it shall be that Member's responsibility to submit a written resignation as a Member of the Governing Body to the Governing Body President. In the event of a motion to discharge a Governing Body Member from the Governing Body for non-performance of duties, any specific performance issues shall be discussed in closed session as permitted under the Open Meetings Act, NMSA 1978 Section 10-15-1(H). Action on any performance-related issues discussed in closed session shall be conducted in open session.

### ***B.05 Governing Body Organizational Meeting***

The Governing Body shall hold its annual organizational meeting during the first regularly scheduled Governing Body meeting in June or July. Governing Body Members present at the meeting shall elect a President, Vice President, and Secretary of the Governing Body. Incumbent officers may be voted on during this meeting. Committee membership is determined in the organizational meeting and may be modified during regularly scheduled Governing Body meetings during the year.

### ***B.06 Governing Body Vacancies***

The SPLC Governing Body may appoint a committee to solicit nominations to fill Governing Body vacancies. The committee shall have at least one Member from the Governing Body who shall serve as chair. If the number of Governing Body Members selected to serve on the committee constitute a quorum of the Governing Body, committee meetings must be held in accordance with the Open Meetings Act. The Head Administrator may not serve on the committee; however the Head Administrator may help solicit potential volunteers to serve as board members.

The Governing Body shall select Governing Body Members for vacant positions by a majority vote. Upon notification of a vacancy, the Governing Body shall obtain nominations by notifying community, business, and/or education leaders, and school families of vacancies on the Governing Body along with a description of the responsibilities of serving as a Member. The notice of vacancy shall be posted on the School's website, bulletin board, and through email to the parents of students. Interested individuals will be asked to submit their name, qualifications, and reasons for wanting to serve on the Governing Body or to submit the names of other individuals who they believe would be an asset to the Governing Body to the President of the Governing Body. Once candidates have been identified, notice shall be posted on the School's website, bulletin board, and through email to the parents of students, and provided to the candidates, the date and time of the Governing Body meeting at which the position(s) will be voted on by the Governing Body and Candidates will be required to attend the meeting at which an election is held and will be interviewed by the Governing Body in a public session. Only individuals who have no real or apparent conflicts of interests will be eligible to serve. Nominations must be given to the President or designee of the Governing Body prior to the date of the regular or special Governing Body Meeting at which the vote of the Governing Body shall be made.

#### ***B.06.1 Orientation of New Governing Body Members***

The Governing Body President, or designee, will provide orientation to new Governing Body Members prior to the next regular scheduled Governing Body meeting after the new Governing Body Member has been elected to serve on the Governing Body.

#### ***B.07 Governing Body Member Evaluation***

The Governing Body President will provide each Governing Body Member with an annual evaluation regarding attendance at meetings, committee participation, and general involvement with Governing Body activities.

#### ***B.08 Governing Body Member Required Training***

Pursuant to NMSA § 22-8B-5.1 each charter school governing body member is currently required to attend five hours of training annually. This rule applies to all charter school governing body members including those authorized by the district and those authorized by the state or the PEC. Various opportunities are available during the school year including those offered by the NM-PED which provides several trainings during the year that may count towards these training hours. These trainings are free and there is no cost for attendance. Other trainings are available from the NMCC.

#### ***B.09 Governing Body Member Conflict of Interest***

A Governing Body Member cannot use her or his status as a Governing Body Member, or information obtained in that capacity, for personal gain, but must act in the best interest of the school. Governing Body Members will make known their connections with suppliers or groups doing business with the school.

Governing Body Members are not permitted to act in any way that is inconsistent with the school's vision and mission. Any Member of the Governing Body with an actual or potential conflict of interest shall not be involved in decision-making affecting issues as to which the Member has an actual or potential conflict.

#### ***B.10 Governing Body Meetings***

Regular meetings of the Governing Body will be held at a time and place designated by the Governing Body and published on the School Website, <http://www.sslc-nm.com/links>, and broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for notice of the meetings. Regular meetings of the Governing Body will be held at a time and place designated by the Governing Body's current Open Meetings Act Resolution. The date of a regular meeting may be changed by action of the Governing Body as provided by law, provided that every Governing Body Member and the public are notified.

A special meeting with one agenda may be called by the Governing Body President or by a quorum of Governing Body Members. Advance notice shall be given in accordance with the Open Meetings Act (NMSA 10-15-1).

#### ***B.11 Governing Body Meeting Agenda***

The agenda for any Governing Body meeting shall be approved by the Governing Body President and the Head Administrator. The Governing Body reserves the right to add or delete items at the meeting that are from persons other than Governing Body Members,

subject to the limits of the Open Meetings Act, NMSA 1978, §§ 10-15-1 (F). A written request that an item be included on the Governing Body agenda must be filed in the office of the Head Administrator at least seven (7) calendar days prior to the publication of the agenda. Such requests must include in writing, all statements and materials the person anticipates presenting. This does not limit any person's right to speak during the public comment portion of each meeting. Closed Meetings, per OMA § 10-15-1 (H) and (I), may be used as needed and determined by the Governing Body President or members.

Standing agenda items shall also include:

- Administrative and Operations Report
- Academic Report
- Finance Report
- New Governing Body Business

### ***B.12 Addressing the Governing Body***

Any person may formally address the Governing Body during the “public comment” session of a regularly scheduled Governing Body meeting, provided “public comment” is included on the Governing Body agenda. The Governing Body President reserves the right to amend the public comment session.

### ***B.13 Governing Body Minutes***

A record of all actions of the Governing Body will be set forth in the official minutes of the Governing Body. The minutes shall be kept on file at the school. Minutes are required per OMA § 10-15-1 (G).

### ***B.14 Policy Adoption***

Adoption of new policies or the revision or repeal of existing policies is solely the responsibility of the Governing Body. Staff members, students, civic groups, or individual citizens may request that the Head Administrator propose a policy provided the request is submitted pursuant to B.11 above.

### ***B.15 Parliamentary Authority***

Roberts’ Rules of Order will govern the Governing Body, except where otherwise required by law. Although most items are handled by appropriate motion procedures, consensus action is also used. Actual procedures will be left to the discretion of the Governing Body President or Committee chairs.

### ***B.16 Governing Body Committees***

Per NMSA § 22-8.12.3(c) - The SPLC Governing Body shall establish a Finance Committee and an Audit Committee. The Finance Committee and Audit Committees are sub-committees of the Governing Body. The Finance Committee will consist of two Governing Body Members and two Members of the public. The Audit Committee will consist of two Governing Body Members, one volunteer member with accounting and finance experience, one volunteer parent, the Head Administrator, and finance officer. Members of the Finance Committee may also serve as Members of the Audit Committee. Any Governing Body Member may attend any committee meeting; however, a quorum of the Governing Body is

prohibited at all committee meetings unless such meeting is held in accordance with the Open Meetings Act.

Per 22-5-4 NMSA the Governing Body has fiduciary responsibilities including the development of financial and internal control policies. The purpose of the Finance Committee is to review monthly with the finance officer the financial transactions of the school. The Finance Committee reports monthly regarding this meeting to the Governing Body. The Finance Committee is subject to the provisions of the Open Meetings Act. Written procedures for internal accounting are required by 6.20.2.11 NMAC. The SPLC annual Budget per Section 22-8-6.1 NMSA requires submission of budget to PED by the required due date.

The purpose of the Audit Committee is to ensure that the school's public accountability is maintained. The Audit Committee meets at times required by its function and is subject to the provisions of the Open Meetings Act.

The SPLC Governing Body may adopt other committees as deemed necessary for the effective operation of the Governing Body and achievement of the charter. Ad hoc committees may be formed as needed to fulfill specific requirements.

The function of the standing committees will be fact-finding, deliberative, and advisory, rather than legislative or administrative. Committee recommendations will be made to the whole Governing Body, which alone may take action by the committee or by the administration.

### ***B.17 Complaint Procedure***

Any complaint or issue from regulatory, legal, administrative or other stakeholders must be provided to the SPLC Governing Body in a timely fashion. The SPLC Governing Body is not accountable for issues or complaints that are not brought directly to the Governing Body in writing.

SPLC staff and parents will follow the Conflict and Grievance Process located in the Staff Handbook. If the parent or student is not satisfied with the Head Administrator's action, he or she may file a written complaint with the Governing Body seeking review of the Head Administrator's action. Written complaints shall be addressed to the Governing Body President. Upon receipt of the complaint, the Governing Body shall investigate the complaint during its next regularly scheduled meeting. The Governing Body President may choose to conduct a closed hearing at the next regularly scheduled Governing Body meeting. At this hearing, the complainant shall have the opportunity to present his/her case and the school shall present its' rationale for the decision. The Governing Body may deliberate in closed session to reach a consensus. In open session the Governing Body shall then rule to either uphold the administration's decision or remand the decision back to the administration for reconsideration. All decisions of the Governing Body are final and may only be appealed to the local court having jurisdiction.

### ***B.18 Documents Accepted as Policy***

The SPLC Governing Body hereby adopts the following documents: the Curriculum and Standards Alignment, Educational Plan for Student Success; the Parent and Community Plan; the Safe School Plan; the Wellness Plan; the Staff Handbook; the Student Behavior Handbook, Acceptable Use Policy, and the Student Code of Conduct;

Accounting Policies and Procedures; the Mentorship Plan; the Educational Technology Plan; the New Mexico State Special Education Manual; and the New Mexico State Student Assistance Team (SAT) and Response to Intervention (RtI) Manual.

### **B.19 Governing Body Self-Assessment**

The SPLC Governing Body will annually assess its governance actions and output prior to the end of the school year.

### **B.20 EPSS Review**

Per NMAC § 6.29.1.9 the Governing Body will review the Educational Plan for Student Success (EPSS) reports for SPLC, and ensure the reports are kept up-to-date with regard to everything the school does.

### **B.21 Governing Body Selection of the Head Administrator**

In the event of a vacancy, the Governing Body of the SPLC will advertise the position of Head Administrator until a reasonable pool of qualified applicants is obtained.

The partial list of selection criteria for the position of Head Administrator are as follows:

1. Advanced degree in education with emphasis on alternative education
2. Licensure as a New Mexico licensed school administrator or eligibility for such licensure.
3. Successful prior headship or senior administrative experience in charter, private, or public school.
4. A demonstrated understanding of charter school education through his/her own experience as a teacher and/or administrator.
5. A belief in charter school philosophy and core values, and the ability to effectively and compellingly communicate the school's mission both internally and externally.
6. Demonstrated leadership of a successful marketing and enrollment campaign.
7. Demonstrated skills and abilities to develop and retain an outstanding teaching and administrative staff.
8. Demonstrated skills and abilities to develop and maintain academic performance of students.
9. Demonstrated success with budget management and oversight.
10. Impeccable communication and interpersonal skills.

### **B.22 Administrative Evaluations**

An effective working relationship between the Governing Body and the Head Administrator is essential to the successful operation of the school. The development and maintenance of such relationship will be assisted by annual performance reviews. The Head Administrators contract and SPLC Performance Framework, per NMSA § 22-8B-9.1, will be used to evaluate the overall performance.

The Governing Body directs the Head Administrator to evaluate members of the administrative team in compliance and in accordance with the New Mexico Highly Objective Statewide Standard of Evaluation for Principals and Assistant Principals (HOUSSE). The Governing Body shall annually evaluate the job performance of the Head Administrator



during a closed meeting of the Governing Body. The Governing Body shall use the PED/PEC Performance Framework as a tool for the evaluation. The Governing Body may evaluate the Head Administrator on the achievement of school goals, student learning, parent satisfaction, and the financial well-being of the school.

### **B 23 *Building Accommodations***

The Governing Body desires to maintain the quality of the educational environment regardless of size and location. In an effort to accomplish the mission, vision, goals, and objectives of the school as set forth in the charter, the Governing Body directs the Head Administrator to secure appropriate facilities through the use of lease-to-purchase arrangements, leases, gifts, and donations as provided by statute. The Governing Body recognizes that it must be in the process of obtaining a permanent facility to comply with New Mexico State Laws requiring charter schools to be in publicly owned facilities.

The Head Administrator will develop criteria outlining building and facility site safety, number, use, and location for the school. The Head Administrator with Governing Body approval shall negotiate all facility acquisition arrangements on behalf of the school.

## **Section C: General School Administration**

---

The school administration for Southwest Preparatory Learning Center (SPLC) is tasked with the objective to sustain a consistent administrative approach to support an accelerated academic curriculum, a high-performing learning community, a financially stable environment, and a daily operational process to support the mission.

