



RAICES DEL SABER XINACHTLI
COMMUNITY SCHOOL

Charter School Governance Board Policy Manual

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Note: In addition to all the policies in the Governace Board Handbook developed during the Implementation Planning year, there are four more handbooks that contain important policies as follows:

1. Student and Parent Handbook
2. Staff-Employee Handbook
3. Intnernal Controls Handbook
4. Special Education Policies and Procedures

In all, there are 650 pages of policies that we must be familiar with and abide by in terms of complying with state statutes and regulatory codes that we approved during the implementation year. We must review these policies annually and once again apporve them for any given school year.

Bullying Prevention Policy and Procedures

Purpose: *Raíces del Saber creates an educational environment for all students, employees, volunteers, and families that is safe, free of bullying, harassment, and intimidation. Raíces holds Respect as one of its core values and as such puts forth this policy to define bullying/cyberbullying and to describe how the school will work to prevent it and address it in accordance with NMAC § 6.12.7, NMAC § 6.30.2.19, .*

Policy: Bullying behavior Raíces del Saber is prohibited, and such creates a policy to define it, program strategies to prevent it, procedures for reporting incidents and consequences for incidents. Bullying may result in disciplinary action and remediation. This policy will be disseminated to students, families, teachers and all staff at the school.

To address cyberbullying -

1. all licensed school employees will complete training on how to recognize signs of cyberbullying;
2. any licensed school employee who has information about or reasonable suspicion of cyberbullying shall report the matter immediately to the school principal;
3. when the principal receives a report of cyberbullying, s/he will take immediate steps to ensure prompt investigation of the report; and
4. the principal will take prompt disciplinary action in response to cyberbullying confirmed through investigation; disciplinary action taken pursuant to this subsection must be by the least restrictive means necessary to address a hostile environment on the school campus resulting from the confirmed cyberbullying and may include counseling, mediation and appropriate disciplinary action that is consistent with the legal rights of the involved students.

Raíces uses these Definitions -

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

"Cyberbullying" means electronic communication that:

1. targets a specific student;
2. is published with the intention that the communication be seen by or disclosed to the targeted student;

3. is in fact seen by or disclosed to the targeted student; and
4. creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student's educational benefits, opportunities or performance.

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

"Disability Harassment" is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the district. Harassment and Disability Harassment include but are not limited to:

1. Verbal acts, teasing, use of sarcasm, jokes;
2. Name-calling, belittling;
3. Nonverbal behavior such as graphic or written statements;
4. Conduct that is physically threatening, harmful, or humiliating; or
5. Inappropriate physical restraint by adults.

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

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

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

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

"Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or

affiliated with a student organization, or for any other purpose. Hazing includes but is not limited to:

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

Communication:

The prohibition against bullying shall be approved by the Raíces board and incorporated into the student/parent, and staff handbooks. Staff will receive awareness training on the Anti-Bullying Policy at the beginning of each school year. This will include a review the procedures as well as clarification on their responsibilities regarding bullying behavior. Bullying and harassment will be addressed during professional development on building a positive school culture and student discipline/restorative justice plans throughout the year. The school discipline policy and procedures will align with this policy.

Prevention: Using a Restorative Justice approach to student behavior

Raíces will use a restorative practice process to build community to respond to challenging student behavior. This includes using dialogue, self-examination, coming to understand, and making things right. Raíces will use restorative circles in the classroom to teach students to apply multiple approaches to problem solving and to use mindful meditation for self-examination rather than immediately using a punishment approach to address student misbehavior. This approach will help nurture students and encourage academic, personal and community success.

Our goals for student behavior using this approach will be as follows:

- Students will learn to value and regularly use proactive, positive ways to build and maintain a peaceful classroom community.
- Students will develop and enhance positive and supportive connections with peers.
- Students will develop an understanding of the principles and vocabulary of restorative justice.
- Students will learn how to participate in circle dialogues, using specific guidelines.
- Students will learn to use and respect a talking piece, which allows each person to have a voice, a time to talk while others listen respectfully.
- Students will learn how to use restorative questions to support conflict resolution and other types of communication.
- Students will learn to identify who is affected by misbehaviors, and how.
- Students will contribute to developing appropriate ideas for how to make things right when harms have occurred.
- Students will learn how and when to ask for a restorative circle.
- Students will learn to communicate how they are affected by given situations using affective statements and restorative questions.

Prevention: Anti-Bullying included in Health Education Curriculum

Health Education coursework at the school will align with content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC and will therefore address bullying behavior. The Raíces Health curriculum recognizes the importance of bully prevention skills in all grade levels and will implement a comprehensive health education curriculum that helps students attain knowledge and skills of good citizenship and respect. Critical skills include anticipating consequences of choices, making informed decisions, communicating effectively, resolving conflicts, and developing cultural competency.

Interventions: Reporting Intimidation, Harassment, or Bullying Behavior

1. Teachers and staff at Raíces will continually monitor student behavior, utilize restorative discipline practices to foster a bullying-free environment and act immediately to address isolated acts of unacceptable behavior.
2. When repeated and pervasive acts are observed by a teacher or if a student describes being a victim of harassment, intimidation, bullying, or hazing (as defined in this policy that may constitute harassment, intimidation, bullying, or hazing toward a student), the concern should be immediately reported.
3. The report may be made to any staff member. The staff member will assist the student in reporting to the Principal or designee.
4. Teachers and other school staff who witness acts of bullying or receive student reports of bullying are required to promptly notify designated staff.

5. Reports should be done in writing using the **Harassment, Intimidation, Bullying, or Hazing Complaint Form**.
6. The principal or designee is required to accept and investigate all reports of intimidation, harassment or bullying.
7. The principal or designee will notify the parent or guardian of a student who commits a verified act of intimidation, harassment, or bullying of the response of the school staff and consequences that may result from further acts of bullying.
8. Retaliation against an individual who either orally reports or files a written complaint regarding harassment, intimidation, bullying, or hazing or who participates in or cooperates with an investigation is prohibited.
9. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.
10. If harassment or bullying continues, the perpetrator will be immediately suspended and removed from the school, pending a long-term hearing.
11. To the extent permitted under the Family Educational Rights and Privacy Act (FERPA), school staff is required to notify the parent or guardian of a student who is a target of bullying of the action taken to prevent any further acts of bullying. Investigating Intimidation, Harassment, or Bullying Behavior.
12. The Principal or their designee will appropriately and promptly investigate all reports of harassment, intimidation, bullying, or hazing. In determining whether the alleged conduct constitutes bullying, the totality of the circumstances, the nature of the conduct, the student's history, and the context in which the alleged conduct occurred will be investigated.
 - (a) The Principal will make every effort to inform the parents/guardians of the victim and the accused of any report of harassment, intimidation, bullying, or hazing prior to the investigation taking place.
 - (b) The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint was filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods or documents deemed relevant by the investigator.
 - (c) The school may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.
 - (d) The investigation shall be completed as soon as possible. The investigator shall make a written report upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

Consequences for Bullying:

Raíces believes that the best discipline for aggressive behavior is designed to (1) support students in taking responsibility for their actions, (2) develop empathy, and (3) teach alternative ways to achieve goals and solve problems that motivated the aggressive behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems and encourage students' abilities to develop self-discipline and make better choices in the future. While Raíces will make every effort to educate and support students to prevent bullying, in the event that bullying occurs, the school will respond. Raíces will consider the number of previous incidents, the nature of the act and the context in which the alleged act occurred. Consequences can range from positive behavioral interventions to suspension and expulsion and shall include consideration of compliance with state and federal IDEA requirements. Raíces del Saber shall include parents/guardians in the remediation of severe and/or escalating behavior.

1. Verified acts of bullying shall result in intervention by the Principal or his/her designee that is intended to ensure that the prohibition against bullying behavior is enforced.
2. Bullying behavior can take many forms and can vary dramatically in how serious it is, and what impact it has on the targeted individual and other students. Accordingly, there is no one response to bullying. While conduct that rises to the level of "bullying" as defined above will generally warrant disciplinary action against the perpetrator of such bullying, whether and to what extent to impose disciplinary action (detention, in and out-of-school suspension, or expulsion) is a matter for the professional discretion of the Principal. When determining the consequences, the Principal will take into consideration:
 - (a) Age, development, and maturity levels of the parties involved
 - (b) Degree of harm (physical and/or emotional distress)
 - (c) Surrounding circumstances
 - (d) Nature and severity of the behavior(s)
 - (e) Incidences of past or continuing pattern(s) of behavior
 - (f) Relationship between the parties involved
 - (g) Context in which the alleged incident(s) occurred
3. The Principal will ensure both the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of bullying or harassment.

Examples of Consequences:

- (h) Admonishment
- (i) Participation in a guided reflection process designed to teach alternative behavior

- (j) Temporary removal from the classroom
- (k) Loss of privileges
- (l) Classroom or administrative detention
- (m) Referral to disciplinarian
- (n) In-school suspension
- (o) Out-of-school suspension
- (p) Legal action
- (q) Expulsion or termination

Examples of Remedial Measures:

- (a) Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. Assist the misbehaving student to find a better way to solve the problem
- (b) Restitution and restoration
- (c) Transformative conferencing/restorative justice practices
- (d) Supervised peer support group
- (e) Corrective instruction or other relevant learning or service experience
- (f) Supportive discipline to increase accountability for the bullying offense
- (g) Supportive interventions, including participation of an Intervention
- (h) Behavioral assessment or evaluation, including, but not limited to, a referral to a Student Assistance Team (SAT), as appropriate
- (i) Behavioral management plan, with benchmarks that are closely monitored
- (j) Involvement of school disciplinarian
- (k) Student counseling
- (l) Parent conferences
- (m) Student treatment
- (n) Student therapy

Compulsory School Attendance Policy and Procedures

Purpose: *In compliance with 6.10.8 NMAC, Raíces has established an Attendance Policy to address truancy and academic achievement. This policy aligns with the New Mexico Compulsory School Attendance Act, NMSA 1978 Section 22-12-1 et seq., which specifies that:*

- *Students between the ages of five (5) and eighteen (18) years of age are required to attend public school, private school, home school or a state institution.*
- *Parents are responsible for explaining a student's absence from school and only keep a student from school for excusable reasons.*
- *Requires schools to track and report unexcused absences.*
- *When students have accumulated five (5) unexcused absences, parents are required to meet with the school to develop strategies for keeping students in school.*

This policy defines absences, states the responsibilities of Raíces administration, teachers, parents, and students regarding school attendance, specifies the tracking process for excused and unexcused absences and outlines the steps the school will take in addressing unexcused absences.

Policy:

Raíces emphasizes consistent, on-time attendance and considers it crucial for the academic success of each student. Raíces will implement a comprehensive approach to address student attendance by creating meaningful school connections with students and their families, through caring, supportive and mutually-accountable expectations. A positive school climate, family communication, and a supportive approach will be implemented to prevent attendance issues from occurring.

With regard to reporting in tardy to school in the morning, if a child arrives late for school more than 3 times within a month, either the Principal or Director of Operations and Community Engagement will ask for an informal meeting with the parent/guardian to discuss the issue and the importance of arriving on-time so that the child is getting a full day of required instruction. If there is further tardiness, the Principal will request another meeting and require the parent to enter into a written contract to improve the student's on-time arrival. If the tardiness becomes habitual after taking these two steps, the Principal will use her discretion as to whether to report the case to local Office of NM Child Protective Services.

Students are required to attend all classes and to be present during all school scheduled events such as conferences, field trips, and any school gatherings during the regular instructional school day. Parents, families, and students are expected to work with Raíces to assure that attendance is a priority.

Attendance will be taken every instructional day for each student. Students missing up to fifty percent of an instructional day will be considered absent for one-half day, more than fifty percent of an instructional day will be counted as one full-day absence.

Raíces will acknowledge **excused absences** as illness, the death of an immediate family member, religious commitment, cultural observances, diagnostic commitment, doctor appointments, and extenuating circumstances as agreed to by the administration prior to the absences. All excused absences will include parent-signed documentation of the reason for a student missing school. Vacations are not excused absences. The school will limit the number of cultural observances as excusable absences to one event per semester.

Raíces will consider it an **unexcused absence** when the student has no allowable excuse for missing school or if the parent or guardian do not provide proper documentation for an excused absence.

Absences will be tracked and reported by the student's classroom teacher in the school's student information system. The office manager will be responsible for managing and following up with parents to determine whether the absence is excused or unexcused and will make a proper indication in the school's information system. The school will not use suspension or expulsion to address absences or habitual truancy and will make every attempt to keep the student in school by implementing interventions, in accordance with section 22-8-2 NMSA 1978, before the withdrawal of a student.

Attendance Policy Responsible Parties:

The Role of the Student - Raíces encourages students to make responsible decisions about their use of time, own their educational experience, and understand student attendance is crucial to their success.

- The student shall recognize the importance of regularly attending and being on time to school.
- Students shall be present in assigned or designated areas at all times.
- Students shall follow proper check-in/check-out procedures when leaving early or arriving late to school.
- Students shall obtain make-up assignments from the teacher due to absences and shall turn them in according to arrangements made with the teacher.

The Role of the Teacher/Advisor - Raíces teachers and staff will emphasize the importance of punctuality by beginning class promptly with meaningful instruction and by holding students accountable for following attendance procedures.

- Teachers shall keep an accurate roll of daily absences and tardiest and provide a report to the school office via the school's information system.

- Teachers will work with families and students who miss school to determine the reasons for student absence, to obtain a written excuse for any absence and to provide for make-up assignments.
- Teachers shall discuss attendance issues with students and families as they arise and work with the school administration if attendance does not improve.

The Role of the Parent/Guardian - Parent/guardian will acknowledge that they are subject to the following:

New Mexico Compulsory Attendance Law requires every school-age child to be in school. Parents/guardians are responsible for their children's regular school attendance and may be charged with a misdemeanor if they fail to ensure their student's regular attendance. Parents/guardians are responsible for notifying the school when an absence occurs within five school days of the absence.

- Parents/guardians should avoid interruptions of the academic year and plan medical appointments and vacations at times that will not require students to be out of school.
- Parents/guardians will show support regarding school policies and state law by expecting regular school attendance for student success and by attending any school meetings to student attendance.
- Parents/guardians shall contact the school office and notify the school of student's absence, in the case of illness or other legitimate reasons for absences, within five (5) days of the absence.

The Role of the Principal - The Principal shall ensure the school maintains an earnest and persistent effort to encourage and improve student attendance, provides a warm and welcoming environment for students and their families, develops incentives for consistent attendance, communicates attendance goals with students and families, and fulfills statutory requirements of the Compulsory Attendance Law.

- The Principal shall develop, in collaboration with school staff, an attendance program that communicates to parents the importance of attending school, to identify any barriers to school attendance and to develop intervention strategies to keep students in school.
- The Principal shall implement a student attendance incentive program that encourages attendance and provides meaningful incentives to students and families for consistent attendance.
- The Principal shall ensure the school provides opportunities for absent students to make up missed work.
- The Principal will make the determination of which cultural observances may be considered an excusable absence and limit each student to one observance per trimester. Cultural observances for which absences may be excused will be posted on the school website and in the monthly calendar postings in the school reception area and school newsletter.
- The Principal shall identify students with attendance issues and work cooperatively with parents/guardians and students to improve attendance.

- The Principal shall ensure the school maintains class attendance records in a verifiable manner and will report absences as excused or unexcused in the STARS system as required by the NM Public Education Department.
- The Principal shall provide a copy of this attendance policy to the NM Public Education Department's Health Education Coordinator or designated staff for approval.

The Role of the School Office

- The school office shall keep track of student absences and tardies on a daily basis and make phone calls home for any student whose absence is unaccounted for in advance.
- The school office shall verify excused and unexcused absences and resolve discrepancies in student attendance records through regular communication with families and the classroom teacher.
- The school office shall provide updated and accurate cumulative tallies of all student attendance data to students, parents, classroom teachers, and the Principal upon request. Tallies will be generated for classroom teachers to be included in student report cards.
- The school office shall provide check-in /check-out slips upon authorization by phone or in person by a student's parent/guardian

Procedures for Addressing Unexcused Absences:

If a student is absent, the school will call home within the first hour of school to determine the reason(s) for absence and if no contact is made, every day until parents are reached. All phone calls and attempts to contact parents and families will be documented in the student information system. However, if a student accrues **three (3) days** of unexcused absence, the school will contact the student's parent or legal guardian with the attendance concern and send home an **Attendance Letter** to clarify school attendance policy, document concern and offer support.

If the unexcused absences continue and reach five (5) days, a **Five Day Truancy Letter** will be sent to the student's parent or legal guardian informing them of the absences and requiring a meeting to discuss the issue in accordance with NMSA § 22-12-9. The student will be classified as a student in need of early intervention and the Principal in conjunction with teachers and parents will develop an intervention plan to improve the student's attendance. The Concilio de Padres (parents council) will also be consulted for input on effective attendance interventions in general once school commences.

If the unexcused absences continue and reach seven (7) days, a **Seven Day Truancy** certified letter will be sent home calling for another family meeting. The student will be placed on an **Attendance Contract** signed by the student, a parent or legal guardian, the student's classroom teacher, and the school administrator. The contract will include a plan identifying issues regarding why the student has been missing school and shall attempt to recognize environmental concerns that are keeping the student from attending school. Other forms of interventions can and will be offered to assist the family with the truancy issue.

Procedures for referral to the Juvenile Probation Office of the 3rd District Court:

If the student accumulates ten (10) or more unexcused absences, they are considered a “Habitual Truant”. In accordance with NMSA § 22-12-7, the school administration will be required to notify parents or legal guardians of such designation and complete a **Compulsory School Attendance Referral** to the Juvenile Probation office of the 3rd District Court for investigation that determines whether the student is neglected, the family in need of CYFD services or if the parent/legal guardian will be subject to criminal prosecution. The principal will make the referral and the Director of Operations and Community Engagement will track the paper work and stay in touch with the appropriate court liaison.

If after 10 (ten) consecutive days of absence with attempts to contact but no response from families, the school may withdraw the student from enrollment at Raíces, in accordance with NMSA § 22-12-9.

NMSA § 22-12-9-D: Enforcement of attendance law; habitual truants; penalty

If, after review by the juvenile probation office where the student resides, a determination and finding is made that the habitual truancy by the student may have been caused by the parent of the student, then the matter will be referred by the juvenile probation office to the district attorney's office or any law enforcement agency having jurisdiction for appropriate investigation and filing of charges allowed under the Compulsory School Attendance Law. Charges against the parent may be filed in metropolitan court, magistrate court or district court. E. A parent of the student who, after receiving written notice as provided in Subsection B of this section and after the matter has been reviewed in accordance with Subsection D of this section, knowingly allows the student to continue to violate the Compulsory School Attendance Law shall be guilty of a petty misdemeanor. Upon the first conviction, a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100) may be imposed, or the parent of the student may be ordered to perform community service. If violations of the Compulsory School Attendance Law continue, upon the second and subsequent convictions, the parent of the student who knowingly allows the student to continue to violate the Compulsory School Attendance Law shall be guilty of a petty misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for a definite term not to exceed six months or both.

Detention, Suspension or Expulsion Policies and Procedures

Purpose: *This policy is intended to provide a consistent course of action should a student's behavior create a disruptive and/or unsafe environment in the school that interferes with the health, safety, security and learning of other students or the student's own well-being.*

Policy: The Raíces Student Discipline Policies and Procedures, which take the approach of restorative justice practices, will always be the first step in dealing with disruptive behavior in the school. However, should these methods fail to resolve behavioral problems that seriously disrupt the learning environment and/or threaten the health and safety of other students, staff or the disruptive student, the following policies and procedures for detention, suspension, or expulsion which are in compliance with the NM Administrative Code Section 6.11.2.12 will be implemented.

Students involved in the following activities, which are prohibited by NM State Law in all public schools, will be subject to severe discipline, up to and including detention, suspension and expulsion:

1. criminal or delinquent acts,
2. gang related activity;
3. sexual harassment;
4. disruptive conduct;
5. refusal to identify self; and
6. refusal to cooperate with school personnel.

Policy and Procedures with Regard to Detention:

Detention means - requiring a student to remain inside or otherwise restricting his or her liberty at times when other students are free for recess or to leave school. Detention may be imposed and is distinct from in-school suspension in that it does not entail removing a student from any of his or her regular classes. The authority of the school to supervise and control the conduct of students includes the authority to impose reasonable periods of detention during the day or outside normal school hours. The procedures for placing a student in detention in compliance with NMAC 6.11.2.12(F) are as follows:

1. Detention will be limited to no more than 9 school days.
2. A student facing detention will be first informed of the behaviors that are unacceptable in the school classroom or during other school activities.
3. If, the student denies the charges, he or she shall be told what evidence supports the charge(s) and will be given an opportunity to present his or her version of the facts.
4. At this point the Principal may use his or her own judgement as to whether the behavior merits detention.
5. If the decision is made to detain the student, the parents will be informed via a phone contact if possible within the school day. If the contact is not possible, the parents will

be informed in writing within 24 to 48 hours and detention will begin once the parent is aware that the student is being placed in detention.

6. During detention, the student will be supervised at all times by a trained and authorized school staff person.
7. No student in detention shall be denied the opportunity to eat lunch or reasonable opportunities to go the restroom.
8. Reasonable periods of detention may be imposed in accordance with the procedures for temporary suspension (NMAC 6.11.2.12(D)).

Policy and Procedures with Regard to Suspension:

Suspension, in general, means - removal of a student from a class or classes and all school-related activities for a period of time and may include 1) in-school suspension alternatives, 2) short term suspension, and 3) long term suspension. Should a student's behavior become so disruptive that suspension is necessary, the preferred method by the school will always be an in-school alternative. However, if in-school suspension does not lead to improved behavior within a responsible amount of time, suspension from the school will be considered and may be either short term or long term. For *any type of student suspension*, the following general procedures must be adhered to:

1. The School Principal must provide notification of any form of suspension to the parent(s) or guardian(s) of any student being suspended.
2. The notification must be documented in writing and should occur on the same day as the decision to suspend, or as soon as possible.
3. If the parent(s)/guardians cannot be contacted by the end of the first day, a notice in writing should be mailed to the address of record.
4. Also written notification to the parent/guardian should follow if the initial notification is made by phone or in person.
5. The school shall keep on file a copy of the notification.
6. The Principal or his/her designee is responsible for notification, compliance and documentation.
7. While a student is suspended, he or she may not attend any school activities until the end of the suspension, unless special permission is given by the principal.
8. A student facing suspension will be first informed of the charges he or she is accused of committing, shall be given an explanation of the evidence supporting the charges, and shall be given an opportunity to present his or her version of the facts.
9. The principal is not required to divulge the identity of informants, although she or he should not withhold such information without good cause (e.g., to protect teachers or students from retaliation).
10. *If the suspension is temporary* (in-school or short term), the required hearing may be conducted on an informal basis and may follow immediately after the charges are given unless the Principal decides a delay is needed to permit a further exploration of the facts.
11. Any student who is placed in suspension which exceeds ten (10) school days must be provided with an instructional program that meets both state and local educational

requirements. The student's privileges, however, may be restricted for longer than ten (10) school days.

12. Any student suspended from school shall be delivered directly by the Principal or Director of Operations to the student's parent(s), legal guardian, or an adult designated by the parent(s) or legal guardian or kept on the school grounds until the usual end of the day.
13. Suspension shall not be used as punishment of unexcused absences and/or habitual truancy.

In-School Suspension – In-school suspension shall be the preferred form of suspension unless the student's behavior is too disruptive or presents a clear and present danger to other students and/or school staff in the school environment. The following procedures apply to *in-school suspension* in compliance with NMAC 6.11.2.12(D-E):

1. The general procedures listed above for temporary suspension all apply.
2. The Principal or his designee will contact each of the student's teachers in order to obtain the student's assignments for the suspension time. Teachers will provide enough work to keep the student occupied and as up-to-date as possible on class instruction during the duration of that time.
3. Raíces will follow procedures for In-School Suspension in compliance with NMAC 6.11.12(E) which are as follows:
 - a. In-school suspension may be imposed with or without restrictions on student privileges.
 - b. Any student who is placed in an in-school suspension which exceeds ten (10) school days must be provided with an instructional program that meets both state and local educational requirements. The student's privileges, however, may be restricted for longer than ten (10) school days.
 - c. No in-school suspension student shall be denied the opportunity to eat lunch or reasonable opportunities to go the restroom.

Short-Term Suspension – Short term (out of school) suspension shall be at the discretion of the Principal. The Principal has the authority, within the confines of the law, to impose consequences beyond the mandatory minimum in order to maintain the safety and security of the school. In addition to the general procedures for suspension, the following will apply:

1. Short-term suspension will be for a period of no more than five (5) days.
2. Raíces will follow the procedures for Short Term Suspension as outlined in 6.11.2.12(D) NMAC (also referred to as "Temporary Suspension" in the NM Administrative Codes).

Long Term Suspension – Long term suspension is defined as the removal of a student from instruction and all school related activities for more than five (5) days and up to the balance of the semester. Long term suspensions shall comply with NMAC 6.11.2.12 (G.4, a-s) for review and hearing procedures. In addition to the general procedures for suspension, the following procedures will apply:

1. A student receiving a long term suspension may lose credit for the semester unless placed in an alternative school setting.

2. At the Principal's discretion, students may be suspended pending a due process hearing.
3. Raíces shall follow the procedures for long term suspension in compliance with NMAC 6.11.2.12(G):
 - a. The principal has the authority and will initiate the required hearing in which the student facing suspension will be first informed of the charges he or she is accused of committing, shall be given an explanation of the evidence supporting the charges, and shall be given an opportunity to present his or her version of the facts
 - b. The Principal is required to disclose the substance of all evidence upon which he/she proposes to base a decision in the matter.
 - c. The Principal is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charges, or required to call witnesses to verify the charges, *although none of these is prohibited*.
 - d. The school shall exert reasonable effort to inform the student's parent(s) or guardian(s) of the charges against the student and their possible consequences as soon as practicable. If the school has not communicated with the parent by telephone or in person by the end of the first full day of suspension, the school shall, on that day, mail a written notice with the required information to the address of record for the parent(s) or guardian(s).
 - e. The Raíces Governance Board shall be the final hearing authority, disciplinarian or review authority for long term suspension cases if the parent(s)/guardian(s) ask for a review of the Principal's decision.
 - f. The hearing authority (either the Principal or Governance Board) shall follow the procedures for long term suspension in compliance with NMAC 6.11.2.12(G), including a letter, which will be mailed or delivered to the student through the parent(s) or guardian(s), containing a detailed report of the decision and the evidence the decision was based upon within 5 days of the hearing.

