

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.