The administrative approach is divided into three components for operational efficiency and control. These components consist of the academic processes; financial processes; and the daily operational processes.

The job descriptions shown in Section C of this Policy Manual specify the general requirements expected and agreed to by both the Governing Bodies and the Head Administrator.

### **C.01 *Administrative Support***

It is the policy of the Governing Body to provide the Head Administrator and the administrative team the support and tools necessary to effectively carry out the educational program of the school, to meet the school's vision and mission and to create a safe learning environment for the students, staff Members and community.

### **C.02 *Head Administrator's Authority & Responsibilities***

The SPLC Governing Body is responsible for hiring the school's Head Administrator. The Head Administrator shall be or shall be eligible to be a New Mexico licensed school administrator. If the Head Administrator is not a licensed school administrator, he or she shall obtain provisional licensure pursuant to 6.62.2.9 NMAC prior to assuming his or her duties.

The Governing Body delegates to the Head Administrator the authority and responsibility to develop procedures to implement all policies of the Governing Body.

The Governing Body delegates to the Head Administrator the authority and responsibility to develop procedures to implement methods to improve student academic achievement.

The Governing Body delegates to the Head Administrator the authority and responsibility to employ appropriate personnel, according to New Mexico State Statutes. The Head Administrator of the school makes all decisions related to the employment and/or discharge of all employees of the school in accordance with the Charter Schools Act, NMSA 1978, § 22-8B-10.

### **C.03 Head Administrator Job Description**

1. Create and maintain a powerful and consistent vision for the school, ensuring that the school meets its accountability plan.
2. Respond to and meet requirements as specified from the Chartering Authority.
  - a. Liaison (point of contact) to Chartering Authority
  - b. Evaluate and analyze bills, rules, policies of governmental entities impacting the schools
3. Provide exceptional support and information to the Governing Body in order to:
  - a. Guide the school's mission, direction, and strategic plan
  - b. Establish appropriate policies and procedures
  - c. Make informed decisions based on timely and accurate information which takes into account legal and regulatory requirements
  - d. Guide and assure student academic performance to meet or exceed Chartering Authority Improvement Plans
  - e. Meet the school's resource objectives, and create and fulfill resource policies and procedures.
4. Ensure that the academic program for SPLC achieves the following:
  - a. The educational program adheres to the charter
  - b. Adequate and appropriate assessment systems are in place to evaluate the success of the academic program and to use data to drive instructional improvement
  - c. Ensure registration processes for all eligible students are maintained to ensure required numbers of students are attending SPLC.
  - d. Ensure the annual evaluation process of all school staff including period licensure and background checks are up to date.
  - e. Ensure student guidance and counseling are provided as needed.
5. Work in collaboration with the Financial Officer to ensure that:
  - a. The school's financial objectives and practices meet all legal and ethical requirements,
  - b. Financial objectives are achieved, and
  - c. Creation and fulfillment of financial policies and procedures are achieved.
  - d. Ensure cooperation between PED, Business Manager, and Head Administrator regarding all financial concerns.
6. Ensure that the data and operations for SPLC meet the following:
  - a. Daily operational facilities are maintained and are available for students, staff, and administration.
  - b. Information and technological processes are available and that data required on a daily basis is available
  - c. The lottery selection process, registration, administrative support, and

- maintenance actions are achieved accurately and ethically.
- d. School Administrative Support is adequately resourced and that tools needed are available on a daily basis.
7. Develop and implement a mission-driven, equitable, and transparent process for the allocation of core organizational resources within the school, including human, financial, physical, and temporal decisions about the allocation of core resources within the school.
  8. Enhance the school's credibility with parents, students, and the broader community by leading the school with professionalism, integrity and enthusiasm.
  9. Perform other duties as needed for the effective day-to-day operation of the school.

## Section D: Fiscal Management

---

### ***D.01 Budget Process***

The adoption of the annual operational budget is the responsibility of the Governing Body. The administration shall present to the Governing Body for adoption a specific budget. The Governing Body shall identify priorities and give general instructions to the administration to prepare a balanced budget based upon the Governing Body's priorities. Finally, the Governing Body shall debate and vote upon budgetary matters following a minimum of two public hearings.

### ***D.02 Contracts***

The Governing Body recognizes that in order to accomplish the specific mission, goals, and objectives of the school, the administration must enter into contracts for specific purposes. Furthermore, the Governing Body recognizes that it is in the school's best financial interest to secure services on an as-needed basis rather than employ full-time personnel to fulfill short-term needs or requirements as allowed by the State Procurement Code.

The Governing Body authorizes the administration to seek contractual services wherever it is deemed appropriate.

The Governing Body authorizes the Head Administrator to enter into professional service contracts up to State Procurement Code limit of \$60,000.00. The Governing Body President must execute each negotiated contract in excess of \$60,000.00. The Governing Body shall be notified at the next Governing Body meeting of any professional service contract entered into on behalf of the school in excess of \$20,000.00 but less than \$60,000.00. The Financial Committees of the SLC Governing Bodies will monitor financial and accounting activities and provide status reports to the Governing Bodies.

### ***D.03 Central Purchasing***

The Governing Body assigns the Chief Financial Officer (PED and Business Manager) as the head of its central purchasing office and as its chief procurement officer.

The Chief Financial Officer will purchase, rent, lease, or otherwise acquire on behalf of the school all items of tangible personal property, services, or construction. All purchases will be strictly in accordance with the laws of the State of New Mexico and federal law in addition to

applicable policies and procedures of the Governing Body and the State Public Education Department. The Chief Financial Officer shall establish and maintain a manual of purchasing policies and procedures which shall be reviewed and approved by the Governing Body as part of the school's financial policies and procedures.

#### ***D.04 Audit***

The Governing Body considers the audit function to be a critical ingredient in providing comprehensive evaluation of the level of control in the school's operating and accounting systems. The audit function shall be independent from school administration in carrying out the responsibilities outlined in this policy. The SPLC Governing Body's Audit Committee will attend scheduled audit meetings with the auditor and provide status reports to the Governing Bodies as required.

The auditor shall independently review, evaluate, and report through audits and management studies the status of the school's financial condition; accuracy of financial and property record keeping; compliance with applicable laws, policies, guidelines, and procedures; and effectiveness and economy of operations.

#### ***D.05 Fiscal Integrity***

In the event that the Head Administrator determines additional personnel, programs, or initiatives are warranted, no such additions shall be made without a corresponding identifiable source of funding.

#### ***D.06 Cell Phones***

The Governing Body approves of expenditures to provide cell phones for use by the administration for school business. Personal use of cell phones is approved, provided the administrators annually reimburse the school for additional fees incurred as a result of personal usage, which shall be identified on the monthly statement by the administrators.

#### ***D.07 GASB 54***

It is the policy of the Governing Body to adopt the GASB 54 accounting, reporting and budgeting of funds procedures. The objective of GASB 54 is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied in financial statements and to clarify the existing governmental fund type definitions.

#### ***D.08 Voucher Approval***

The Governing Body authorizes the Head Administrator or his/her designee, pursuant to NMAC 6.20.2.14(H), to approve vouchers for payment prior to a Governing Body meeting. A summary listing of the vouchers and any additional information prescribed by the Governing Body shall be presented during periodic Finance Committee meetings and/or at the next regular Governing Body meeting for formal approval.

## **Section E: Personnel Policies**

---

Section B of the SPLC Policy Manual specifies policies governed by the Governing Body. The Policy section specifies the expected outcome and approach while the SPLC Employee Handbook specifies the actual procedures or actions and activities to be demonstrated.

### ***E.01 Equal Employment***

The SPLC is an equal opportunity employer. The School prohibits discrimination on the basis of disability, race, ethnicity, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, religion, age, veteran status and/or any other protected status as defined by law, in all facets of employment, compensation, promotion, transfer, demotion, layoff, termination or selection for School-sponsored training programs. Discriminatory behavior violates state and federal laws and regulations.

### ***E.02 Employee Relations***

Nothing in this policy manual shall be construed to limit or affect the right of any employee to express a view or opinion on any matter related to the condition or terms of employment, so long as the same does not interfere with the full, faithful, and proper performance of the employee's duties or interrupt the educational process for the students.

### ***E.03 Position Description***

The school shall maintain an adequate job description for each Certified or Non-Certified employee. The job description is based on the duties and tasks that the employee performs at the school.

### ***E.04 Compensation and Wages***

The school shall provide compensation and wage tables for all employee levels and categories.

### ***E.05 Employee Conflict of Interest***

Employees must not engage in any activities, transactions, or relationships that are incompatible with the impartial, objective, and effective performance of their duties. Public employment is a public trust. Employees must maintain integrity and high ethical standards and may not use their position to advance personal or private interests. All employees must disclose real or potential conflicts of interest, as well as any activities that might be perceived as a conflict of interest, as directed by the Government Conduct Act., NMSA 1978, § 10-16-3.

### ***E.06 Nepotism***

SPLC shall comply with all applicable state and federal statutes regarding nepotism. The Governing Body and the Head Administrator shall not engage in nepotism in any of its operations or hiring practices. The SPLC shall not initially employ or approve initial employment in any capacity a person who is a family member of the Governing Body or the Head Administrator. The Governing Body may waive this policy for family Members of the Head Administrator.

### ***E.07 Employee Standards of Conduct***

Employees of the SPLC shall maintain the highest standards of conduct and act in a mature and responsible manner at all times. Employees must not engage in a) verbal or physical conduct, which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment or b) activities which violate federal, state or local laws or which, in any way, reflect adversely on SPLC.

### ***E.08 Staff Conduct with Students***

SPLC strongly believes that a part of the schools' mission is to promote moral and ethical behavior by our students. These values are best promoted by "leading by example". The employees of SPLC are expected to be positive role models for students. In addition, the standards of ethical behavior and professional conduct are set forth in New Mexico Public Education Department regulation 6.60.9 NMAC – Code of Ethical Responsibility. Violation of this code of conduct may result in disciplinary action up to and including termination or discharge by the school or up to licensure revocation by the Public Education Department.

### ***E.09 Sexual Harassment***

It is the policy of the Governing Body to provide a working environment free of discrimination based on sex. Sexual harassment is prohibited. The SPLC affirms that by state and federal law, students, parents, employees, and Members of the SPLC Community have the right to be free from sexual harassment. The school shall promptly investigate all complaints of sexual harassment and will take appropriate action against any student, parent, employee, or Member of the SPLC Community who violates this policy.

### ***E.10 Drug, Alcohol, and Tobacco Free Workplace***

SPLC forbids any employee from possessing, using, selling, distributing, or being under the influence of alcohol or illegal drugs, and from possessing, using, selling, or distributing drug paraphernalia. Use of tobacco by any persons on school grounds is prohibited.

### ***E.11 Health and Safety***

The policy of the Governing Body is to take all reasonable steps to safeguard employees, students, and the public from accidents and to provide a safe, healthy work and educational environment.

### ***E.12 Employee Insurance***

Pursuant to NMSA 1978, § 22-8B-9(B)(16), SPLC will participate in the public school insurance authority to provide employee health and benefit coverages, other risk-related coverages, as well as Worker's Compensation and other fringe benefits.

### ***E.13 Duty Day***

The Governing Body delegates scheduling authority and responsibility to the Head Administrator. The normal duty day shall not exceed 7 hours exclusive of lunch.

#### ***E.14 Leave, Professional Leave, Annual Leave, and Holidays***

The Governing Body does not differentiate between annual leave and sick leave. Instead, it is the policy of the Governing Body to allow each classification of employee the allotted days to be used at the employee's discretion, with the pre-approval of the Head Administrator, or their designee.

The Governing Body shall annually identify the recognized paid holidays.

SPLC provides its employees annual leave and holidays based upon the terms of their individual employment contracts. Further, the administration will consider long-term and short-term leave for its employees. The Head Administrator or their designee shall approve all leave on an individual basis.

#### ***E.15 Family and Medical Leave Act***

It is the policy of the SPLC Governing Body to comply fully with the requirements and directives of the Family and Medical Leave Act.

#### ***E.16 Personnel Evaluations***

SPLC will maintain a system of evaluation for all personnel in compliance with the laws of New Mexico and the standards and procedures adopted by the New Mexico Public Education Department, which system will also reflect and support the mission, goals, and objectives of the school.