Policy and Procedures with Regard to Expulsion:

Expulsion is defined as suspension of a student from the school for a period exceeding one (1) semester. Expulsions shall comply with NMAC 6.11.2.12 (G.4, a-s) for review and hearing procedures. The following procedures will apply:

1. All Procedures listed above for long term suspension will be followed.
2. The Principal has the authority to initiate a hearing for expulsion of a student.
3. A student receiving expulsion will lose credit for the semester in which the expulsion occurs unless the student is engaged in an alternative program.
4. The Raíces Governance Board will be the final hearing authority, disciplinarian or review authority for long term suspension cases if the parent(s)/guardian(s) ask for a review of the Principal's decision.
5. The Hearing authority (either the Principal or Governance Board) shall follow the procedures for expulsion in compliance with NMAC 6.11.2.12(G), including a letter which will be mailed or delivered to the student through the parent(s) or guardian(s)

containing a detailed report of the decision and the evidence the decision was based upon within 5 days of the hearing.

Suspension for Students with Disabilities:

Any disciplinary change in the educational placement of a student with disabilities will comply with federal regulations implementing IDEA at 34 CFR Sections 300.530 through 300.536 and other NMPED rules and standards as set forth in NMAC 6.11.2.11.

A student with a disability under the IDEA (Individuals with Disabilities Education Act) who violates a rule of conduct as set forth in this policy, is subject to the procedures of this policy for detention and in-school and short term suspension and may be subject to long-term suspension or expulsion unless it is determined that the misconduct is related to a manifestation of the student's disability. In order to establish whether the conduct is a manifestation of the disability, the following procedures will be followed:

1. Within 10 days of a decision to change the student's placement (suspend or expel) because of violation of rules of student conduct, the Principal, parent/guardian, and all relevant members of the student's IEP (Individualized Education Plan) team will review all relevant information in the student's file including 1) the student's IEP, 2) any teacher observations, and 3) relevant information provided by the parent/guardian to determine:
 - a) If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or
 - b) If the conduct in question was the direct result of the administrative authority's failure to implement the IEP.
2. If it is determined by the Principal, parent/guardian, and the IEP Team that the conduct was related to a manifestation of the disability, item (a) in paragraph 1, the IEP team must comply with federal regulations implementing IDEA at 34 CFR Section 300.530(f).
3. If it is established by the Principal, parent/guardian, and the IEP Team that the conduct was caused by (b) as described above in paragraph 1, the administrative authority (Principal and IEP Team) must take immediate steps to correct the deficiencies.
4. If it is established that neither of the causes (a) or (b) in paragraph 1 apply, the parent/guardian has a right to appeal the decision made by the Principal or Governance Board and the student must be allowed to remain in an interim alternative educational setting for up to 45 days until the appeal has been heard and a decision made.

Distance Learning Policies and Procedures

Purpose: *Raíces staff want to ensure that when students must miss school for an extended time due to medical or other excused reasons, that they have the support they need to keep up with learning critical content and skills that are being missed due to their absence.*

Policy: With respect to the NM PED state requirements regarding distance learning (NMAC § 6.30.8), we will not be providing distance learning to students with extended student absences or serve “delinquent youth who are detained temporarily or who are committed for long term care and rehabilitation.” In making this decision we cite NMAC § 6.30.8.2 which states: “This rule does not apply to the use of technologies or methods used in distance learning programs when such technology or methods are used within a regular classroom setting solely to supplement or aid classroom instruction.” [Rp, 6.30.8.2, 9-30-08]. We will not be using such technologies in our classrooms other than to, on limited occasions, supplement classroom instruction. The use of such technologies will not be a regular part of our instructional methods.

However, we will institute procedures to assist children in making up lessons/classroom instruction who have excused absences due to long term care health or rehabilitation issues or are detained temporarily for charges of delinquent behavior. The Director of Operations and Community Outreach will be in charge of overseeing these procedures are executed.

Procedures for Assisting with Home Instruction During Extended Student Absence:

1. Should a student be reported absent, the procedures of the Compulsory School Attendance Policy will be triggered and within the first hour of the school day, attempts will be made to contact the home to determine the reason(s) for absence.
2. If it is determined that the student will be absent for more than 3 days for any of the excusable reasons stated for absence in the Compulsory School Attendance Policy, the Director of Operations will meet within the day with the student’s teacher.
3. The Director of Operations will gather written assignments and materials to be delivered to the home for a parent/guardian to use to assist the student with make-up work by the end of the school day.
4. If the student is absent for more than 5 days, the Director of Operations will make a home visit at the end or beginning of each week to collect any homework products, talk over accomplishments with the parent/guardian, and report back to the student’s teacher.
5. In order to track the assistance provided to the home and ensure a follow-up plan, the form on page 2 will be used to track progress.

Assistance with Home Instruction Tracking Report

Confirmation of Absence

Date: _____ Time: _____ Person Confirming: _____

Reason for Absence: _____

Student's Teacher: _____

Assignments and Instruction to Parent/Guardian:

Materials Provided:

Signature of Parent/ Guardian Receiving Homework: _____ Date: _____

Signature of Person Delivering or Picking up Homework: _____

English Language Learner Policies, Procedures and Forms

Purpose: *As a dual-language public charter school, Raíces recognizes its responsibility for honoring the protections of English Learners (EL) under the Title VI of the 1964 Civil Rights Act and under the Equal Educational Opportunities Act of 1974 (EEOA). The Raíces policy codifies how identifying, serving and monitoring the proficiency of English Learners (EL) will take place. This policy ensure Raíces fulfills its mission to support students in becoming biliterate and bilingual in English/Spanish.*

Policy and Procedures: Raíces del Saber Xinachtli Community school complies with federal and state laws and regulations to address language barriers so that EL students may participate meaningfully in schools' educational programs. Raíces will identify students who are English Learners, provide appropriate supports to develop their English language proficiency, monitor progress in listening, reading, writing and speaking English and notify parents. Raíces will follow all state requirements test administration and documentation.

1. **Identification of English Learners-**As part of the registration process, the parents of all kindergarten students will complete a Language Usage Survey (LUS). All Kindergarten students whose families identify another language (other than English) is used at home, on the LUS, will be administered the WIDA-APT as a screening tool. Results from the screener will be used to identify students as EL when they fall below the cut point set by the New Mexico Public Education Department (NMPED). A student may be identified as FEP (Initially Fluent English Proficient), Current EL Student or RFEP.

If a student enters Raíces at some other grade level (1-5), then screening information from the previous school will be used. Raíces will not collect the LUS from families nor administer the WIDA-APT to students that have previously completed it. LUS and WIDA-APT will be filed in the student cum folders.

2. **Assessment of ELs-** All English Learner (EL) students at Raíces will be assessed once a year at mid-year on their English Language Proficiency using WIDA ACCESS 2.0. EL students will take annual assessments until they reach an overall composite score of 5.0 or higher, at which point the student is no longer classified as an EL.
3. **Program Placement and Ongoing Monitoring-**Students who are identified as EL receive instruction tailored to their needs at Raíces. Raíces places students appropriately in accordance with the LUS process map (see below), respecting parent decision for opt-out when applicable. Raíces monitors the progress of all current ELs whether parents have opted out of the school's recommended program placement or not.

4. **Parental Notification**— Parents of EL-identified students receive annual notification of participation in a language instruction educational program. In compliance with Title III of the ESEA, Raices will provide annual notice to parents not later than 30 days after the beginning of the school year (for children identified before the beginning of the year) or within the first two weeks of a child being placed in a language instruction program.
5. **Identification and Follow up of exited students**- A student must score a 5.0 Composite score on the ACCESS for ELLs to exit the program and be classified as RFEP. After scoring proficient, Reclassified (RFEP) students shall no longer take the ACCESS for ELLs assessment. Raices will monitor the academic progress of students who have exited EL status (RFEP) for least two years, d to ensure that they have not been prematurely exited and that they are meaningfully participating in the standard educational programs comparable to their never-EL peers.
6. **Professional Development**- Raices provides professional development to teachers in support of ELs. This includes regular PD and follow-up training in order to effectively implement the EL program or service.
7. **Program Evaluation**- Raices conducts an annual evaluation of their Bilingual Program and the services provided to ELs for continuous improvement purposes.

LANGUAGE USAGE SURVEY

FOR SCHOOL USE ONLY	School: RAICES DEL SABER XINACHTLI COMMUNITY SCHOOL
NEW MEXICO PUBLIC EDUCATION DEPARTMENT LANGUAGE USAGE SURVEY ~for parent or guardian to complete~	
The purpose of this survey is to ensure that your child receives the highest quality education and services to which he or she is entitled. The information you provide will be used only to assist the school in making program decisions. You will complete this form only once in your child's educational career.	

Student's Name:		Date of Birth:		Grade Level:	
Answer each question by marking either the YES or NO box.				YES	NO
1. Does the student use a language(s) other than English with his/her family and friends?					
2. Do you use a language(s) other than English with the student?					
3. Does the student understand when someone communicates with him/her in a language other than English?					
4. Does the student read in a language(s) other than English?					
5. Does the student write in a language(s) other than English?					
6. Does the student interpret for you or anyone else in a language(s) other than English?					
7. If you answered YES on one or more of questions 1-6, what language(s) other than English does the student use most frequently at home? Choose up to three.					
<input type="checkbox"/> American Sign Language (ASL) <input type="checkbox"/> Arabic <input type="checkbox"/> Cantonese <input type="checkbox"/> Diné <input type="checkbox"/> French <input type="checkbox"/> Greek <input type="checkbox"/> Hmong <input type="checkbox"/> Jicarilla Apache <input type="checkbox"/> Italian		<input type="checkbox"/> Keres <input type="checkbox"/> Khmer <input type="checkbox"/> Korean <input type="checkbox"/> Mescalero Apache <input type="checkbox"/> Mandarin <input type="checkbox"/> Portuguese <input type="checkbox"/> Russian <input type="checkbox"/> Somali <input type="checkbox"/> Spanish		<input type="checkbox"/> Tiwa <input type="checkbox"/> Tewa <input type="checkbox"/> Towa <input type="checkbox"/> Vietnamese <input type="checkbox"/> Zuni <input type="checkbox"/> Other _____	
OTHER QUESTIONS					

8. Is the student transferring from another state, district, or school? If yes, please provide location and name of school:		
9. Has the student received schooling/education in a language(s) other than English? If YES, which language(s)?		
10. In what language do you prefer to receive communication from the school?		
11. In what language would you prefer to communicate with school staff?		
12. Is there anything else we should know about how to best serve your child?		
Signature of Parent or Guardian:		Date:
Translator:	Language:	Date:

Sólo para uso del escuela:	School: RAICES DEL SABER XINACHTLI COMMUNITY SCHOOL		
<p>ENCUESTA DEL USO DEL IDIOMA</p> <p>DEPARTAMENTO DE EDUCACIÓN PÚBLICA DE NUEVO MÉXICO</p> <p>~ padres o tutores deben llenar~</p>			
<p>El propósito de esta encuesta es asegurar que su hijo/hija reciba una educación de la más alta calidad y los servicios que tiene el derecho de recibir. La información que usted proporcione será utilizada solamente para ayudar a la escuela a tomar decisiones programáticas. Responderá a este formulario solamente una vez en la trayectoria de educación de su hijo/hija.</p>			
Nombre del estudiante:	Fecha de nacimiento:	Nivel/ Grado:	
Responda a cada pregunta marcando la casilla bajo SÍ o NO		SI	NO
1. ¿Usa el/a estudiante otro idioma(s) además del inglés con su familia o sus amigos?			
2. ¿Usa usted otro idioma(s) además del inglés con el estudiante?			
3. ¿Comprende el estudiante cuando alguien se comunica con él o ella en un idioma además del inglés?			
4. ¿Lee el/a estudiante en otro idioma(s) además del inglés?			
5. ¿Escribe el estudiante en otro idioma(s) además del inglés?			
6. ¿Le interpreta o traduce el estudiante a usted o a alguna otra persona en otro idioma(s) además del inglés?			

<p>7. ¿Si respondió SÍ a una o más de las preguntas 1-6, ¿cuále(s) idiomas además del inglés usa el estudiante con más frecuencia en casa? Escoja hasta tres:</p>		
<input type="checkbox"/> Árabe <input type="checkbox"/> cantonés <input type="checkbox"/> diné <input type="checkbox"/> español <input type="checkbox"/> francés <input type="checkbox"/> griego <input type="checkbox"/> hmong <input type="checkbox"/> italiano <input type="checkbox"/> jemer	<input type="checkbox"/> Jicarilla apache <input type="checkbox"/> keres <input type="checkbox"/> coreano <input type="checkbox"/> lengua de señas americana (ASL) <input type="checkbox"/> mandarín <input type="checkbox"/> mescalero apache <input type="checkbox"/> portugués <input type="checkbox"/> ruso <input type="checkbox"/> somali	<input type="checkbox"/> tewa <input type="checkbox"/> tiwa <input type="checkbox"/> towa <input type="checkbox"/> vietnamés <input type="checkbox"/> zuni <input type="checkbox"/> Otros _____
OTRAS PREGUNTAS		
<p>8. ¿Se traslada el estudiante de otro estado, distrito o escuela?</p> <p>Si este es su caso, favor de proveer la ubicación y el nombre de la escuela:</p>		
<p>9. ¿Ha recibido el estudiante instrucción escolar en otro(s) idioma(s) además del inglés? ¿Si la respuesta es sí, cuál idioma(s)?</p>		
<p>10. ¿En cuál idioma prefiere recibir información de la escuela?</p>		
<p>11. ¿En cuál idioma prefiere comunicarse con los empleados de la escuela?</p>		
<p>12. ¿Hay algo más que deberíamos saber para servir mejor a su hija/hijo?</p>		
Firma del padre o tutor:		Fecha:
Traductor/intérprete:	Idioma:	Fecha:

PARENT NOTIFICATION LETTERS

Dear Parent,

When you enrolled your child in school this year, you noted on the Language Usage Survey (LUS) that your child understands/speaks a language other than English. Based on the responses, the law requires us to test your child's English language proficiency to determine if s/he is legally entitled to English language support services. We used the English language proficiency screener [insert W-APT for kindergarten or WIDA Screener Online for grades 1-12] results to determine the best English learner (EL) language support services for your child. We are required to inform you of the test results, our program recommendation, and all of the program and service options available for your child. That information appears below.

Based on your child's [insert name of English language proficiency screener used] results, your child qualifies for an EL program and/or language support service. English language development instruction is instrumental in increasing a student's English language proficiency and ability to acquire grade-level academic content. This support is included in the 90:10 bilingual immersion program all students participate in at Raíces.

1. Your child's English language proficiency assessment scores for this school year and the proficiency level score are as follows:

Domain	Level/Score
Listening	
Speaking	
Reading	
Writing	
Overall (composite)	

1. Your child's EL program and/or language support service will entail the following types of instruction:
[insert available EL programs and/or language support services here]

2. The overall goal of the EL program and/or language support service is for students to become fully proficient in English and to meet grade-level state academic achievement standards. In New Mexico a student who has an overall score of 5.0 or higher on the annual ACCESS for ELLs© assessment is considered English language proficient.
3. If your child has an Individualized Education Program (IEP), the EL program and/or language support service will assist in meeting the IEP goals in the following ways: [Insert description here]

As mentioned, we highly recommend that your child participate in, and receive the benefits from, this EL program and/or language support service. However, you have the right to decline your child's participation in — opt your child out of — specific EL language support services. Please contact the school at [Insert telephone number] or contact your child's teacher if you would like to schedule a parent conference to discuss options for your child or if you wish to opt your child out of specific EL language support services.

Sincerely,

Raices Principal

Estimado Padre,

Cuando matriculó a su hijo en la escuela este año, indicó en la Encuesta del Uso del Idioma (LUS por sus siglas en inglés) que él o ella entiende/habla otro idioma además del inglés. Basado en sus respuestas, la ley requiere que sea evaluada la competencia en inglés de su hija/hijo para determinar si él/ella legalmente tiene el derecho de recibir servicios de apoyo de idioma para el inglés. Utilizamos la evaluación lingüística/idiomática [insertar W-APT para kínder o WIDA Screener Online para los grados 1-12] para determinar cuál es el mejor programa para estudiantes que están aprendiendo inglés (EL por sus siglas en inglés) y/o servicio de apoyo de idioma. Estamos obligados a informarle acerca de los resultados de la evaluación, nuestra recomendación de un programa, y todas las opciones de programas y servicios disponibles para su hija/hijo. Esta información aparece abajo.

Basado en los resultados de la evaluación lingüística/idiomática [insertar el nombre de la evaluación de competencia del inglés utilizada] , su hija/hijo califica para un Programa EL y/o servicio de apoyo de idioma. La instrucción en el desarrollo del idioma inglés es fundamental para aumentar la competencia en inglés de un estudiante y su habilidad para adquirir el contenido académico de su nivel escolar. Le recomendamos ampliamente que su hija/hijo participe y reciba los beneficios de un Programa EL y/o servicios de apoyo de idioma.

1. Los resultados de la evaluación del idioma inglés de su hijo/a para este año escolar y los niveles de competencia son los siguientes:

Domain	Nivel/Calificación
Escuchar	
Hablar	
Lectura	
Escritura	
Total (compuesto)	

3. El Programa EL y/o servicios de apoyo de idioma para su hija/hijo incluirá los siguientes tipos de instrucción: [Indique aquí los Programas EL y/o servicios de apoyo de idioma disponibles.]
4. La meta general del Programa EL y/o servicios de apoyo de idioma es que el estudiante llegue a ser completamente competente en inglés y que domine los estándares de aptitud académica estatales de su nivel escolar tan pronto sea posible. En Nuevo México un estudiante que obtiene 41 Serving English Learners LCB Technical Assistance Manual un total (compuesto) de 5.0 o más alto en la prueba anual ACCESS for ELLs® se considera competente en inglés.
5. Si su hija/hijo tiene un plan de educación individualizada (IEP por sus siglas en inglés), el Programa EL y/o servicios de apoyo de idioma ayudará en obtener las metas del IEP de la siguiente manera: [Describa aquí.]

Como se mencionó anteriormente, recomendamos altamente que su hija/hijo participe y reciba los beneficios de este programa y/o servicios de apoyo de idioma. Sin embargo, usted tiene el derecho de rehusar la participación de – optar por retirar a –su hija/hijo en el Programa EL o servicios de apoyo de idioma. Favor de ponerse en contacto con la escuela en [Indique aquí el número telefónico de la escuela] o ponerse en contacto con la maestra/el maestro de su hija/hijo si desea hacer una cita para una conferencia de padre y maestro para hablar sobre las opciones para su hija/hijo o si desea optar a su hijo/hija del programa EL o servicios de apoyo de idioma. Atentamente, Director/a del Título III

Parental Notification Regarding Continuation of English Language Education

School Year _____

Dear Parent/Guardians of _____:

When your child enrolled in our school, you noted on the Home Language Survey (or the Language Usage Survey) that s/he may use a language other than English. Based on this response, the law requires us to test your child's English language proficiency to determine if he is legally entitled to English Learner support services. We used the W-APT language screener results to determine the best education programs for your child. We are required to inform you of the test results, our program recommendation, and all the placement options available for your child. We have also listed the information the state of New Mexico requires us to use to decide when a student is ready to exit the English learner program.

Your child's EL programs and services include the following type of instruction:

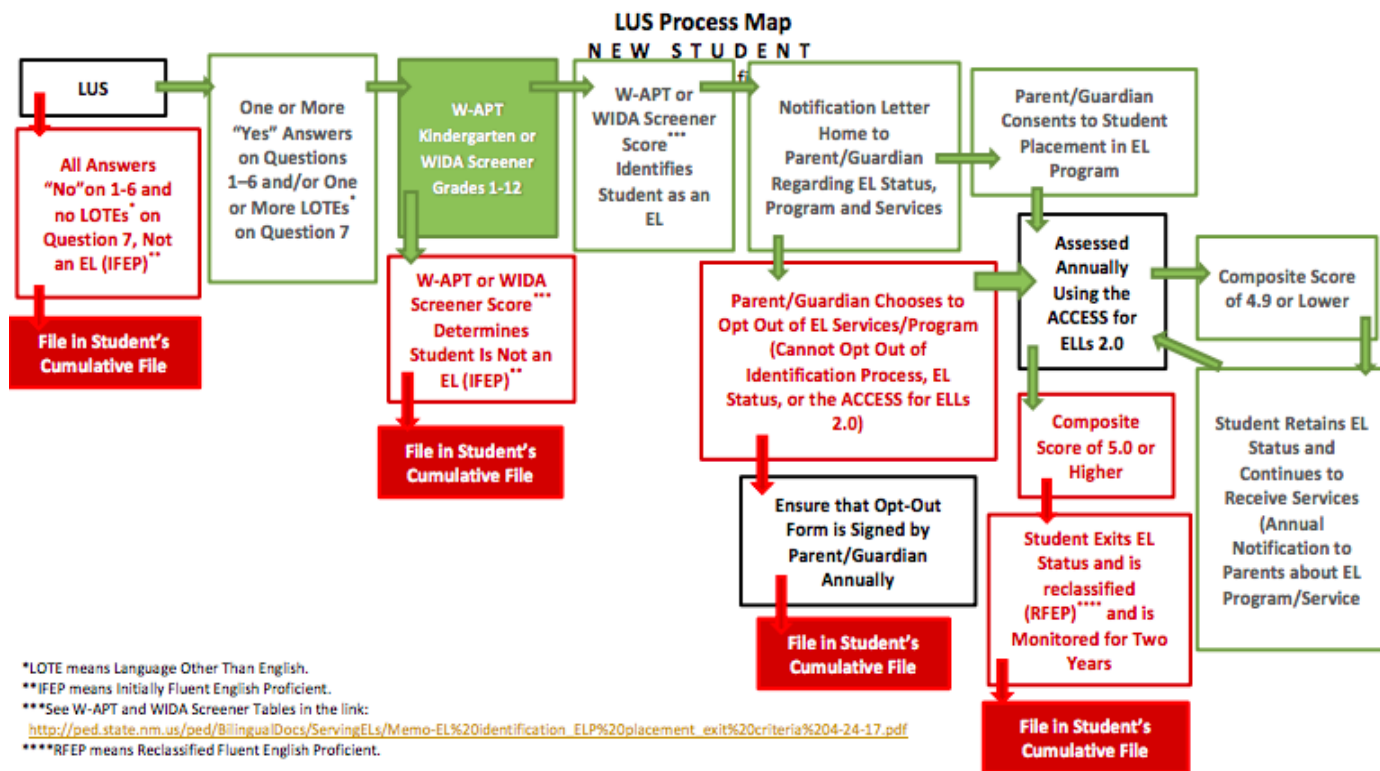
 X **Sheltered Instruction or Content-Based Instruction:** Sheltered Instruction and Content-Based Instruction are approaches for teaching English language learners (ELLs) using specific strategies to make academic subjects comprehensible and accessible while promoting the students' English language development. At Raíces, these additional supports for language development will occur in the regular classroom.

The overall goal of the EL program is for students to become fully proficient with academic skills in listening, reading, writing, speaking in English. The exit criteria in New Mexico is achieving a composite score of 5.0 or greater on the ACCESS for ELLs/ACCESS English Language Proficiency assessment (which we administer in the spring). Based on last year's test score, your child has continued to receive the benefits from this program. However, you have the right to decline your child's participation in/ or opt out of EL services. Please contact ____ (school personnel) ____ if you would like to schedule a meeting to discuss this.

Sincerely,

Raices principal

LANGUAGE USAGE PROCESS FLOW CHART



Enrollment and Lottery Policy and Procedures

Purpose: *Raíces adheres to the state prescribed lottery process to ensure that all children have an equal opportunity to enroll in our school regardless of race, ethnic group, income level, gender orientation or disabilities.*

Policy: Raices del Saber Xinachtli abides by all New Mexico and federal school enrollment laws and regulations. Raices encourages diversity and does not discriminate based on gender, race, national or ethnic origin, sexual orientation, economic standing, religion, language, or disability of the child in its enrollment policies or educational programs. Eligibility criteria for attending Raices includes New Mexico residency and the student's grade levels alignment to those served by Raices in a given school year. In accordance with state law, children must be 5-years of age as of September 1st of their Kindergarten year to enroll in a New Mexico public school. Prospective students who do not meet the age criteria will be ineligible for enrollment. Admissions to Raices del Saber Xinachtli Community School will occur through a lottery selection process, with preference given to siblings of students who are already admitted or in attendance at Raices. Students admitted to Raices are required to complete all registration paperwork in order to complete the enrollment process.

Lottery Overview

Raices del Saber will collect lottery applications from prospective students' families who are interested in and eligible for enrollment. The school will conduct a lottery if it receives more applications for enrollment than there are available spaces. If the school receives fewer applicants than spaces, and a lottery is unnecessary, all lottery applicants will automatically be admitted. Dates for the lottery drawing are conducted based on the discretion of the Raices del Saber Team and publicly announced on the school's website. Parents have the option of applying to Raices del Saber by submitting an online application through our website (www.raicesdelsaber.org), a paper application that can be picked up at the school, or scanning a paper application and sending it via email to the school. One application per child per grade will be accepted.

Annually, the school will announce its enrollment period, the number of seats available at the school along with all relevant dates and deadlines. The information will be made public through the school's website as well as print materials such as fliers and brochures.

The lottery is a random selection process by which applicants are admitted to a charter school to ensure that all applicants have an equal chance of being admitted. Upon completion of the lottery drawing, waitlists are established for each grade. All parents of students who will be offered enrollment are called first, then emailed a notification of contingent enrollment. Parents will have 14 days to confirm or decline enrollment in writing. If parents do not respond within 14 days and a lottery was conducted, OR if parents decline enrollment, the seat will be forfeited. The next student on the waitlist will be offered enrollment. Notification of available space is made to the next parent/student on the waitlist as soon as an opening occurs.

After a student is selected in the lottery parents/guardians must pick up and return completed enrollment/registration forms within two weeks (14 days) of being notified. A selected student whose enrollment forms are not received in the school office by this date and time will forfeit his/her spot to the next student on the waiting list. All deadlines will be communicated to parents during the phone call and in the email notification of contingent enrollment.

Parents may, at any time, contact the school to obtain the waitlist status of their child.

The Lottery Procedures

1. Parents interested in enrolling their student at Raices Del Saber must complete an application (online, in person, or via email) by the deadline for the lottery applications.
2. A neutral party will oversee the lottery.
3. Every child that submitted an application will be given a number. Numbers are placed into a hat and randomly drawn. The first 20 students in each grade are eligible to enroll and remaining applicants are added to a waitlist in the order drawn, and by grade level.
4. In the case of siblings (brother/sister), if the first sibling is selected, e.g., for 1st, then the second sibling will automatically be given a seat in his/her respective grade level.
5. Once all the seats are filled, the waitlist will be created.
6. If a seat becomes available a lottery drawing will be conducted with the students on the waiting list. Parents will be notified if they were selected. If parents decline, the spot will be offered to another student.
7. Attendance at the lottery is not required, though parents are welcome to attend. We do not encourage children to attend.

Admissions Rule for Siblings of Current Students

New Mexico statute 22-8B-4.1 describes the enrollment procedures for admitting students to charter schools in their second year and beyond as being able to give preference to:

1. students who have been admitted to the charter school through an appropriate admission process and remain in attendance through subsequent grades; and
2. siblings of students already admitted to or attending the same charter school.

