

El Camino Real Academy Governing Council Policies

School Year 2026-2027

A. Foundations and Basic Commitments

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C. General School Administration

D. Fiscal Management

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A.01 Mission Statement

As a community school, ECRA serves students and families by fostering student awareness of their personal learning potential through academic and social-emotional intervention.

Revised: 7/17/14

A.03 Nondiscrimination

El Camino Real Academy affirms its commitment to the rights of students, parents and employees, as set forth in Federal and State statutes, for nondiscriminatory treatment in relation to disability, race, ethnicity, color, sex, sexual orientation, gender identity, national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law, in all its programs and activities. Nondiscrimination shall include freedom from harassment and retaliation based on disability, race, ethnicity, color, sex, sexual orientation, national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law.

This policy shall be implemented by the Principal, or his/her designee, through processes delineated in the procedural directives cross-referenced below:

- Section 504/ADA Compliance: Students
- Section 504 of the Rehabilitation Act/Americans with Disabilities Act Compliance: Employees
- Section 504/ADA: Physical Access for Students, Parents, and Employees with Disabilities
- Gender Discrimination and Sexual Harassment: Employees
- Gender Discrimination and Sexual Harassment: Students
- Discrimination and Harassment: Employees
- Discrimination and Harassment: Students
- Disability Harassment: Students

Administrative Position:

- Principal

References

Legal Cross Ref:

Board Policy Cross Ref.:

- G.01 Equal Employment
- JB – Equal Educational Outcomes

Procedural Directive Cross Ref.:

- Section 504/ADA Compliance: Students
- Section 504 of the Rehabilitation Act/Americans with Disabilities Act Compliance: Employees
- Section 504/ADA: Physical Access for Students, Parents, and Employees with Disabilities
- Gender Discrimination and Sexual Harassment: Employees
- Gender Discrimination and Sexual Harassment: Students
- Discrimination and Harassment: Employees
- Discrimination and Harassment: Students
- Disability Harassment: Students

NSBA/NEPN Classification: AC

Approved: October 23, 1991

Reviewed: October 21, 1992

Approved: November 4, 1992

Revised: February 20, 1996

Revised: May 22, 2000

Revised: April 2001

Revised: February 2002

Revised: December 2002

Revised: January 2005

Revised: May 1, 2006

Revised: May 24, 2006

Reviewed: December 13, 2010

Use of tobacco at El Camino Real Academy is prohibited.

Revised:

A.04 Tobacco Free Schools

Use of tobacco at El Camino Real Academy is prohibited.

Approved: 9/15/2011

A.05 Video Surveillance

The Governing Council of El Camino Real Academy authorizes the use of *video only* surveillance cameras on School property to ensure the health, welfare and safety of staff, students and visitors to School property. Surveillance cameras are in use on the School's campus to promote safety, prevent crime, and protect School property.

Areas that may have cameras include hallways; parking lots; the School's front offices; gymnasiums; cafeterias; supply rooms; and classrooms and other locations where staff, students, and visitors have no reasonable expectation of privacy. Cameras will not be allowed in bathrooms, gym locker/changing areas, and private offices (unless consent by the office owner is given). Any person entering a School facility, on School property or at a School function is subject to being videotaped. The School will notify students/parents and staff through handbooks, and signs will be posted where cameras are in use.

Students or staff in violation of GC policies, administrative regulations, state or federal laws revealed through information caught on surveillance tape will be subject to appropriate discipline, including referrals to law enforcement agencies. Video recordings may become part of a student's education record or a staff member's personnel record.

The existence of this policy or the use of video camera surveillance does not imply or guarantee that cameras will be monitored in real time 24 hours a day, seven days a week.

The Executive Director/Principal shall develop appropriate use and notification procedures in compliance with all state and federal laws, including but not limited to laws applicable to record maintenance and retention.

References:

Board Policy Cross Ref.:

Procedural Directive Cross Ref.:

- Employee Handbook (in process)
- Student Handbook (in process)

Approved: January 18, 2016

A. 06 Title IX Policy

Purpose:

The purpose of this policy is to articulate El Camino Real Academy's commitment to eliminating discrimination based on sex, including sexual harassment which is a type of discrimination, in any education program or activity offered by El Camino Real Academy. The School does not discriminate on the basis of sex in education programs or activities that it operates, or employment of individuals as prohibited by Title IX of the Education Amendments of 1972.