#### ***E.17 Staff Development***

SPLC will provide its employees quality opportunities for continual professional growth and development. Such opportunities shall reflect the mission, goals and objectives of SPLC and provide for growth and development based upon an employee's goals and performance.

#### ***E.18 Transfer of Employees***

The Governing Body delegates to the Head Administrator the authority and responsibility for transferring employees based on programmatic, budgetary, or school need and/or the best interests of the students.

#### ***E.19 Personnel Reduction-In-Force***

The purpose of the SPLC Reduction-In-Force policy is to establish an orderly, non-discriminatory and equitable procedure to reduce the number of employees in the event that the SPLC experiences insufficient or reduced revenues, and to preserve a sound balanced educational program that is consistent with the function and responsibilities of the SPLC charter. The Head Administrator shall be the final decision-maker on the content and scope of the Reduction-In-Force plan after giving due consideration to the recommendations of the Governing Body.

### ***E.20 Conflict Resolution Policy***

The school will strive to resolve conflict to ensure that all employees may bring to levels of authority legitimate grievances in order to secure equitable solutions.

### ***E.21 Staff Participation in Political Activities***

SPLC prohibits employees seeking political office or participating in a political campaign from conducting campaign activities on school premises during regular working hours, disallows employees from using students in any campaign activity during school hours and bans employees from using school equipment or materials to produce campaign literature.

### ***E.22 Background Investigations***

SPLC recognizes that all applicants for employment with the school are subject to work history, education history, reference checks and criminal background investigations including, but not limited to, applicants for substitute and temporary positions, non-paid volunteers, mentors, and contractors or contractor's employee(s) with unsupervised access to students.

### ***E.23 Records and Certification***

The school will develop and provide a records process that is secure, and it will provide a process to ensure up to date certifications are on file at all times for Certified employees.

### ***E.24 Fraud Awareness, Misconduct, and Whistle Blower***

SPLC is committed to protecting the school from fraud, misuse, misappropriation, misconduct or other irregularities. All employees are encouraged to report any suspicious, irregular, unethical or illegal behavior involving employees, stakeholders, consultants, vendors, contractors or other persons or entities with regard to SPLC. SPLC will not retaliate against employees who in good faith express their reasonable concerns about unlawful use or misuse of, or about other misconduct or irregularities, when reported to the appropriate school authority.

### ***E.25 E-mail and Internet Use Policy***

All employees must agree in writing to follow the school's acceptable use policy (AUP) prior to using one of the school's computer systems. Once signed, the AUP remains in effect throughout the student's enrollment at the school.

The SPLC Governing Body hereby adopts the school's Acceptable Use Policy and the terms and conditions outlined within the AUP.

### ***E.26 Transportation***

Transportation to and from school is the sole responsibility of the parents, guardians, or their designees. The Governing Body directs the Head Administrator to contract with state approved transportation providers on an as-needed basis for school related activities.



## **E.27 Business Processes and Central Purchasing**

### **E.27-a. Travel and Reimbursement**

It is the policy of the SPLC Governing Body to reimburse actual, reasonable travel expenses incurred by employees as a result of travel to conferences, meetings, trainings, or other gatherings away from the school building that were pre-approved by the Head Administrator. The school shall not pay for alcohol. The employee must present receipts and complete a travel reimbursement voucher upon return. Mileage shall be reimbursed at the rate established by the Internal Revenue Service as amended annually. The Governing Body grants the Head Administrator the right to make determinations on the reasonableness of individual requests.

### **E.27-b. Central Purchasing**

The Governing Body assigns the Chief Financial Officer (PED and Business Manager) as the head of its central purchasing office and as its chief procurement officer.

The Chief Financial Officer will purchase, rent, lease, or otherwise acquire on behalf of the school all items of tangible personal property, services, or construction. All purchases will be strictly in accordance with the laws of the State of New Mexico and federal law in addition to applicable policies and procedures of the Governing Body and the State Public Education Department. The Chief Financial Officer shall establish and maintain a manual of purchasing policies and procedures which shall be reviewed and approved by the Governing Body as part of the school's financial policies and procedures.

## **E.28 Documents Accepted as Policy**

The SPLC Governing Body hereby adopts the following documents: the Curriculum and Standards Alignment, Educational Plan for Student Success; the Parent and Community Plan; the Safe School Plan; the Wellness Plan; the Employee Handbook; the Student Behavior Handbook, Acceptable Use Policy, and the Student Code of Conduct; Accounting Policies and Procedures; the Mentorship Plan; the Educational Technology Plan; the Special Education Manual; and the Student Assistance Team Manual (SAT).

## **Section F: Students**

---

### **F.01 Selection of Students**

Students will be selected to attend the SPLC by lottery. If more students apply to the school than the school has seats available, remaining students will be placed onto a waiting list.

Siblings of students enrolled at the school will receive "priority placement" for the following school year. Priority placement shall occur prior to the lottery.

Southwest Preparatory Learning Center is a charter school for students who choose to apply for enrollment. The following procedures are necessary, as enrollment interest often exceeds the enrollment capacity of the school.

Students are admitted through a lottery system. Parents wishing to enroll their student(s)

must submit a Letter of Intent. At the beginning of January, the window opens for the receipt of new Letters of Intent to be placed into the lottery pool for the subsequent year. In the second week of February Letters of Intent to Return are collected for current students who wish to return the following year. In the second week of March, a lottery will be held to determine placement order and the waiting list for the subsequent year. Families have two weeks to accept the position offered to them for the subsequent year.

The window for Letters of Intent remains open the entire school year. When a vacancy occurs it is filled immediately if there is an available candidate on the wait list. Families have one week to accept the position during the school year.

Southwest Preparatory Learning Center's enrollment policy prohibits discrimination on the basis of disability, race, creed, color, gender identity or expression, national origin, religion, or need for special education services.

As per New Mexico State statute the lottery will be governed by the following guidelines:

1. If a student is chosen in the school's lottery and there is a sibling who is eligible to attend that same school, the sibling will be given preference for the following school year.
2. Students selected to enroll in Southwest Preparatory Learning Center will be able to re-enroll for the following school year in the same school, provided the family has completed and returned, by the deadline, a "Letter of Intent to Return" and the student is in good standing at the school.
3. Parents interested in having their child attend Southwest Secondary Learning Center for 9<sup>th</sup> grade must complete a Letter of Intent as students are not guaranteed a position and must go through the lottery process.

## ***F.02 Enrollment Requirements***

Upon enrolling at the SPLC, a student/parent must present satisfactory evidence of age, evidence that they are in compliance with all immunization requirements under New Mexico State Statutes and Administrative Code, complete the Code of Conduct, the "Next Step Plan", the federal program eligibility form, and sign and return the school's acceptable use policy.

Each year the administration shall identify the maximum number of openings the school shall have for the following school year. This shall be accomplished by identifying the number of graduates the school expects; querying students/parents on their intent to re-enroll for the following school year; and setting the maximum number of students who shall be admitted via the lottery process. Parents who fail to respond to the query shall be deemed "not returning" and the student's position shall be made available to a new student.

## ***F.03 Student Attendance, Absence, and Excuses***

In accordance with State law, all children over the age of five (5) and students under the age

of eighteen (18) and who have not yet graduated from high school are required to attend school unless they are officially excused. Compliance is the responsibility of the parent. Daily school attendance is necessary for students to benefit from the instructional program. The school does recognize that there are situations that dictate a student's absence. However, students and their families must recognize that excessive absenteeism, regardless of the reason, will negatively affect the student's achievement.

The SPLC Governing Body authorizes the administration to develop a strict attendance policy and procedures to follow that utilize all available means and resources within the community.

#### ***F.04 Release of Students***

No class may be dismissed before the regular hour for dismissal except with the approval of the Head Administrator, or designee.

Except in appropriate circumstances, custody of a student shall not be relinquished by school personnel to any person without the approval of the parent having legal custody.

#### ***F.05 Hazing***

Hazing will not be permitted as a condition of membership in any group or organization connected with the school. Hazing and bullying are not permitted. The SPLC Governing Body hereby adopts the school's Bully Prevention Policy as outlined in the school's Student Behavior Handbook.

#### ***F.06 Student Interrogations***

School authorities have a responsibility to cooperate with law enforcement agencies and/or child abuse investigators who are seeking to interview students at the school. Individual students should not be interrogated on campus without the knowledge of the Head Administrator.

There is no requirement to notify the parents of the student prior to questioning by school personnel. Every attempt shall be made by the school's administration to notify parents prior to a student being questioned by law enforcement personnel. A commissioned law enforcement official must place a student under arrest or into protective custody before the student may be removed from the campus for either further questioning or to be held at a detention facility. School authorities must immediately make a good faith effort to notify the parents of a student if the student has been removed from campus by law enforcement authorities.

#### ***F.07 Student Discipline***

The primary goal of discipline at the SPLC is to provide and maintain a safe, just, affirmative, and appropriately challenging environment that promotes learning and positive personal growth. Disciplinary measures will be aimed toward assisting each student in the development of self-control, social responsibility, and the acceptance of appropriate consequences for his/her actions. Administrators will utilize the progressive discipline procedures and options specified in the Student Behavior Handbook and outlined in the Student Code of Conduct.

The Governing Body hereby adopts the Student Behavior Handbook, the Student Code of Conduct, the Acceptable Use Policy, and all consequences and procedures outlined within these documents.

Corporal punishment, which is defined as “any disciplinary action taken by school personnel with the intention of producing pain” is strictly forbidden.

#### ***F.08 Extracurricular Activities***

Extracurricular activities are an integral part of the educational process, providing students with opportunities beyond the classroom to further develop their unique capabilities, interests, and needs. Participation in these activities is a privilege offered to and earned by students. Participation is not a right.

#### ***F.09 Student records***

Student records kept by the school shall be open to review by parents and/or students and will be treated as prescribed by the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, New Mexico Public Education Department regulations, and other existing law. If there are apparent conflicts among the statutes and guidelines, the provisions of FERPA shall prevail.

The SPLC Governing Body authorizes the Head Administrator to make provisions to store student records of students no longer attending the school in electronic format.

#### ***F.10 Student Grade Change***

It is the policy of the Governing Body for the SPLC to provide students and parents with an accurate assessment of the student’s work at the completion of the grading term.

Parents and students who disagree with a reported grade shall first attempt to meet with the teacher to discuss the situation. Following this meeting, parents and students who still disagree with the grade assigned by the instructor may ask for a formal administrative review of the earned grade. The process to initiate a review of the grade is as follows:

1. Within 10 days of receipt of the report card a parent may ask for a review by writing a letter to the school’s head administrator stating the reason the parent believes the grade to be in error.
2. Within 14 days of receipt of the parent’s letter, a school administrator shall conduct an investigation into the reported earned grade, specifically focused on the reason stated in the parent’s letter. The investigation may include looking at the grade book, re-computing the grade based upon the teacher’s syllabus, and speaking to the teacher.
3. If the administrator believes that there is sufficient evidence to support the parent’s claim, the administrator shall convene a committee of no less than three people (one of whom shall be a licensed teacher) to review the findings.
4. The committee shall then issue a written response to the parent and affected teacher notifying them of the decision to change or leave the grade as reported.

#### ***F.11 Release of Student Lists or Directories***

The SPLC Governing Body, in compliance with FERPA, will allow the release of directory information about students only to those persons or organizations having a legal right to know.

### ***F.12 Student Possession of a Firearm***

Any student found to be in possession of a firearm while at school, at any school-related event, or at any time when the Student Behavior Handbook is in force, shall be expelled from the school for a minimum of one calendar year and the offender shall be referred to law enforcement.

The definition of “firearm” is “any weapon which will propel a projectile by the action of an explosive.”

### ***F.13 Release Time for Religious Instruction***

Any student may be excused for religious instruction with the written consent of the parent. The SPLC assumes no responsibility for the student from the time he/she leaves the campus until after they have returned.

### ***F.14 Do Not Resuscitate Orders***

The policy of the Governing Body for the SPLC is to provide all students with immediate first aid and emergency rescue services when a medical crisis or life-threatening episode occurs at school. However, if the attending physician of a student has a written Do Not Resuscitate Order (DNR) on the authorization of the child’s parent(s)/guardian(s), school personnel must act in accordance with the order and refrain from medical interventions that are not consistent with the order.