Our school gives priority to siblings of current students ahead of number one in the lottery in each grade. However, like all prospective students, the application must be received by the same deadline. Verification of the sibling relationship is required. A sibling is defined as a brother or sister living in the same household who have one or both parents in common, a half or step-sibling, or a foster child or child under legal guardianship of parent(s) of a student who is currently attending Raices del Saber. Birth certificate or documentation of legal guardianship must show the relation between the student and parent/guardian.

Grade Change Policy and Procedures

Purpose: *To establish requirements to permit changes to a student's final course grade and other grade changes and to adopt written policies and procedures for any change of a student's grade in compliance with NM State Administrative Codes [NMAC § 6.30.10.1 - .9].*

Policy: While a change in a student's final course grade should be the exception and not the rule once a classroom teacher has issued a final course grade, this policy is designed to provide a process that must be consistently applied should a student or parent/guardian contest a final course grade or any student grade change. Such a grade change should be granted only when it is warranted based on the procedures stated in this policy. Any school in the State of New Mexico is required to send student grades to the Public Education Department (PED) in the form of A, B, C, D, and F for the PED records. At Raíces, we will be using letter grades based on State and Common Core Standards and benchmarks mastered during each 9 week grading period. Grade changes on school or teacher-designed tests and projects may be evaluated in ways other than A through F letter grades (e.g., an assignment of "Excels, Acceptable, Needs Improvement" or a pass/fail grade). In either case, school personnel must follow the procedures specified in this policy to make parent/guardian requested grade changes.

Procedures for Student Final Course Grade or Other Grade Changes:

1. A teacher may change a final course grade due to a clear mistake or clerical error at any time by filling out the "Change of Grade Request Form" which has been approved by the Raices Governance Board (see form on page 4 of this policy). The form must be properly filled out and properly authorized by the Raices Principal and electronically filed by the Director of Operations in the state Student Information Records system.
2. No grade change for a final course grade shall be made unless this policy has been officially adopted or amended by the Raices Governance Board. The request must at a minimum meet the following procedural requirements:
 - a. A final course grade change will be considered upon the receipt of a signed written Change of Grade Request Form which is posted on the school website (www.raicesdelsaber.org) and appears on page 4 of this policy.
 - b. A written response to the grade change request will be provided to the parent/guardian within 10 days of receiving the request. The response will state whether the grade change was allowed or denied, the reasons for either decision, and the grade will be entered on the approved response form (page 5 of this policy) if the change is allowed.
 - c. A grade change will be based on articulated reasons that are stated in the response such as extenuating circumstances (e.g. a student health issue, consideration of a disability),

additional graded work submitted by the student, additional or make-up testing, or any other meaningful criteria related to the course work that can be verified.

- d. A grade change must be equally available to all other students in a similar situation.
 - e. The process for making the decision for a grade change must adhere strictly to the Raices FERPA (Family Educational Rights and Privacy Act) policy.
 - f. A good faith attempt must be made to obtain the input of the student's teacher who issued the grade in dispute, who shall state reasons for or against the requested grade change, and shall not be pressured into or retaliated against for making a certain recommendation.
 - g. If a grade change is approved, the final written response must be signed by the Principal and the teacher as well as the parent acknowledging their receipt of the response. Staff persons bear responsibility for assuring the procedures of this Governance Board policy are followed in making the response. The response will be delivered in person to secure the signature of the recipient or sent by certified mail with return receipt requested.
 - h. If a grade change request is made after a student exits the school, it must be made within 30 days of leaving the school.
 - i. Final course grade changes must be maintained in the student's permanent record for at least two years after the student graduates, transfers from, or otherwise leaves the school.
 - j. The process for requesting a grade change shall not limit or eliminate the rights afforded to parents/guardians under federal regulations 34 CFR Sections 300.618 through 300.621 under IDEA (Individuals with Disabilities Act), and 34 CFR Sections 99.20 under FERPA, as these federal laws relating to the amendment of a student's educational records.
3. A Grade Change Committee - may be formed to address verbal input from a parent at the parent's request for a final course grade change. This committee membership shall include the Principal, the Director of Operations and Community Outreach, the teacher, and a Raices Governance Board Member. All members of the committee must adhere strictly to the Raices FERPA policy to protect the privacy rights of the student as well as those rights afforded a SPED student under IDEA regulations.
4. Changing a Grade on a Test or Class Assignment - may or may not be allowed depending on the following criteria:

- a. Changes shall not be permitted on any test results on a statewide test used to determine adequate yearly progress unless there clearly has been a clerical mistake such as a student being misidentified.
- b. Upon discovering a clerical mistake has been made on a statewide test used to determine adequate yearly progress, the Raíces Director of Operations shall promptly notify the assessment and accountability division of the PED for guidance within 24 hours of the discovery by electronic transmission, followed by a phone call message by the next working day unless having already received an electronic confirmation of the request for guidance.
- c. Requests for a grade change on a teacher or school designed test or project must be made through filling out a grade change request form which is submitted to the Principal's office and passed on to the teacher. The teacher and parent may then meet to discuss the possibility of a grade change.
- d. The teacher must respond in writing within 5 days as to whether he/she agrees to change the grade.
- e. The teacher's decision on school or class designed tests or projects will be final with no opportunity to appeal the decision further.

Unprofessional Conduct Related to a Final Course Grade Change [6.30.10.9]:

- 1. It shall be considered unprofessional conduct pursuant to Paragraph (23) of Subsection C of 6.60.9.9 NMAC for anyone holding and or seeking to renew their licensure issued by the PED to:
 - a. Permit the changing of a student's final course grade contrary to the course grade change policy of the Raíces Governance Board;
 - b. Knowingly withhold material information when asked whether a student grade should or should not be changed; or
 - c. Provide written recommendation for, or make a final written response allowing, a final grade change knowing that a grade change under the circumstances is not warranted or that there has been a material non-compliance with the Raíces grade change policy.
- 2. Any adverse licensure proceeding commenced by the PED under this rule [Paragraph (23) of Subsection C of 6.60.9.9 NMAC] shall be conducted pursuant to the Uniform Licensure Act [Sections 61-1-1 through 61-1-31 NMSA 1978] together with any applicable rule of the PED. [6.30.10.9 NMAC – N, 7-16-08]

Change of Grade Request Form

Person making the request: _____
(Printed Name) (Signature)

Please check the appropriate boxes below:

- ☐ Parent ☐ Legal Guardian ☐ Teacher requesting an error/clerical correction
- ☐ Requesting a final course grade change
- ☐ Requesting a change of grade on a test (other than a required statewide test) or class project

Note: It is not permissible to change any grade on a statewide required test used to determine adequate yearly progress of a student's academic achievement.

Please explain below the reason(s) and/or extenuating circumstances for requesting a grade change:

**For Office
Use Only**

Date Received: _____ Principal Signature: _____

Change of Grade Request Response Form

To: _____

(person requesting the grade change)

Physical Address: _____ Zip Code: _____

Mailing Address: _____ Zip Code: _____

Description of requested change: _____

☐

Grade Change has been approved

☐

Grade Change was not approved

Reasons for approving or not approving the grade change are explained below:

If a grade change is approved complete the following:

Grade changed from _____ to _____

(Teachers' Signature)

(Principal's Signature)

(Signature of Person requesting Grade Change)

(Date response was received)

Section 504 Procedures for Individuals with Disabilities Act

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 706(8)) states: "No qualified individual with a disability shall, solely on the basis of his or her disability, be denied participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

1. The parent/guardian shall be notified in writing of all school decisions concerning the identification, evaluation, or educational placement of his/her child.
2. The parent/guardian shall be notified that he/she may examine relevant records.
3. The parent/guardian shall be notified before any significant change in placement occurs.
4. The parent/guardian may obtain copies of educational records at a reasonable cost unless the fee would effectively deny him/her access to the records.
5. The parent/guardian may request amendment of his/her child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of his/her child. If the school refuses this request for amendment, it shall notify the parent within a reasonable period of time and advise him/her of the right to a hearing.
6. Parents/guardians, or the student, if 18 or over, who dispute the school's decision with respect to actions regarding the identification, evaluation, or educational placement of a student or regarding harassment related to disability under Section 504 requirements, shall have the following means of dispute resolution, each of which may be used in any order:
 - a) File a written complaint, which specifies the problem and the resolution requested, with the Director. If the concern is resolved informally, the Director/Designee will document that resolution and provide copies to the parent.
 - b) Request an impartial Section 504 Due Process Hearing, with the opportunity for participation by the parent/guardian and legal counsel (if desired). The request shall

be in writing to the Governing Council chairperson, including a description of the specific concern and proposed remedy. The Governance Council shall appoint an unbiased hearing officer to hear the matter. The hearing shall be convened within ten (10) working days after the written complaint is received unless both parties agree to a postponement.

The hearing shall follow this format:

- 1) An opening statement by each party;
 - 2) Testimony and evidence presented by each party with an opportunity for cross-examination; and
 - 3) Closing statement by each party;
 - 4) The hearing officer shall provide both parties with a written response within twenty (20) working days of the last day of the hearing.
- c) File a written complaint with the Office for Civil Rights, Department of Education, Region VIII, Federal office Building, 1244 Speer Blvd, Suite #310, Denver, Colorado 80204-3582.
- d) File a civil suit.

SAT (Student Assistance Team)/RTI (Response to Intervention) Process

The Student Assistance Team (SAT) process will begin the RTI system. This includes collecting data on various interventions implemented through Tier 1 and Tier 2 services. It is essential that frequent progress monitoring happens during the RTI process so that necessary changes can be made based on how the student responds to the interventions. In Tier 2, interventions will increase in how often they occur and how long they occur in the form of a small group or with a specialist (if available). The 504 processes (Section 504 of the Rehabilitation Act of 1973) may also utilize the RTI process to develop a 504 plan for students who may not have qualified for special education services but still need assistance due to a diagnosed or undiagnosed disability that affects a student in the classroom. Before being considered for Tier 2 services, it is vital that our teachers have exhausted interventions and differentiation in Tier 1 instruction in response to a student's identified learning needs. Teachers will be provided professional development on how to provide Tier 1 interventions in the classroom during the summer by the SPED teacher.

Our goal is for all students to be successful in the classroom. Biliteracy in all its forms will include students with special needs. A student's ELL status will not be solely used as a basis for entering the SAT process until all other factors are considered. English Language Learners and Spanish Language Learners are first and foremost considered as gifts to create a bilingual/biliterate community. Some students may need more support in order to access the curriculum and daily activities in the classroom. These students will then enter the SAT process as follows:

1. Teacher/s will gather documentation on the observed student that supports the need for the SAT process. We will start making these determinations after the first short-cycle assessment at the beginning of the year. From there, staff members involved with the identified student will complete the following forms: Student Profile Form, Hearing Screen Form, Vision and Referral Form, Teacher Form and the Teacher Input for Addressing Behavior Form (if the behavior is a concern). All forms and documentation will be sent for review by our school principal. If a student requires physical or mental accommodations to function in the classroom, the team will also be prepared to fill out forms for the 504 processes.
2. All relevant staff and the school principal will meet to complete the SAT Form, Teacher and Head Administrator Conference Form, and review all documentation in order to determine the next steps. The initial SAT packet will include research-based interventions and tools that will be used. Examples of interventions include small group or individualized guided instruction in math, reading, and writing targeted foundational literacy interventions, modified instructional delivery, conference with literacy and language specialists, and daily data collection to identify successful and ineffective interventions. The initial packet will

also include measurable goals to set for the student during the intervention process. Parents are invited to attend this meeting and sign off on the packet. This meeting will initiate the Academic Improvement Plan (AIP) for the student, which will be utilized to track the academic successes and struggles of the student with documented interventions, other observations by the teacher, and monitoring of the student's progress in the general education setting.

3. Teachers and SAT team will then track data based on student responses to the interventions and observe whether or not they are meeting their goals using the PED recommended tracking form. This would be a 6-8-week process. The team will meet regularly to discuss all students on AIPs and support those who are providing the interventions.
4. If after 6-8 weeks the student is showing minimal response to the first set of interventions, the SAT team along with the parents can discuss a change in intervention methods, monitor progress for an additional 6-8 weeks before referral to a diagnostician. If at this point, the team agrees that data sufficiently support that multiple interventions were given, and the student was not making academic progress then the SAT packet will be submitted to special education to request evaluations for the student. Parents are required to sign off on this packet. After the special education department receives the packet and once the parent has signed off on the assessment plan, the school and contracted diagnostician have 60 days to assess the student and to write a report.
5. The evaluation will then determine if the student meets criteria for one or more of the 13 categories of disabilities under IDEA: Autism Spectrum Disorders, Deafness and Hearing Loss, Deaf-Blindness, Developmental Delay, Emotional Disturbance, Intellectual Disabilities, Learning Disabilities, Multiple Disabilities, Orthopedic Impairments, Other Health Impairment, Speech and Language Impairments, Traumatic Brain Injury, Visual Impairment. The exceptionality of Gifted is also included under special education services in the state of New Mexico. The Eligibility Determination Team (EDT) which consists of a school administrator, a contracted diagnostician and other needed contracted specialists (such as a Speech Language Pathologist, Physical Therapist, Occupational Therapist, etc), parents or guardians, a special education teacher, a general education teacher and an Local Education Agency (LEA) representative from the school and any others who have specific knowledge of the student's academic progress will then make a decision based on the three possible options:
 - a) The student is ineligible for special education services and then is referred back to the SAT team which analyzes new information and determines a new plan to help the student.

- b) The student is eligible for special education services but does not show a need for the services. They may have a disability, but it does not impact their academic performance and therefore the student does not require specially designed instruction.
- c) The student is eligible for special education services and needs the services. The SAT team no longer works with the student and an IEP is then developed by the IEP Team for the student. The team has 30 days from the date of the EDT meeting to complete the IEP and hold the Initial IEP meeting. The IEP Team consists of a school administrator, parents or guardians, a special education teacher, a general education teacher, an LEA representative, and any other necessary ancillary staff or people who work with the student. The IEP will address needed modifications, accommodations, goals, present levels, current and past test scores, student, teacher and parent input, the amount of service time needed and the appropriate setting to provide the services. The IEP Team will meet at least once a year to revise and review the plan and every three years the team will request a reevaluation unless the team agrees that it is not necessary at the time.

Special Education Request for Independent Evaluation:

Raíces del Saber Community School adheres to federal and state laws and regulations as they pertain to the parent's right to obtain an independent educational evaluation. Independent evaluations will be considered in any decision made with respect to a free and appropriate public education to the student.

Whenever an independent evaluation is obtained at the school's expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria used by the district when it initiates an evaluation.

A Properly Constituted SAT:

The SAT is comprised of a core group that anchors the team. Core members must have good communication skills and solid working knowledge about a variety of supports. A SAT team should include at minimum:

- An administrator as the SAT Chairperson
- Teachers (at least one general education teacher and one dual language teacher)
- Specialists (such as the Diagnostician and Speech and Language Pathologist)
- Parents (as necessary) Special care should be taken when selecting the SAT Chairperson.

The SAT chairperson will be responsible for ensuring that the SAT Intervention Plan, BIP or Section 504 Plan is implemented with proper documentation. In addition, the SAT chairperson maintains all data and ensures that a timely follow up occurs. See the process spelled out in the table on the next page.

General Education Responsibility					
SAT/RtI Process: Tier 1 and Tier 2					
Overall time line will vary with the nature, type, and extent of interventions implemented.					
Tier 1: Universal Interventions -All Students	If academic and/or behavioral problems unresolved in Tier 1, go to Tier 2: Student Assistance Team (SAT)	Tier 2: First SAT Meeting	Implement Individualized Interventions <i>A reasonable time must be allotted to determine the effectiveness of each intervention</i>	Second, Third.... SAT Meeting(s) Options: Continue/revise SAT interventions; discontinue SAT; refer for evaluation for special education services	If Disability Suspected: Complete Referral Packet In a "timely" manner



Referral Packet Submitted to Special Education
Incomplete referral packets returned to the campus



Special Education Responsibility			
SAT/RtI Process: Tier 3			
The IEP team makes all educational decisions for students in Tier 3			
Referral Packet Accepted	Informed Parent Consent	Initial Evaluation* & Written Report	Initial IEP Meeting
No more than <u>10 school days</u> from acceptance date to educational diagnostician obtaining parent consent	SPP Indicator 11 - No more than <u>60 calendar days</u> between the date of parent consent and the date the evaluation is conducted.		**Must be held within <u>30 calendar days</u> of the determination that the child is eligible for special education (34 CFR 300.323[c])

Responsibilities of the SAT Team:

- Understands and observe confidentiality
- Meet as scheduled with sufficient time for the number of referrals and or follow up meetings.
- Select research--based interventions and support teachers on the refinement of instruction at levels I and II.

- Report data to Leadership Team to analyze data on SAT caseloads.
- Review and analyze data to hypothesize a possible cause for the problem and design an individualized SAT Intervention Plan or Behavioral Intervention Plan.
- Progress monitor at intervals between short---cycle assessments.
- Refer students for a Section 504 evaluation, as necessary.
- Develop a 504 plan as necessary.
- Develop a BIP as necessary
- Assist in developing an AIP for retained students or students being considered for retention.
- Participate in a SAT self---assessment
- Consider the six elements of impact on student instruction. A description of each element can be found on pages 51---60 of the NMPED SAT Manual.
 - Culture and Acculturation
 - English Language Proficiency
 - Socioeconomic Status
 - Mental/Behavioral health
 - Possible Lack of Instruction
 - Learning Style, Teaching Methods, Teaching Style
- Establishes a close ended implementation timeline
- Progress monitor using reported data and then follow up with next steps.

Responsibilities of the SAT Chairperson:

- Directs the activities of the team.
- Receives referrals to the SAT
- Determines the relevant persons who need to participate in the SAT meeting (parent, SLP, interventionist, etc.).
- Sends out invitations
- Data management
- Case management
- Ensure the RTI framework
- Document all SAT communications with parents, teachers, and meetings
- Conduct a SAT self--assessment
- Collets all relevant information about the student
- Reviews all grade or class level student performance data and compares it to the referred student.
- Participate as an active member of the SAT team
- Train teachers in the SAT processes

High Rate of SAT Referrals:

A high rate of SAT referrals and/or retention recommendations suggests that the school needs to evaluate Tier 1 core program practices (especially in math and literacy skills) to ensure that students are not failing due to systems and/or instructional

Inadequacies.

Training for Teachers on SAT and Interventions:

Teachers will be trained during the summer training days before the beginning of the school year in the SAT process and in ways to potentially implement interventions. The SAT Chairperson/Administrator will be responsible for this training.

The training will include the following topics:

1. Required documentation of interventions and student data/work samples
2. Interventions in Tier 1 and Tier 2

Record Keeping:

SAT files often contain confidential information so should be kept together in a locked file cabinet or closet. See table below for an example of how to keep organized records of which students are going through each process.

Academic At-Risk (SAT)

Entered in Synergy ?	Student Name	ELL	Grade	Teacher	Reason	2019-2020 Notes	2020-2021 Notes
Yes	Bob, Sponge	No	4	Rodriguez	Language	9/16/12 Rodriguez says he is struggling. She will request packet if she feels he needs one. 10/17/12 Email check in. 11/8/12 SAT met, packet given to teacher to complete.	4/12/12 SLP screened Sponge and she developed teacher interventions for difficulties with memory. Monitor for continued difficulties. No packet was completed.

						<p>Medina will contact parents to check on ADHD medication. (Called 11/8/12 at 3:40 and left message with male on form)</p> <p>12/5/12 Nurse checked his vision and he failed. Note sent home for needed vision check.</p> <p>2/13/13 Glasses received.</p> <p>2/27/13 2nd SAT packet given to teacher.</p>	
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Dealing with Inactive and Old Files:

If a student is no longer being monitored through SAT, moves, or qualifies for SPED, keep a copy of the file and place it with your other "Old Files". These files sometimes need to be revisited if a question arises later. If a student moves, original files will be sent to the student's next school.

School Discipline Policies and Procedures

Purpose: *This policy is intended to provide guidelines for student behavior that promotes ethical, safe, respectful behavior on the part of students so that the learning environment in the school will be conducive to high levels of achievement for all students. A school environment that is safe, secure, and free of psychological or physical threats allows students to be free to fully expend their energy on learning.*

Policy: The goal of discipline at Raíces is to ensure students become responsible for controlling their own behavior in an appropriate and constructive manner. All school personnel have a responsibility to maintain order and discipline in the school. In carrying out their duties, school personnel also have a right to be free from abuse and intimidation and to have their lawful requests and instructions followed. This policy, along with the accompanying procedures, shall guide the Principal and school staff in maintaining a learning environment that is safe, healthy, and secure for students and staff as well as promoting a learning environment that is maximally conducive to high student achievement. The process for creating this kind of environment begins with “restorative practices” when student behavior needs to change for the well-being of all persons at the school.

Students involved in the following activities, which are prohibited by NM State Law in all public schools, will be subject to severe discipline, up to and including detention, suspension and expulsion:

1. criminal or delinquent acts, including bringing a knife or gun into the school;
2. gang related activity;
3. sexual harassment;
4. disruptive conduct;
5. refusal to identify self; and
6. refusal to cooperate with school personnel.

When student misbehavior has not responded to restorative practices and the misconduct is serious, such as fighting that results in injury, bullying, theft and damage to property and involves repeated behaviors, Raíces will utilize other forms of student discipline in accordance with state regulations (NMAC 6.11.2.8 to 10 & NMSA § 22-5-4.3.). Students who engage this kind of conduct will be subject to disciplinary action that may include detention, suspension and expulsion (See the Raíces Policies and Procedures for Detention, Suspension, and Expulsion). However, corporal punishment is strictly prohibited by the NM State Education Statutes (NMSA § 22-5-4.3.B).

Persons with disciplinary authority (i.e. teachers, the Principal) shall not enforce school rules or impose disciplinary punishments in a manner which discriminates against any student on the basis of race, religion, color, national origin, ancestry, sex, or disability.

This policy will be re-examined annually by parents, students and school personnel to provide input to any changes deemed necessary to create a safe, healthy learning environment and that

are in compliance with the NM State Statutes and Administrative Codes. A public hearing during the September Governance Board meeting will be held annually before the adoption of this policy or any proposed changes by the Raíces Governance Board as required by law (NMSA § 22-5-4.3(C)). Both this original policy and any policies changes shall be filed with the NM Public Education Department.

Restorative Practices Related to Disciplinary Procedures

Raíces will use a restorative practice process to build community to respond to challenging student behavior. This includes using dialogue, self-examination, coming to understand, and making things right. Raíces will use restorative circles in the classroom to teach students to apply multiple approaches to problem solving and to use mindful meditation for self-examination rather than immediately using a punishment approach to address student misbehavior. This approach will help nurture students and encourage academic, personal and community success.

Our goals for student behavior using this approach will be as follows:

- Students will learn to value and regularly use proactive, positive ways to build and maintain a peaceful classroom community.
- Students will develop and enhance positive and supportive connections with peers.
- Students will develop an understanding of the principles and vocabulary of restorative justice.
- Students will learn how to participate in circle dialogues, using specific guidelines.
- Students will learn to use and respect a talking piece, which allows each person to have a voice, a time to talk while others listen respectfully.
- Students will learn how to use restorative questions to support conflict resolution and other types of communication.
- Students will learn to identify who is affected by misbehaviors, and how.
- Students will contribute to developing appropriate ideas for how to make things right when harms have occurred.
- Students will learn how and when to ask for a restorative circle.
- Students will learn to communicate how they are affected by given situations using affective statements and restorative questions.

Staff members shall be trained in the use of restorative justice practices so that this approach to resolving conflict can be deployed in the classroom setting as well as in other school related activities.

Behavioral Expectations and Conduct

Raíces is committed to provide a safe, respectful environment favorable to learning and to the development of each student's full potential. Raíces has adopted the following guiding principles to maintain this kind of environment and to provide for the well-being of students. These guidelines are expressed in the form of an acronym that is based on a special meaning

for each of the letters in our name **RAICES**. These guidelines apply in the school building, on the school grounds, while traveling to and from school, and at events where the school is represented. Students, staff, parents, community partners, and visitors are expected to follow these guidelines.

Respect - we accept others as they are honoring their space to be.

Awareness - we are always aware of each other, caring about how our individual paths can be supported to come together as a learning family.

Initiative - we are always eager to take the lead in what needs to be done, knowing that ideas are not meant to be kept silent and that dreams need action to be fulfilled.

Community - we carry within us the Mayan motto *In-Lak'ech-Ala K'in* meaning “you are my other me” in our hearts and minds seeing our school as part of a whole where each person is interconnected, working together towards common goals.

Encouragement - we strive to focus on the positive, even in mistakes or faults, building on what is good and creating a way of interacting that makes everyone feel wanted, needed, and useful.

Serenity - we maintain a quiet, sincere, positive acceptance of each other, of students, parents, teachers and the belief that challenges are best met in a calm and informed manner.

School Rules

1. Students are required to be at school on time and for all school events, conferences, field trips, etc. Parents are expected to ensure students arrive at school ready to learn and participate.
2. Students must be dressed in appropriate attire: for girls this means closed toe shoes, dresses, or blouses and skirts or slacks or shorts in warm weather; for boys this means closed toe shoes, shirts and slacks or shorts in warm weather.
3. Students are expected to demonstrate respect for all others and to respect school property, equipment and materials.
4. Students are expected to keep Raíces a safe school and follow safety rules as directed by their teachers.
5. Students are not allowed to use profanity under any circumstance.
6. Student should not bring Electronic Devices/Cell Phones to school. Electronic Devices/Cell Phones found by faculty/staff will be taken away and be held in the front office until the end of the school day. Only parents will be allowed to pick them up. Any electronic devices needed for learning purposes will be provided by the Raíces
7. All Personal Items (toys) should not be brought to school unless otherwise instructed by the student's teacher for a particular lesson.

Policies and Procedures with Regard to Restraint and Seclusion

Only in extreme situations and when warranted for the safety of the student or others will trained and authorized personnel use restraint and seclusion, and such personnel will strictly adhere to the NMAC 6.11.2.10(E) regulations and procedures in doing so. The following procedures will be implemented:

1. Less restrictive interventions, including positive behavioral supports and techniques shall be tried prior to the use of restraint and seclusion.
2. If restraint and/or seclusion is carried out, trained and authorized personnel shall maintain visual observation and monitoring of the student while the restraint and seclusion techniques are in use.
3. An annual training for designated school personnel shall be implemented regarding positive behavior management techniques and the use of restraint and seclusion techniques.

Policies and Procedures with Regard to Homelessness

Raíces shall, through professional development activities organized by the school McKinney Vento Liaison, create awareness among educators of the types of behaviors that students experiencing homelessness may exhibit due to this experience. The following procedures will be implemented:

1. Each year will identify the school's McKinney Vento liaison.
2. School personnel shall be provided with strategies and supports to address the behavior through the student assistance team (SAT) process.
3. Staff will take into account the issues related to a student's homelessness by talking to the student and applicable staff and families prior to taking disciplinary action, unless the student or others are in immediate danger.
4. The Principal will consult applicable personnel to assign appropriate discipline related to the behavior and will implement alternatives to out-of-school suspensions or expulsions or classroom removal, if possible.
5. Removing the student from the school will be a last resort.
6. The school SAT will review school data and records of students experiencing homelessness to discover patterns in disciplinary actions that reveal unfair bias against the students.
7. Collection and review of records shall be in compliance with the Family Educational Rights and Privacy Act (FERPA) as well as any other federal and state laws governing the privacy of such documents.