Policy:

I. **Reason for Policy.** The United States Department of Education recently adopted formal rules related to sexual harassment as prohibited by Title IX of the Education Amendments of 1972 (May 2020). These new regulations require additional procedures and policies related to programs using federal funds. The new law focuses on procedures for reporting, investigating and finding illegal sexual harassment as the term is defined by the rule. The School's governing body has always prohibited discrimination based on sex and sexual harassment in educational programs and activities implemented by it. This policy is intended to comply with the mandates of 34 CFR 106 and other provisions of Title IX.

II. **General Statement of Policy.** The School is committed to maintaining a safe school environment free from harassment and discrimination. The School prohibits discrimination based on sex and sexual harassment of students by other students, employees or other persons, at school or school sponsored or school related activities. No student will be excluded from participation in or denied the benefit of any educational program or activity operated by the School as a consequence of sexual discrimination or sexual harassment or retaliation for making complaints of sexual discrimination or sexual harassment as defined by Title IX.

III. **Definitions.**

A. *Discrimination based on sex.* Means conduct that excludes a person from participation in, denying the person the benefit of, or subjecting a person to unequal treatment under any academic, extracurricular, occupational training or other education program or activity provided by the School based on sex, e.g. disproportionate funding for athletic programs.

B. *Sexual Harassment.* A form of sexual discrimination recently defined by the U.S. Department of Education as conduct based on sex that satisfies one or more of the following:

1. An employee who conditions the provision of assistance, benefit, or service offered by a School program or activity or unwelcome sexual conduct "quid pro quo" (e.g. sexual favors in exchange for good grades);

2. Unwelcome conduct that a reasonable person would consider so severe, pervasive and objectively offensive that it denies a person the ability to access her or his educational program or activity; or
3. "Sexual assault," "dating violence," "domestic violence," or "stalking," each as defined by federal law

C. *School Program or Activity.* These terms include locations, events, or circumstances over which the School exercises substantial control over the individuals implicated in a complaint of sexual discrimination, harassment or retaliation. Title IX applies to all School's programs or activities whether such programs/activities are held on or off campus, but not outside the United States. Offending conduct covered by these Procedures can occur by e-mail, over the internet, or other technologies, such as social media, if the School has the requisite authority to control the students' conduct on these technologies.

IV. **Title IX Coordinator.** The School's governing body hereby authorizes the School's Head Administrator, or a position determined by the Head Administrator, as the School's Title IX Coordinator. The Head Administrator shall also designate an alternate Title IX Coordinator in the event a complaint is against the Title IX Coordinator or the designated Title IX Coordinator is unavailable to accept a complaint. The Title IX Coordinator should be contacted about inquiries regarding individual's rights and protections afforded under Title IX. The Title IX Coordinator's contact information along with this Policy shall be prominently published on the School's website, in each student and employee handbook, employment applications, notices of employment opportunities and such other School publications as appropriate. The Title IX Coordinator will be responsible for coordinating the School's efforts to comply with Title IX requirements and shall receive complaints of discrimination based on sex or sexual harassment, or retaliation.

V. **Grievance Policy Procedures.** The School's administration will publish notice of and adopt grievance procedures that ensure a prompt and equitable resolution of student and employee complaints alleging any action that would be a violation of Title IX provisions. Grievance procedures shall comply with the requirements of the U.S. Department of Education's Final Rule on Sexual Harassment. 34 CFR Part 106. The grievance procedures shall include how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, describe the investigation process, and how the School will respond to the complaint among other requirements. Parents and guardians as well as the Title IX Coordinator may file a formal complaint of sexual harassment, even if the student does not wish to file the complaint. Grievances and formal complaint processes will include reasonable prompt time frames for the process and any appeals. Procedures shall be consistent and comply with laws applicable to confidentiality, including FERPA.

VI. **Reporting.** The School's procedures shall provide that any person may report sexual harassment or discrimination. The report may be made in person, by mail, telephone or email, using the Title IX Coordinator's contact information or by any other means that would result in the Title IX Coordinator receiving the complaint either verbally or in writing.

VII. School's Response Obligations. The School's procedures shall include prompt processing of complaints. In cases of sexual harassment complaints, the School will offer supportive measures to the alleged victim, even if no complaint is filed. All complaints will be investigated and if the alleged conduct does not constitute a violation under Title IX, the School must dismiss the complaint for purposes of Title IX, but it may still address the violation under other violations of the School's code of acceptable conduct. The School will provide remedies where a violation has been established, but not impose disciplinary sanctions without following the grievance procedures. The School requires Title IX Coordinators, investigators and persons who facilitate the requirements of this Policy to be free from conflicts of interest or bias against the complainant or respondent.