### ***F.15 Students and Off-Campus Violent Acts***

Any student identified to the school as having been formally charged with committing a violent act or having illegally possessed a firearm in the community, may be assessed by the school administration as to whether the student 1) may reasonably present a danger to him or herself or others, and/or 2) would likely significantly disrupt the school environment by returning to the school campus. As a result of such an assessment process, the school administration may require the student to be placed into an alternative program for the safety of the student and others. The school administration may also require that the student be placed into an alternative program during the assessment process.

### ***F.16 Home Language Determination***

In accordance with federal and state law, Southwest Preparatory Learning Center will identify and service students who are identified as English Language Learners (ELL). Per the Every Student Succeeds Act (ESSA) an English Learner (EL) is defined as an individual:

1. who is aged 3 through 21;
2. who is enrolled or preparing to enroll in an elementary school;
3. who was not born in the United States or whose native language is a language

other than English; who is a Native American or Alaska Native, or a native resident of the outlying areas; and/or who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

4. who is migratory, whose native language is not English, and who comes from an environment where a language other than English is dominant; and
5. whose difficulties in speaking, reading, writing, or understanding English may be sufficient to deny the individual the ability to meet the challenging state academic standards;
6. whose ability to successfully achieve in classrooms where the language of instruction is English; or the opportunity to participate fully in society.

In addition, it is the policy of the state of New Mexico that every student who has a home language other than English and who is identified as ELL shall be provided the full opportunity to participate in an English as a second language (ESL) program. *The school shall:*

1. Design an ESL program that supports the attainment of language proficiency and allows meaningful access to all grade-level instruction.
2. Have parents complete the Language Usage Survey (LUS) upon *initial* enrollment in public school.
3. Request the LUS information for the newly enrolled student from their previous New Mexico school/district. The LUS will be kept in the cumulative file. The school shall conduct only one home language survey of each student.
4. Identify ELL students in need of language assistance services, and shall notify the parents within **30 calendar days after the beginning of the school year**, or within **two weeks of initial enrollment** if not enrolled at the beginning of the school.
5. Ensure teachers who are assigned to ESL programs are appropriately certified to include holding TESOL or bilingual endorsement.

The school may classify a student as an ELL if the student's score on the state approved English proficiency test (WIDA Screener) is below the levels established by the state as indicative of reasonable proficiency. It is the policy of Southwest Preparatory Learning Center to:

1. Identify, locate, and evaluate ELs with disabilities in a timely manner.
2. Consider the English language proficiency of ELs with disabilities in determining appropriate assessments and other evaluation materials.
3. Provide and administer special education evaluations in the child's native language, unless it is clearly not feasible to do so, to ensure that a student's language needs can be distinguished from a student's disability related needs.
4. Refrain from identifying or determining that EL students are students with disabilities because of their limited English language proficiency (ELP).
5. Provide EL students with disabilities with both the language assistance and disability related services they are entitled to under federal law—one does not supersede the other.

The school shall give written notice of the student's EL status classification to the parent. The notice must be in English and in the parent's primary language. The parents of students eligible to participate in the required ESL program shall be informed of the benefits of the school program.

Parents have right to opt out of ESL programs or services. In such case, the school shall provide support services within the general education classroom. ELL students must continue to take the annual ACCESS for ELLs assessment until they reach the minimum exit criteria. If a parent decides to opt his or her child out of ESL programs or particular ESL services, that child still retains his or her status as an ELL. The school shall continue to monitor the English language proficiency (ELP) and academic progress of students who opt out of EL programs and services.

The School may transfer an EL student out of ESL program if the student has a *composite score of 5.0* or higher from WIDA ACCESS 2.0 for ELLs.

After it is determined that the EL no longer qualifies as an ELL, the district/school shall continue to monitor the student for at least *two years* for academic progress, just as it would an EL who has received ESL programs and services.

### ***F.17 McKinney-Vento Homeless Children and Youth Act.***

In accordance with federal law, the SPLC has adopted the following policy regarding resolving complaints brought pursuant to the McKinney- Vento Homeless Children and Youth Act (42 USC Section 11432(g)(1)(c)).

If a family of a student, in completing the SPLC Student Registration Information, indicates they are homeless, the student should be considered homeless. Each homeless student shall be provided services comparable to the services offered to other students. Such services may include:

1. Access to the available transportation services.
2. Educational services for which the student meets the relevant eligibility criteria, such as services provided under Title I, special education services and programs for students with limited English proficiency.

For each homeless student, any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, shall be maintained so that they are available in a timely fashion.

The SPLC administration shall ensure that:

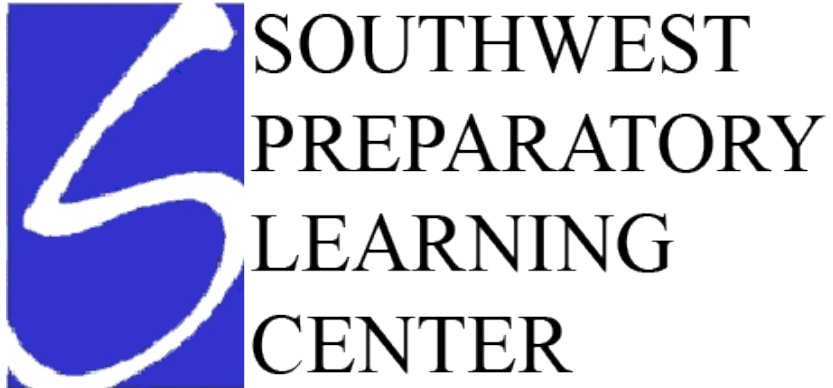
1. Homeless students drawn in the lottery and who choose to enroll will have a full and equal opportunity to succeed in school.
2. The parents of homeless students are informed of the educational and related opportunities available to them and are provided with meaningful opportunities to participate in the education of their children.

Disputes regarding services and assistance provided by the SPLC shall be addressed as follows:

1. Upon receipt of a written complaint from the parent of a homeless student, or an unaccompanied homeless student, the administration shall resolve the complaint within ten (10) calendar days.
2. If the parent wishes to appeal the administrative decision it should be done in writing within ten (10) calendar days and submitted to the SPLC Governance Council.
3. If the final decision of the SPLC Governance Council is adverse to the parent,

guardian or student, the decision along with the New Mexico Public Education Department's dispute resolution process form will be forwarded to the Public Education Department's homeless liaison within five (5) calendar days of the date of issuance of the final decision.





**GOVERNING BODY POLICY MANUAL**

Revised July 2022

## Table of Contents

Section A: Foundations and Basic Commitments.....	6
<u>A.01</u> <u>Overview</u> .....	6
<u>A.02</u> <u>Mission Statement for SPLC</u> .....	6
<u>A.02.1</u> <u>How is SPLC different from other schools?</u> .....	6
<u>A.03</u> <u>Nondiscrimination</u> .....	6
Section B: Governance and Operations.....	6
<u>B.01</u> <u>Governing Body Powers and Responsibilities</u> .....	6
<u>B.02</u> <u>Suspending or Revoking Bylaws, Policies or Directives</u> .....	7
<u>B.03</u> <u>Governing Body Member Authority</u> .....	7
<u>B.04</u> <u>Governing Body Membership</u> .....	7
<u>B.04.1</u> <u>Governing Body President</u> .....	7
<u>B.04.2</u> <u>Governing Body Vice President</u> .....	8
<u>B.04.3</u> <u>Governing Body Secretary</u> .....	8
<u>B.04.4</u> <u>Governing Body Member</u> .....	8
<u>B.05</u> <u>Governing Body Organizational Meeting</u> .....	9
<u>B.06</u> <u>Governing Body Vacancies</u> .....	9
<u>B.06.1</u> <u>Orientation of New Governing Body Members</u> .....	9
<u>B.07</u> <u>Governing Body Member Evaluation</u> .....	10
<u>B.08</u> <u>Governing Body Member Required Training</u> .....	10
<u>B.09</u> <u>Governing Body Member Conflict of Interest</u> .....	10
<u>B.10</u> <u>Governing Body Meetings</u> .....	10
<u>B.11</u> <u>Governing Body Meeting Agenda</u> .....	10
<u>B.12</u> <u>Addressing the Governing Body</u> .....	11
<u>B.13</u> <u>Governing Body Minutes</u> .....	11
<u>B.14</u> <u>Policy Adoption</u> .....	11
<u>B.15</u> <u>Parliamentary Authority</u> .....	11
<u>B.16</u> <u>Governing Body Committees</u> .....	11
<u>B.17</u> <u>Complaint Procedure</u> .....	12
<u>B.18</u> <u>Documents Accepted as Policy</u> .....	12

Formatted: Font color: Red, Strikethrough

<u>B.19</u>	<u>Governing Body Self-Assessment</u> .....	13
<u>B.20</u>	<u>EPSS Review</u> .....	13
<u>B.21</u>	<u>Governing Body Selection of the Head Administrator</u> .....	13
<u>B.22</u>	<u>Administrative Evaluations</u> .....	13
<u>B.23</u>	<u>Building Accommodations</u> .....	14
<u>Section C: General School Administration</u> .....		14
<u>C.01</u>	<u>Administrative Support</u> .....	14
<u>C.02</u>	<u>Head Administrator's Authority &amp; Responsibilities</u> .....	14
<u>C.03</u>	<u>Head Administrator Job Description</u> .....	15
<u>Section D: Fiscal Management</u> .....		16
<u>D.01</u>	<u>Budget Process</u> .....	16
<u>D.02</u>	<u>Contracts</u> .....	16
<u>D.03</u>	<u>Central Purchasing</u> .....	16
<u>D.04</u>	<u>Audit</u> .....	17
<u>D.05</u>	<u>Fiscal Integrity</u> .....	17
<u>D.06</u>	<u>Cell Phones</u> .....	17
<u>D.07</u>	<u>GASB 54</u> .....	17
<u>D.08</u>	<u>Voucher Approval</u> .....	17
<u>Section E: Personnel Policies</u> .....		17
<u>E.01</u>	<u>Equal Employment</u> .....	18
<u>E.02</u>	<u>Employee Relations</u> .....	18
<u>E.03</u>	<u>Position Description</u> .....	18
<u>E.04</u>	<u>Compensation and Wages</u> .....	18
<u>E.05</u>	<u>Employee Conflict of Interest</u> .....	18
<u>E.06</u>	<u>Nepotism</u> .....	18
<u>E.07</u>	<u>Employee Standards of Conduct</u> .....	19
<u>E.08</u>	<u>Staff Conduct with Students</u> .....	19
<u>E.09</u>	<u>Sexual Harassment</u> .....	19
<u>E.10</u>	<u>Drug, Alcohol, and Tobacco Free Workplace</u> .....	19
<u>E.11</u>	<u>Health and Safety</u> .....	19
<u>E.12</u>	<u>Employee Insurance</u> .....	19
<u>E.13</u>	<u>Duty Day</u> .....	19

Formatted: Font color: Red, Strikethrough

<u>E.14</u>	<u>Leave, Professional Leave, Annual Leave, and Holidays</u>	20
<u>E.15</u>	<u>Family and Medical Leave Act</u>	20
<u>E.16</u>	<u>Personnel Evaluations</u>	20
<u>E.17</u>	<u>Staff Development</u>	20
<u>E.18</u>	<u>Transfer of Employees</u>	20
<u>E.19</u>	<u>Personnel Reduction-In-Force</u>	20
<u>E.20</u>	<u>Conflict Resolution Policy</u>	21
<u>E.21</u>	<u>Staff Participation in Political Activities</u>	21
<u>E.22</u>	<u>Background Investigations</u>	21
<u>E.23</u>	<u>Records and Certification</u>	21
<u>E.24</u>	<u>Fraud Awareness, Misconduct, and Whistle Blower</u>	21
<u>E.25</u>	<u>E-mail and Internet Use Policy</u>	21
<u>E.26</u>	<u>Transportation</u>	21
<u>E.27</u>	<u>Business Processes and Central Purchasing</u>	22
	<u>E.27-a. Travel and Reimbursement</u>	22
	<u>E.27-b. Central Purchasing</u>	22
<u>E.28</u>	<u>Documents Accepted as Policy</u>	22
<u>Section F: Students</u>		22
<u>F.01</u>	<u>Selection of Students</u>	22
<u>F.02</u>	<u>Enrollment Requirements</u>	23
<u>F.03</u>	<u>Student Attendance, Absence, and Excuses</u>	23
<u>F.04</u>	<u>Release of Students</u>	24
<u>F.05</u>	<u>Hazing</u>	24
<u>F.06</u>	<u>Student Interrogations</u>	24
<u>F.07</u>	<u>Student Discipline</u>	24
<u>F.08</u>	<u>Extracurricular Activities</u>	25
<u>F.09</u>	<u>Student records</u>	25
<u>F.10</u>	<u>Student Grade Change</u>	25
<u>F.11</u>	<u>Release of Student Lists or Directories</u>	25
<u>F.12</u>	<u>Student Possession of a Firearm</u>	26
<u>F.13</u>	<u>Release Time for Religious Instruction</u>	26
<u>F.14</u>	<u>Do Not Resuscitate Orders</u>	26

*F.15 Students and Off-Campus Violent Acts* .....26  
*F.16 Home Language Determination* .....26  
*F.17 McKinney-Vento Homeless Children and Youth Act* .....28

**Formatted:** Font color: Red, Strikethrough

## Section A: Foundations and Basic Commitments

---

### **A.01 Overview**

Two distinct and very different schools share a common physical location. These two schools are Southwest Preparatory Learning Center (SPLC) and Southwest Secondary Learning Center (SSLC). This Policy Manual is specific to Southwest Preparatory Learning Center (SPLC).