Policies and Procedures with Regard to Students with Disabilities

Students with disabilities are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other students. However, Raíces will make every effort to meet the individual educational needs of students with disabilities through the following procedures:

1. Applicable school personnel (school IEP Team) will develop and implement the student's Individualized Educational Plan (IEP) and in so doing will take into consideration behavioral manifestations of the student's disability.
2. The IEP Team may prescribe or prohibit specified disciplinary measures for an individual student with disabilities by including appropriate provisions in the student's IEP.
3. Other staff will adhere to any such provisions in the student IEP. (See detailed procedures for students with disabilities in the Policies and Procedures for Detention, Suspension, and Expulsion.)

Policies and Procedures with Regard to Search and Seizure

In determining whether a forbidden activity has occurred or to maintain student safety, search and seizure may be necessary. All such searches and seizures of property must comply with the regulations in NMAC 6.11.2.10(B). School property assigned to a student and a student's person or property are subject to search while under the authority of the school. The following procedures will be followed:

1. Students and parents will be given reasonable notice of the school's policy through the distribution of the Student Handbook when the student enrolls for school at Raíces.
2. Certified school personnel will conduct the search when a search is permissible as follows:
 - a. An authorized person has a reasonable suspicion that a crime and or other breach of disciplinary rules is occurring or has occurred.
 - b. An authorized person has reasonable cause to believe that a search is necessary to help maintain school safety and discipline.
3. The proper conduct of a search by an authorized person requires the following procedures at Raíces:
 - a. School property, including lockers, may be searched without the student being present, but if a student is not present another authorized person shall serve as a witness.
 - b. Physical searches of a student's person must be conducted only by authorized personnel of the same sex and the extent of the search must not be excessively intrusive in light of the student's age and sex.
4. Seized items which are illegal or legal that pose a threat to the safety and security of others or items that are used to disrupt or interfere in the educational process may be seized by an authorized person.
5. Items seized shall be released to the appropriate authorities or a student's parent/guardian or returned to the student when the Principal deems it is appropriate.

Student Self- Medication Policy

Students shall be allowed to carry and self-administer asthma medication and emergency anaphylaxis medication that has been legally prescribed to the student by a licensed healthcare provider under the following conditions as outlined in NMSA § 22-5-4.3:

1. The healthcare provider has instructed the student in the correct and responsible use of the medication;
2. The student has demonstrated to the healthcare provider and the school nurse or other school official the skill level necessary to use the medication and any device that is necessary to administer the medication prescribed;
3. The healthcare provider formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during the school hours or school sponsored activities, including transit to or from school sponsored activities; and
4. The Student's parent/guardian has completed and submitted to the school any written documentation of the treatment plan required in paragraph (3) above.
5. The parent/guardian who is allowed to carry and self-administer the asthma or anaphylaxis medication may provide the school with backup medication that shall be kept in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.
6. Authorized school personnel, who in good faith provide a person backup medication as provided by the parent/guardian, shall not be held liable for civil damages as a result of providing medication.

Tobacco, Alcohol, and Drug-Free Policy and Procedures

Purpose: *Raíces del Saber recognizes that the use of tobacco products, alcohol and drugs presents health, safety and environmental hazard for students, employees, visitors, and school facilities. This policy provides definitions, makes clear the prohibition, and describes the consequences of the use, possession, and distribution of tobacco products, alcohol, and drugs in school, in school buildings and facilities, on school property or at school-related or school-sponsored events by students, staff and visitors. Raíces del Saber acknowledges that adult employees and visitors serve as role models for students and aims to promote a healthy learning and working environment, free from unwanted use of tobacco, alcohol, and drugs.*

Policy: In compliance with 6.12.4 NMAC, *Raíces* prohibits the use, possession, and distribution of tobacco products, alcoholic beverages, illicit drugs and mood-altering substances in the *Raíces* school buildings, on *Raíces* property, within the *Raíces* neighborhood community, and for *Raíces* students at any school functions away from school property.

Definitions, for the purposes of this policy, include:

Tobacco Product - means any product made or derived from tobacco that is intended for human consumption, including any component, part or accessory of a tobacco product. This includes, among other products, cigarettes, cigars, pipe tobacco, roll-your-own tobacco, dissolvable tobacco, and smokeless tobacco. Smokeless tobacco means any snuff or chewing tobacco.

E-cigarette - means any electronic oral device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine or any other substances the use or inhalation of which simulates smoking; and includes any such device, or any part of it, whether manufactured, distributed, marketed or sold as an e-cigarette, e- cigar, e-pipe or any other product, name or descriptor.

It does not include any product regulated as a drug or device by the United States food and drug administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 301 et seq.

Nicotine liquid container - means a bottle or other container of any substance containing nicotine where the substance is sold, marketed or intended for use in an e-cigarette.

NOTE: A tobacco-cessation product approved by the United States food and drug administration is not included in any of the above definitions.

Alcohol - means any beverage containing more than one-half percent alcohol by volume, and includes all distilled or rectified spirits, potable alcohol or any similar alcoholic beverages,

including all fermented or blended beverages and dilutions or mixtures of one or more of these alcoholic beverages.

Drugs mean -

1. Illicit drugs including prescription and over-the-counter medications used for non-medical purposes, or not used as medically prescribed by lawfully authorized practitioners or as directed by the manufacturer's literature, and include all supplemental dietary or nutrition ergogenic aids, stimulants, nootropics, adaptogens, painkillers, sedatives and anxiolytics, blood boosters and other performance-enhancing drugs.
2. Mood-altering substances that change, or are capable of changing, a person's emotional state, and include all stimulants, opioids, intoxicating inhalants and hallucinogen

School personnel - includes all administrators, principals, teachers, counselors, social workers, speech therapists, psychologists, nurses, librarians, and other support staff who are employed by a school, or who perform services for the school on a contractual basis.

Use Prohibited:

No *Raíces* student is permitted to use tobacco, alcohol, illicit drugs or mood-altering substances:

- In any building, facility, or vehicle owned, leased, rented, or chartered by *Raíces*
- On any school grounds and property—including parking lots and playing fields
- At any school-sponsored or school-related event on-campus or off-campus
- Any transportation picks up or drop off areas

In addition, *Raíces* employees, volunteers, contractors or other person performing services on behalf of *Raíces* also are prohibited from using tobacco products, alcohol or illicit drugs at any time while on duty and in the presence of students, either on or off school grounds.

Possession and Distribution Prohibited:

No student, staff or visitor is permitted to possess or distribute a tobacco product, alcoholic beverage, illicit drug or mood-altering substance while in any *Raíces* building, while on the *Raíces* grounds or property or at any *Raíces* sponsored or *Raíces* related event or at any other time that students are under the authority of *Raíces* personnel. The prohibitions do not apply to an adult when possession or use of the tobacco products are for demonstration purposes as a necessary instructional component of a tobacco, alcohol or drug prevention or cessation program.

Application for Students:

Consequences for engaging in the prohibited behavior will be provided in accordance with Raíces' student discipline policy. Students who violate the school's tobacco, alcohol, and drug-free policy will be referred to as Raíces' Principal or other School Personnel for health information, counseling, and discipline. Parents/guardians will be notified of all violations and actions taken by Raíces.

Application for Staff:

Consequences for employees who violate the tobacco, alcohol, and drug use policy will be in accordance with personnel policies and may include verbal warning, written reprimand, or termination.

Application for Visitors and Community Members (including families and parents:

Visitors using or blatantly flaunting prohibited products will be reminded of the school policy while on Raíces property and if the appropriate response does not occur after the reminder, they may be asked to leave the premises. Law enforcement officers may be contacted to assist if required.

Prevention Education:

Raíces will provide education on the health hazards associated with the usage of alcohol, tobacco, and drugs during health and wellness lessons with students. Additionally, Raíces will consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards associated with the use and the impact of tobacco, alcohol and drug use as it relates to providing a safe, orderly, clean and inviting school environment.

Procedures:

1. This policy will be communicated to students, school staff, parents, school visitors, and the community through announcements and conspicuous signage posted at the entrance of the school that the school is a tobacco, alcohol and illicit drug-free environment and that the possession is prohibited on school grounds.
2. Raíces may provide, in writing, the policy to any local residents, groups, businesses, and organizations served by the school. The school's volunteer policies and procedures reference the anti-tobacco, alcohol and drug provisions. The school will reinforce this when orienting volunteers and partners who come into the school.
3. Raíces shall provide in writing as outlined in both the Raíces Student & Parent Handbook and the Staff Handbook the prohibition of tobacco, alcohol, and drugs

as well as the procedures as it relates to this policy including the enumeration of possible sanctions.

4. All school employees are expected to cooperate in upholding this policy and report violations to administrative personnel who will be responsible for the investigation and enforcement of this policy.
5. Staff will be informed of their right and responsibility to report, without fear of retaliation by the reporter, any known or suspected instances of use, possession or distribution. A school employee who in good faith make a report shall not be held liable for any civil damages as a result of such report or efforts to enforce the policy.
6. Implementation of this policy will be in accordance with the school's employee conduct and disciplinary policy as well as student disciplinary procedures.

Family Educational Rights and Privacy Act Policy (FERPA)

Purpose: *The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records.*

Policy: Rights that all families must be provided are as follows:

1. The right to inspect and review the student's education records within 45 days after the day the Raíces del Saber Xinachtli Community School receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the Raíces del Saber Xinachtli Community School to amend their child's or their education record should write the school principal, clearly identify the part of the record they want to be changed and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's annual notification for FERPA rights. A school official includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a contractor, or consultant

who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

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

The permanent address and phone number of Raíces del Saber Xinachtli Community school is: 2211 N. Valley Drive, Las Cruces, NM 88007, (575)-526-2984.

Raíces del Saber Xinachtli Community School will notify parents and guardians annually of their rights under FERPA, as required by 34 C.F.R. 99.37, as well as, the school's limited directory information policy. FERPA defines "directory information" as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Typically, "directory information" includes information such as name, address, telephone listing, date and place of birth, participation in officially recognized activities and sports, and dates of attendance. A school may disclose "directory information" to third parties without consent if it has given public notice of the types of information which it has designated as "directory information", the parent's or eligible student's right to restrict the disclosure of such information, and the period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information designated as "directory information".

The means of notification could include publication in various sources, including a newsletter, in a local newspaper, or in the student handbook. The school could also include the "directory information" notification as part of the general notification of rights under FERPA. The school does not have to notify a parent or eligible student individually (34 C.F.R. 99.37). Raíces del Saber Xinachtli Community School will keep records of all requests to access student records in accordance with state and federal statutes.

Gun Free School Policies and Procedures

Purpose: *In compliance with sections 30-7-2.1 and 32A-2-33 NMSA (1978), Raíces has established this policy to commit to a gun free school and the safest possible environment for all students and employees. This policy aligns with the New Mexico statutes cited above and is intended to prevent the carrying of a deadly weapon onto school grounds and to promptly deal with a child in possession of a deadly weapon on school premises.*

Policy: In compliance with sections 30-7-2.1 and 32A-2-33 NMSA (1978), the carrying of a deadly weapon by anyone, including a child, on the school premises is strictly prohibited except by:

- 1) a peace officer;
- 2) school security personnel;
- 3) a student, instructor or other school-authorized personnel engaged in army, navy, marine corps or air force reserve officer training corps programs or state-authorized hunter safety training instruction;
- 4) a person conducting or participating in a school-approved program, class or other activity involving the carrying of a deadly weapon; or
- 5) a person older than nineteen years of age on school premises in a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property.

Whoever commits unlawful carrying of a deadly weapon on school premises is guilty of a fourth degree felony.

Definition of "school premises":

- 1) the buildings and grounds, including playgrounds, playing fields and parking areas and any school bus of any public elementary, secondary, junior high or high school in or on which school or school-related activities are being operated under the supervision of a local school board; or
- 2) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which public school-related and sanctioned activities are being performed.

Definition of "firearm"

As used in section 32A-2-33 NMSA, "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer. "Firearm" includes any handgun, rifle or shotgun.

Procedures:

1. If the Raíces principal has reasonable cause to believe that someone is on the school premises who is in possession of a deadly weapon, the principal will immediately inform teachers to go into lock down mode and notify 911 to bring police protection to the school.
2. If for any reason the principal is not readily available, the Director of Operations will carry out the tasks listed in step number 1.
3. Teachers and other employees at Raíces will be trained on how to respond to a situation where there is reasonable cause to believe that someone is on the school premises who is in possession of a deadly weapon. All employees will be required to participate in scheduled emergency drills on how to immediately get students into a lock down mode and then notify the school leadership, Principal or Director of Operations, of the danger if they are the first to become aware that someone is on the premises with a deadly weapon.

Procedures if a child is in possession of a deadly weapon on school premises:

1. If the school principal or a school employee has reasonable cause to believe that a child is in possession of or has been in possession of a firearm on school premises in violation of the policy described above, the principal or employee shall immediately report the child's actions to a law enforcement agency and the Children, Youth and Families Department.
2. Upon receipt of a report pursuant to the above policy, the law enforcement agency may conduct an investigation to determine if there is probable cause to believe that the child possessed a firearm on school premises.
3. If the law enforcement agency determines there is probable cause to believe that the child possessed a firearm on school premises, the law enforcement agency may take the child into custody and deliver the child to a detention facility licensed by the Children, Youth and Families Department (CYFD). After the child is delivered to such a facility, the department shall comply with the notification provisions set forth in Subsection C of Section 32A-2-10 NMSA 1978, which states that

“ If a child under the age of eleven poses a substantial risk of harm to the child's self or others, a peace officer may detain and transport that child for emergency mental health evaluation and care in accordance with Section 32A-6A-19 NMSA 1978” which states that

“a child may not be held for purposes of a mental health evaluation or care in a jail or facility intended for incarceration of adults charged with criminal offenses or for the detention of children alleged or adjudicated to be delinquent children.”

4. The child shall be detained in an appropriate evaluation facility, pending a detention hearing pursuant to the provisions of Section 32A-2-13 NMSA 1978, which states that

A (2) a petition for a court hearing is filed within 24 hours from the time the child is taken into custody, excluding Saturdays, Sundays and legal holidays, and

A (3) the detention hearing shall be held within 24 hours, excluding Saturdays, Sundays and legal holidays, from the time of filing the petition to determine whether continued detention is required pursuant to the criteria established by the Children's Code [32A-1-1 NMSA 1978].

Health Services Policies and Procedures

Purpose: *Raíces recognizes its responsibility to protect the health and safety of students and staff. Raíces develops this policy in alignment with 6.12.2 NMAC, 6.12.6 NMAC, 6.29.1 NMAC. This policy addresses 1) how the school will screen students 2) the requirement for student immunizations, 3) student rights to self-administer certain medications and 4) how the school will protect the rights of students and staff with HIV and provide appropriate curriculum about HIV as part of the health education and 5) how the school will recognize individual health plans and 6) maintain student records.*

Policy: Raíces will provide opportunities for all students to develop healthy behaviors through a school health program that address the health needs of students and staff. Raíces shall provide the following programs: health education, physical education, health services, and school counseling. Additional programs may include nutrition, staff wellness, family-school-community partnerships, healthy environment, and psychological services.

Health Screening:

Raíces will screen students for immunizations, vision, and at the requests from Special Education or Student Assistant Teams. Raíces may contract with school nurses to do general screening for vision, hearing, and immunizations. Students in Kindergarten, the 1st-3rd grade will be screened for vision (7.30.11 NMAC: Vision Screening Test Standards

for Students). In compliance with 6.12.2.8A NMAC, all enrolled students will be screened for immunization requirements.

Immunizations:

Raíces requires that students be immunized against certain communicable diseases in accordance with the immunization schedule and rules and regulations of the New Mexico Department of Health (NMDOH), Public Health Division NMAC 7.5.2. A parent/guardian must provide the immunization record to the school prior to the first day of school to demonstrate the student's commencement or completion of all immunizations. Immunization records will be kept up to date and made available to the public health division for auditing purposes.

Required immunizations include:

- Diphtheria
- Pertussis
- Tetanus
- Poliomyelitis
- Measles

- Mumps
- Rubella
- Hepatitis B
- Varicella
- Pneumococcal Disease

Other vaccines for preventable diseases as determined by the secretary of the department of health.

Proof of immunizations will be made through a statement, certificate or record signed by a duly licensed physician, certified nurse practitioner, or other recognized public or private health facility stating that the student has received at least the first in the series of required immunizations and is proceeding with the immunizations according to the prescribed schedule. For the student whose immunizations are not up-to-date but who have received all immunizations

currently permissible by a medical practice, s/he is considered in the process. Students enrolled in Raices who have begun the process of immunization shall have one month following the date of enrollment to complete the required immunizations and submit satisfactory evidence of completing the required immunizations or having continued the process of the required series.

For the student who is attempting to reach compliance but is behind on a vaccination series, s/he is no longer considered in the process. A scheduled appointment to receive required immunizations can be considered in the process, allowing the student to register and attend school. If proof of immunization is not presented the first school day after this appointment, the disenrollment procedure may begin. When any student is kept out of school longer than five consecutive days for noncompliance, the local Regional Health Officer (RHO) for NMDOH should be notified.

Exemptions from Immunizations:

Raices recognizes that pursuant to 7.5.3 NMAC, some students will be exempt from immunizations due to medical or religious reasons. In such cases, the parent/guardian must provide to the school one of the following documents:

1. A statement or certificate signed by a licensed physician or certified nurse practitioner stating that the physical conditions of the student is such that immunizations would seriously endanger the life or health of the student, or
2. A Certificate of Exemption officially granted by the Public Health Division in accordance with 24-5-3 NMSA.

Raices also recognizes that students who are identified as homeless may not be prevented from entering schools, based on the inability to produce records normally required for enrollment, as per the McKinney-Vento Homeless Assistance Act.

Self-Administration of Medications:

Pursuant to 6.12.8-9 NMAC, Raices grants the rights to any student authorization to carry and self-administer prescribed asthma treatment medications, anaphylaxis emergency treatment medication, and diabetes medication when the following conditions are met:

A health care practitioner has prescribed the medication for use by the student during school hours and the student has received instruction from the practitioner on its proper use

5. The student demonstrates the ability to use the medication and/or device as prescribed, as verified by a health care practitioner
6. The student has a written treatment plan for medication use by a health care practitioner
7. The school provides a statement to student's parent or guardian that exempts the school, its employees and agents, from incurring liability as a result of any injury arising from self-administration of medication and the parent acknowledges receipt of the statement and agrees to hold harmless the school against any claims arising from self-
8. administration of medication. A student will be authorized to possess and use medication while in school, at school-
9. sponsored activities, during before and after school activities on school property, and while in transit to or from school or a school-sponsored activity. Such authorization will be effective for the school year in which it is granted only, authorization must be renewed 0

Hiv Policy:

Raices shall follow the procedures contained the New Mexico School Health Manual regarding communicable diseases. Pursuant to 6.12.2.10 NMAC, Raices shall ensure all students infected with HIV have appropriate access to public education and that their rights to privacy are protected and that the rights to privacy of all school employees infected with HIV are protected.

Raices shall provide instruction about HIV and related issues in the curriculum of the required health education content area to all students. The educational materials and grade levels of instruction shall be determined by administration and shall be appropriate to the age group being taught.

The instructional program shall include, but not necessarily be limited to:

- a. Definition of HIV and acquired immune deficiency syndrome (AIDS);
- b. The symptoms and prognosis of HIV and AIDS;
- c. How the virus is spread;
- d. How the virus is not spread;
- e. Ways to reduce the risks of getting HIV/AIDS, stressing abstinence;

- f. Societal implications for this disease;
- g. Local resources for appropriate medical care; and
- h. Ability to demonstrate refusal skills, overcome peer pressure, and use decision-making skills.

Raices shall ensure the involvement of parents, staff, and students in the development of policies and the review of instructional materials.

Individual Health Plans:

Raices recognizes students with healthcare needs that may affect their school attendance and/or performance may have Individualized Health Plans (IHP), which are separated from Individualized Education Program (IEP) plan but attached to the IEP or 504 plan based on a students' needs. Raices shall abide by all Individual Educational Plans.

Student Health Records:

All student health records will be kept on file for review by the public health authorities as required by law. Parents/Guardians and Students will be required to complete and sign a Student Health Form as part of the annual student registration materials. Raices will review the submitted Health Form prior to the start of each school year and will meet with parents/guardians/others as needed to develop student-specific policies and procedures related to back-up medication or other health-related issues.

Raices will keep student health information in a secure location which will ensure student confidentiality while also

providing access to the information by school personnel in the event of an emergency. Raices will refer students and their families to additional health-related services as needed, including counseling services as needed.

Human Immunodeficiency Virus (HIV) - Prior to the start of each school year, the Governance Board will review and approve the Health Services Plan. Information will be available on the school website and included in the annual Parent-Student and Employee Handbooks which are disseminated free of charge to students, parents, and school staff.

Homeless Education and Assistance Policy and Procedures

Purpose: *This policy has been developed to ensure that Raíces serves the needs of the children that suffer from the consequences of homelessness in the Las Cruces Area. It is based on compliance the federal McKinney-Vinto Education for Homeless Children and Youth Act and the NM Educational Stability Guidelines for Students Experiencing Homelessness as revised in 2017 to comply with the McKinney-Vinto Act.*

Policy: Raíces del Saber Xinachtli Community School will fully support the educational needs of children experiencing homeless who are enrolled in our school. The School will support the provisions for homeless children as specified under the Every Child Succeeds Act (ESSA) [42 U.S.C. § 11432(g) (3) (E)], the NM Statutes Annotated (Section 22-12-10(A)(1) NMSA 1978) and the New Mexico Code (NMAC 6.10.3.8-10). We will address the challenges that children and youth experiencing homelessness have faced in enrolling, attending, and succeeding in school. Following are definitions of relevance to this policy and nine categories of school stability provisions that must be offered to children experiencing homelessness.

Relevant Definitions

“Student who has experienced disruptions in the student’s education” means a student who experiences one or more changes in school or school district during a single school year as a result of homelessness as defined in the federal McKinney-Vinto Homeless Assistance Act and as determined by the school [Section 22-12-10(A)(1) NMSA 1978.]

“Homeless Children and Youth” - the McKinney-Vinto Act defines homeless children and youth as individuals who lack a fixed, regular, and adequate nighttime residence, the term includes:

- Children and youth who are:
 - ✓ sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as “doubled-up”;
 - ✓ are living in motels, hotels, trailer parks; or camping grounds due to the lack of alternative adequate accommodations;
 - ✓ are living in emergency or transitional shelters; or
 - ✓ are abandoned in hospitals.
- Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.;
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory Children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described above.

ESSA and NMSA Stability Provisions Required by McKinney-Vinto Act and the NM PED

1. *Immediate Enrollment of Student Experiencing Homelessness in School of Their Choice* - Children or youth experiencing homelessness must be immediately enrolled in the school in which enrollment is sought, whether it be the school of origin, or the school in the attendance area, regardless if they are missing school records, proof of residency, immunization and other health records, lack of a parent or legal guardian or have unpaid fees. Immediate enrollment includes attending classes and participating fully in school activities, including extracurricular activities. Students experiencing homelessness are to be directly certified for free school meals for the entire school year. If a dispute arises over school selection or enrollment in Raíces, the child or youth shall be immediately admitted to our school if enrollment is sought, pending resolution of the dispute and must be immediately referred to the Homelessness Liaison (The Raíces Director of Operations). In the case of an unaccompanied youth, the Homelessness Liaison shall ensure that the youth is immediately enrolled in school, pending resolution of the dispute. The dispute resolution process is described in detail in the Raíces's *Homelessness Youth Complaint and Rights Policy and Procedures* (5-15.11.H-1)
2. *School Selection and Best Interest* - To ensure the stability of students experiencing homelessness, Raíces must make school placement decisions on the basis of the "best interest" of the student based on student-centered factors. (Section 722(g)(3)(B)). Using this standard, Raíces must:
 - Continue the student's education for the duration of the homelessness when a family becomes homeless between academic years or during an academic year, and for the remainder of the academic year even if the student becomes permanently housed; or
 - Help enroll the student in any public school that non-homeless students who live in the attendance area in which the student is actually living are eligible to attend. (Section 722(g)(3)(A))

When determining the student experiencing homelessness best interest, Raíces must consider the following factors:

- Request of the student's parent or guardian or unaccompanied youth
 - Impact of the mobility on student achievement
 - Education
 - Health
 - Safety
 - Placement of siblings
3. *Participation and Removal of Barriers* - Raíces has an obligation to remove barriers to enrollment and retention of the student experiencing homelessness. (See sections

721(2), 722(g)(1)(I)). A school selected on the basis of the student's best interest must enroll the student immediately even if the student is unable to produce the records normally required for enrollment (such as previous academic records, records of immunization and other health-related records, proof of residency, proof of guardianship, birth certificates of other documents), has missed application or enrollment deadlines during the period of homelessness, or has outstanding fees.

4. *School Records, Vaccinations and Immunizations* - Pursuant to the McKinney-Vento Homeless Assistance Act (42 USC § 11432(g)(3)(C)), children experiencing homelessness must be able to enroll in school immediately, even if they are unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. In accordance with 7.5.3.10 of the NMAC, if the child needs to obtain immunizations, or medical or immunization records, Raíces must immediately refer the parent or guardian of the child or youth to the designated Raíces liaison (Director of Operations), who must assist in obtaining necessary immunizations, or immunization and medical records.
5. *Transfer of Records* - When students who have experienced disruption in their education, including children and youth experiencing homelessness, transfer to our school, the Director of Operations shall communicate with the sending school within two days of the student's enrollment. The sending school or school district shall provide the Raíces with any records within two days of having received Raíces's communication. 22-12-10(B) NMSA, 1978.
6. *Remedial Programs* - Indigent identification and guidelines, Section N of 6.29.1.9 of the NMAC (1) A student who has been deemed eligible for free or reduced-price school meals, or a student who has been identified by the children, youth and families department as being in the custody of the state, shall be deemed indigent for the purposes of remediation programs and damage of instructional materials, as discussed in Sections 22-2C-6 and 22-15-10 NMSA 1978.