VII. Employee Obligation to Report. Any school employee who learns of actions that may constitute discrimination based on sex or sexual harassment must report that information to the Title IX Coordinator. Employees have an independent legal duty to report child abuse and/or child neglect to the responsible legal authorities.

IX. Notification of Policy. The School will take affirmative steps to ensure that notices required under Title IX and this policy are posted timely, routinely updated, effectively located to ensure that students, parents, employees and others affected by this policy are given adequate notice of their rights hereunder. The policy shall be published once in a local newspaper within ninety (90) days of adoption, other publications by the School, employment applications, recruitment materials, enrollment policies, and in written communications to every student and employee of the School through the handbooks and relevant policy updates.

X. Training. The Head Administrator shall ensure that training is provided for all staff and students regarding rights afforded and obligations imposed pursuant to Title IX and its implementing regulations. This shall include training on the definition of sexual harassment as defined by Title IX regulations. Appropriate staff shall be trained in the investigation practices, grievance procedures, hearings and appeals processes, informal resolution processes and how to avoid conflicts of interest and bias. If training materials are developed by the School, they shall be maintained on the School's website.

XI. Retaliation Prohibited. The School prohibits retaliation against any person who files a complaint, testifies or cooperates in a School conducted complaint proceeding.

XII. Periodic Evaluations. The School shall conduct evaluations of all its programs and activities no less frequently than every two (2) years, to ensure that this Policy is successfully implemented. The Head Administrator may recommend modifications to policies and procedures governing School programs and activities to ensure equal opportunities are available to all students regardless of sex.

Responsible Persons: Executive Director, Business Manager

References

Legal Cross Ref.: Public Law No. 92-318, 86 Stat.

Approved: August 17, 2020

A.07 – Prohibition of Racialized Aggression

El Camino Real Academy strictly prohibits Racialized Aggression. Racialized aggression is broadly defined as hostility/aggression toward, or denigration/invalidation of, a different racial group or member(s) thereof involving any student or school personnel.

Administrative Position:

- Executive Director

References

Legal Cross Ref.:

- NMSA 1978, §22-5.4.3
- NMSA 1978, §22-23C-1

Board Policy Cross Ref.:

- [A.03 Nondiscrimination](#)
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Approved:

A. 08 Ethical Misconduct Investigation and Reporting Policy

School employees, School volunteers and School contractors/contractor's employees who know or who have a reasonable suspicion that a child or student has been subject to ethical misconduct by a School employee, a School volunteer, a School contractor or a contractor's employee, shall report the matter immediately to:

- (1) the Executive Director; or
- (2) the NMPED.

If the Executive Director receives a report of known/suspected ethical misconduct against a child/student, the Executive Director shall immediately transmit to the NMPED by telephone the facts of the report and the name, address and telephone number of the reporter. The Executive Director shall transmit the same information to NMPED in writing within forty-eight hours. A written report to NMPED shall contain the name, address and age of the child or student; the child's or student's parents, guardians or custodians; the school personnel, school employee, school volunteer, contractor or contractor's employee who is alleged to have committed ethical misconduct; and any evidence of ethical misconduct, including the nature and extent of any injuries and other information that the maker of the report believes might be helpful to investigate a report of ethical misconduct. The written report shall be submitted upon a standardized form developed by NMPED.

The Executive Director receiving the initial report of ethical misconduct against a child or student shall take immediate steps to ensure prompt investigation of the report. The investigation shall ensure that immediate steps are taken to protect the health or welfare of a student or child who is the subject of the report. The School shall take immediate steps to ensure the safety of enrolled students. After a report of suspected ethical misconduct against a student or child is made to the Executive Director, the Executive Director shall notify the person making the report within five days after the report was made that the Executive Director is investigating the matter.

A law enforcement agency, the NMPED and/or the Executive Director shall have access to any records and documents pertaining to an ethical misconduct case maintained by the School, School employees, School volunteers, and/or School contractors/contractor's employees. All investigations shall be kept confidential insofar as possible in compliance with applicable laws. The identity of any alleged victim(s) shall be kept confidential in accordance with applicable laws.

For purposes of this Policy, "ethical misconduct" means the following behavior or conduct by school personnel, school employees, school volunteers, school contractors or contractors' employees:

- (1) discriminatory practice based on race, age, color, national origin, ethnicity, sex, pregnancy, sexual orientation, gender identity, mental or physical disability, marital status, religion, citizenship, domestic abuse reporting status or serious medical condition;
- (2) sexual misconduct or any sexual offense prohibited by Chapter 30, Article 6A or 9 NMSA 1978 involving an adult or child, regardless of a child's enrollment status;
- (3) fondling a child or student, including touching private body parts, such as breasts, buttocks, genitals, inner thighs, groin or anus; or
- (4) any other behavior, including licentious, enticing or solicitous behavior, that is reasonably apparent to result in inappropriate sexual contact with a child or student or to induce a child or student into engaging in illegal, immoral or other prohibited behavior.