### **A.02 Mission Statement for SPLC**

The mission of SPLC is to utilize blended learning and traditional and community-based instruction in an accelerated academic curriculum to sustain a high-performing learning community.

#### **A.02.1 How is SPLC different from other schools?**

SPLC encompasses grades 4 through 8 in a traditional learning environment with some exposure to technology. SPLC incorporates the overall mission stated above; however, it is traditionally based in its education strategy. SPLC utilizes a unique blended learning environment with accelerated academic curriculum.

Through a long-term commitment to this mission, we are known as a school that can offer quality alternative learning opportunities for all students. Students, parents, and the community view the school as offering challenging and creative learning environments for students with a goal of being prepared for successful entry and performance in any High School.

### **A.03 Nondiscrimination**

SPLC affirms its commitment to the rights of students, parents, and employees with disabilities, as set forth in Section 504 of the Rehabilitation Act of 1973, the New Mexico Human Rights Act (NMHRA) and the Americans with Disabilities Act (ADA).

The SPLC affirms its commitment to the rights of students, parents, and employees with the Human Immunodeficiency Virus (HIV). SPLC will ensure that their right to privacy is protected.

This policy shall be implemented by the administration through the adoption of appropriate procedural directives.

## Section B: Governance and Operations

---

### **B.01 Governing Body Powers and Responsibilities**

The Governing Body of SPLC retains and reserves unto itself all powers and duties conferred upon and vested in it by New Mexico State Statutes (including those prescribed in NMSA 1978, § 22-8B-4) and 6.80.4 NMAC "Charter Schools". The primary powers and duties of the Governing Body are to set school policy, review, approve, and monitor the

budget for SPLC, and hire the Head Administrator. Additionally, the Governing Body will monitor student academic achievement and monitor financial and resource management. The Governing Body is subject to New Mexico Public Education Department regulations, and state and federal statutes.

The following information specified in Section B is considered the SPLC Bylaws.

### **B.02 Suspending or Revoking Bylaws, Policies or Directives**

Any bylaw or policies of the Governing Body, not specifically prescribed by statute, may be suspended or revoked by a majority vote of the Governing Body.

The Head Administrator of the school may, in the case of emergency, suspend any part of a bylaw, policies or directives as they pertain to the administration of the school; provided, that the Head Administrator report the facts and reasons for such suspension at the next meeting of the Governing Body and provided that the suspension shall expire at the time of said report unless continued in effect by the Governing Body.

### **B.03 Governing Body Member Authority**

Governing Body Members have authority only when acting as a Governing Body in regular or special session. The Governing Body will not be bound in any way by any statement or action on the part of any individual Governing Body Member. No Governing Body Member will speak for or represent the entire Governing Body unless so authorized and documented by a majority of the Governing Body.

### **B.04 Governing Body Membership**

The Governing Body Members serve as voluntary members and new members are voted on by the current Governing Body. ~~The SPLC Governing Body shall consist of five (5) members.~~ ~~The SPLC Governing Body shall consist of five (5) to seven (7) members.~~ The quorum is determined as the majority of Governing Body Members on record for this school. In the case of a tie vote, either consensus discussion will be used to determine the outcome or the Governing Body President or presiding member will remove his or her vote to determine the outcome. Per NMSA § 22-5-7, SPLC Governing Body will elect a President, Vice President, and Secretary on an annual basis during the organizational meeting.

Formatted: Font color: Red, Strikethrough

#### **B.04.1 Governing Body President**

1. Is elected as set forth in Section B.05
2. Is a Member of the Governing Body
3. Works in close collaboration with the Head Administrator in achieving the school's mission.
4. Provides leadership to the Governing Body.
5. Chairs meetings of the Governing Body after developing the agenda with the Head Administrator as needed.
6. Encourages the Governing Body's role in strategic planning.
7. Helps guide and mediate Governing Body actions with respect to the school's priorities and governance concerns.
8. Reviews with Head Administrator any issues of concern to the Governing Body.

Formatted: Font color: Red, Strikethrough

9. Monitors financial planning, financial reports, and academic performance.
10. Plays a lead in formally evaluating the Head Administrator.
11. Participates annually in the required Governing Body training – Section B.08.
12. Performs other responsibilities as assigned by the Governing Body.
13. Serves as a school's ambassador to the community

**B.04.2 Governing Body Vice President**

1. Is elected as set forth in Section B.05
2. Is a Member of the Governing Body
3. Is designated as the Governing Body Member to preside over meetings in the Governing Body President's absence.
4. Attends Governing Body-related training to support more effective governance of the school's operation – Section B.08.

**B.04.3 Governing Body Secretary**

1. Is elected as set forth in Section B.05
2. Is a Member of the Governing Body
3. Ensures documentation and accuracy of Governing Body meeting minutes
4. Attends Governing Body-related training to support more effective governance of the school's operation – Section B.08.

**B.04.4 Governing Body Member**

1. Is an active participant in the Governing Body, by contributing needed hours per month toward Governing Body service. "Active participation" may include, but is not limited to, the following:
  - a. Attending a monthly Governing Body meeting
  - b. Participating on a Governing Body committee (or committees)
  - c. Reading school- or Governing Body-related material and preparing for meetings
  - d. Attending events at SPLC, related legislative sessions or events and other tasks as required
  - e. Attending Governing Body-related training to support more effective governance of the school's operation – Section B.08.

Each Governing Body Member understands that if three meetings are missed in-person within any consecutive twelve month period, her or his seat may be vacated by a vote of 50% or greater of Governing Body Members present at the meeting following the third absence, unless it is difficult or impossible for the Governing Body Member to attend. Absences may be accommodated by Governing Body Member participation via teleconference or similar communication equipment under the Open Meetings Act, specifically NMSA 1978, § 10-15-1(C). Furthermore, "difficult or impossible" shall be defined as medical or family emergencies or other similar, unforeseeable instances.

2. Monitors financial planning, financial reports, and academic performance.
3. Volunteers and willingly accepts assignments and completes them on time.
4. Prepares well for meetings, reviews and comments on minutes and committee reports.
5. Works in good faith to build effective working relationships with other Governing Body Members, the SPLC administration and the SPLC staff.



6. Plays a role in formally evaluating the Head Administrator.
7. Performs other responsibilities as assigned by the Governing Body President.
8. Serves as a school's ambassador to the community.

If a Governing Body Member believes that her/his duties can no longer be fulfilled to SPLC and its specific Governing Body, it shall be that Member's responsibility to submit a written resignation as a Member of the Governing Body to the Governing Body President. In the event of a motion to discharge a Governing Body Member from the Governing Body for non-performance of duties, any specific performance issues shall be discussed in closed session as permitted under the Open Meetings Act, NMSA 1978 Section 10-15-1(H). Action on any performance-related issues discussed in closed session shall be conducted in open session.

#### ***B.05 Governing Body Organizational Meeting***

The Governing Body shall hold its annual organizational meeting during the first regularly scheduled Governing Body meeting in June or July. Governing Body Members present at the meeting shall elect a President, Vice President, and Secretary of the Governing Body. Incumbent officers may be voted on during this meeting. Committee membership is determined in the organizational meeting and may be modified during regularly scheduled Governing Body meetings during the year.

#### ***B.06 Governing Body Vacancies***

The SPLC Governing Body may appoint a committee to solicit nominations to fill Governing Body vacancies. The committee shall have at least one Member from the Governing Body who shall serve as chair. If the number of Governing Body Members selected to serve on the committee constitute a quorum of the Governing Body, committee meetings must be held in accordance with the Open Meetings Act. The Head Administrator may not serve on the committee; however the Head Administrator may help solicit potential volunteers to serve as board members.

The Governing Body shall select Governing Body Members for vacant positions by a majority vote. Upon notification of a vacancy, the Governing Body shall obtain nominations by notifying community, business, and/or education leaders, and school families of vacancies on the Governing Body along with a description of the responsibilities of serving as a Member. The notice of vacancy shall be posted on the School's website, bulletin board, and through email to the parents of students. Interested individuals will be asked to submit their name, qualifications, and reasons for wanting to serve on the Governing Body or to submit the names of other individuals who they believe would be an asset to the Governing Body to the President of the Governing Body. Once candidates have been identified, notice shall be posted on the School's website, bulletin board, and through email to the parents of students, and provided to the candidates, the date and time of the Governing Body meeting at which the position(s) will be voted on by the Governing Body and Candidates will be required to attend the meeting at which an election is held and will be interviewed by the Governing Body in a public session. Only individuals who have no real or apparent conflicts of interests will be eligible to serve. Nominations must be given to the President or designee of the Governing Body prior to the date of the regular or special Governing Body Meeting at which the vote of the Governing Body shall be made.

#### ***B.06.1 Orientation of New Governing Body Members***

The Governing Body President, or designee, will provide orientation to new Governing Body Members prior to the next regular scheduled Governing Body meeting after the new Governing Body Member has been elected to serve on the Governing Body.

#### ***B.07 Governing Body Member Evaluation***

The Governing Body President will provide each Governing Body Member with an annual evaluation regarding attendance at meetings, committee participation, and general involvement with Governing Body activities.

#### ***B.08 Governing Body Member Required Training***

Pursuant to NMSA § 22-8B-5.1 each charter school governing body member is currently required to attend five hours of training annually. This rule applies to all charter school governing body members including those authorized by the district and those authorized by the state or the PEC. Various opportunities are available during the school year including those offered by the NM-PED which provides several trainings during the year that may count towards these training hours. These trainings are free and there is no cost for attendance. Other trainings are available from the NMCC.

#### ***B.09 Governing Body Member Conflict of Interest***

A Governing Body Member cannot use her or his status as a Governing Body Member, or information obtained in that capacity, for personal gain, but must act in the best interest of the school. Governing Body Members will make known their connections with suppliers or groups doing business with the school.

Governing Body Members are not permitted to act in any way that is inconsistent with the school's vision and mission. Any Member of the Governing Body with an actual or potential conflict of interest shall not be involved in decision-making affecting issues as to which the Member has an actual or potential conflict.

#### ***B.10 Governing Body Meetings***

Regular meetings of the Governing Body will be held at a time and place designated by the Governing Body and published on the School Website, <http://www.sslc-nm.com/links>, and broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for notice of the meetings. Regular meetings of the Governing Body will be held at a time and place designated by the Governing Body's current Open Meetings Act Resolution. The date of a regular meeting may be changed by action of the Governing Body as provided by law, provided that every Governing Body Member and the public are notified.

A special meeting with one agenda may be called by the Governing Body President or by a quorum of Governing Body Members. Advance notice shall be given in accordance with the Open Meetings Act (NMSA 10-15-1).

#### ***B.11 Governing Body Meeting Agenda***

The agenda for any Governing Body meeting shall be approved by the Governing Body President and the Head Administrator. The Governing Body reserves the right to add or delete items at the meeting that are from persons other than Governing Body Members,

subject to the limits of the Open Meetings Act, NMSA 1978, §§ 10-15-1 (F). A written request that an item be included on the Governing Body agenda must be filed in the office of the Head Administrator at least seven (7) calendar days prior to the publication of the agenda. Such requests must include in writing, all statements and materials the person anticipates presenting. This does not limit any person's right to speak during the public comment portion of each meeting. Closed Meetings, per OMA § 10-15-1 (H) and (I), may be used as needed and determined by the Governing Body President or members.