(2) A parent or guardian of a student who has not applied for free or reduced-price school meals shall be notified in writing by the Raíces Governance Board of the availability of remediation at no charge upon an eligibility determination for free or reduced-price school meals. This includes students experiencing homelessness since the students are categorically eligible for free school meals.
7. *Transportation* - Raíces must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or, in the case of an unaccompanied youth), to and from school in accordance with the following requirements:

- If the child or youth continues to live in the area served by Raíces in which the school of origin is located, that local education agency (Las Cruces Public Schools- LCPS) must provide or arrange for the child's transportation to or from the school of origin to Raíces. (Section 722(g)(1)(J)(iii)(I)). Transportation must be arranged promptly to ensure immediate enrollment and so as not to create barriers to students experiencing homelessness attendance, retention, and success. (Sections 721(2), 722(g)(1)(I)).
 - Under federal law if the child continues his or her education in the school of origin but begins living in an area served by Raíces, the LCPS School of origin and Raíces in which the child experiencing homelessness is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. Raíces, while a public charter school, it does not have a specific area which it is assigned to serve. It is open to any student in Doña Ana County. If the child remains in the LCPS School of origin, LCPS will already have a plan to provide transportation. (Section 722(g)(1)(J)(iii)(II)).
8. *Direct Certification for Free School Meals* - Students experiencing homelessness are categorically eligible for free meals as part of the United States Department of Agriculture's (USDA's) Community Eligibility Provision (CEP). When a student experiencing homelessness enrolls in Raíces, the school's principal or designee (Director of Operations) shall notify the school food authority (SFA) director within one school day. The SFA director will directly certify the student for free school meals. The SFA director will notify the Raíces's Student Teacher Accountability Reporting System (STARS) coordinator to update the student's demographics and enter them as categorically eligible
9. *Process for Resolving Disputes* - If the Raíces Principal for any reason should decide that the student is not eligible to attend Raíces as a child experiencing homelessness, the student must be enrolled immediately and the parent/guardian, representative or unaccompanied child will be assist by the Director of Operations to begin a dispute/complaint process, which can be resolved in one of three ways: a) and informal resolution at the school level, b) if that decision is adverse to the student, it can be taken to the State Level Charter School Homelessness Liaison, or c) if that appeal is resolved in a way adverse to the student, it can be appealed at with the State Coordinator of Education for Homeless Children and Youth (ECHY). [See Raíces Homeless Youth Complaint Policy, Procedures, and Notice of Rights which provides detailed information on procedures to appeal a dispute at all three levels.]

10. *Notice of Parental/Guardian and Student Rights* - Parents, Guardians, and those individuals or organizations who represent children and youth experiencing homelessness, must be informed in writing of the student's rights with regard to the following: Immediate enrollment and eligibility, school selection in best interest of the student, full participation in school activities and removal of barriers to success, school enrollment without records of vaccinations, immunizations, and academic records, assistance with arrangements for transfer of records, access to remedial programs, transportation, direct certification for free meals, and the process for dispute resolution.

Refer to Raíces *Homeless Youth Complaint Policy, Procedures, and Notice of Rights* for detailed information on the procedures for notifying the parents, guardians and students of children experiencing homelessness of their rights.

Procedures for Enrolling Children Experiencing Homelessness:

1. When parents/guardians, individual or organizational representatives, or unaccompanied youth who are experiencing homeless come to the school to enroll a student, they will be directed to the office manager.
2. The office manager will collect the following information on an initial intake form:
 - Student name, age, birthdate and most recent school attended;
 - contact information for the parent/guardian, or representative who is bringing the child to enroll; and
 - Information about any problems they may be having in getting the student enrolled in school.
3. The office manager will provide the parent/guardian, representative or student with a written notice of the student's rights and information on who to contact if there is a dispute regarding the provision of services to the student.
4. The Office manager will set up an appointment with the principal for an oral interview and then introduce the parent/guardian, or representative to the Director of Operations.
5. If it becomes apparent only through the process of filling out enrollment information that a student is experiencing homelessness, the Office manager will set up an appointment with the principal for an oral interview and then introduce the parent/guardian, or representative to the Director of Operations.
6. The Director of Operations will ensure that all ten stability provisions enumerated in this policy are carried out on behalf of the student and that the parent/guardian, student or student's representative are assisted with any disputes for which they want to file an appeal.

See page 75 for the initial intake form before the full enrollment process is completed.

See pages 76-77 for information that will be supplied to the parent/guardian, representative or unaccompanied student about student rights and assistance with a dispute process if a qualified homelessness student is not receiving all services that are to be provided by law.

Initial Intake Form for Student Experiencing Homelessness

Student Information:

Name: _____

Age: _____

Birthdate: _____

School student was most recently enrolled in: _____

Student Parent/guardian, or Representative Contact Information:

Check the Appropriate Box

☐

Parent

☐

Guardian

☐

Representative

If representative, please state organizational affiliation:

Name: _____

Phone: _____

Email or Address: _____

Have you experienced any problems with the enrollment process for this student so far?

What are your concerns at the moment?

Please check the box if you were given a copy of the parent/guardian, student rights.

☐

Please check the box if the you were given written information for contact persons

☐

to assist you in resolving a dispute.

Date: _____

Signature of parent/guardian, representative, or unaccompanied child

Statement of Student Rights for Students Experiencing Homelessness:

These rights below are guaranteed in public schools at the local level by the New Mexico Department of Education (NM PED) in compliance with the federal McKinney-Vinto Homeless Assistance Act.

As a parent or guardian of a child who qualifies as a homeless student, you have the following rights with regard to educational services and the resolution of a dispute if Raíces has refused to enroll your child or an unaccompanied child or not provided all the educational services guaranteed to the student:

Rights of Students Who Meet the Definition of Experiencing Homelessness -

- Right of the child to be enrolled immediately in Raíces even while the resolution of a dispute is being investigated;
- Right to school selection that is in the best interest of the student;
- Right to full participation on school activities and assistance in removing barriers;
- Right to school enrollment immediately even if academic records and records of vaccinations are not available;
- Right to assistance in the transfer of records;
- Right to immediate enrollment of the student includes receiving adequate and appropriate transportation (Raíces will not have transportation for any students the first year of operation, but under the McKinney-Vinto Act regulations should be able to arrange transportation through the Las Cruces Public School District for your child who is experiencing homelessness during the school's first year of operation;
- Right to participate in remediation programs
- Right to immediate access to free school meals
- Right to file a complaint, raise a complaint issue, or file an appeal.
- Right to provide written or oral documentation to support your position.
- Right to translators, interpreters, or other support services to help with the dispute process, which will be made available without charge.
- Right to provision of timelines for resolving local and state-level appeals to resolve disputes:

Ask the office manager at Raíces to supply the handout with the contact information for the Raíces Director of Operations and Community Engagement and the Public Education Department's State Coordinator of Education for Homeless Children and Youth. This handout describes the role of these persons at the local and state level in assisting you in the complaint/dispute process. The office manager can also provide you with a full description of the dispute process. If you file a dispute, the Director of Operations will assist you in the process.

Information on Key Persons to Assist You in the Dispute Process:

At the local School Level of Appeal

Raíces Director of Operations and Community Engagement

Name: Lucia Carmona

Phone: 575-526-2984 (school office number)

Email: lcarmona@raicesdelsaber.org

Office: Raíces del Saber Xinachtli Community School
2211 North Valley Drive, Las Cruces, NM

Role: This person will ask you to explain your complaint or dispute and assist you in filling out the form to ask for an informal hearing so that the school might change its position on serving the needs of your child or you (in the case of an unaccompanied student). The person will discuss your complaint with the school Principal, Ms. Angela Stock, and may also arrange an interview with the principal. When the principal makes a decision about your complaint or dispute, the Director of Operations will provide you with a written decision about your complaint that explains why that decision was made. If this decision does not satisfy you, the Director of Operations will assist you in filing a complaint for a next level of appeal to the Public Education Department School Homeless Liaison.

At the State Level of Appeal

Dana Malone, PED State Coordinator of Education for Homeless Children and Youth

Phone: 505-827-1810

Address:

New Mexico Public Education Department

Student Success and Wellness Bureau

McKinney-Vinto State Director

120 South Federal Place, Room 206

Santa Fe, NM 87501

Ms. Malone is the Coordinator at the State level dispute appeals process in the NM Public Education Department. She will ensure that your dispute filings at the state level are carefully and lawfully reviewed and that the response to the filing ensures that parents, guardians and students, who qualify under the federal McKinney-Vinto Act as homeless, receive all education services to which they are entitled. Ms. Malone will review all the data and information that her staff compiles about your filing and see that the final decisions in a dispute appeal at the state level are justified and correct. Her office will inform the school Principal about any corrective action that the school must take to fully serve the child whether the case is filed by a parent, guardian, advocate for the student, or an unaccompanied student.

**New Mexico Public Education Department
Students Experiencing Homelessness or Unaccompanied Youth Dispute Resolution Form**

(This form will be used for the dispute resolution process for students experiencing homelessness or unaccompanied youth in regards to eligibility, school selection, enrollment or transportation.)

Note: State Charter Schools with unresolved disputes shall forward this form along with the State Charter School's written explanation of the school's decision to the Public Education Department's homeless liaison within five calendar days of the LEA's final decision. The filing of these documents shall be deemed to satisfy the requirements of paragraphs 1 through 4 of Subsection A of 6.10.3.8 NMAC.

Date: _____

Please complete all information and mail to:

New Mexico Public Education Department
Student Success and Wellness Bureau
Mc-Kinney Vento State Director
120 South Federal Place, Room 206
Santa Fe, NM 87501

I. School District or State Charter School Information:

- a. School district or state charter school serving the student: Raíces del Saber Xinachtli Community School, (state charter)
- b. Name of the school district or state charter school point of contact for students experiencing homelessness:
 ___ Angela Stock, School Principal _____
- c. Name of the school where the student is currently enrolled or has been enrolled most recently:

- d. Other district and/or school staff who have been made aware of the dispute

Name _____	Phone _____	Email _____
Name _____	Phone _____	Email _____
Name _____	Phone _____	Email _____

II. Information Regarding the Person(s) Requesting Dispute Resolution :

- a. Person(s) Name(s): _____
- b. Relationship to Student:
 ___ I am the unaccompanied youth
 ___ Parent
 ___ Advocate
 Other: _____
- c. Address (or available contact information):

d. Phone number(s):

Home _____ Work _____

Cell _____ Email: _____

III. Student Information

If the dispute is regarding a student experiencing homelessness or unaccompanied youth, please provide the following information:

a. Student's Full Name: _____

b. Student's Date of Birth: _____

c. Student's Address (or available contact information):

d. School Student Currently Attends: _____

IV. Representative Information (optional)

a. Are you using another personnel to assist you in resolving this dispute:

Attorney _____ Other Representative _____

b. If using any of the above, please identify:

Name: _____ Title: _____

Address: _____

Phone number(s):

Work _____

Cell _____ Fax _____

V. Details Concerning the Dispute:

a. Is this dispute in reference to:

_____ Eligibility
_____ School Selection
_____ Enrollment in school of origin
_____ Transportation
_____ Other

b. Which school, school district, department, agency or consortium of agencies is the dispute with?

- c. Please describe the dispute with the school district or state charter. (Who? What? Where? Why?) ***Attach any documents that support your position.***

VI. Efforts Made to Resolve the Dispute

Outcome of efforts made at the local level to resolve the dispute: Describe the attempts that have been made by the District/Charter School to resolve the dispute. Attach documentation including meeting minutes, emails, phone calls, etc.

VII. Proposed Resolution

Describe a proposed resolution(s) to the dispute to the extent known:

VIII. Signature and Date:

Signature of Party or Designated Representative

Date

Homeless Youth Complaint Policy, Procedures, and Notice of Rights

Purpose: *In Compliance with the federal McKinney-Vinto Homeless Assistance Act and NMAC 6.10.3.8-10, this policy is intended to address the rights of homeless students by providing a policy and procedures for: 1) how the student or some individual or organization on behalf of the homeless student may file a complaint, and 2) how the Raíces administrative staff will respond to the complaint.*

Policy: Homeless or unaccompanied youth or individuals or organizations representing their interests have the right under the federal McKinney-Vinto Homeless Assistance Act and NMAC 6.10.3.8 to file a complaint about unmet needs/services for the student. Raíces del Saber Xinachtli Community School administration must under federal and state law respond to the filed complaint. This policy provides guidelines and procedures for both the process of filing a complaint and the schools process for responding. The school Principal shall be the initial point of contact. However, the Director of Operations and Community Engagement will serve as the school's designated Charter School Homeless Liaison assigned to carry out specific duties under the act, including the dispute resolution process, in an expeditious manner.

Relevant Definitions

"Student who has experienced disruptions in the student's education" means a student who experiences one or more changes in school or school district during a single school year as a result of homelessness as defined in the federal McKinney-Vinto Homeless Assistance Act and as determined by the school [Section 22-12-10(A)(1) NMSA 1978.]

"Homeless Children and Youth" - the McKinney-Vinto Act defines homeless children and youth as individuals who lack a fixed, regular, and adequate nighttime residence, the term includes:

- Children and youth who are:
 - ✓ sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up";
 - ✓ are living in motels, hotels, trailer parks; or camping grounds due to the lack of alternative adequate accommodations;
 - ✓ are living in emergency or transitional shelters; or
 - ✓ are abandoned in hospitals.
- Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.;
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory Children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described above.

The McKinney-Vinto Homeless Assistance Act (also referred to as the McKinney-Vinto Act) as amended by the Every Student Succeeds Act (ESSA), mandates basic protections and

procedures be in place when a dispute arises “over eligibility, school selection or enrollment in a school. Under the law as specified both in ESSA and the New State Statutes the following procedures must be observed by Raíces.

Raíces Minimum Procedures for Resolving Disputes:

When a dispute arises over eligibility, school selection, enrollment in the school or transportation, Raíces must:

- Immediately enroll the child or youth in the school if enrollment is being sought, pending final resolution of the dispute, including all available appeals. [42 U.S.C. § 11432(g)(3)(E)(i)].
- Immediately enroll the unaccompanied youth, in the school if the youth seeks enrollment pending the resolution of the dispute. [42 U.S.C. § 11432(g)(3)(E)(iv)].
In the case of an unaccompanied youth, Raíces must ensure that the homeless liaison (Director of Operations) assists in placement or enrollment decisions and gives priority to the views of such unaccompanied youth.
- Allow students to participate fully in school and receive all services to which they are entitled, including transportation (Raíces will not have transportation in the first year of operation for any students), while disputes are pending. [42 U.S.C. § 11434a(1)].
- Provide the parent or guardian of the child or youth or the unaccompanied youth a written explanation of any decisions related to school selection or enrollment made by Raíces.
- The notice and written explanation from Raíces about the reason for its decision, at a minimum, should include the following:
 - An explanation of how the school reached its decision regarding eligibility, school selection or enrollment, which should include:
 - A description of the action proposed or refused by the school;
 - An explanation of why the action is proposed or refused;
 - A description of any other options the school considered;
 - The reasons why other options were rejected;
 - A description of any other factors relevant to the school’s decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources;
 - Appropriate timelines to ensure any relevant deadlines are not missed; and
 - Contact information for the local liaison and the State Coordinator of Education for Homeless Children and Youth (ECHY) and a brief description of their roles.
- Ensure all decisions and notices are drafted using language and formatting appropriate for low literacy, limited vision readers and individuals with disabilities.

- Provide translation and interpretation services in connection with all stages of the dispute resolution process for children and youth and/or their parents or guardians who are English Learners or whose dominant language is other than English.
- Provide electronic written notice to parents/guardians and unaccompanied youth who have email and follow up with the notice in person or by mail.
- Provide the rights of the parent, guardian, or unaccompanied youth to appeal such decisions. [42 U.S.C. § 11432(g)(3)(E)(ii)]. If a dispute arises over eligibility, or school selection or enrollment in a school, the parent, guardian or unaccompanied youth shall be referred to the Director of Operations who serves as the homeless liaison and shall carry out the dispute resolution process as expeditiously as possible after receiving notice of such dispute. [42 U.S.C. § 11432(g)(3)(E)(iii)].

Procedures to Ensure that Parents, Guardians and Unaccompanied Youth Know their Rights in Filing a Complaint:

The Raíces school liaison must make sure that Parents, Guardians and Unaccompanied Youth are aware of the educational and related opportunities available, including transportation [42 U.S.C. § 11432(g)(6)(A)(v)] and must post public notice of the educational rights of homeless children and youths. [42 U.S.C. § 11432(g)(6)(A)(vi)]. Posters and other information about rights and services, translated into languages represented by the community, must be placed where homeless families and youths receive services. The following information shall be included in the Raíces School's public notice regarding the dispute resolution process:

- Right to file a complaint, raise a complaint issue or file an appeal.
- Right to provide written or oral documentation to support the parent/guardian or unaccompanied youth's position.
- Step-by-step description of how to appeal the school's decision that includes a simple form parents, guardians or unaccompanied youths can complete and submit to the school to initiate the dispute process (see pages 83-86).
- If the parent, guardian or unaccompanied youths are English learners, use a native language other than English, or need additional supports because of a disability, translators, interpreters, or other support services will be made available without charge.
- Right to be enrolled immediately in the school in which enrollment is sought pending the final resolution of the dispute.
- Right to immediate enrollment includes receiving adequate and appropriate transportation to and from the school and the ability to fully participate in all school activities (Raíces will not have transportation for any students the first year of operation).
- List of legal and advocacy service providers in the area that can provide additional assistance during any part of the process.
- Contact information for the local liaison and State Coordinator, with a brief description of their roles.

- Timelines for resolving district and state-level appeals.

Raíces is in the process of constructing this poster for display in public places where homeless families and youths receive services. It will be translated into Spanish as that is the dominant second language in the Las Cruces area with 75% of public school students being identified as members of Hispanic, Latino/a, Mexican-American cultural backgrounds.

Overview of Dispute Resolution Process:

Every effort must be made to resolve the complaint or dispute at the local level before it is submitted to the PED.

In a case where a dispute occurs regarding the eligibility, school selection/enrollment, participation or transportation of a homeless child or youth, the following process must be followed:

Level 1: School of Choice - Raíces Informal Resolution

Level 2: NM PED School Homelessness Liaison Resolution

Level 3: PED's State Coordinator of Education for Homeless Children and Youth (ECHY) Resolution

Level 1: Raíces - School of Choice Informal Resolution

If a parent, guardian or unaccompanied youth wishes to appeal a Raíces's decision related to eligibility, school selection/enrollment, participation or transportation:

1. Raíces will use this written policy for concerned parties to resolve disputes and every effort will be made to resolve the dispute here at the local school level. Raíces procedure must adhere to the following parameters:
 - a. The dispute resolution process shall be as informal and accessible as possible and the process can be initiated directly at Raíces with the Director of Operations, the school homelessness liaison. Raíces is required to have a homelessness liaison.
 - b. When a dispute arises over school selection or enrollment, pending resolution of the dispute, the homeless child or youth must be immediately enrolled in Raíces if it is the school in which the child or youth is seeking enrollment, and provide all services to which the student is entitled.
2. Raíces will create and provide a simply stated notice of rights and provide that notice of rights to the student, parent or guardian, in a language the student, parent or guardian can understand. The notice of rights shall contain:
 - a. contact information for the Director of Operations, the school homelessness liaison and the state coordinator, with a brief description of their roles;

- b. a step-by-step description of how to make use of the dispute resolution process (see page 86);
- c. notice of the right to immediately enroll in Raíces pending resolution of the dispute and notice that immediate enrollment includes full participation in all Raíces activities;
- d. notice of the right to obtain the assistance of advocates or attorneys;
- e. notice of the right to appeal to the NM PED if the school-level resolution is not satisfactory;
- f. the timelines for resolving school and NMPED-level appeals;
- g. notice of the right to provide written or oral documentation to support their position; and
- h. a simple form that parents, guardians or the student can complete and return to the school to initiate the process (See form on page 86).

Note: Nothing shall preclude the availability of any administrative hearing opportunities provided for by Federal or state statutes or regulation.

Level 2: NM PED School Homelessness Liaison Resolution

1. Raíces must provide notice of the dispute to the NM Department of Education homelessness liaison using the department's dispute resolution process form which requires the following information (See copy of this document on pages
 - a. school name, address, phone and fax number;
 - b. student's name, identification number, grade, and address;
 - c. parent, guardian or complaining party's name, relationship to student, address, and phone number;
 - d. whether student lives in a shelter;
 - e. name of school child or youth chooses to be enrolled in pending resolution of dispute;
 - f. whether school enrolled in is school of origin;
 - g. reason for complaint;
 - h. signature of parent guardian or complaining party; and
 - i. the principal's actions on the complaint.
2. Raíces will have ten (10) calendar days to review the PED School Homeless Liaison initial determination and make a final decision as to the position taken.
3. Raíces's final decision must be in writing and must state all factual information upon which it is based and the legal basis in support thereof.

Level 3: PED's State Coordinator of Education for Homeless Children and Youth (ECHY) Resolution

If the dispute remains unresolved after a Level 2 resolution, parties may proceed to a Level 3 resolution:

1. If the final decision of Raíces is adverse to the parent, guardian or student, the decision, along with the PED's dispute resolution process form, must be forwarded by Raíces homelessness liaison to the PED's State Coordinator for Homeless Children and Youth (ECHY) within five (5) calendar days of issuing its final decision. This will initiate the appeal to Level 3.
2. The parent, guardian or student may also initiate the appeal. To initiate the appeal themselves, the parent or unaccompanied youth shall notify Raíces's Homelessness Liaison of their intent to proceed to Level 3 within ten (10) business days of notification of the Level 2 decision, and shall provide copies of the dispute resolution process form to the ECHY at the address listed on the form.
3. Upon receipt of a dispute resolution form, the PED will:
 - a. acknowledge receipt in writing;
 - b. provide written notice to the agency or consortium of agencies against which the violation has been alleged;
 - c. conduct an impartial investigation which shall include a review of all relevant documentation presented and may include an independent on-site investigation, if determined necessary by the department;
 - d. give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; and
 - e. review all relevant information and make an independent determination as to whether the agency or consortium of agencies is violating a requirement of an applicable federal statute or regulation.
4. Decision. A written decision, which includes findings of fact, conclusions, and the reasons for the decision and which addresses each allegation in the complaint, shall be issued by the secretary of education or designee and mailed to the parties within thirty (30) calendar days. Such decision will further include: procedures for effective implementation of the final decision, if needed, including technical assistance, negotiations, and, if corrective action is required, such action shall be designated and the decision shall include the time line for correction and the possible consequences for continued noncompliance.

Failure or refusal to comply on the part of the Raíces:

If the agency or consortium of agencies fails or refuses to comply with the applicable law or regulations, and if the noncompliance or refusal to comply cannot be corrected or avoided by informal means, compliance may be effected by the Public Education Department by any means authorized by state or federal statute or regulation. The PED will retain jurisdiction over the issue of noncompliance with the law or regulations and will retain jurisdiction over the implementation of any corrective action required.

Statement of Student Rights for Students Experiencing Homelessness:

These rights below are guaranteed in public schools at the local level by the New Mexico Department of Education (NM PED) in compliance with the federal McKinney-Vento Homeless Assistance Act.

As a parent or guardian of a child who qualifies as a homeless student, you have the following rights with regard to educational services and the resolution of a dispute if Raíces has refused to enroll your child (or the student in the case of an unaccompanied child) and provide educational services:

Rights of Students Who Meet the Definition of Homelessness:

- Right to file a complaint, raise a complaint issue, or file an appeal.
- Right to provide written or oral documentation to support your position.
- Step-by-step description of how to appeal the school's decision to not serve the child and a simple form that you can complete and submit to the school to begin the dispute process (see form on reverse side of this page).
- If you need translators, interpreters, or other support services to help with the dispute process, they will be made available without charge.
- Right of the child to be enrolled immediately in Raíces while final resolution of the dispute is being carried out.
- Right to immediate enrollment of the student includes receiving adequate and appropriate transportation and the ability to fully participate in all school activities (Raíces will not have transportation for any students the first year of operation, but after that transportation will be supplied).
- Raíces will give you a list of legal and advocacy service providers in the area that can provide additional assistance during any part of the dispute process.
- Raíces will give you contact information for the local liaison (Raíces Director of Operations) and the State Coordinator of Education for Homeless Children and Youth, with a brief description of their roles. (See Pages 88-89)
- Timelines for resolving local and state-level appeals:
 - Raíces will have ten (10) calendar days to review its initial decision about serving your child and make a final decision as to the first position taken.
 - If this does not resolve the dispute, Raíces must fill out the State form and send it within five (5) calendar days to the PED School Homelessness Liaison, to review your appeal.
 - The PED School Homelessness Liaison will start the review process and give written notice to you and Raíces within 60 days.
 - If the PED School Homeless Liaison does not resolve the dispute, you (the parent, guardian or student) may file your form with the Public Education Department's State Coordinator for Homeless Children and Youth. It must be filed within ten (10) days of notification of by the PED School Homeless Liaison.

- A written decision by the Secretary of education, or a person assigned by the secretary to prepare the written decision, will be mailed to you (the parent, guardian, or student) within 30 days of receiving the filing of your complaint.

Ask the office manager at Raíces to supply the handout with the contact information for the Raíces Director of Operations and Community Engagement and the Public Education Department's State Coordinator of Education for Homeless Children and Youth. This handout describes the role of these persons at the local and state level in assisting you in the complaint/dispute process.

Information on Key Person to Assist You in the Dispute Process:

At the local School Level of Appeal

Raíces Director of Operations and Community Engagement

Name: Lucia Carmona

Phone: 575-526-2984

Email: lcarmona@raicesdelsaber.org

Office: Raíces del Saber Xinachtli Community School,
2211 North Valley Drive, Las Cruces, NM

Role: This person will ask you to explain your complaint or dispute and assist you in filling out the form to ask for an informal hearing so that the school might change its position on serving the needs of your child or you (in the case of an unaccompanied student). The person will discuss your complaint with the school Principal, Ms. Angela Stock, and may also arrange an interview with the principal. When the principal makes a decision about your complaint or dispute, the Director of Operations will provide you with a written decision about your complaint that explains why that decision was made. If this decision does not satisfy you, the Director of Operations will assist you in filing a complaint for a next level of appeal to the Public Education Department School Homeless Liaison.

At the State Level of Appeal

Dana Malone, PED State Coordinator of Education for Homeless Children and Youth

Phone: 505-827-1810

Address:

New Mexico Public Education Department

Student Success and Wellness Bureau

McKinney-Vinto State Director

120 South Federal Place, Room 206

Santa Fe, NM 87501

Ms. Malone is the Coordinator at the State level dispute appeals process in the NM Public Education Department. She will ensure that your dispute filings at the state level are carefully and lawfully reviewed and that the response to the filing ensures that parents, guardians and students, who qualify under the McKinney-Vinto Act as homeless, receive all education services to which they are entitled. Ms. Malone will review all the data and information that her staff compiles about your filing and see that the final decisions in a dispute appeal at the state level are justified and correct. Her office will inform the school Principal about any corrective action that the school must take to fully serve the child whether the case is filed by a parent, guardian, advocate for the student, or an unaccompanied student. (See pages 77-79 for the state form to be filled out to send to Ms. Malone's Office.)

Immunization Policies and Procedures

Purpose: *Raíces recognizes its responsibility to protect the health and safety of students and staff. Raíces develops this policy in alignment with NMAC § 6.12.2.8. This policy addresses the requirement for student immunizations, how the school will track and maintain student records of compliance.*

Policy: Raíces will follow all requirements for student immunizations and shall not enroll students unless the student can present satisfactory evidence of commencement, completion or exemption of immunization in accordance with the immunization schedule and rules and regulations of the public health division.