Responsible Person: Executive Director

References

Legal Cross Ref.: Ref: NMSA 1978 §22-10A-5.1 (2021); 22-10A-2(F)

Approved:

A.09 Therapy Dog Policy

El Camino Real Academy supports the use of trained therapy dogs handled by trained staff (handler) for the benefit of its students subject to the conditions of this policy. Benefits from working or visiting with a therapy dog include reduced stress, improved physical and emotional well-being, low blood pressure, decreased anxiety, improved self-esteem and normalization of the environment, increasing the likelihood of successful academic achievement by the student. Examples of activities that students may engage in with a therapy dog include petting and/or hugging the dog, speaking to the dog, giving the dog simple commands that the dog is training to respond to, and reading to the dog, all under handler direction and supervision.

Animal Assisted Therapy is a goal-driven intervention, which is directed and/or delivered by a health, human, or education service professional and is meant to improve physical, social, emotional and/or cognitive function of an individual.

A therapy dog is a dog that has been individually trained, evaluated and registered with his/her handler to provide animal assisted activities, animal assisted therapy and animal assisted interactions within a school or other facility. Therapy dogs are not the same as “emotional support animals” or “service animals”.

The handler is an individual school staff member or approved volunteer who has been individually trained, evaluated, and registered with the therapy dog to provide animal assisted activities, animal assisted therapy, and animal assisted interactions within a school or other facility.

If a staff member or approved volunteer seeks to use a therapy dog in the course of their job duties they must complete an application and submit the required documentation (Proof of Therapy Dog National Certifications, Liability Insurance, and Vaccination Records) with the application. The application must also contain a description of a plan to accommodate students and staff with allergies as well as a description of how the dog's service supports an instructional purpose.

An approved application may be revoked at any time by the school administrator in the event the dog becomes disruptive or otherwise poses a threat to the health and safety of anyone. This application is only for the use of certified therapy dogs and their handlers.

The El Camino Real Academy therapy dog is the property of the handler. The handler shall assume full responsibility for the therapy dog's care, behavior, and suitability for interacting with students and others in the school while the therapy dog is on school property, and shall have sole responsibility for the therapy dog's actions while on school property or at school activities.

The following information will be kept current and copies provided to the school administrator:

- The proof of registration as a therapy dog handler with the individual therapy dog to be used. Such registration shall be from an organization that requires an evaluation of the therapy dog and handler prior to registration and at least every two years.
- Proof from a licensed veterinarian that the therapy dog is in good health and has been immunized against diseases common to dogs. Such vaccinations shall be kept current and up to date at all times.
- Proof of licensure from the local dog licensing authority.
- Copy of an insurance policy that provides liability coverage for the dog and the work of the handler and therapy dog while the two are on school property or at school activities.

Therapy Dog Standards and Procedures:

Application: The handler requesting to bring a therapy on school grounds must complete an application and receive authorization from the school administrator.

Registration: The therapy dog and handler team shall have registration from an organization that requires an evaluation of the therapy dog and handler at least every two years and shall remain current and in good standing at all times.

Health and Vaccination: The handler shall submit proof from a licensed veterinarian that the therapy dog is in good health and has been immunized against diseases common to dogs. Such vaccinations shall be kept current and up-to-date at all times.

Licensing: The handler and therapy dog shall wear appropriate identification issued by the school.

Health and Safety: The handler shall ensure that the therapy dog does not pose a health and safety risk to any student, employee, or other person at school and that the therapy dog is brought to the school only when properly groomed, bathed, free of illness or injury and of the temperament appropriate for working with children and others in the school. The handler shall indemnify the school for any and all property damage and injuries that may result from the therapy dog's presence on campus/student activities.

Control: The handler shall ensure that the therapy dog wears a collar or harness and a leash no longer than four feet and shall maintain control of the therapy dog by holding the leash or crated at all times that the therapy dog is on school property, including during breaks, unless holding such leash would interfere with the therapy dog's safe, effective performance of its work or tasks. However, the handler shall maintain

control of the therapy dog at all times and shall not tether the therapy dog to any individual or object. The handler will ensure that the therapy dog does not cause disruption to instructional learning.