Standing agenda items shall also include:

- Administrative and Operations Report
- Academic Report
- Finance Report
- New Governing Body Business

### ***B.12 Addressing the Governing Body***

Any person may formally address the Governing Body during the “public comment” session of a regularly scheduled Governing Body meeting, provided “public comment” is included on the Governing Body agenda. The Governing Body President reserves the right to amend the public comment session.

### ***B.13 Governing Body Minutes***

A record of all actions of the Governing Body will be set forth in the official minutes of the Governing Body. The minutes shall be kept on file at the school. Minutes are required per OMA § 10-15-1 (G).

### ***B.14 Policy Adoption***

Adoption of new policies or the revision or repeal of existing policies is solely the responsibility of the Governing Body. Staff members, students, civic groups, or individual citizens may request that the Head Administrator propose a policy provided the request is submitted pursuant to B.11 above.

### ***B.15 Parliamentary Authority***

Roberts' Rules of Order will govern the Governing Body, except where otherwise required by law. Although most items are handled by appropriate motion procedures, consensus action is also used. Actual procedures will be left to the discretion of the Governing Body President or Committee chairs.

### ***B.16 Governing Body Committees***

Per NMSA § 22-8.12.3(c) - The SPLC Governing Body shall establish a Finance Committee and an Audit Committee. The Finance Committee and Audit Committees are sub-committees of the Governing Body. The Finance Committee will consist of two Governing Body Members and two Members of the public. The Audit Committee will consist of two Governing Body Members, one volunteer member with accounting and finance experience, one volunteer parent, the Head Administrator, and finance officer. Members of the Finance Committee may also serve as Members of the Audit Committee. Any Governing Body Member may attend any committee meeting; however, a quorum of the Governing Body is

prohibited at all committee meetings unless such meeting is held in accordance with the Open Meetings Act.

Per 22-5-4 NMSA the Governing Body has fiduciary responsibilities including the development of financial and internal control policies. The purpose of the Finance Committee is to review monthly with the finance officer the financial transactions of the school. The Finance Committee reports monthly regarding this meeting to the Governing Body. The Finance Committee is subject to the provisions of the Open Meetings Act. Written procedures for internal accounting are required by 6.20.2.11 NMAC. The SPLC annual Budget per Section 22-8-6.1 NMSA requires submission of budget to PED by the required due date.

The purpose of the Audit Committee is to ensure that the school's public accountability is maintained. The Audit Committee meets at times required by its function and is subject to the provisions of the Open Meetings Act.

The SPLC Governing Body may adopt other committees as deemed necessary for the effective operation of the Governing Body and achievement of the charter. Ad hoc committees may be formed as needed to fulfill specific requirements.

The function of the standing committees will be fact-finding, deliberative, and advisory, rather than legislative or administrative. Committee recommendations will be made to the whole Governing Body, which alone may take action by the committee or by the administration.

#### ***B.17 Complaint Procedure***

Any complaint or issue from regulatory, legal, administrative or other stakeholders must be provided to the SPLC Governing Body in a timely fashion. The SPLC Governing Body is not accountable for issues or complaints that are not brought directly to the Governing Body in writing.

SPLC staff and parents will follow the Conflict and Grievance Process located in the Staff Handbook. If the parent or student is not satisfied with the Head Administrator's action, he or she may file a written complaint with the Governing Body seeking review of the Head Administrator's action. Written complaints shall be addressed to the Governing Body President. Upon receipt of the complaint, the Governing Body shall investigate the complaint during its next regularly scheduled meeting. The Governing Body President may choose to conduct a closed hearing at the next regularly scheduled Governing Body meeting. At this hearing, the complainant shall have the opportunity to present his/her case and the school shall present its' rationale for the decision. The Governing Body may deliberate in closed session to reach a consensus. In open session the Governing Body shall then rule to either uphold the administration's decision or remand the decision back to the administration for reconsideration. All decisions of the Governing Body are final and may only be appealed to the local court having jurisdiction.

#### ***B.18 Documents Accepted as Policy***

The SPLC Governing Body hereby adopts the following documents: the Curriculum and Standards Alignment, Educational Plan for Student Success; the Parent and Community Plan; the Safe School Plan; the Wellness Plan; the Staff Handbook; the Student Behavior Handbook, Acceptable Use Policy, and the Student Code of Conduct;

Accounting Policies and Procedures; the Mentorship Plan; the Educational Technology Plan; the New Mexico State Special Education Manual; and the New Mexico State Student Assistance Team (SAT) and Response to Intervention (RtI) Manual.

### **B.19 Governing Body Self-Assessment**

The SPLC Governing Body will annually assess its governance actions and output prior to the end of the school year.

### **B.20 EPSS Review**

Per NMAC § 6.29.1.9 the Governing Body will review the Educational Plan for Student Success (EPSS) reports for SPLC, and ensure the reports are kept up-to-date with regard to everything the school does.

### **B.21 Governing Body Selection of the Head Administrator**

In the event of a vacancy, the Governing Body of the SPLC will advertise the position of Head Administrator until a reasonable pool of qualified applicants is obtained.

The partial list of selection criteria for the position of Head Administrator are as follows:

1. Advanced degree in education with emphasis on alternative education
2. Licensure as a New Mexico licensed school administrator or eligibility for such licensure.
3. Successful prior headship or senior administrative experience in charter, private, or public school.
4. A demonstrated understanding of charter school education through his/her own experience as a teacher and/or administrator.
5. A belief in charter school philosophy and core values, and the ability to effectively and compellingly communicate the school's mission both internally and externally.
6. Demonstrated leadership of a successful marketing and enrollment campaign.
7. Demonstrated skills and abilities to develop and retain an outstanding teaching and administrative staff.
8. Demonstrated skills and abilities to develop and maintain academic performance of students.
9. Demonstrated success with budget management and oversight.
10. Impeccable communication and interpersonal skills.

### **B.22 Administrative Evaluations**

An effective working relationship between the Governing Body and the Head Administrator is essential to the successful operation of the school. The development and maintenance of such relationship will be assisted by annual performance reviews. The Head Administrators contract and SPLC Performance Framework, per NMSA § 22-8B-9.1, will be used to evaluate the overall performance.

The Governing Body directs the Head Administrator to evaluate members of the administrative team in compliance and in accordance with the New Mexico Highly Objective Statewide Standard of Evaluation for Principals and Assistant Principals (HOSSE). The Governing Body shall annually evaluate the job performance of the Head Administrator

during a closed meeting of the Governing Body. The Governing Body shall use the PED/PEC Performance Framework as a tool for the evaluation. The Governing Body may evaluate the Head Administrator on the achievement of school goals, student learning, parent satisfaction, and the financial well-being of the school.

### **B 23 Building Accommodations**

The Governing Body desires to maintain the quality of the educational environment regardless of size and location. In an effort to accomplish the mission, vision, goals, and objectives of the school as set forth in the charter, the Governing Body directs the Head Administrator to secure appropriate facilities through the use of lease-to-purchase arrangements, leases, gifts, and donations as provided by statute. The Governing Body recognizes that it must be in the process of obtaining a permanent facility to comply with New Mexico State Laws requiring charter schools to be in publicly owned facilities.

The Head Administrator will develop criteria outlining building and facility site safety, number, use, and location for the school. The Head Administrator with Governing Body approval shall negotiate all facility acquisition arrangements on behalf of the school.

## **Section C: General School Administration**

---

The school administration for Southwest Preparatory Learning Center (SPLC) is tasked with the objective to sustain a consistent administrative approach to support an accelerated academic curriculum, a high-performing learning community, a financially stable environment, and a daily operational process to support the mission.

The administrative approach is divided into three components for operational efficiency and control. These components consist of the academic processes; financial processes; and the daily operational processes.

The job descriptions shown in Section C of this Policy Manual specify the general requirements expected and agreed to by both the Governing Bodies and the Head Administrator.

### **C.01 Administrative Support**

It is the policy of the Governing Body to provide the Head Administrator and the administrative team the support and tools necessary to effectively carry out the educational program of the school, to meet the school's vision and mission and to create a safe learning environment for the students, staff Members and community.

### **C.02 Head Administrator's Authority & Responsibilities**

The SPLC Governing Body is responsible for hiring the school's Head Administrator. The Head Administrator shall be or shall be eligible to be a New Mexico licensed school administrator. If the Head Administrator is not a licensed school administrator, he or she shall obtain provisional licensure pursuant to 6.62.2.9 NMAC prior to assuming his or her duties.

The Governing Body delegates to the Head Administrator the authority and responsibility to develop procedures to implement all policies of the Governing Body.

The Governing Body delegates to the Head Administrator the authority and responsibility to develop procedures to implement methods to improve student academic achievement.

The Governing Body delegates to the Head Administrator the authority and responsibility to employ appropriate personnel, according to New Mexico State Statutes. The Head Administrator of the school makes all decisions related to the employment and/or discharge of all employees of the school in accordance with the Charter Schools Act, NMSA 1978, § 22-8B-10.

### **C.03 Head Administrator Job Description**

1. Create and maintain a powerful and consistent vision for the school, ensuring that the school meets its accountability plan.
2. Respond to and meet requirements as specified from the Chartering Authority.
  - a. Liaison (point of contact) to Chartering Authority
  - b. Evaluate and analyze bills, rules, policies of governmental entities impacting the schools
3. Provide exceptional support and information to the Governing Body in order to:
  - a. Guide the school's mission, direction, and strategic plan
  - b. Establish appropriate policies and procedures
  - c. Make informed decisions based on timely and accurate information which takes into account legal and regulatory requirements
  - d. Guide and assure student academic performance to meet or exceed Chartering Authority Improvement Plans
  - e. Meet the school's resource objectives, and create and fulfill resource policies and procedures.
4. Ensure that the academic program for SPLC achieves the following:
  - a. The educational program adheres to the charter
  - b. Adequate and appropriate assessment systems are in place to evaluate the success of the academic program and to use data to drive instructional improvement
  - c. Ensure registration processes for all eligible students are maintained to ensure required numbers of students are attending SPLC.
  - d. Ensure the annual evaluation process of all school staff including period licensure and background checks are up to date.
  - e. Ensure student guidance and counseling are provided as needed.
5. Work in collaboration with the Financial Officer to ensure that:
  - a. The school's financial objectives and practices meet all legal and ethical requirements,
  - b. Financial objectives are achieved, and
  - c. Creation and fulfillment of financial policies and procedures are achieved.
  - d. Ensure cooperation between PED, Business Manager, and Head Administrator regarding all financial concerns.
6. Ensure that the data and operations for SPLC meet the following:
  - a. Daily operational facilities are maintained and are available for students, staff, and administration.
  - b. Information and technological processes are available and that data required on a daily basis is available
  - c. The lottery selection process, registration, administrative support, and

maintenance actions are achieved accurately and ethically.

d. School Administrative Support is adequately resourced and that tools needed are available on a daily basis.

7. Develop and implement a mission-driven, equitable, and transparent process for the allocation of core organizational resources within the school, including human, financial, physical, and temporal decisions about the allocation of core resources within the school.
8. Enhance the school's credibility with parents, students, and the broader community by leading the school with professionalism, integrity and enthusiasm.
9. Perform other duties as needed for the effective day-to-day operation of the school.

## Section D: Fiscal Management

---

### ***D.01 Budget Process***

The adoption of the annual operational budget is the responsibility of the Governing Body. The administration shall present to the Governing Body for adoption a specific budget. The Governing Body shall identify priorities and give general instructions to the administration to prepare a balanced budget based upon the Governing Body's priorities. Finally, the Governing Body shall debate and vote upon budgetary matters following a minimum of two public hearings.

### ***D.02 Contracts***

The Governing Body recognizes that in order to accomplish the specific mission, goals, and objectives of the school, the administration must enter into contracts for specific purposes. Furthermore, the Governing Body recognizes that it is in the school's best financial interest to secure services on an as-needed basis rather than employ full-time personnel to fulfill short-term needs or requirements as allowed by the State Procurement Code.

The Governing Body authorizes the administration to seek contractual services wherever it is deemed appropriate.

The Governing Body authorizes the Head Administrator to enter into professional service contracts up to State Procurement Code limit of \$60,000.00. The Governing Body President must execute each negotiated contract in excess of \$60,000.00. The Governing Body shall be notified at the next Governing Body meeting of any professional service contract entered into on behalf of the school in excess of \$20,000.00 but less than \$60,000.00. The Financial Committees of the SLC Governing Bodies will monitor financial and accounting activities and provide status reports to the Governing Bodies.