Immunizations:

Raíces requires that students be immunized against certain communicable diseases in accordance with the immunization schedule and rules and regulations of the New Mexico Department of Health (NMDOH), Public Health Division NMAC 7.5.2. A parent/guardian must provide the immunization record to the school prior to the first day of school to demonstrate the student's commencement or completion of all immunizations. Immunization records will be kept up to date and made available to the public health division for auditing purposes.

Required immunizations include, but may not be limited to:

- Diphtheria
- Pertussis
- Tetanus
- Poliomyelitis
- Measles
- Mumps
- Rubella
- Hepatitis B
- Varicella
- Pneumococcal Disease
- Other vaccines for preventable diseases as determined by the secretary of the department of health.

Proof of immunizations will be made through a statement, certificate or record signed by a duly licensed physician, certified nurse practitioner, or other recognized public or private health facility stating that the student has received at least the first in the series of required immunizations and is proceeding with the immunizations according to the prescribed schedule. For the student whose immunizations are not up-to-date but who has received all immunizations currently permissible by medical practice, s/he is considered in process.

Students enrolled in Raices who have begun the process of immunization shall have one month following the date of enrollment to complete the required immunizations and submit satisfactory evidence of completing the required immunizations or having continued the process of the required series.

For the student who is attempting to reach compliance but is behind on a vaccination series, s/he is no longer considered in process. A scheduled appointment to receive required immunizations can be considered in process, allowing the student to register and attend school. If proof of immunization is not presented the first school day after this appointment, disenrollment procedure may begin. When any student is kept out of school longer than five consecutive days for noncompliance, the local Regional Health Officer (RHO) for NMDOH should be notified.

Raices will enroll children of military families for thirty (30) days while the student obtains the required immunizations. For a series of required immunizations, students of active military families must obtain at least the first in the series of required immunizations within thirty (30) days of the date of enrollment.

Exemptions from Immunizations:

Raices recognizes that pursuant to 7.5.3 NMAC, some students will be exempt from immunizations due to medical or religious reasons. In such cases, the parent/guardian must provide to the school one of the following documents:

1. A statement or certificate signed by a licensed physician or certified nurse practitioner stating that the physical conditions of the student is such that immunizations would seriously endanger the life or health of the student, or
2. A Certificate of Exemption officially granted by the Public Health Division in accordance with 24-5-3 NMSA at <https://nmhealth.org/publication/view/>

In accordance with 6.12.2.8(C)[2] approved immunization waivers are valid for a period of up to nine months and will not extend beyond the end of the school year in which the child is currently enrolled.

Raices also recognizes that students who are identified as homeless may not be prevented from entering schools, based on inability to produce records normally required for enrollment, as per the McKinney-Vento Homeless Assistance Act.

Communication about Immunizations:

Raices will provide information to parents about required immunization at the time of student registration, during open house and when conducting a home visit prior to the first day of school. If possible, Raices will obtain posters and promotional materials published by the NMDOH to share with parents and inform them of requirements. Spanish translation of

information will be provided to parents (such as [this one](#)) and may be a link on the school's website.

Raices will ensure FERPA compliance by asking permission from parents to add historical immunization records into the New Mexico State Immunization Information System (NMSIIS). Raices will use an electronic template to be completed by parents or guardians so Raices can obtain the appropriate release for students' immunization records. It will be distributed as part of students' enrollment packets at the beginning of the school year.

Tracking Immunizations:

Raices will use a tool for determining the reporting status of Kindergarten students, developed by the New Mexico Department of Health to keep track of children being up-to-date on all required vaccines.

Parental Access Policy and Procedures

Purpose:

The Raíces del Saber Governance Board recognizes the importance of ensuring parental access to information regarding the professional qualifications of teachers, instructional support providers, and principals and puts forth these policies in accordance with NMSA §22-10A-16.

Policy:

Within sixty calendar days from the beginning of each school year, *Raíces del Saber* shall issue a notice to parents with information regarding the professional qualifications of their children's teachers, instructional support providers and school principals. At a minimum, the information shall include:

- (1) whether the teacher has met state qualifications for licensure for the grade level and subjects being taught by the teacher;
- (2) whether the teacher is teaching under a teaching or assignment waiver;
- (3) the teacher's degree major and any other license or graduate degree held by the teacher; and
- (4) the qualifications of any instructional support providers if the student is served by educational assistants or other instructional support providers.

Additionally, the Principal shall give written notice to the parents of those students who are being taught for longer than four consecutive weeks by a substitute teacher or by a person who is not qualified to teach the grade or subject. The Principal shall ensure that the notice is provided by the end of the four-week period following the assignment of that person to the classroom; that the notice is provided in a bilingual form to a parent whose primary language is not English.

A copy of all notices will be maintained in the school's files and information relating to teacher licensure will be available to the public upon request.

Procedures:

- A. As part of the personnel hiring process Raíces will collect and verify information that includes the professional qualifications each staff person relative to the teaching, instructional support and principal positions.
- B. The principal will draft a letter to inform parents of their children's teachers, instructional support providers and school principals. At a minimum, the information shall include:
 - (1) whether the teacher has met state qualifications for licensure for the grade level and subjects being taught by the teacher;

- (2) whether the teacher is teaching under a teaching or assignment waiver;
- (3) the teacher's degree major and any other license or graduate degree held by the teacher; and
- (4) the qualifications of any instructional support providers if the student is served by educational assistants or other instructional support providers.

C. The documentation that informs parents of these qualifications will be maintained in the school's files. Below is a draft letter with regard to information about a teacher.

Dear Parent/Guardian:

This letter provides information to you about the qualifications of your child's teacher.

Your child's teacher: _____
(name of teacher)

Has the following degree(s):

(Degree/Major)	(Institution of Higher Ed)
(Degree/Major)	(Institution of Higher Ed)

☐ has met state qualifications for licensure for the grade level and subjects being taught

☐ is teaching under a waiver

Your child's teacher is dedicated to the success of every child in the class. I encourage you to continue to support your child's education and communicate with the teacher on a regular basis. Through our partnership, we can provide your child with the best education possible.

Sincerely,

Principal, *Raíces del Saber*

Pest Control Policies and Procedures

Purpose: *This policy is intended to ensure that school facilities and grounds provide a healthy, safe school environment for students, staff, and community members and that the school administrator takes action to ensure that all measures to create this environment are in compliance with NM State Codes.*

Policy: Pursuant to Subsection C of 6.29.1.9 NMAC (*Duties of the Superintendent*); Subsection D of 6.12.6.8 NMAC (*School District Wellness Policy*); and 6.19.3 NMAC (*Unsafe School Choice Option*), the Raices school administrator shall ensure that all buildings, facilities and grounds provide a safe and orderly environment for public use by taking action in accordance with standards set out in the NM Codes. Following are the standards that will be applied to making decisions aimed at pest control inside the Raices school building and the outside grounds as provided in:

1. Definitions found in 6.29.1.9(P)(6) NMAC
 - a) “Pesticide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest.
 - b) “Pest” means any living organism injurious to other living organisms, except humans, viruses, bacteria or other microorganisms in or on other living organisms other than plants, which is declared to be a pest pursuant to the *Pesticide Control Act*, Sections 76-4-1 through 76-4-39 NMSA 1978.
2. Raices will develop procedures for the implementation of pest management with consideration for reducing the possible impact of pesticide use on human health and the environment, including people with special sensitivities to pesticides. Procedures will include, but are not limited to, the following –
 - a) No pesticide may be applied to public school property and no pest control device, as defined in the New Mexico Pesticide Control Act, may be used on public school property except those pesticides and devices currently registered for legal use in the state by the New Mexico department of agriculture.
 - b) No pesticide may be applied to public school property except by those persons certified in the applicable category and currently licensed by the New Mexico department of agriculture or by employees under their direct supervision.
 - c) Pesticides will only be applied in or on the outside of school buildings when a pest is present, and will not be applied on a regular or calendar basis unless it is to treat an infestation and is a part of a pest management system being implemented to address a particular target pest. A pest is considered to be present when it is observed directly or

can reasonably be expected to be present based on finding evidence, such as droppings, body parts, or damage that is typically done by the pest. This section of the regulation does not apply to pre-construction termite treatments or the use of outdoor herbicides.

- d) Pesticides that are applied in a liquid, aerosolized or gaseous form through spraying, aerosol cans, bombs, fumigation or injections into the ground, foundation or plants will not be applied on public school property when students, staff or visitors are present, or may reasonably be expected to be present within 6 hours of the application. In emergency cases, where a pest infestation threatens the health or safety of the occupants of public school property, and which requires the immediate application of a pesticide to remediate, students, staff and other school occupants will be removed from the treatment area prior to the application. Small amounts of gel or liquid pesticides applied to cracks and crevices or baits used to treat pest infestation are exempt from this section.
- e) At the beginning of each year, and when new students register, schools will develop a list of parents and guardians who wish to be notified prior to pesticide application during the school year. These parents/guardians will be notified in writing prior to pesticide application. General notification of anticipated pesticide applications will occur by posting or dissemination of notices, by oral communication or other means of communication. In emergency cases where a pest infestation threatens the health or safety of the occupants of public school property, no pre-notification is required. Immediately following the application of a pesticide in emergency cases, signs will be posted indicating an application was made.
- f) Written records of pesticide applications will be kept for three years at each school site and be available upon request to parents, guardians, students, teachers and staff.
- g) If any part of Paragraph (6) of Subsection P of 6.29.1.9 NMAC is found to be in conflict with the provisions of the Pesticide Control Act, the remainder of the regulation will remain in full force and effect.

Procedures to Ensure Compliance with the Above Standards:

1. The principal at Raices will be responsible for ensuring that state regulations found in the Pesticide control act are followed in the use of pesticides to control pest infestation in the School and on the outside grounds.
2. The principal will develop a contract with a local pest control company whose personnel are certified in in the applicable category of pest management for public schools and are currently licensed by the New Mexico department of agriculture or by employees under their direct supervision.

3. The pest control contractor will make monthly inspections in the facility and on outside grounds.
4. The contractor must guarantee that only those pesticides or control devices will be used for pest control, as defined in the New Mexico Pesticide Control Act, as safe to be used on public school property and which are currently registered for legal use in the state by the New Mexico department of agriculture.
5. The principle will develop a system to be managed by the office manager to keep written monthly records of when inspections and treatment for pests occur with the signature of the pest management company employee who carries out the inspection and treatment.
6. These records will be available for three years after the time of the service will be available upon request to parents, guardians, students, teachers and staff.
7. The principal will be responsible for seeing that a list is maintained of parents and guardians who wish to be notified prior to pesticide application during the school year. These parents/guardians will be notified in writing prior to pesticide application.
8. Signs will be posted before and after applications, which will be carried out only when pests are present and in accordance with the standard 2.(d) as cited above with regard to timing and vacating of affected areas by students and all personnel for the time legally required for application of specific approved pesticides.

Initial Safe School Plan

Purpose: *Raíces recognizes its responsibility to protect the health and safety of students and staff. Raíces develops this policy in alignment with 6.12.6 NMAC to ensure its students will have access to a safe, secure, healthful, caring and respectful public education learning environment, so all school personnel will be able to carry out their duties in a safe, secure, healthful, caring and respectful work environment and so all students, school staff, parents and communities will understand that safe schools are everyone's responsibility and, in the long-run, benefit the whole community.*

Policy: Raíces has developed an "initial" Safe School Plan and by December 2019 will submit to the New Mexico Public Education Department the full plan. This includes an "Emergency Operation Plan (EOP)" which outlines and explains functions, resources and coordination procedures for responding to and supporting crisis, emergency, terrorist-response, and disaster operations, and is that portion of a safe school plan that details risk assessments and establishes the plans or procedures to manage a crisis, emergency, terrorist or disaster event before, during and after it has occurred and includes, but is not limited to, emergency routes and staff assignments as they relate to immediate actions, delayed actions, mitigation actions, facility evacuations and facility reentry. When completed, the Safe School Plan will include the following Sections with detail.

Section I: Introduction will include:

- the names of the School Safety Committee members (the principal, teachers including the special ed teacher, facilities/food services staff, and community stakeholders)
- a campus map
- utility cut off diagrams

Section II: Prevention will include:

- An Infectious and communicable disease plan
- A summary of behavioral/mental health programs offered by Raíces and its community partners.
- A plan to link to community health resources
- A bullying prevention plan for both students and staff
- A suicide prevention plan

Section III: Protection will include:

- A description of how access to the school will be controlled (including door locks, visitor management systems and potentially surveillance cameras)
- The school's Cyber Security Policy

- Traffic Safety Rules
- Playground Safety

Section IV: Mitigation will include:

- Procedures for identifying threats and hazards, to include how the school will conduct a site assessment in preparation of any threats such as bomb threats, active shooters, drive by shooting, acts of violence, fires, or domestic violence, as well as hazards such as floods, winter or dust storms and hazmat spills.
- Procedures for identifying behavioral threats that defines behaviors, the threshold for law enforcement intervention and risk management options that will presented during staff professional development, this will also include bystander training for students as part of the anti-bullying plan.
- A list of the Assessment Team members for the school

Section V: Response will include:

- The names of the Raíces Incident Command Team
- The protective actions that will take place in response to an incident, to include: evacuation, shelter in place, lock down, and active shooter protocol.
- Plans for the school to provide notification to parents and the community should an incident occur. This will include a media relations plan.

Section VI: Recovery will include:

- A plan for relocating the school should the need occur.
- Training for staff and clear instructions for primary and secondary site relocation.
- A plan for notification and reunification.
- Rules for tracking actions and ensuring proper custody.
- A plan to address all psychological and emotional trauma that results from an incident.

Raíces provides the following assurances in alignment with the Safe School Plan:

- Raíces complies with the provisions of the Americans with Disabilities Act (ADA), among other prohibitions on disability discrimination, across the spectrum of emergency management services, programs, and activities, including preparation, testing, notification and alerts, evacuation, transportation, sheltering, emergency medical care and services, transitioning back, recovery, and repairing and rebuilding. SSPs should include students, staff, and parents of students with disabilities.
- Raíces complies with applicable legal requirements on language access, including Title VI of the Civil Rights Act of 1964 to ensure persons who are unable to communicate effectively in English because their primary language is not English or other mode of communication, and they have not developed fluency in the English language.

- Raíces complies with the provisions of the anti-bullying and cyberbullying policy under 6.12.7.8 NMAC and creates a safe environment for LGBT youth.
- All licensed school personnel at Raíces, including substitute teachers, educational assistants, school nurses, school counselors, school psychologists and other instructional service providers complete training that is Department approved, such as the PED-approved NMSU training, in the detection and reporting of child abuse or neglect, within their first year of employment by, or providing services to, a school district or charter school.
- Raíces requires all licensed school personnel to immediately (i.e., the same day) report suspected child abuse or neglect to either a law enforcement agency, the New Mexico Children, Youth and Families Department.
- Raíces does not require school personnel to first report to or notify designated school personnel or go through their chain-of-command before making the mandatory report described above.
- Raíces does not relieve any personnel of their duty to report suspected child abuse or neglect.
- Raíces requires background checks for licensed school personnel, in accordance with 6.60.8 NMAC.
- The Raíces discipline policy complies with § 22-5-4.12 NMSA 1978 and with 6.11.2 NMAC.
- Raíces documents and implements special considerations for students with disabilities in the student's Individualized Education Program under Special Considerations, including disciplinary removal for students with disabilities in accordance with 6.11.2.11 NMAC.
- Raíces conducts emergency drills and practiced evacuations in accordance with legislation that takes effect July 1, 2019. This includes one emergency drill per week in the first four weeks of school. During the rest of the school year, Raíces shall conduct at least 4 additional emergency drills, at least 2 of which shall be fire drills. Additionally, a member of the fire department shall be requested to be in attendance for the purpose of giving instruction and constructive criticism at one of the fire drills.
- In accordance with 42 U.S.C Section 1758(h)(1)(A), Raíces, as a school food authorities (SFA) participating in the National School Lunch Program (NSLP), obtains a minimum of two food safety inspections per school year.
- Raíces posts the report on the most recent food safety inspection in a publically visible place in the school, and copy of the food safety inspection report is provided to any member of the public upon request.
- Raíces requires all visitors and volunteers who are not school staff/employees to report to the office upon entering the campus to sign in and Raíces issues a "Visitor" pass/badge that is to be worn on campus at all times. Upon leaving campus, badges are returned and visitors sign out at the front desk, so that they can be accounted for in an emergency.
- Raíces requires all school staff/employees to wear identifying badges at all times during school hours and while on campus, and for all school staff to question anyone seen on campus without an appropriate identifying badge.

- Raíces has a pest control policy and procedures for the implementation of pest management with consideration for reducing the possible impact of pesticide use on human health and the environment, including people with pesticide sensitivities, in alignment with the New Mexico Pesticide Control Act Sections 76-4-1 through 76-4-39 NMSA 1978 and 6.29.1.9(O) NMAC.
- Raíces will review its Safe School Plan at least annually, and following a school emergency, in order to revise it. The Safe School Plan will be kept secured and not made available to the public. Raíces will only share the plan with relevant community partners that are identified in its plan.
- Raíces complies with the Tobacco, Alcohol and Drug Free Schools Act as defined in 6.12.4 NMAC and with 7.34.3.15(D) NMAC regarding the Prohibitions, Restrictions and Limitations on the Use of Cannabis by Qualified Patients.

Volunteer Policy

Purpose: *Raíces acknowledges that relationships are important and develops them not only for the success of the students but for the social self-sufficiency of the family that nurtures the child. The relationships with local community organizations, local government, and foundations are in process and evolving as the roots of this community school transform a seed to a point of endless growth of opportunities. As part of its community engagement process, Raices will recruit and accept the services of volunteers at school. The purpose of this policy is to describe how Raíces del Saber Xinachtli Community School will comply with regulations regarding the use of volunteers in schools (6.50.18.8 NMAC) and to help ensure a safe environment for students, parents, teachers, staff, and volunteers.*

Policy: Raíces will distinguish between regular and spontaneous volunteers in its responsibilities. The following definitions apply:

Definitions:

- I. “Regular volunteers” means those persons, including relatives of students, who commit to volunteer on a regular basis at a school district, charter school or other educational entity without compensation.
- II. “Spontaneous volunteers” means those persons who agree to fill an urgent, temporary need for the school or without compensation and who are not pre-registered as a regular volunteer.

Description and Procedures:

- I. “Regular Volunteers” - In seeking and accepting the voluntary services of qualified, interested individuals, Raices recognizes that it has basic responsibilities to the regular volunteers as well as to the students and to themselves.
 - A. The Principal or their designee(s) shall hold the responsibility to manage volunteers effectively:
 - 1) To interview all prospective regular volunteers and conduct a background check including any history of drug abuse or drug dealing, domestic violence, DUI offenses, and sex crimes;
 - 2) To provide all regular volunteers with a job description, outlining specific duties, time commitment and qualifications for acceptance as a regular volunteer;

- 3) To provide appropriate training, supervision, and evaluation of regular volunteers; and
- 4) To instruct all regular volunteers to understand that failure to honor the code of ethics and standards of professional conduct as provided in 6.60.9.8 NMAC and 6.60.9.9. NMAC concerning the obligations of school personnel is grounds for dismissal.

B. Regular volunteers shall not be allowed to begin their service until after their duties are explained to them and they have accepted in writing the following “Volunteer Pledge” acknowledging their duty as a volunteer at Raices:

- 1) to deal justly and considerately with each student, school employee or another volunteer;
- 2) to share the responsibility for improving educational opportunities for all;
- 3) to stimulate students to think and learn, but at the same time protect them from harm;
- 4) to respect the confidentiality of student records and information about students, their personal or family life;
- 5) not to discriminate or to permit discrimination on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion or serious medical condition against any person while on duty as a volunteer;
- 6) to not exploit or unduly influence a student into engaging in an illegal or immoral act or any other behavior that would subject the student to discipline for misconduct, whether or not the student actually engages in the behavior;
- 7) to avoid giving gifts to anyone student unless all students similarly situated receive or are offered gifts of equal value for the same reason;
- 8) to avoid lending money to students;
- 9) to not have inappropriate contact with any student, whether or not on school property, which includes all forms of sexual touching, sexual relations or romantic relations, any touching which is unwelcome by the student or inappropriate given the age, sex and maturity of the student;
- 10) to avoid giving a ride to a student;
- 11) not to engage in sexual harassment of students, other volunteers or school employees;
- 12) not to engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off premises;

- 13) not to possess or use tobacco, alcohol or illegal drugs while on school property or during school events off premises;
- 14) to use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable law, policies, and rules;
- 15) to never display any violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct when on school property or off campus at school functions;
- 16) to refrain from using school information technology equipment, hardware, software or internet access for other than a school-related purpose;
- 17) to refrain from striking, assaulting or restraining students unless necessary in the defense of self or others;
- 18) to refrain from using inflammatory, derogatory or profane language while on school property or while attending school events off premises;
- 19) to refrain from bringing or possessing firearms or other weapons on school property except with proper authorization;
- 20) not to be under the influence of alcohol or illegal drugs on school property or at school events off premises; and
- 21) to report, as appropriate under the circumstances, violations of this pledge by other regular volunteers or school employees.

C. For the mutual protection of regular volunteers and the school, personnel administering regular volunteer programs shall provide a safe place to work and clear project organization or direction, establish and inform regular volunteers of emergency procedures, ensure that regular volunteers understand that their activities create participating member's liability and that ethical standards apply to them as well as to regular school employees. Personnel shall inform each regular volunteer in writing of the reserved right to dismiss unsatisfactory regular volunteers and of the established procedures for doing so.

II. "Spontaneous volunteers"

Under the law, spontaneous volunteers are not subject to these rules, but spontaneous volunteers must be supervised at all times by an employee or regular volunteer of the school.

Student Information System Security Policy and Procedures

Purpose: *The Raíces del Saber Governance Board recognizes the importance of protecting student information and identity at all times to avoid the unlawful and harmful misuse of student data that is important to gather for the purpose of keeping records and analyzing student outcomes so that the most appropriate instruction can be planned and executed to meet each student's individual needs. To this end, the following policy has been developed to protect student identity and personal and academic information.*

Policy: The Governance Board of Raíces del Saber Xinachtli Community School directs the Principal of the school to utilize a student information vendor that can adequately collect, warehouse all required student data, and provide said data to the state at all required reporting times, including the state issued student ID number. Additionally, the Student Information System (SIS) shall also collect and store necessary information to support school management of its programs and services, program eligibility and participation, and include such data to inform instructional practice and decision making and to adequately monitor the progress of students through the educational system. In addition, the SIS shall comply, in whole, with New Mexico Administrative Code §6.19.5.8 and assure adequate security measures to protect the student identification number and the data collected on individual students as stipulated by FERPA (Family Educational Rights and Privacy Act).

Procedures:

Execution of this policy will be carried out through the following procedures:

1. The School shall issue logins and passwords to employees for access to the system. Passwords will require 8 (eight) characters that shall consist of letter, upper and lower case, numbers and special characters. Access will be hierarchal depending on levels of responsibility within the system. Access will be limited to those portions of the system that are appropriate for the responsibilities of that position. For example; a teacher login will be limited to the instructional management of that teacher's own classes only. Lesson planning, grades, attendance and assignments and results of that teacher, for the students assigned, is all that will visible to that teacher.
2. The SIS shall revert to a data neutral page and require the login procedure after 5 minutes of inactivity in the system.
3. Determination of who can legitimately access an individual student's records on a "needs to know" basis will be made subsequent to the beginning of each school year.
4. The sharing of passwords among employees is strictly prohibited as is the sharing of the unique Student Identification (ID) number that the NM PED issues to each public-school student for use in the accountability data system (ADS).

5. The SIS will create an internal log of users that identifies all users, date and time of use, duration of use, and which portions of the system access. This log includes parents and students should those outward facing portals be activated.
6. Upon the entering of an exit date for students or termination of employment date for employees the system shall immediately rescind all permissions and levels of access granted previously.
7. The Raíces del Saber Xinachtli Community School Governance Board shall regularly review and as appropriate revise its student information system security policy.
8. The Raíces del Saber Xinachtli Community School may not use the student identification number on student identification cards or display or utilize the student identification number within any other identification system that is not part of the student identification system.
9. The Raíces del Saber Xinachtli Community School Principal shall inform employees to whom access to the student identification system is approved of the requirements of FERPA and the implementing regulations to FERPA. If the Principal has reason to believe that a FERPA violation has occurred by an employee having access to the student identification system, the Principal shall immediately cancel the individual's access authorization in order to protect the student ID system and other confidential data.
10. The Principal of Raíces del Saber Xinachtli Community School shall immediately notify the PED's Accountability Data System (ADS) coordinator if the Principal has reason to believe that a breach of security has occurred (or the system has been hacked) with respect to the student identification system. [6.19.5.8 NMAC - N, 12-30-04].
11. A training will be provided to all teachers at the beginning of each school year on the information above and how to use the system properly.

Anti-Nepotism Policy and Procedures

Purpose: *The Raices del Saber Governing Board recognizes the importance of maintaining public trust and avoiding all real or perceived instances of nepotism in its hiring and compensation practices and with this policy specifies how it will ensure anti-nepotism.*

Policy: As a public charter school, Raices del Saber Xinachtli School will comply with §22-8B-10 NMSA 1978, and shall not initially employ or approve the initial employment in any capacity of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, grandparent or grandchild of a member of the Governing Board or of the Principal.

However, the Governing Board may waive the nepotism rule for family members of the Principal when provisions are made for someone else to supervise the employee's performance. The procedure for this waiver by the governing body shall be pursuant to the Open Meetings Act including provisions of notice, agenda, and open and closed session requirements. See below the conditions under which a waiver will not be considered.

Procedures:

1. When the Principal wishes to obtain a waiver of the nepotism policy, s/he must ask for the board to approve the hire during a public meeting.
2. The agenda will list an action item for closure of the open meeting for an executive session and will state: Pursuant to NMSA § 10-15-1(H)(2) DISCUSSION SUBJECT PERTAINING TO WAIVER OF NMSA 22-5-6 NEPOTISM POLICY: In the matter of hiring a family member of the Raíces Principal with provisions for the employee's performance to be supervised by someone else.
3. A motion for closure must be approved by a majority of a quorum of the Governance Board Members with the vote of each individual Board Member recorded in the minutes of the meeting.
4. Only the subject announced in the agenda may be discussed in the closed meeting.
5. No formal action may be taken in the closed meeting.
6. Following completion of the closed meeting, the minutes of the open meeting that was closed or the minutes of the next open meeting if the closed meeting was separately scheduled shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the Board under NMSA § 10-15-1 (G) of THE OPEN MEETINGS ACT as part of the minutes.

- a. A formal motion to approve the waiver, may be made in the reconvened open meeting or at the next open board meeting if the closed meeting was separately held.
- b. The motion must be approved by a majority of a quorum of the Governance Board Members with the vote of each individual Board Member recorded in the minutes of the meeting.