Supervision and Care of the Therapy Dog: The handler shall be solely responsible for the supervision and humane care of the therapy dog, including any feeding, exercising, and cleaning up after the therapy dog while the therapy dog is in the school building or on school property. The handler shall not leave the therapy dog unsupervised or alone on school property at any time.

Authorized Area(s): The handler shall ensure that the therapy dog has access to only such areas of the school building or properties that have been authorized by the school administration.

Allergies and Aversions: The handler shall remove the therapy dog to a separate area, as designated by the school administrator, in such instances where any student or school employee who suffers dog allergies or aversion is present in an office, hallway, or classroom.

Recordkeeping: Handlers who are school staff shall sign in their therapy dog upon arrival and sign him/her out on their departure.

Exclusion or removal from School Property: A therapy dog may be excluded from school district property if a school administrator determines that: (1) The handler does not have control of the therapy dog; (2) The therapy dog is not housebroken; (3) The therapy dog presents a direct and immediate threat to others in the school; or (4) The therapy dog's presence otherwise interferes with the educational program. The handler shall immediately remove his/her therapy dog from school property when instructed to do so by a school administrator.

Administrative Position: Executive Director

References

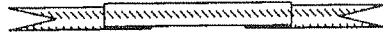
Legal Cross Ref.:

Board Policy Cross Ref.:

Procedural Directive Cross Ref.:

Approved:

EL CAMINO REAL ACADEMY



GOVERNING COUNCIL BYLAWS FY13

ARTICLE I MISSION STATEMENT

Together with parents and the community, El Camino Real Academy, (“ECRA”), a New Mexico public charter school created pursuant to the Charter Schools Act, NMSA 1978 §§22-8B-1, *et seq.*, is committed to creating a professional learning community that empowers students to learn the interconnection between real-world problem solving and academic success, which leads to mastery of life skills and recognition of the patterns that are intrinsic to all knowledge.

ARTICLE II NAME OF GOVERNING BODY AND SCHOOL

The name of ECRA’s governing body shall be known as the “Governing Council,” and referred to in these bylaws as “The Council.”

ARTICLE III EQUAL OPPORTUNITY

ECRA affirms its commitment to providing equal treatment of all of its students, parents and employees. Neither ECRA or the Council shall discriminate against any student, parent or employee on the basis of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition or sexual orientation or gender identity with respect to his/her rights, privileges, programs, activities, and/or in the administration of its educational programs and athletics/extracurricular activities.

ARTICLE IV GOVERNANCE AND TRAINING

The Council has a responsibility to ensure that ECRA operates in accordance with all applicable laws and regulations, and meets its commitments to its authorizer, Albuquerque Public Schools (“APS”) Board of Education, and to the New Mexico Public Education Department (“NMPED”) as reflected in its charter. Council members have a responsibility to be familiar with the terms of the ECRA charter and legal responsibilities of public schools. Council members must become educated about public school laws and applicable rules and regulations. All ECRA Council members are required to attend annual mandatory training that explains New Mexico Public Education Department rules, policies, and procedures, statutory powers and duties of charter school governing bodies, legal concepts pertaining to public schools, finance and budget and other matter deemed relevant by the NMPED. In particular, the ECRA Council recognizes that the following New Mexico statutes and rules are applicable to public charter

schools and each member commits to take necessary steps to become familiar with these provisions:

- Charter Schools Act (NMSA 1978 §§ 22-8B-1 et seq.)
- School Personnel Act (NMSA 1978 §§ 22-10A-1 et seq.);
- Procurement Code (NMSA 1978 §§ 13-1-1 et. seq.);
- Open Meetings Act (NMSA 1978, §§ 10-15-1 et seq.);
- Public School Finance Act (NMSA 1978 §§ 22-8-1 et seq.)
- New Mexico Public Education Department regulations, (contained in Title 6 of the New Mexico Administrative Code).

To the extent ECRA has not specifically requested and been granted a waiver from a particular NMPED or APS Board of Education policy, those policies which have not been waived, shall apply.