### ***D.03 Central Purchasing***

The Governing Body assigns the Chief Financial Officer (PED and Business Manager) as the head of its central purchasing office and as its chief procurement officer.

The Chief Financial Officer will purchase, rent, lease, or otherwise acquire on behalf of the school all items of tangible personal property, services, or construction. All purchases will be strictly in accordance with the laws of the State of New Mexico and federal law in addition to



applicable policies and procedures of the Governing Body and the State Public Education Department. The Chief Financial Officer shall establish and maintain a manual of purchasing policies and procedures which shall be reviewed and approved by the Governing Body as part of the school's financial policies and procedures.

#### ***D.04 Audit***

The Governing Body considers the audit function to be a critical ingredient in providing comprehensive evaluation of the level of control in the school's operating and accounting systems. The audit function shall be independent from school administration in carrying out the responsibilities outlined in this policy. The SPLC Governing Body's Audit Committee will attend scheduled audit meetings with the auditor and provide status reports to the Governing Bodies as required.

The auditor shall independently review, evaluate, and report through audits and management studies the status of the school's financial condition; accuracy of financial and property record keeping; compliance with applicable laws, policies, guidelines, and procedures; and effectiveness and economy of operations.

#### ***D.05 Fiscal Integrity***

In the event that the Head Administrator determines additional personnel, programs, or initiatives are warranted, no such additions shall be made without a corresponding identifiable source of funding.

#### ***D.06 Cell Phones***

The Governing Body approves of expenditures to provide cell phones for use by the administration for school business. Personal use of cell phones is approved, provided the administrators annually reimburse the school for additional fees incurred as a result of personal usage, which shall be identified on the monthly statement by the administrators.

#### ***D.07 GASB 54***

It is the policy of the Governing Body to adopt the GASB 54 accounting, reporting and budgeting of funds procedures. The objective of GASB 54 is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied in financial statements and to clarify the existing governmental fund type definitions.

#### ***D.08 Voucher Approval***

The Governing Body authorizes the Head Administrator or his/her designee, pursuant to NMAC 6.20.2.14(H), to approve vouchers for payment prior to a Governing Body meeting. A summary listing of the vouchers and any additional information prescribed by the Governing Body shall be presented during periodic Finance Committee meetings and/or at the next regular Governing Body meeting for formal approval.

## **Section E: Personnel Policies**

---

Section B of the SPLC Policy Manual specifies policies governed by the Governing Body. The Policy section specifies the expected outcome and approach while the SPLC Employee Handbook specifies the actual procedures or actions and activities to be demonstrated.

### ***E.01 Equal Employment***

The SPLC is an equal opportunity employer. The School prohibits discrimination on the basis of disability, race, ethnicity, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, religion, age, veteran status and/or any other protected status as defined by law, in all facets of employment, compensation, promotion, transfer, demotion, layoff, termination or selection for School-sponsored training programs. Discriminatory behavior violates state and federal laws and regulations.

### ***E.02 Employee Relations***

Nothing in this policy manual shall be construed to limit or affect the right of any employee to express a view or opinion on any matter related to the condition or terms of employment, so long as the same does not interfere with the full, faithful, and proper performance of the employee's duties or interrupt the educational process for the students.

### ***E.03 Position Description***

The school shall maintain an adequate job description for each Certified or Non-Certified employee. The job description is based on the duties and tasks that the employee performs at the school.

### ***E.04 Compensation and Wages***

The school shall provide compensation and wage tables for all employee levels and categories.

### ***E.05 Employee Conflict of Interest***

Employees must not engage in any activities, transactions, or relationships that are incompatible with the impartial, objective, and effective performance of their duties. Public employment is a public trust. Employees must maintain integrity and high ethical standards and may not use their position to advance personal or private interests. All employees must disclose real or potential conflicts of interest, as well as any activities that might be perceived as a conflict of interest, as directed by the Government Conduct Act., NMSA 1978, § 10-16-3.

### ***E.06 Nepotism***

SPLC shall comply with all applicable state and federal statutes regarding nepotism. The Governing Body and the Head Administrator shall not engage in nepotism in any of its operations or hiring practices. The SPLC shall not initially employ or approve initial employment in any capacity a person who is a family member of the Governing Body or the Head Administrator. The Governing Body may waive this policy for family Members of the Head Administrator.

### **E.07 Employee Standards of Conduct**

Employees of the SPLC shall maintain the highest standards of conduct and act in a mature and responsible manner at all times. Employees must not engage in a) verbal or physical conduct, which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment or b) activities which violate federal, state or local laws or which, in any way, reflect adversely on SPLC.

### **E.08 Staff Conduct with Students**

SPLC strongly believes that a part of the schools' mission is to promote moral and ethical behavior by our students. These values are best promoted by "leading by example". The employees of SPLC are expected to be positive role models for students. In addition, the standards of ethical behavior and professional conduct are set forth in New Mexico Public Education Department regulation 6.60.9 NMAC – Code of Ethical Responsibility. Violation of this code of conduct may result in disciplinary action up to and including termination or discharge by the school or up to licensure revocation by the Public Education Department.

### **E.09 Sexual Harassment**

It is the policy of the Governing Body to provide a working environment free of discrimination based on sex. Sexual harassment is prohibited. The SPLC affirms that by state and federal law, students, parents, employees, and Members of the SPLC Community have the right to be free from sexual harassment. The school shall promptly investigate all complaints of sexual harassment and will take appropriate action against any student, parent, employee, or Member of the SPLC Community who violates this policy.

### **E.10 Drug, Alcohol, and Tobacco Free Workplace**

SPLC forbids any employee from possessing, using, selling, distributing, or being under the influence of alcohol or illegal drugs, and from possessing, using, selling, or distributing drug paraphernalia. Use of tobacco by any persons on school grounds is prohibited.

### **E.11 Health and Safety**

The policy of the Governing Body is to take all reasonable steps to safeguard employees, students, and the public from accidents and to provide a safe, healthy work and educational environment.

### **E.12 Employee Insurance**

Pursuant to NMSA 1978, § 22-8B-9(B)(16), SPLC will participate in the public school insurance authority to provide employee health and benefit coverages, other risk-related coverages, as well as Worker's Compensation and other fringe benefits.

### **E.13 Duty Day**

The Governing Body delegates scheduling authority and responsibility to the Head Administrator. The normal duty day shall not exceed 7 hours exclusive of lunch.

#### ***E.14 Leave, Professional Leave, Annual Leave, and Holidays***

The Governing Body does not differentiate between annual leave and sick leave. Instead, it is the policy of the Governing Body to allow each classification of employee the allotted days to be used at the employee's discretion, with the pre-approval of the Head Administrator, or their designee.

The Governing Body shall annually identify the recognized paid holidays.

SPLC provides its employees annual leave and holidays based upon the terms of their individual employment contracts. Further, the administration will consider long-term and short-term leave for its employees. The Head Administrator or their designee shall approve all leave on an individual basis.

#### ***E.15 Family and Medical Leave Act***

It is the policy of the SPLC Governing Body to comply fully with the requirements and directives of the Family and Medical Leave Act.

#### ***E.16 Personnel Evaluations***

SPLC will maintain a system of evaluation for all personnel in compliance with the laws of New Mexico and the standards and procedures adopted by the New Mexico Public Education Department, which system will also reflect and support the mission, goals, and objectives of the school.

#### ***E.17 Staff Development***

SPLC will provide its employees quality opportunities for continual professional growth and development. Such opportunities shall reflect the mission, goals and objectives of SPLC and provide for growth and development based upon an employee's goals and performance.

#### ***E.18 Transfer of Employees***

The Governing Body delegates to the Head Administrator the authority and responsibility for transferring employees based on programmatic, budgetary, or school need and/or the best interests of the students.

#### ***E.19 Personnel Reduction-In-Force***

The purpose of the SPLC Reduction-In-Force policy is to establish an orderly, non-discriminatory and equitable procedure to reduce the number of employees in the event that the SPLC experiences insufficient or reduced revenues, and to preserve a sound balanced educational program that is consistent with the function and responsibilities of the SPLC charter. The Head Administrator shall be the final decision-maker on the content and scope of the Reduction-In-Force plan after giving due consideration to the recommendations of the Governing Body.

**E.20 Conflict Resolution Policy**

The school will strive to resolve conflict to ensure that all employees may bring to levels of authority legitimate grievances in order to secure equitable solutions.

**E.21 Staff Participation in Political Activities**

SPLC prohibits employees seeking political office or participating in a political campaign from conducting campaign activities on school premises during regular working hours, disallows employees from using students in any campaign activity during school hours and bans employees from using school equipment or materials to produce campaign literature.

**E.22 Background Investigations**

SPLC recognizes that all applicants for employment with the school are subject to work history, education history, reference checks and criminal background investigations including, but not limited to, applicants for substitute and temporary positions, non-paid volunteers, mentors, and contractors or contractor’s employee(s) with unsupervised access to students.

**E.23 Records and Certification**

The school will develop and provide a records process that is secure, and it will provide a process to ensure up to date certifications are on file at all times for Certified employees.

**E.24 Fraud Awareness, Misconduct, and Whistle Blower**

SPLC is committed to protecting the school from fraud, misuse, misappropriation, misconduct or other irregularities. All employees are encouraged to report any suspicious, irregular, unethical or illegal behavior involving employees, stakeholders, consultants, vendors, contractors or other persons or entities with regard to SPLC. SPLC will not retaliate against employees who in good faith express their reasonable concerns about unlawful use or misuse of, or about other misconduct or irregularities, when reported to the appropriate school authority.

**E.25 E-mail and Internet Use Policy**

All employees must agree in writing to follow the school’s acceptable use policy (AUP) prior to using one of the school’s computer systems. Once signed, the AUP remains in effect throughout the student’s enrollment at the school.

The SPLC Governing Body hereby adopts the school’s Acceptable Use Policy and the terms and conditions outlined within the AUP.

**E.26 Transportation**

Transportation to and from school is the sole responsibility of the parents, guardians, or their designees. The Governing Body directs the Head Administrator to contract with state approved transportation providers on an as-needed basis for school related activities.

## **E.27 Business Processes and Central Purchasing**

### **E.27-a. Travel and Reimbursement**

It is the policy of the SPLC Governing Body to reimburse actual, reasonable travel expenses incurred by employees as a result of travel to conferences, meetings, trainings, or other gatherings away from the school building that were pre-approved by the Head Administrator. The school shall not pay for alcohol. The employee must present receipts and complete a travel reimbursement voucher upon return. Mileage shall be reimbursed at the rate established by the Internal Revenue Service as amended annually. The Governing Body grants the Head Administrator the right to make determinations on the reasonableness of individual requests.

### **E.27-b. Central Purchasing**

The Governing Body assigns the Chief Financial Officer (PED and Business Manager) as the head of its central purchasing office and as its chief procurement officer.

The Chief Financial Officer will purchase, rent, lease, or otherwise acquire on behalf of the school all items of tangible personal property, services, or construction. All purchases will be strictly in accordance with the laws of the State of New Mexico and federal law in addition to applicable policies and procedures of the Governing Body and the State Public Education Department. The Chief Financial Officer shall establish and maintain a manual of purchasing policies and procedures which shall be reviewed and approved by the Governing Body as part of the school's financial policies and procedures.

### **E.28 Documents Accepted as Policy**

The SPLC Governing Body hereby adopts the following documents: the Curriculum and Standards Alignment, Educational Plan for Student Success; the Parent and Community Plan; the Safe School Plan; the Wellness Plan; the Employee Handbook; the Student Behavior Handbook, Acceptable Use Policy, and the Student Code of Conduct; Accounting Policies and Procedures; the Mentorship Plan; the Educational Technology Plan; the Special Education Manual; and the Student Assistance Team Manual (SAT).

## **Section F: Students**

---

### **F.01 Selection of Students**

Students will be selected to attend the SPLC by lottery. If more students apply to the school than the school has seats available, remaining students will be placed onto a waiting list.

Siblings of students enrolled at the school will receive "priority placement" for the following school year. Priority placement shall occur prior to the lottery.

Southwest Preparatory Learning Center is a charter school for students who choose to apply for enrollment. The following procedures are necessary, as enrollment interest often exceeds the enrollment capacity of the school.