Conditions under which a waiver will not be considered:

A waiver will not be considered for the hiring of a relative of the Principal for any position related to the management of school finances (for example the business manager or anyone else who is involved in keeping financial records or the dispensing of funds).

Conditions under which a waiver will be considered:

A waiver will be considered for the hiring of a relative of the Principal under the following conditions:

1. the relative
 - a. has very specific skills critical to the job description, and
 - b. the position is critical to achieving the mission and goals of the school, and
 - c. there is no one in the community (or at a reasonable distance beyond the community) available to fill the position.
2. the salary for the position is commensurate or in line with the salaries for other similar staff positions in the school.
3. the staff member which receives the waiver will be supervised and evaluated by
 - a. the Coach of the Curriculum Team (instead of the Principal) if the position is a teacher or an education specialist such as a therapist or the special education position; or
 - b. will be supervised and evaluated by the Director of Operations and Community Outreach if the position is a contracted or office management job.

Complaint and Grievance Policy and Procedures

Purpose: *Raíces del Saber Xinachtli Community School acknowledges that complaints received from students, families and the general public should be resolved in an equitable and timely manner. The following policies and procedures protect the rights of individuals and in accordance with 6.10.3.9 NMAC 1978, establishes written procedures for receiving and resolving complaints that Raíces del Saber Xinachtli Community School is violating a federal statute or regulation that applies to an applicable program and it provides for an appeals process.*

Policy: Raíces del Saber Xinachtli Community School is committed to protecting the rights of student, parents and employees as set forth in Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), the New Mexico Human Rights Act, the McKinney-Vento Education for Homeless Children and Youth Act as well as other federal and state programs. These Complaint Procedures apply to all allegations of violation of the rules and regulations of these programs by employees, other students or third parties.

Complaints of Discrimination:

Raíces del Saber Xinachtli Community School affords all students equal educational and extra-curricular opportunities and prohibits discrimination and harassment in any program or activity or program of or sponsored by Raíces del Saber Xinachtli Community School. School personnel who become aware of disability discrimination shall promptly and effectively act to report and end the discrimination and prevent it from recurring and, where appropriate, remedy the effect on the person who was discriminated against. Remedial measures generally include counseling the individuals who have been harmed by the discrimination and the persons who are responsible for the discrimination and implementing monitoring programs to follow up on resolved issues of disability discrimination. In addition, if there is a finding of discrimination, appropriate discipline for the person responsible for the discrimination will be imposed.

Disability Discrimination/Harassment:

Disability discrimination under Section 504 and Title II is defined as treating a student differently based upon their disability or excluding a student or group of students based on their disability. Discrimination may include a policy or practice of excluding students with disabilities from participating in sports or other school activities.

Disability harassment under Section 504 and Title II is intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the institution's program. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphics and written statements, or conduct that is physically threatening, harmful, or humiliating.

When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate a student's rights under Section 504 and Title II regulations. A hostile environment may exist even if there are no tangible effects on the student where the harassment is serious enough to adversely affect the student's ability to participate in or benefit from the educational program.

Disability Harassment that adversely affects a student's education may also be a denial of a free appropriate public education (FAPE) under the IDEA, as well as under Section 504 and Title II.

Retaliation Prohibited:

No individual shall suffer retaliation for filing a grievance under this policy or for participating in the investigation of a grievance. Retaliation means some type of adversarial or punitive action taken against an individual as the result of filing a complaint or participating in the complaint process. Retaliation against any individual for filing a grievance under this policy or for their participation in the investigation of a grievance shall be grounds for a subsequent grievance under this policy.

Confidentiality

Raíces del Saber Xinachtli Community School will protect the privacy of the complainant, the individual(s) against whom the complaint is filed and the witnesses as much as possible, consistent with our legal obligations to investigate, take appropriate action, and conform to any legal disclosure or discovery obligations.

Filing a Complaint under this Policy:

To file a complaint under this policy, a person may contact the Raíces del Saber Xinachtli Community School Principal. The name and contact information of the current Principal can be found on the Raíces del Saber Xinachtli Community School website or by contacting the school. In the event the complaint is against the Principal, individuals should contact the Chairperson of the Governance Board or their designee. The name and contact information of the current Chairperson of the Governance Council can be found on the Raíces del Saber Xinachtli Community School website or by contacting the school.

A complaint should be filed, in writing, as soon as possible following the alleged violation. A complaint will not be accepted for investigation if it is filed more than forty-five (45) days after the last date on which the alleged violation occurred. Extensions may be granted upon a showing that the person was prevented from filing as a result of his/her disability if the delay was caused by the School or for other good cause shown for the delay. Delay in filing a complaint may hinder the ability of the Principal to conduct a complete investigation and may impact the final result of any investigation.

Investigation Process:

The Principal will acknowledge all complaints within 5 (five) days of receiving the complaint to confirm that s/he will conduct an investigation of the complaint.

The investigation will include but is not limited to reviewing written materials, interviewing witnesses and allowing parties the opportunity to present witnesses or other evidence.

Within 45 days of receiving the written complaint, the Principal will provide written notice to the parties and the Governance Board of the outcome of the investigation and, where appropriate, meet with the parties to discuss consequences, disciplinary action or remedial measures to be taken. This may include, where appropriate, steps the school will take to prevent the recurrence of harassment/discrimination and/or restorative practices. Parents/guardians of students involved shall participate in these meetings. If disciplinary action is taken, adequate notice will be given to students of their due process rights.

Appeals Process:

If either party disagrees with the determination of the Principal, they will have ten (10) school days from the date of the written notice of the outcome to submit a written appeal to the Chairperson of the Governance Board or their designee.

The Chairperson of the Governance Board or their designee will review the written notice of the outcome and determine, in writing, as to whether the findings are upheld or overturned. This determination will be issued within fifteen (15) school days of the receipt of the written appeal.

These timelines may be waived or extended by the Principal or the Chairperson of the Governance Board or their designee for good cause shown.

Who May File:

- Students
- Parent(s)/legal guardian(s) on behalf of his/her student
- Employees

How to File:

- Complete, date, sign, and submit the complaint form and bring to the Raíces del Saber Xinachtli Community School Office at 2211 N. Valley Drive or email to the Raíces School Principal (email address to inserted here once the principal is hired)

Filing a Complaint:

- All complaints must be in writing, signed, and dated. Provide your name, current address, and telephone number.
- The complaint form should explain the basis of your allegations.
- Provide approximate date(s) - (month, day, year) of the alleged act(s) or wrongdoing on the complaint form. A complaint must be filed within 45 days of the most recent event.
- Provide the name(s) of the individual(s) who allegedly have committed the wrongdoing including location and job position.
- Identify the location where the alleged act(s) of wrong occurred.
- Provide specific written details of what occurred that you believe to be prohibited conduct or wrongdoing. It is important that you be as specific as possible to assist us in determining what issue(s) must be investigated.
- Provide any documentation you may have to support your belief of the prohibited conduct or wrongdoing.
- Provide any other information you feel may support your allegation(s), e.g., name, addresses, and phone numbers of witnesses, and other individuals who may have knowledge of the alleged prohibited conduct or wrongdoing.
- When the complaint form is completed, mail, fax or deliver your form to this address:
Raíces del Saber Xinachtli Community School, 2211 N. Valley Dr. Las Cruces, NM 88007
 - a) Fax number (pending)
 - b) Email, (pending)

Where to File:

Complaint forms may be submitted in person at the Raíces del Saber Xinachtli Community School office (at 2211 N. Valley Drive) or sent via email to the Principal (email address to inserted here once the principal is hired).

Publication of Policy and Procedures:

The procedure regarding the resolution of complaints from the public will be publicized at least annually in the Student/Parent Handbook and on the school's (www.raciesdelsaber.org).

Form will be available both online and in the office. See separate file for form.

See Grievance Form on page 113.



Raíces del Saber Xinachtli Community School

Complaint/Grievance Form

Name of Complainant(s): _____

Check Appropriate Box Below:

☐

Parent(s)/Guardian(s)

☐

Employee(s)

☐

Student(s)

Name of student and complainant's relationship to student (if applicable): _____

Description of the situation and the approximate date(s) it occurred: _____

Name of individual(s) who allegedly committed the wrong doing (including job position if applicable): _____

Location where the alleged act of wrong occurred: _____

Provide any written documentation you have that leads you to believe the conduct or wrong doing is prohibited and the names and contact information of witnesses (if possible): _____

Describe any steps that have already been taken to resolve this issue and date(s) (if applicable): _____

Signature(s) of Complainant(s): _____

Note: *You may add an additional page if necessary to expand on the information above.*

Complaint forms may be delivered in person to the Raíces del Saber Xinachtli Community School office or sent via email to the Principal (astock@raicesdelsaber.org).

Office Use Only

Date Received:

Principal Signature:

Conflict of Interest Policy and Procedures

Purpose: *The Raices del Saber Governing Board understands the significance of maintaining public trust in all financial transactions and in compliance with §22-8B-10 NMSA 1978, intends to prevent the use of public office for private gain or for the benefit of an immediate family member.*

Policy: In alignment with NMSA, 1978 Sections 22-8B-5.2, a person shall not serve as a member of the Raices Governing Board if the person or an immediate family member of the person is an owner, agent of, contractor with or otherwise has a financial interest in a for-profit or nonprofit entity with which the school contracts directly, for professional services, goods or facilities. No Governing Board member shall enter into a contract with the school or receive compensation from the school for services, other than reimbursement for board-required travel as set forth in the school bylaws.

As used in this policy, “immediate family member” means spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law or any other relative who is financially supported.

A conflict of interest exists when any school board member, employee, officer or agent or an immediate family member of the member, employee, officer or agent has a financial interest in the entity with which the school is contracting. A violation of this policy renders the contract voidable. Persons shall be deemed to have a “conflict of interest” in a contract or other transaction who have a significant, direct or indirect financial or personal interest in contracts or transactions with the school.

No member of the governing council or school employee, officer or agent shall participate in selecting, awarding or administering a contract with the school if a conflict of interest exists.

Consequences of Conflict:

Any contract or transaction entered into in violation of NMSA §10-16-1, 13-1-1, 22-8B-5.2, 22-21-1 or other relevant section, or any failure to make necessary disclosures may be cause for removal or termination. A violation renders the contract between the person or the person’s immediate family member and the school voidable at the option of the chartering authority, the Public Education Department or the governing body. A person who knowingly violates this provision may be individually liable to the school for any financial damage caused by the violation.

Procedures for Disclosure:

Each year at the Annual Board Meeting in June on the fourth Thursday of the month and prior to the time set for voting on any related transactions, each member of the Raices governing board shall sign the Annual Disclosure statement to:

1. acknowledge they have received a copy of the Conflict of Interest Policy and Procedures,
2. confirm they have read and understood the policy and procedures,
3. disclose any real or potential conflicts of interest and assure efforts to avoid undue influence or abuse of positions, and
4. agree to comply with all aspects of the policy, including the responsibility to update the conflict of interest disclosure if a new financial interest or employment occurs prior to the annual disclosure date.

Procedures for Addressing a Conflict of Interest:

When board members disclose any known or potential conflicts of interest in writing to the school's governance board s/he **shall not vote** on the matter or attempt to influence the decisions of other board members in voting on the matter. The written disclosures will be attached to the minutes of the meeting in which board action occurred relating to the matter disclosed. The Raíces Governance Board Secretary is responsible for receiving this disclosure statement for all Governance Board Members. In the event the Secretary is not available, the Chairperson of the Board will receive them. See annual governance board disclosure statement on page 116.

Raices Del Saber Xinachtli Community School
Governing Board Annual Disclosure Statement

I, _____, having been appointed to serve on the Raices del Saber Xinachtli Community School (Raices) Governing Board hereby make the following annual assurances and disclosures for the school year:

1. Names and addresses of all businesses including sole proprietorships, partnerships, and corporations, in which you are an officer or owner, or have any financial interest, including stock of any other equity interest, and identify the office holder with respect to each business where applicable.
2. All memberships in civic and non-profit organizations.
3. All investments held and all trusts in which you are a beneficiary.
4. All real estate in which you have any interest, stating for each piece of property the nature of your interest and sufficient description to identify the location and extent of property held.
5. I have read the Conflict of Interest Policy and Procedures. I understand that it is my responsibility to update this conflict of interest disclosure if a new financial interest or employment occurs prior to the annual review of this document.

Printed Name of Board Member: _____

Signature _____ Date: _____

IPRA - Inspection of Public Records Policy and Procedures

Purpose: *Raices del Saber recognizes the importance of operating in a transparent manner by providing the public access to information about its affairs as a public body. In accordance with the Inspection of Public Records Act, NMSA 14-2-1, et seq., Raices describes its policy and procedures for making its records available for public inspection.*

Policy: As a public charter school, Raices del Saber Xinachtli School will meet the requirement of the Inspection of Public Records Act by honoring a person's right to inspect its public records.

Requests to inspect public records should be submitted to the records custodian:

Angela Stock, Principal
2211 N. Valley Drive, Las Cruces, NM 88007
[astock@raicesdelsaber.org]

Procedures:

- 1) A person who wishes to inspect public records may submit a request to the records custodian in writing.
- 2) A written request must include the name, address and telephone number of the person making the request.
- 3) Written requests may be submitted in person or sent via mail, email or fax.
- 4) The request must describe the specific records sought in sufficient detail to enable the records custodian to identify and locate the requested records.
- 5) Within fifteen (15) calendar days after the records custodian receives the inspection request, the records custodian will provide access to the requested records.

If an inspection is not permitted within three business days, the person making the request will receive a written response explaining when the records will be available for inspection or when Raices will respond to the request. If any of the records sought are not available for public inspection, the person making the request will receive a written response from the records custodian explaining the reasons inspection has been denied. The written denial from the custodian of records shall:

- a) describe the records sought;
 - b) set forth the names and titles or positions of each person responsible for the denial and their reasons for the decision, and
 - c) be delivered or mailed to the person requesting the records within fifteen (15) calendar days after the records custodian receives the request for inspection.
- [IPRA 14-2-11]

If a person requesting inspection would like a copy of a public record, a reasonable fee may be

charged. The fee for printed documents 11 inches by 17 inches or smaller is one dollar (1.00) per page. The fee for downloading copies of public records to a computer storage device (USB thumb drive) is one dollar (1.00) per document and the person requesting the records must provide the USB thumb drive. If a person requests that a copy of a public record be transmitted via mail, a fee equal to the School's mailing cost may be charged for transmission. One dollar (1.00) per page will be charged for transmission by fax.

The records custodian may request that applicable fees for copying public records be paid in advance before the copies are made. A receipt indicating that the fees have been paid will be provided upon request to the person requesting the copies.

Above fees may be waived for records that are readily available at the discretion of the records custodian. If the inspection request is for a record maintained on the Raices website the IPRA is deemed to have been fulfilled. All agendas and minutes for meetings of the Governing Board shall be posted on the Raices website (raicesdelsaber.org).

Procurement Policies and Procedures

Purpose: Raíces commits to observing NM state law with regard to all procurement policies as provide in state statutes and codes [13-1-95.2(E) NMSA & 1.4.1.94(F) NMAC].

Policy: On and after July 1, 2015, only certified chief procurement officers may do the following, except that persons using procurement cards may continue to issue purchase orders and authorize small purchases:

1. make determinations, including determinations regarding exemptions, pursuant to the Procurement Code;
2. issue purchase orders and authorize small purchases pursuant to the Procurement Code; and
3. approve procurement pursuant to the Procurement Code.

Raíces must avoid apparent and actual conflicts of interest when administering state and federal funds. The school must comply with conflict of interest provisions identified in the New Mexico Procurement Code, Section 13-1-128 et seq. NMSA 1978, the Prohibited Sales Act, Section 22-2-1 et seq. NMSA 1978, and Federal regulations 34 CFR 75.525(a).

Procedures:

All procurement processes must allow for advertising of services or contracts, open bidding procedures or requests for proposals, arms-length bargaining, and other appropriate steps of the procurement process so that all entities or persons are afforded the same opportunity to provide contracts for goods or services. These procedures should be developed and approved by the governing body before it attempts to procure goods and services or hire personnel. The procurement procedures must satisfy state and federal law. *(See pages 9-13 of Internal Control Manual for the procedures that have been approved by the Raíces Governance Board.)*

The procedures must comply with the following policy regulations as mandated by NM state law:

- A. Except as otherwise provided in the Procurement Code [Sections 13-1-28 through 13-1-199 NMSA 1978], that code shall apply to every expenditure by state agencies and local public bodies for the procurement of items of tangible personal property, services and construction. That code also applies to concession contracts at the New Mexico state fair in excess of twenty thousand dollars (\$20,000), whether those concession contracts generate revenue and earnings or expand funds.
- B. When a procurement involves the expenditure of federal funds, the procurement shall be conducted in accordance with mandatory applicable federal law and regulations. When mandatory applicable federal law or regulations are inconsistent with the provisions of the Procurement Code, compliance with federal law or regulations shall be compliance with the Procurement Code.

Some Exemptions

- A. procurement of items of tangible personal property or services by a state agency or a local public body from a state agency, a local public body or external procurement unit except as otherwise provided in Sections 13-1-135 through 13-1-137 NMSA 1978;
- B. printing and duplicating contracts involving materials that are required to be filed in connection with proceedings before administrative agencies or state or federal courts;
- C. purchases of publicly provided or publicly regulated gas, electricity, water, sewer and refuse collection services;
- D. purchases of books, periodicals and training materials in printed or electronic format from the publishers or copyright holders thereof;
- E. travel or shipping by common carrier or by private conveyance or to meals and lodging;
- F. contracts with businesses for public school transportation services;
- G. purchases not exceeding ten thousand dollars (\$10,000) consisting of magazine subscriptions, web-based or electronic subscriptions, conference registration fees and other similar purchases where prepayments are required;
- H. contracts for retirement and other benefits pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;
- I. contracts and expenditures for legal subscription and research services and litigation expenses in connection with proceedings
- J. before administrative agencies or state or federal courts, including experts, mediators, court reporters, process servers and witness fees, but not including attorney contracts;
- K. works of art for museums or for display in public buildings or places;
- L. purchases of advertising in all media, including radio, television, print and electronic;
- M. procurement by or through the public education department from the federal department of education relating to parent training and information centers designed to increase parent participation, projects and initiatives designed to improve outcomes for students with disabilities and other projects and initiatives relating to the administration of improvement strategy programs pursuant to the federal Individuals with Disabilities Education Act; provided that the exemption applies only to procurement of services not to exceed two hundred thousand dollars (\$200,000);
 - AA. purchases of products or services for eligible persons with disabilities pursuant to the federal Rehabilitation Act of 1973;
 - CC. contracts for investment advisory services, investment management services or other investment-related services entered into by the educational retirement board, the state investment officer or the retirement board created pursuant to the Public Employees Retirement
 - GG. procurement of services of commissioned advertising sales representatives for New Mexico magazine; and
 - HH. procurements exempt from the Procurement Code as otherwise provided by law.

Replacement and Removal of Board Members Policy

Purpose: *Raíces will ensure that at all times the board membership is comprised of at least the minimum required number of members as specified in the bylaws in Article 2: Section 2.3 and that an ongoing recruitment process is in place to have qualified candidates in the pipeline should a board member resign before his/her term expires, be removed from the board or his or her term expires.*

This policy has been put in place in compliance with the Board Bylaws, the school's Charter Application, and the regulations required by the New Mexico Public Education Commission for "Charter School Governing Body Changes" (NMPEC, v.3 Final 3/16/2-17. Found in Section 8.10(b) of the charter contract).

1. Constitution of the First Board of Directors. - In Article 2. Section 2.3 (a) the Raíces Bylaws state that "The number of Board members shall be no less than five (5) members and no more than nine (9), unless changed by amendments to the bylaws. Members shall be comprised of the community at large, with a focus on individuals who bring professional expertise, experience, or talents that the Board has identified as referenced in the Charter with a minimum of one Raíces' parent member." Further in Article 2. Section 2.3 – b) the bylaws state "For the initial term that begins upon approval of the Raíces' Charter, all members of the Board will be appointed by the founding team."
2. Reasons to Replace or Remove Board Members. - Based on the bylaws, Article 2. Sections 2.4 to 2.7, and the school's charter the members may be replaced for the following reasons:
 - a) Expiration of member board term
 - b) Voluntary resignation of a board member
 - c) Removal of a board member for the following reasons:
 - 1) failure to meet Board Meeting attendance requirements,
 - 2) failure to disclose a conflict of interest,
 - 3) failure to comply with the Board approved code of ethics, and
 - 4) moral turpitude, which is conduct that is considered contrary to community standards of justice, honesty, or good morals.
3. Process for Replacing Board Members – After the original board is constituted, the recruitment of new board members is carried out by the Governance Board Development Committee. It is a standing committee composed of 2-4 people recommended by the Board Chair and elected by the Board at its annual meeting. Each person shall serve a term of two (2) years and the terms shall be staggered. The committee shall elect its own chair. The duties of this committee are to
 - 1) study the needed qualifications of candidates for Board positions at any given time throughout the year,

- 2) publicly advertise and recruit potential Board Members that can demonstrate the necessary qualifications following the detailed action steps of the charter application in Part II: Organizational Framework, Section A. (3), [See #5 of this policy for these action steps.]
- 3) screen applications and present a slate of the best qualified nominees to replace outgoing members of the Board,
- 4) present a slate of nominees at the Annual Meeting (the last quarter of the fiscal year) for new Board Members to fill expired terms,
- 5) recommend candidates for the board to fill vacancies within 45 days of such vacancies that occur outside the regular nominating process, and
- 6) provide ongoing orientation and supervision for “onboarding” of new members to the Board.
- 7) Within 30 days of the appointment of a new Board member a “**Change of Governing Body Membership Form**” will be sent accompanied by: a) an updated “**Statement of Governing Body To Consult with PED**” form signed by all current Board members including the new governing body member; b) an “**Affidavit of Governing Body Member**” form signed by the new member and verified by a notary public; and c) the governing body minutes to show the vote to designate the member.

This committee is responsible for ensuring that an annual plan is developed for conducting ongoing development of Board knowledge and skills as needed, and that the plan is in alignment with board training requirements in the New Mexico State Statutes (NMSA 1978, 22-8B-5.1) and as indicated by the Board self-evaluation or the assessment of an outside developmental evaluator.

4. Process for Removing Board Members – Should a Board Member need to be removed for any of the reasons listed above in section 2 (c) of this policy, the following procedure must be followed as specified by the Board Bylaws in Article 2: Section 2.7:

The board may remove any Officer or Board Member by a majority vote of the entire Board at any regular or special meeting of the Board, provided that

- a) Written notice of the reason or reasons for the proposed removal shall have been delivered by electronic mail with delivery of receipt confirming the message was delivered to the recipient’s email server, or Read receipt confirming the recipient viewed the message check box, or by Registered Mail to the Officer or Board Member for removal at least thirty (30) days before any final action is taken by the Board.
- b) The date, time, and location that the action is to take place must be included in the statement informing the Board Member of the Board’s intention of removal.
- c) Reasons for removal shall include any of the following:
 - 1) failure to meet Board Meeting attendance requirements,

- 2) failure to disclose a conflict of interest,
- 3) failure to comply with the Board approved code of ethics, and
- 4) moral turpitude, which is conduct that is considered contrary to community standards of justice, honesty, or good morals.
- d) The Officer or Board Member shall be given an opportunity to be heard on the matter considered by the Board at the time and place stated in the motion.
- e) If a Board member resigns or is dismissed by a majority vote of the Board, the Board Chair will send the “**Change of Governing Body Membership Form**” to the NMPEC within 30 days along with a) the Board members signed and dated letter of resignation or other form of notification; or b) in the case of the removal of a Board member, will send the minutes of the Board meeting in which a majority vote was taken to remove the member if the member did not submit a letter of resignation.

Selection of New Board Members:

The Governance Board Development Committee conducts an ongoing process throughout each school year to recruit potential new Board Members, evaluate applicants as to suitability for Board Membership, and presents candidates to the Governance Board to be voted upon in an open meeting as specified in the Bylaws (Article 5: Section 5.2). The following actions steps guide this process:

Action Steps	Timeframe	Responsible
Create chart of skills and characteristics recommended for a well-rounded, effective school board.	Review annually in consultation with staff of the NMSBA	Chair of Governance Board Development Committee (GBD Com)
Use chart to survey and record current members’ skill areas and characteristics to create a composite picture of skills, characteristics, as well as gaps in needed skills and characteristics.	Update bi-annually in September at the beginning of the school year and in March of each school year school at least 90 days before the annual meeting.	Chair GBD Com
Use data from step 2 to determine the current needed qualifications of candidates for Board positions in consultation with the school Principal and the Parents Council.	Update bi-annually in September and March of each school year.	GBD Com

Advertise and recruit potential Board Member applicants that demonstrate the necessary qualifications <u>throughout the year</u> so applicants can be presented to the Board to add skills if maximum number allows, replace vacancies, and elect replacements for expired terms.	Advertise on school website the board job description and the steps to apply for a board position throughout the year. Also advertise in the Las Cruces Bulletin, the SunNews daily paper, and at childcare centers/programs where we have a partnership to conduct student recruitment	GBD Com
Interview applicants and vet them on 1) the requirements of the job description, 2) their letter of intent, 3) data on skills needed at the given point in time, 4) their demonstration of commitment to the school mission, vision and core values of the school, and 5) at least 2 references.	Can be done at any time to keep a list of applicants in the pipeline for vacancies and needed skill sets on the board.	A member of the GBD Com and the school principal.
Recommend candidates in writing to fill vacancies due to resignations and removals that occur at times other than the regular annual nominating process.	Submit names to Board no later than 15 days of a vacancy so the board position is filled within 45 days of a vacancy	GBD Com.
Board votes in an Open Public Meeting on nominee to fill vacancy	No more than 45 days from official vacancy	Board Members
Begin to develop a proposed slate of new Board Members to fill expired terms	Beginning no less than 90 days before the annual meeting in June	Principal and GBD Com
Finish interviewing and Screening applications and present a slate of the best qualified nominees to replace	No less than 30 days before June Annual Meeting	GBD Committee Chair and Principal

outgoing members on the Board at June Annual Meeting.		
Board votes in an Open Public Board Meeting to elect new members at the annual meeting.	At annual meeting in June	All Board Members
Provide ongoing orientation and supervision for “onboarding” of new members to the Board	Begins before first ⁵ Board Meeting & Ongoing	GBD Committee

Additional details on Action Steps: - In advertising the Board application process, individuals will be instructed to visit the Raíces website to fill out an application. They will be asked to email or mail the application accompanied by a letter of interest briefly outlining the skills and expertise they possess which make them a strong fit for the Board Job Description posted on the website and they will be asked to state specifically why they would like to be a Board Member.

The Chairperson and the Principal will meet with each applicant and assess his/her leadership experience, time constraints, level of commitment, experiences, goals, expectations using the vetting process described above. They will then decide if the person fits the mission, vision, core values of the school, and is a potential member for the Board.