ARTICLE V GOVERNING COUNCIL POWERS AND RESPONSIBILITIES

The primary powers and duties of the Council are to:

1. Develop educational and operational policies for the ECRA;
2. Employ ECRA's head administrator, who shall be referred to hereafter as the "Principal," evaluate the Principal annually; and set the salary schedule for certified/licensed employees;
3. Charge the Principal with the responsibility of implementing the charter; employing, fixing the salaries of, assigning, terminating and discharging all ECRA employees; carrying out ECRA's policies and procedures, facilities plans, budget, and such other directives and policies adopted by the Council from time to time. The Governing Council shall not be involved in the day-to-day operations of the school;
4. Review, approve and monitor implementation of the annual ECRA budget;
5. Acquire, lease and dispose of property, both real and personal to the extent permissible by laws applicable to public charter schools;
6. Initiate lawsuits or take all necessary steps to protect the ECRA's interests;
7. Consistent with ECRA's budget authority, approve contracts for the repair and maintenance of all property belonging to the ECRA or for which ECRA is contractually responsible to maintain and repair, which authority may be delegated to the Principal up to an amount not exceeding \$7,500;
8. Enter contracts consistent with the ECRA approved budget for any service or activity that is required for ECRA to perform in order to carry out the educational program described in the ECRA charter. The Council may delegate its authority hereunder to the Principal for contracts not exceeding \$25,000, except in cases of employment contracts which shall be delegated to the Principal consistent with ECRA's budget authority and the Council's adopted salary schedule;
9. Develop, adopt and amend policies and procedures pertaining to the administration of all powers or duties of the Council and ECRA;
10. Accept or reject any charitable gift, grant, devise or bequest. Each particular gift, grant, devise or bequest accepted shall be considered an asset of the ECRA;

11. Approve amendments to the Charter prior to presentation to the APS for approval;
12. Make application to APS or then NMPED for capital outlay funds and to be included in APS's five-year facility plan;
13. Negotiate with APS to provide transportation to students eligible for transportation under the provisions of the Public School Code as deemed necessary and/or other services consistent with ECRA's charter;
14. Open other locations for operation of ECRA as consistent with the charter;
15. Address problems through the applicable dispute resolution processes according to policies and procedures;
16. Review and consider recommendations submitted by the Principal and other advisors to the Council;
17. Promote a cooperative relationship with its charter authorizer; to function in accordance with the New Mexico Charter School Act and resolve any dispute, which may arise between ECRA or its Council and APS officials or the APS School Board to the mutual benefit of the operation of ECRA and its authorizer/local supervisory authority; and
18. Such other powers and authorities as provided for by law.

ARTICLE VI

COLLECTIVE AUTHORITY OF COUNCIL

The Council will not be bound by any statement or action by an individual Council member, unless the Council, by majority vote in a properly convened meeting, delegates authority to that individual member to speak for or represent the entire Council. Unless acting pursuant to said express-delegated authority from the Council, no Council member shall undertake any individual action to implement any plan or action of the Council. When a Council member is assisting the Principal with implementing school policies, programs or other directives of the Principal the Council, in this role the Council member shall be considered a volunteer and have no special authority beyond that of a volunteer.

ARTICLE VII

COUNCIL MEMBERSHIP

1. Positions and Qualifications. ECRA Governing Council shall have no fewer than 5 (five), but no more than nine (9) voting members. The ECRA GC shall strive to have the following composition; at least one (1) parent who has a child currently enrolled in ECRA; with the balance of the council to be qualified individuals who have experience in business, education, law, finance, real estate and such other fields beneficial to ECRA's mission and the efficient, sound governance of ECRA. The candidates for positions on the Governing Council shall be considered based upon their professional skills, demonstrated collaborative and problem-solving skills and attitudes, their ability and willingness to devote substantial time and energy to serving on the Council (including the requirement that each Council member shall regularly participate in the activities of at least one Council committee), and their commitment to acting in the best interests of ECRA as a whole, rather than for the interests of any particular person or group. The Council shall determine, prior to February 1 of each school year, whether the make-up of the Council shall be increased or otherwise changed.

2. Member Terms. There shall be no limit on the length of a member's tenure on the ECRA Council.

3. Vacancies. A vacancy on the Council caused an increase in the number of council members, a member's resignation, or a member's removal by vote of the Council, will be filled by majority vote of the remaining Council members. To fill any vacancy the Council shall convene to appoint a Nominating Committee who will recommend candidates to fill the vacancy. If Council membership falls below five (5) the vacancy shall be filled within sixty (60) days from creation of the vacancy. The Nominating Committee shall be one Council member and the Principal or his/her designee, who shall meet and solicit written applications, recruit potential candidates, and screen applicants and recruits for each of the positions on the Council to be filled. The Nominating Committee shall recommended candidates to the Council at a public meeting. The Council shall thereafter select new members by a majority vote.