Students are admitted through a lottery system. Parents wishing to enroll their student(s)

must submit a Letter of Intent. At the beginning of January, the window opens for the receipt of new Letters of Intent to be placed into the lottery pool for the subsequent year. In the second week of February Letters of Intent to Return are collected for current students who wish to return the following year. In the second week of March, a lottery will be held to determine placement order and the waiting list for the subsequent year. Families have two weeks to accept the position offered to them for the subsequent year.

The window for Letters of Intent remains open the entire school year. When a vacancy occurs it is filled immediately if there is an available candidate on the wait list. Families have one week to accept the position during the school year.

Southwest Preparatory Learning Center's enrollment policy prohibits discrimination on the basis of disability, race, creed, color, gender identity or expression, national origin, religion, or need for special education services.

As per New Mexico State statute the lottery will be governed by the following guidelines:

1. If a student is chosen in the school's lottery and there is a sibling who is eligible to attend that same school, the sibling will be given preference for the following school year.
2. Students selected to enroll in Southwest Preparatory Learning Center will be able to re-enroll for the following school year in the same school, provided the family has completed and returned, by the deadline, a "Letter of Intent to Return" and the student is in good standing at the school.
3. Parents interested in having their child attend Southwest Secondary Learning Center for 9<sup>th</sup> grade must complete a Letter of Intent as students are not guaranteed a position and must go through the lottery process.

## **F.02 Enrollment Requirements**

Upon enrolling at the SPLC, a student/parent must present satisfactory evidence of age, evidence that they are in compliance with all immunization requirements under New Mexico State Statutes and Administrative Code, complete the Code of Conduct, the "Next Step Plan", the federal program eligibility form, and sign and return the school's acceptable use policy.

Each year the administration shall identify the maximum number of openings the school shall have for the following school year. This shall be accomplished by identifying the number of graduates the school expects; querying students/parents on their intent to re-enroll for the following school year; and setting the maximum number of students who shall be admitted via the lottery process. Parents who fail to respond to the query shall be deemed "not returning" and the student's position shall be made available to a new student.

## **F.03 Student Attendance, Absence, and Excuses**

In accordance with State law, all children over the age of five (5) and students under the age

of eighteen (18) and who have not yet graduated from high school are required to attend school unless they are officially excused. Compliance is the responsibility of the parent. Daily school attendance is necessary for students to benefit from the instructional program. The school does recognize that there are situations that dictate a student's absence. However, students and their families must recognize that excessive absenteeism, regardless of the reason, will negatively affect the student's achievement.

The SPLC Governing Body authorizes the administration to develop a strict attendance policy and procedures to follow that utilize all available means and resources within the community.

#### **F.04 Release of Students**

No class may be dismissed before the regular hour for dismissal except with the approval of the Head Administrator, or designee.

Except in appropriate circumstances, custody of a student shall not be relinquished by school personnel to any person without the approval of the parent having legal custody.

#### **F.05 Hazing**

Hazing will not be permitted as a condition of membership in any group or organization connected with the school. Hazing and bullying are not permitted. The SPLC Governing Body hereby adopts the school's Bully Prevention Policy as outlined in the school's Student Behavior Handbook.

#### **F.06 Student Interrogations**

School authorities have a responsibility to cooperate with law enforcement agencies and/or child abuse investigators who are seeking to interview students at the school. Individual students should not be interrogated on campus without the knowledge of the Head Administrator.

There is no requirement to notify the parents of the student prior to questioning by school personnel. Every attempt shall be made by the school's administration to notify parents prior to a student being questioned by law enforcement personnel. A commissioned law enforcement official must place a student under arrest or into protective custody before the student may be removed from the campus for either further questioning or to be held at a detention facility. School authorities must immediately make a good faith effort to notify the parents of a student if the student has been removed from campus by law enforcement authorities.

#### **F.07 Student Discipline**

The primary goal of discipline at the SPLC is to provide and maintain a safe, just, affirmative, and appropriately challenging environment that promotes learning and positive personal growth. Disciplinary measures will be aimed toward assisting each student in the development of self-control, social responsibility, and the acceptance of appropriate consequences for his/her actions. Administrators will utilize the progressive discipline procedures and options specified in the Student Behavior Handbook and outlined in the Student Code of Conduct.



The Governing Body hereby adopts the Student Behavior Handbook, the Student Code of Conduct, the Acceptable Use Policy, and all consequences and procedures outlined within these documents.

Corporal punishment, which is defined as “any disciplinary action taken by school personnel with the intention of producing pain” is strictly forbidden.

#### **F.08 Extracurricular Activities**

Extracurricular activities are an integral part of the educational process, providing students with opportunities beyond the classroom to further develop their unique capabilities, interests, and needs. Participation in these activities is a privilege offered to and earned by students. Participation is not a right.

#### **F.09 Student records**

Student records kept by the school shall be open to review by parents and/or students and will be treated as prescribed by the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, New Mexico Public Education Department regulations, and other existing law. If there are apparent conflicts among the statutes and guidelines, the provisions of FERPA shall prevail.

The SPLC Governing Body authorizes the Head Administrator to make provisions to store student records of students no longer attending the school in electronic format.

#### **F.10 Student Grade Change**

It is the policy of the Governing Body for the SPLC to provide students and parents with an accurate assessment of the student’s work at the completion of the grading term.

Parents and students who disagree with a reported grade shall first attempt to meet with the teacher to discuss the situation. Following this meeting, parents and students who still disagree with the grade assigned by the instructor may ask for a formal administrative review of the earned grade. The process to initiate a review of the grade is as follows:

1. Within 10 days of receipt of the report card a parent may ask for a review by writing a letter to the school’s head administrator stating the reason the parent believes the grade to be in error.
2. Within 14 days of receipt of the parent’s letter, a school administrator shall conduct an investigation into the reported earned grade, specifically focused on the reason stated in the parent’s letter. The investigation may include looking at the grade book, re-computing the grade based upon the teacher’s syllabus, and speaking to the teacher.
3. If the administrator believes that there is sufficient evidence to support the parent’s claim, the administrator shall convene a committee of no less than three people (one of whom shall be a licensed teacher) to review the findings.
4. The committee shall then issue a written response to the parent and affected teacher notifying them of the decision to change or leave the grade as reported.

#### **F.11 Release of Student Lists or Directories**

The SPLC Governing Body, in compliance with FERPA, will allow the release of directory information about students only to those persons or organizations having a legal right to know.

#### ***F.12 Student Possession of a Firearm***

Any student found to be in possession of a firearm while at school, at any school-related event, or at any time when the Student Behavior Handbook is in force, shall be expelled from the school for a minimum of one calendar year and the offender shall be referred to law enforcement.

The definition of “firearm” is “any weapon which will propel a projectile by the action of an explosive.”

#### ***F.13 Release Time for Religious Instruction***

Any student may be excused for religious instruction with the written consent of the parent. The SPLC assumes no responsibility for the student from the time he/she leaves the campus until after they have returned.

#### ***F.14 Do Not Resuscitate Orders***

The policy of the Governing Body for the SPLC is to provide all students with immediate first aid and emergency rescue services when a medical crisis or life-threatening episode occurs at school. However, if the attending physician of a student has a written Do Not Resuscitate Order (DNR) on the authorization of the child’s parent(s)/guardian(s), school personnel must act in accordance with the order and refrain from medical interventions that are not consistent with the order.

#### ***F.15 Students and Off-Campus Violent Acts***

Any student identified to the school as having been formally charged with committing a violent act or having illegally possessed a firearm in the community, may be assessed by the school administration as to whether the student 1) may reasonably present a danger to him or herself or others, and/or 2) would likely significantly disrupt the school environment by returning to the school campus. As a result of such an assessment process, the school administration may require the student to be placed into an alternative program for the safety of the student and others. The school administration may also require that the student be placed into an alternative program during the assessment process.

#### ***F.16 Home Language Determination***

In accordance with federal and state law, Southwest Preparatory Learning Center will identify and service students who are identified as English Language Learners (ELL). Per the Every Student Succeeds Act (ESSA) an English Learner (EL) is defined as an individual:

1. who is aged 3 through 21;
2. who is enrolled or preparing to enroll in an elementary school;
3. who was not born in the United States or whose native language is a language

other than English; who is a Native American or Alaska Native, or a native resident of the outlying areas; and/or who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

4. who is migratory, whose native language is not English, and who comes from an environment where a language other than English is dominant; and
5. whose difficulties in speaking, reading, writing, or understanding English may be sufficient to deny the individual the ability to meet the challenging state academic standards;
6. whose ability to successfully achieve in classrooms where the language of instruction is English; or the opportunity to participate fully in society.

In addition, it is the policy of the state of New Mexico that every student who has a home language other than English and who is identified as ELL shall be provided the full opportunity to participate in an English as a second language (ESL) program. *The school shall:*

1. Design an ESL program that supports the attainment of language proficiency and allows meaningful access to all grade-level instruction.
2. Have parents complete the Language Usage Survey (LUS) upon *initial* enrollment in public school.
3. Request the LUS information for the newly enrolled student from their previous New Mexico school/district. The LUS will be kept in the cumulative file. The school shall conduct only one home language survey of each student.
4. Identify ELL students in need of language assistance services, and shall notify the parents within **30 calendar days after the beginning of the school year**, or within **two weeks of initial enrollment** if not enrolled at the beginning of the school.
5. Ensure teachers who are assigned to ESL programs are appropriately certified to include holding TESOL or bilingual endorsement.

The school may classify a student as an ELL if the student's score on the state approved English proficiency test (WIDA Screener) is below the levels established by the state as indicative of reasonable proficiency. It is the policy of Southwest Preparatory Learning Center to:

1. Identify, locate, and evaluate ELs with disabilities in a timely manner.
2. Consider the English language proficiency of ELs with disabilities in determining appropriate assessments and other evaluation materials.
3. Provide and administer special education evaluations in the child's native language, unless it is clearly not feasible to do so, to ensure that a student's language needs can be distinguished from a student's disability related needs.
4. Refrain from identifying or determining that EL students are students with disabilities because of their limited English language proficiency (ELP).
5. Provide EL students with disabilities with both the language assistance and disability related services they are entitled to under federal law—one does not supersede the other.

The school shall give written notice of the student's EL status classification to the parent. The notice must be in English and in the parent's primary language. The parents of students eligible to participate in the required ESL program shall be informed of the benefits of the school program.

Parents have right to opt out of ESL programs or services. In such case, the school shall provide support services within the general education classroom. ELL students must continue to take the annual ACCESS for ELLs assessment until they reach the minimum exit criteria. If a parent decides to opt his or her child out of ESL programs or particular ESL services, that child still retains his or her status as an ELL. The school shall continue to monitor the English language proficiency (ELP) and academic progress of students who opt out of EL programs and services.

The School may transfer an EL student out of ESL program if the student has a *composite score of 5.0* or higher from WIDA ACCESS 2.0 for ELLs.

After it is determined that the EL no longer qualifies as an ELL, the district/school shall continue to monitor the student for at least *two years* for academic progress, just as it would an EL who has received ESL programs and services.

#### **F.17 McKinney-Vento Homeless Children and Youth Act.**

In accordance with federal law, the SPLC has adopted the following policy regarding resolving complaints brought pursuant to the McKinney- Vento Homeless Children and Youth Act (42 USC Section 11432(g)(1)(c)).

If a family of a student, in completing the SPLC Student Registration Information, indicates they are homeless, the student should be considered homeless. Each homeless student shall be provided services comparable to the services offered to other students. Such services may include:

1. Access to the available transportation services.
2. Educational services for which the student meets the relevant eligibility criteria, such as services provided under Title I, special education services and programs for students with limited English proficiency.

For each homeless student, any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, shall be maintained so that they are available in a timely fashion.

The SPLC administration shall ensure that:

1. Homeless students drawn in the lottery and who choose to enroll will have a full and equal opportunity to succeed in school.
2. The parents of homeless students are informed of the educational and related opportunities available to them and are provided with meaningful opportunities to participate in the education of their children.

Disputes regarding services and assistance provided by the SPLC shall be addressed as follows:

1. Upon receipt of a written complaint from the parent of a homeless student, or an unaccompanied homeless student, the administration shall resolve the complaint within ten (10) calendar days.
2. If the parent wishes to appeal the administrative decision it should be done in writing within ten (10) calendar days and submitted to the SPLC Governance Council.
3. If the final decision of the SPLC Governance Council is adverse to the parent,

guardian or student, the decision along with the New Mexico Public Education Department's dispute resolution process form will be forwarded to the Public Education Department's homeless liaison within five (5) calendar days of the date of issuance of the final decision.