In order to fill the parent member requirement, the Concilio (Parent Council) recommends one family representative to serve as a regular Member-At-Large of the Board. This nominated individual will go through the same selection process as outlined for other members.

The Identified person will be asked to attend a regular Board meeting to better understand the scope of the Board’s work and to have an opportunity to meet the other members. The Board Chairperson may ask for their input regarding Board business in order to assess their insight and understanding of the agenda items and relationship to the business of the school and professional fit.

The Board votes, during an open public meeting to select a new member to the Board. The action item is included as part of the Board agenda and requires a resolution that current members of Board vote on. A majority vote selects a new member.

The Board adheres to the concept of “onboarding” for new Board members and initial committee members. Methods used in this process include formal meetings, lectures, videos, printed materials, or computer-based orientations to introduce newcomers to their new roles in the organization while at the same time ensuring that new Board Members attend the PED Required Board Training within 30 days before becoming a voting member as specified in the NM State Statutes and Administrative Codes (NMSA 1978, 22-85-5.1 and NMAC 6.80.5).

Background Check Policy and Procedures

Purpose: *Raíces del Saber recognizes the importance of school safety and with this policy assures compliance with all applicable laws regarding background checks in accordance with NMSA 1978, Section 22-10A-5.*

Policy: Raíces del Saber Xinachtli Community School shall conduct background checks of all persons who may have unsupervised access to students, such as licensed and non-licensed staff, volunteers, and contractors as required by law, and all offers of employment are contingent upon satisfactory background check results.

Each employee is responsible for any cost associated with requesting and processing a background check. For employees licensed through the New Mexico Public Education Department (PED), the background check shall be conducted as required by the PED and education licensures must be verified by the Professional Licensure Bureau. Raíces may reimburse an employee for the background check once it is reported as clear and a contract is signed.

For employees, volunteers, and contractors **not** licensed by the PED, the potential employee, volunteer or contractor must provide the following information to clear their backgrounds:

- 1) A list of 3 professional and/or personal character references with contact information;
- 2) Official confirmation of education or certificates (if applicable);
- 3) A fingerprint FBI criminal background check through the National Crime Information Center, paid for by the employee, contractor, or volunteer and may be reimbursed if it comes back “clear” and a contract or agreement is signed;
and
- 4) Any other information or data, as allowed by law, required by the Raices Policies.

Employees are authorized to have unsupervised access to students based on satisfactory background check results.

Convictions of felonies or misdemeanors contained in the records provided by the PED shall be used in accordance with the Criminal Offender Employment Act (New Mexico Statutes Annotated 1978, Chapter 28, Article 2) and except as provided in this policy, any such convictions shall not automatically bar employment unless required by law. Results from a background check that shall unconditionally bar, a person from becoming or remaining an employee at Raices are:

- 1) child abuse or neglect, or
- 2) a finding related to criminal sexual penetration or contact, or
- 3) a conviction for domestic violence

Allowable “hits” or infractions of the law in background checks: No more than one DWI within the past 10 years. (We plan to expand on this list of allowable “hits” once we have been able to obtain legal advice to make sure that we are not breaking the law on anything that we allow).

Background checks are kept on file for twenty-four months following separation from Raíces. Raíces will not transfer a licensed staff person's background check to a new employer, educational institution or other organization. In accordance with *NMSA §§ 22-10A-5.*, Raíces may retain such records; however, Raíces may not transfer such records for licensed personnel to another education institution or organization.

Procedures:

Once employed or contracting with Raíces, all employees must self-report to the Principal any arrest, charge and/or conviction of a criminal offense other than a minor traffic infraction, utilizing the Self-Report Form. If an employee or contractor is found not to have self-reported as required by this Policy, the failure to self-report shall be a violation of that employee's or contractor's contract with Raíces and may be terminated at the discretion of the Principal. If the employee in question is the Principal his or her contract may be terminated at the option of the Governing Board.

The School must maintain a personnel file on each employee and a contractor/vendor file for all contracted staff, that includes:

- 1) a copy of the individual's NMPED licensure (if applicable) and
- 2) a "clear" background check or a certified letter from the contracting agency that the individual has a cleared background, and National Board Licensure (if applicable).

The principal who, in the course of their background checks of employment applicants, discovers that a licensed applicant or applicant pending a license has a conviction of a felony or misdemeanor of moral turpitude that results in any kind of action against that individual, in accordance with 6.60.8.9(D) NMAC, shall share that information with the professional licensure and educator ethics bureaus of the PED.

Investigations of Ethical Misconduct:

The Principal or their designee(s) shall investigate all allegations of ethical misconduct about any licensed school employee who resigns, is being discharged or terminated, or otherwise leaves employment after an allegation has been made. If the investigation results in a finding of wrongdoing the Principal or their designee(s) shall report the identity of the licensed school employee and attendant circumstances of the ethical misconduct on a standardized form to the PED and to the licensed school employee within thirty days following the separation from employment. Copies of that form shall not be maintained in the School's records. No agreement between a departing licensed school employee and the School shall diminish or eliminate the responsibility of investigating and reporting the alleged ethical misconduct, and any such agreement to the contrary is void. See Employee forms on pages 129 and 130..

Employee Acknowledgement of Background Policies and Procedures

Understanding of Background Check Policy & Procedures Form

I _____ have read the Raíces Background Check Policy and understand that should I be charged with a criminal offense other than a minor traffic infraction of the law at any time during my employment with the school I must adhere to the policy and fill out the self-report form below:

Procedures:

1. Within 24 hours of notification of being charged with a criminal offense, I or my attorney will report the charge to the Raíces Principal.
2. I will report the nature of the exact charge.
3. I will expect to be placed immediately on leave without pay if the charge is related to the following reasons:
 - a. Child abuse or neglect, or
 - b. A finding related to criminal sexual penetration or contact, or
 - c. Any charge judged to be a threat to the safety of the students or the financial well-being or reputation of the school.
4. Should I be convicted of the crime for the reasons stated above, I understand that I will be immediately dismissed from my position as an employee.

Signature of Employee

Date

Employee Self Report of Committing a Criminal Offense

Criminal Charge Self- Report Form

In the event of being charged with a criminal offense, I or my attorney will provide the following information to the Principal within 24 hours of being charged:

Employee Name: _____

Date of the criminal charge: _____

Court in which the charge has been filed: _____

Exact nature of the charge:

Signature of Employee

Date

For Office Use Only

Date Received: _____

Principal Signature: _____

Code of Ethics, Standards of Professional Conduct for all Licensed Employees and Plan to Disseminate

Purpose:

Raíces del Saber is committed to its mission, core values (Respect, Awareness, Initiative, Community, Encouragement and Serenity) and all efforts to reinforce and uphold ethical professional conduct among its staff. The policy describes the code of ethics and standards of professional conduct, how it will be communicated and distributed to staff and the consequence of non-compliance with it.

Policy:

Raíces del Saber affirms its commitment to upholding ethical values and standards of professional conduct applicable to the education profession, in accordance with 6.60. 9 NMAC. Ethical behavior will be used to define behavior expectations amongst all staff and students. The Code of Ethics and Professional Code of Conduct 6.60. 9 NMAC, will be reviewed regularly by school principal and staff in its original language and will contribute to the determination of acceptable behavior.

Failure to comply with the Code: Raíces acknowledges that the code of ethics and standards of professional conduct are intended to provide a valuable framework of personal ethics to assist educators and administrators in their interaction with colleagues, students and parents, and the standards of professional conduct establish minimal standards of acceptable professional conduct with which all educators and administrators are required to comply. Raíces understands that the PED through the educator ethics bureau may revoke, suspend or take other appropriate action against any educator license of any person, or may deny applications for initial licensure or continuing licensure to any person, who is within the scope of this rule, and who after hearing, is found to have engaged in ethical misconduct, by failing to comply with one or more of the enumerated provisions of the standards of professional conduct set forth in 6.60.9.9 NMAC.

Dissemination: The Code of Ethics and Professional Code of Conduct will be presented by the school principal to staff during orientation at the beginning of the school year, incorporated in the staff handbook, and referenced in the employee contracts with all licensed personnel. The staff handbook will include a signature page for staff to acknowledge that they have read its contents.

Reporting Requirement: Raíces understands that it is the duty of the school principal and/or governance council to provide prompt written notification to the director of the educator ethics bureau at the NMPED after taking final actions to discharge or terminate the employment, based on a violation of the standards of professional conduct, for any certified or licensed school employee or contracted service provider who holds a PED license.

NMAC 6.60.9.8 Code of Ethics:

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

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

- (1) deal justly and considerately with each student;
- (2) encourage the student to study and express varying points of view and respect his/her right to form his/her own judgment; (3) conduct conferences with or concerning students in an appropriate place and manner; (4) seek constantly to improve learning facilities and opportunities.

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

- (1) share the responsibility for improving the educational opportunities for all;
- (2) recognize that each educational institution has a person authorized to interpret its official policies;
- (3) acknowledge the right and responsibility of the public to participate in the formulation of educational policy;
- (4) evaluate through appropriate professional procedures conditions within a district or institution of learning, make known serious deficiencies, and take action deemed necessary and proper;

(5) assume full political and citizenship responsibilities, but refrain from exploiting the institutional privileges of our professional positions to promote political candidates of partisan activities;

(6) protect the educational program against undesirable infringement, and promote academic freedom.

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

(1) recognize that a profession must accept responsibility for the conduct of its members and understand that our own conduct may be regarded as representative of our profession;

(2) participate and conduct ourselves in a responsible manner in the development and implementation of policies affecting education;

(3) cooperate in the selective recruitment of prospective teachers and in the orientation of student teachers, interns, and those colleagues new to their positions;

(4) accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;

(5) refrain from assigning professional duties to non-professional personnel when such assignment is not in the best interest of the student;

(6) refrain from exerting undue influence based on the authority of our positions in the determination of professional decisions by colleagues;

(7) keep the trust under which confidential information is exchanged;

(8) make appropriate use of the time granted for professional purposes;

(9) interpret and use the writings of others and the findings of educational research with intellectual honesty;

(10) maintain our integrity when dissenting by basing our public criticism of education on valid assumptions as established by careful evaluation of facts;

(11) respond accurately to requests for evaluation of colleagues seeking professional positions;

(12) provide applicants seeking information about a position with an honest description of the assignment, the conditions of work and related matters.

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

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

NMAC 6.60.9.9 - Standards of Professional Conduct:

A. Preamble

(1) We, licensed New Mexico educators acknowledge that ethical values in our schools cannot exist without ethical leadership. It is our ultimate goal to educate children so that they may become productive citizens; we understand that our guidance and ability to provide choices has a profound effect on reaching this goal. In affording students and each other choices, we agree to consider the consequence of each choice, the moral value best exemplified by the recommended choice, and our position on the choice if it were applied to us. These principles apply equally to all licensed educators in all schools except where they are uniquely applicable to public schools or where they conflict with principles of religious freedom.

(2) Moral values are to ethical leadership what years of experience are to a successful educator. The former sets the stage for success of the latter. Abstract principles that espouse excellence do not easily equate into simple behavioral maxims. We are certain that some foundational concepts can be embraced because they truly celebrate desirable moral values. These concepts are: respect for one's self and others, honesty and openness, the delicate balance between absolute freedom and safety, the equally delicate balance between confidentiality and the right to know, equality of opportunity, fairness to all, and personal

integrity.

(3) In the final analysis it is our consistent ethical leadership that wins the most allies and produces the best results. Not only does this code highlight our professional responsibilities, but also it stimulates us to discuss the professional implications of our ethical choices and ethical recommendations, causes us to assess and reassess our application of moral values, and sets forth concrete behaviors appropriate for education professionals. We are committed to this code and understand that it provides minimally accepted standards of professional conduct in education.

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

(1) shall, in compliance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g, 34 C.F.R. Part 99), the Individuals with Disabilities Education Act (20 U.S.C. Section 1401 *et seq.*, 34 C.F.R. Part 300), the Mental Health and Developmental Disabilities Code (Section 43-1-19, NMSA 1978), the Inspection of Public Records Act (Section 14-2-1 *et seq.*, NMSA 1978), the Public School Code (Section 22-1-8, NMSA 1978), and the Children's Code (Sections 32A-2-32, 32A-4-3, NMSA 1978), withhold confidential student records or information about a student or his/her personal and family life unless release of information is allowed, permitted by the student's parent(s)/legal guardian, or required by law;

(2) shall not discriminate or permit students within our control, supervision or responsibility to discriminate against any other student on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;

(3) shall avoid using our positions as licensed school employees to exploit or unduly influence a student into engaging in an illegal act, immoral act, or any other behavior that would subject a licensed school employee or student to discipline for misconduct whether or not the student actually engages in the behavior;

(4) shall tutor students only in accordance with local board policies, if any, only after written permission from the student's parent(s)/legal guardian, and only at a place or time approved by the local school and/or the student's parent(s)/legal guardian;

(5) shall not give a gift to any one student unless all students situated similarly receive or are offered gifts of equal value for the same reason;

(6) shall not lend a student money except in clear and occasional circumstances, such as where a student may go without food or beverage or be unable to participate in a school activity without financial assistance;

(7) shall not have inappropriate contact with any student, whether or not on school property, which includes but is not limited to:

(a) all forms of sexual touching, sexual relations or romantic relations;

(b) inappropriate touching which is any physical touching, embracing, petting, hand-holding, or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex and maturity of the student;

(c) any open displays of affection toward mostly-boys or mostly-girls; and

(d) offering or giving a ride to a student unless absolutely unavoidable, such as where a student has missed his/her usual transportation and is unable to make reasonable substitute arrangements;

(8) shall not interfere with a student's right to a public education by sexually harassing a student or permitting students within our control, supervision or responsibility to sexually harass any other student, which prohibited behavior includes:

(a) making any sexual advances, requests for sexual favors, repeated sexual references, any name calling by means of sexual references or references directed at gender-specific students, any other verbal or physical conduct of a physical nature with a student even where the licensed educator believes the student consents or the student actually initiates the activity, and any display/distribution of sexually oriented materials where students can see them; and

(b) creating an intimidating, hostile or offensive work/school environment by at a minimum engaging in any of the prohibited behaviors set forth at Paragraph (7) or Subparagraph (a) of Paragraph (8), Subsection B of 6.60.9.9 NMAC, above.

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

(1) shall not make a false or misleading statement or fail to disclose a material fact in any application for educational employment or licensure;

(2) shall not orally or in writing misrepresent our professional qualifications;

(3) shall not assist persons into educational employment whom we know to be unqualified in respect to their character, education, or employment history;

(4) shall not make a false or misleading statement concerning the qualifications of anyone in or desiring employment in education;

(5) shall not permit or assist unqualified or unauthorized persons to engage in teaching or other employment within a school;

(6) shall not disclose personal, medical, or other confidential information about other educational colleagues to anyone unless disclosure is required or authorized by law;

(7) shall not knowingly make false or derogatory personal comments about an educational colleague, although first amendment protected comments on or off campus are

not prohibited;

(8) shall not accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor, or other item having monetary value whose market value exceeds \$100, excluding approved educational awards, honoraria, plaques, trophies, and prizes;

(9) shall avoid conduct connected with official duties that is unfair, improper, illegal or gives the appearance of being improper or illegal;

(10) shall not sexually harass any school employee, any school visitor or anyone else we might encounter in the course of our official duties, which includes:

(a) making any sexual advances, requests for sexual favors, repeated sexual references, and name calling by means of sexual references or references directed at any gender-specific individuals named above;

(b) making any other verbal gesture or physical conduct with any of the above-named individuals even where the licensed educator believes they consent or they actually initiate the activity;

(c) displaying or distributing any sexually oriented materials where the above-named individuals can see them; and

(d) creating an intimidating, hostile, or offensive work/school environment by engaging in any of the prohibited behaviors set forth at Subparagraphs (a), (b) or (c), Paragraph (10), Subsection C of 6.60.9.9 NMAC, above;

(11) shall educate oneself at least annually about avoiding sexual harassment by either attending periodic training, reviewing sexual harassment literature or the EEOC guidelines found at Title 29 Code of Federal Regulations Part 1604 (29 C.F.R. Section 1604.1 *et seq.*), or contacting appropriate school human resources personnel;

(12) shall not engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus;

(13) shall not without permission of a supervisor use public school property to conduct personal business or our personal affairs;

(14) shall use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable policy, law and regulation;

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

(16) shall not engage in any outside employment:

(a) the performance of which conflicts with our public school duties, such as where a licensed educator takes a private job that would require performance in the very

school district where he/she is employed;

(b) where we use confidential/privileged information obtained from our public school employment as part or all of our private employment duties; and

(c) that impairs our physical ability to perform our school duties;

(17) shall not, with the intent to conceal/confuse a fact, change or alter any writing or encourage anyone else to change or alter any document:

(a) in connection with our official school duties;

(b) in connection with another licensed person's official school duties;

(c) in connection with any standardized or non-standardized testing;

(d) in connection with any school application or disclosure process; and

(e) in connection with any writing submitted to the public education department related to our initial or continued licensure, including endorsements;

(18) shall not in connection with any state board-approved teacher test knowingly make any misrepresentations about one's identity, or engage in any false or deceptive acts of test-taking or test-registering;

(19) shall not engage in any conduct or make any statement:

(a) that would breach the security of any standardized or non-standardized tests;

(b) that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;

(c) that would give students an unfair advantage in taking a standardized or non-standardized test;

(d) that would give a particular school or a particular classroom an unfair advantage in taking a standardized or non-standardized test; and

(e) that would assist students in obtaining services or benefits for which they do not qualify or are not entitled;

(20) shall not, when on school property or off campus while representing the school or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace;

(21) shall not hold, or continue to hold, employment for which educator licensure or certification is required when the individual knew, should have known or is informed by the PED, that the individual does not hold the required credentials; and

(22) shall not use school information technology equipment, hardware, software or internet access to view, download, display, store or print pornographic images or

advertisements, nude images, or sexually explicit depictions or language;

(23) shall not engage in unprofessional conduct, which conduct shall include but not be limited to the following:

- (a) striking, assaulting or restraining a student for no valid reason;
- (b) using any written or spoken words in public schools or at school events that are inflammatory, derogatory or otherwise demonstrate a bias against a person or group, on the basis of their race, religion, culture, ethnicity, sexual preference, sexuality or physical disability;
- (c) bringing firearms onto school property or possessing them on school property, except with proper authorization;
- (d) possessing or consuming alcohol beverages at school;
- (e) possessing or using illegal drugs;
- (f) being under the influence of alcohol or illegal drugs at school;
- (g) actively obstructing an investigation into the possible unethical or illegal conduct of a school employee; and
- (h) engaging in favoritism or preferential treatment toward any school employee or applicant in regards to that individual's hiring, discipline, terms of employment, working conditions or work performance due to that individual's familial relationship with the licensee;

(24) shall report any knowledge of inappropriate contact, as provided by Paragraph (7) of Subsection B of 6.60.9 NMAC with a student or other school employee to the local school authority within 30 days of obtaining such knowledge.

[6.60.9.9 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

Staff Discipline Policy and Procedures

Purpose:

Raíces del Saber will comply with all School Personnel Performance Evaluations System Requirements and regulations for supervising and correcting "unsatisfactory work performance" of licensed school personnel at the school. In the Performance Evaluation System, Raíces will use progressive discipline to correct employee behavioral or performance problems, implementing strategies to provide feedback, warnings, reprimands, suspension with or without pay and termination. However, there may be situations where the severity or seriousness of the offense justifies the omission of one or more of the steps in this process. This policy establishes the authority of the school and procedures that will be taken before notice of intent to discharge or notice of termination is served upon a licensed staff person.

Policy:

In accordance with 6.69.2.8NMAC, Raíces recognizes that uncorrected, unsatisfactory work performance is good cause for discharging or termination and may, at times, serve a licensed staff member with a notice of intent to discharge.

In this policy and procedure, Raíces uses the following definitions:

- "Administrative authority" means the principal or a person acting under the authority of the principal.
- "Insubordination" means actual or implied willful refusal to follow written policies, regulations, rules, or procedures established by the department, the Governing Council, or administrative authorities; or the lawful written or oral orders, requests, or instructions of administrative authorities.
- "Secretary" means the secretary of the New Mexico Public Education Department.
- "Uncorrected unsatisfactory work performance" means unsatisfactory work performance which the licensed school personnel has failed to correct.
- "Unsatisfactory work performance" means the failure by licensed school personnel to satisfactorily perform those tasks which are evaluated by the employee's supervisors, pursuant to the school's approved plans for evaluation and supervision of its licensed employees. For the purpose of this policy, unsatisfactory work performance does not include insubordination or conduct deemed to be outside the normal scope of duties of licensed school personnel.

Termination or Discharge for Cause - The Principal at Raíces has the administrative authority to employ involuntary terminations for insubordination and violation of school policy, including:

- Use of alcoholic beverages or non-prescribed drugs on the premises of Raíces.
- Being under the influence of alcohol or drugs while at Raíces.
- Falsifying or misusing school records including applications.
- Conviction of any felony or serious misdemeanor crime.
- Failure to meet the terms of probation including disciplinary probation.
- Violation of the Code of Ethical Responsibility of The Education Profession at 6.60.9 NMAC
- Uncorrected unsatisfactory performance of designated job position under 6.69.2.8 NMAC.

Involuntary Termination or Discharge - Raíces shall give notice of employee termination or discharge due to a reduction of force, budget cuts, staff reorganization or reassignment of duties as required by law. Before terminating a licensed or non-certified school employee, Raíces shall serve the employee with a written notice of 30 days in advance.

Raíces may terminate an employee with fewer than three years of consecutive service for any reason it deems sufficient. Upon request of the employee, the Principal shall provide written reasons for the decision of termination. The reasons shall be provided within ten (10) working days of the request. The reasons shall not be publicly disclosed, and the reasons shall not provide a basis for contesting the decision under the School Personnel Act.

An employee who has been employed by Raíces for three consecutive years and who receives a notice of termination or discharge shall have the right to a hearing. The hearing and other procedures shall comply with the School Personnel Act.

Administrative Leave Pending Possible Disciplinary Action - If an employee is suspected of violating the law or school policies or procedures, including the Code of Ethics and Code of Professional Conduct Policy and Procedure, the employee may be placed on administrative leave, with or without pay, pending an investigation into the suspected violation.

Procedures:

Prior to the start of each school year, the Governance Board will review and approve the annual calendar and procedures regarding the Performance Evaluations for School Personnel. Information about these procedures will be included in the Employee Handbook which is disseminated free of charge to school staff during orientation. The Performance Evaluation will include written indicators and a rubric that will be used to measure performance, in alignment with the designated job position under 6.69.2.8 NMAC and the NM School Personnel Act.

Performance Evaluation:

- A. All licensed and non-licensed staff at Raíces will take part in an annual performance evaluation process. Every person who evaluates a licensed school employee at Raíces will complete a written report and provide it to the school principal and provide an exact copy to the licensed school employee being evaluated. The effectiveness of the employee will be noted in the report.
- B. A licensed school employee rated minimally effective or ineffective may provide a written statement in response to their effectiveness evaluation, and that statement shall become a permanent attachment to that employee's evaluation file.
- C. Every person who rates a licensed school employee minimally effective or ineffective shall describe in detail the minimally effective or ineffective performance and, in writing, inform the licensee of the following:
 - 1) the right to a post-evaluation conference which the evaluator must convene and which shall occur no later than ten days after the evaluation is completed unless the employee agrees to an extension;
 - 2) that during the conference the evaluator will make recommendations to the employee with respect to specific areas of unsatisfactory performance and provide feedback that establishes the initial framework for an individual professional growth plan;
 - 3) that the evaluator will provide assistance in helping the employee correct unsatisfactory performance and the district will extend strategic support aligned to best practices identified by the department to assist the employee in a correction of the unsatisfactory performance;
 - a) that if the employee has an employment contract, the employee may be placed on a performance growth plan at the discretion of the evaluator for 90 school days from receipt of the notice of unsatisfactory work performance, provided that:
 - b) the 90 days shall not include weekends, school holidays or school vacation periods, declared snow days, and approved employee leave days;
 - c) during the 90 days, the licensed school employee shall be observed and evaluated more than four times in writing and shall be informed of the results of those observations; and
 - d) the evaluator shall maintain documentation of having provided assistance and notification of in-service training opportunities to help correct the performance deficiencies noted of the licensed school employee; and
 - 4) that receipt of the notice may constitute notice of uncorrected unsatisfactory work performance pursuant to Section 2210A-3 NMSA 1978 and 6.69.2 NMAC.

- D. Within five school days after the expiration of the 90-day performance growth plan, the evaluator shall determine whether the performance deficiencies have been corrected and forward a written recommendation to the school district superintendent.
- E. Within 10 school days after receipt of that written recommendation, the principal shall provide the licensed school employee, who has an employment contract with the school, with written notification expressing whether the performance deficiencies have been satisfactorily corrected. A copy of the evaluator's recommendation shall accompany that notice.
- F. If satisfactory progress has not been made, the principal shall determine whether to discharge or terminate the employee pursuant to Sections 22-10A-27 or 22-10A-24, NMSA 1978.

An employee who has been placed on a 90-day performance growth plan because of unsatisfactory work performance, and who has not been employed by a school for three consecutive years shall have no reasonable expectation of continued employment beyond the end of the contract year by reason of being on a performance growth plan.

- G. All non-licensed staff will also receive an annual evaluation based on their job performance related to the responsibilities in the job description and effective relationships with staff and students. If recommendations for improvements are made,
 - a) the staff member will have 20 actual work days to show improvement.
 - b) if performance is not improved judged by the principal to be improved within this time the employee may be terminated, if they have not worked for the school for three consecutive years.
 - c) If the staff member has been employed for three consecutive years, the 90-day procedure for improving performance will apply.

Staffing Plan: Raíces el Saber Xinachtli Community School 2019-2024

Staff Licensure Requirements

The school will start 1st year K-1

Total 60 students, adding new 1 grade each year until there are 40 students in grades K through 5th

Staff Position	Licensure Requirements
Principal	NM Administrative License (3b)
Director of Operations & Community Engagement	NM Chief Procurement Officer Certification Bachelor's Degree required either in education, sociology, or psychology
Business Manager	NM School Business Official License
Culture and Curriculum Coach	NM k-5 Teacher Certification (Level II) NM Elementary Bilingual Teacher Certification
Teacher Grade K	NM k-5 Teacher Certification (Level II preferred) NM Elementary Bilingual Teacher Certification
Teacher 1-5 Grades	NM k-5 Teacher Certification (Level II preferred) NM Elementary Bilingual Teacher Certification
Educational Assistant	High School Diploma + 9 hours of training in Early Childhood Development (Associates Degree preferred). Must be bilingual.
Office Manager	High School Diploma required, experience in a school office preferred. Must be bilingual.
Special Education	NM k-5 Teacher Certification (Level II preferred) NM Elementary Bilingual Teacher Certification NM Special Education Teacher License
Reading Interventionist	NM k-5 Teacher Certification (Level II preferred) NM Reading Specialist Certification
School Testing Coordinator	Note: Year 1, the Principal will coordinate School Testing.