4. Disqualifications/Nepotism Rule. In no event shall a Council member be an ECRA employee, spouse of another Council member, or have a contract for provision of services or property with ECRA. The Council will not initially employ as Principal a person who is a Council member (unless the offer of employment is contingent upon such member's resignation from the Council), the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, or daughter-in-law, sister, sister-in-law, brother, brother-in-law, or sibling (collectively "family members") of any Council member. Upon petition by the Principal, the Council may approve the Principal's hiring of the Principal's family members by majority vote at a public meeting. Prior to approving the Principal's request to hire said individual, the Council shall carefully consider the potential impact on the integrity, efficiency, discipline and public perception of ECRA in the employment of any person who is a family member of the Principal or the parent of a currently enrolled ECRA student. Nothing in this section shall prohibit the continued employment of a person employed on or before the adoption date of these Bylaws.

5. Attendance. Council members are expected to regularly attend Council meetings. If a Council member anticipates that he or she will not be able to attend a meeting, the Council member shall notify the President or designee of his or her impending absence in advance of the meeting. If a Council member, as a result of an emergency or illness, is unable to notify the President or designee of the Council in advance that he or she will be unable to attend a meeting, the Council member shall notify the President or designee in a timely manner following the meeting of the reason for his or her absence.

6. Removal from Council. A Council member may be removed by a majority vote of the remaining Council members for the following reasons:

- a. If a member misses two consecutive regular meetings or two out of six consecutive regular meetings except when such absence is due to exigent circumstances;
- b. If a member violates any policy or procedure adopted by the Council;
- c. If the Council determines that a member is not acting in the best interest or is otherwise obstructing the business of the Council;
- d. Violation of the member's duty of loyalty; or
- e. Any other ground the Council deems appropriate.

7. Resignations. A member shall state his/her intent to resign and the effective date of the resignation in writing to the Council President. A member's resignation shall be effective upon the date stated in the letter of resignation. A Council member becomes an employee of ECRA

will be deemed to have automatically resigned from his or her position on the Council, effective no later than the first day of his/her employment. ___

ARTICLE VIII OFFICERS OF THE COUNCIL

1. Officers of ECRA Council. The officers of the ECRA Council shall be a president, a past-president, and a secretary/treasurer. ECRA may, by a majority vote, create different categories of officers without requiring an amendment to these bylaws. The duties of certain officers are set forth herein. When the incumbent of an office is unable to perform the duties thereof or when there is no incumbent of an office (both such situations referred to hereafter as the "absence" of the officer), the duties of the office shall, unless otherwise provided by the Council, be performed by the next officer set forth in the following sequence: president, past president, secretary/treasurer.

2. Election and Tenure. All officers shall be elected by a majority vote of the Council. Officers shall serve for one (1) year terms; and be limited to a maximum of two (2) consecutive terms. Regular election of officers shall take place at the first regular meeting of the ECRA Council in February of each school year or until their successors have been duly elected and qualified, or until their death, resignation or removal. Officers' terms shall begin at the meeting immediately following the meeting of the Council at which the officer is elected.

3. Resignations and Removal. An officer may resign at any time by giving written notice to the president or to the secretary, the acceptance of such resignation shall not be necessary to make it effective. An officer may be removed by the Council whenever in its judgment the officer fails to perform the duty of his/her office or such other duties as appointed by the Council, or the best interests of the School would be served thereby.

4. Vacancies. A vacancy in any office may be filled by a majority vote of the Council for the unexpired portion of the term of the officer being replaced.

5. President. The president of the Council shall preside at all meetings. She/he shall have the right, as other members of the Council, to make or second motions, to discuss questions, and to vote. The president of the Council may not take any action on behalf of the Council or ECRA without prior specific authority from a majority of the Council to do so. All communications addressed to the president shall be considered by him or her for appropriate action, which consideration may include consulting with legal counsel, and consideration by the Council. The president shall sign legal documents as required by law and perform such other duties as may be prescribed by the Council. It is the president's responsibility to ensure that Council members uphold their commitments/responsibilities to the school. The president is responsible for compiling the topics for business to be placed on the agenda.

6. Past-President. The office of past president is created to ensure institutional continuity. If the past-president resigns from the Council, the Council shall elect a vice-president. The officer in this position shall perform the duties of the president in the absence of the president or at the request of the president. In the event a vacancy occurs in the presidency, the past-president or vice-president will act in the capacity of the president until the office has been filled by a vote of the Council membership.

7. Secretary/Treasurer. The secretary/treasurer shall be familiar with the fiscal affairs of the School and keep the Council informed thereof in the event that the school's Business Manager is unable to so act. He/she will have knowledge of public school finance

laws, rules and policies and shall serve as the chair of the ECRA's Finance Committee and Audit Committee. He/she shall attend the PED Spring Budget Workshop and/or any other financial regulatory training recommended by the Council, Principal or the Business Manager. As secretary to the Council, this office shall keep the minutes of the Council meetings, subject to the direction of the president, ensure that all notices are given in accordance with the provisions of the charter, Council policies and as required by law; shall countersign, when required, all authorized contracts, deeds, leases, or other legal instruments; and in general perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to the secretary by the Council. The Council may appoint a designee to assist with the responsibilities of the Secretary as described herein, including recording and transcribing the minutes of the meetings, posting notices and agendas and preparing packets for the Council's review. The secretary will review the minutes prior to presentation to the Council for approval. The secretary or the Council's designee shall be responsible for presenting the minutes to the Council at meetings.

8. Compensation. The officers shall not be compensated for their services; however, they may be compensated for reasonable expenses in accordance with the New Mexico Mileage and Per Diem Act.

9. Directors and Officers Insurance. The Council may secure officers and directors insurance in excess of the coverage provided by the New Mexico Public School Insurance Authority upon appropriate approval of the Council and if provided for in the school's approved budget.

ARTICLE IX COUNCIL COMMITTEES

1. Standing Committees. The Council may establish standing committees, which may consist of Council members and non-Council members. Committee assignments and chairmanships will be determined by action of the entire Council, provided that at least one Council member shall serve on each committee. Standing committees of the Council shall include a Finance Committee and Audit Committee as defined by NMSA 1978 §22-8-12.3(2010); and a Nominating Committee, as defined in Article VII, Section 3. The time and place of all committee meetings shall be announced to the Council. Except for the audit committee, all Council members may attend any committee meeting if the meetings are properly noticed pursuant to the Open Meetings Act when a quorum will be present.

2. Principal's Committees. The Principal is empowered to establish committees within the school that report to the Principal. The Principal shall advise the Council about the purpose of the committees and activities affecting the school.

3. Ad Hoc Committees. The Council may appoint *ad hoc* advisory committees when and as determined to be necessary or advisable by the Council. Ultimate authority to make decisions will continue to reside with the Council.

4. Committee Functions. The function of Council committees will be fact-finding, deliberative, and advisory, rather than legislative or administrative. Committee recommendations that require school-wide policy changes must be submitted to the Council. The organization, responsibilities and rules of each committee created by the Council shall be reflected in a resolution approved by the Council. All committees shall keep written minutes of their

meetings, and shall periodically present written reports to the Council containing committee recommendations. Committees shall comply with the Open Meetings Act, when applicable.

ARTICLE X COUNCIL MEETINGS

1. Council Meetings. The ECRA Governing Council will comply with the New Mexico Open Meetings Act. NMSA 1978 §10-15-1. Regular meetings of the Council will be scheduled as determined to be reasonable and necessary for ECRA and set forth in the Council's annual resolution. Council meetings will be held at 3713 Isleta Blvd. SW, Albuquerque, New Mexico, or such other location as may be determined by the Council. Special meetings of the governing body may be called by the Council president or at the request of a Council member, in accordance with the Open Meetings Act. The Council shall consider at least once annually what constitutes reasonable notice for all regular, special and emergency meetings as contemplated by the New Mexico Open Meetings Act and, thereafter, pass an appropriate resolution adopting policies and procedures for complying with the Act. The Resolution shall be posted for public information.

2. Council Agenda. The President of the Council shall set the council agendas. A request to have an item placed on the agenda must be submitted in writing to the President at least 24 hours prior to the required time the agenda must be posted. The President or designee shall provide a copy of the agenda and strive to provide all documentation to be considered by the Council at the meeting to each Council member at least 24 hours prior to the meeting. The agenda shall be posted for the public in accordance with the Open Meetings Act.

3. Council Record. A record of all actions of the Council will be set forth in the official minutes of the Council. The minutes and recordings will be kept on file pursuant to New Mexico record retention requirements. The Council will maintain a separate handbook of its minutes and resolutions passed by the Council, which shall be available for public inspection.

4. Council Minute and Records. The Council shall delegate responsibility for taking minutes of all Council meetings to the ECRA' administrative staff who shall provide thereof draft copy of the minutes to the Council Secretary prior to the next regular meeting of the Council. The Secretary shall present the draft minutes for approval at the next regular Council meeting. The Principal or his/her designee shall also supervise the Governing Council handbook of resolutions passed by the Council and the indexed record of action. A draft copy of the minutes shall be made available for public review by no later than 10 days after each meeting of the Council.

5. Quorum. A of the ECRA quorum shall consist of a simple majority of Council members in office. When a quorum is present any action may be taken by a majority vote of those members present.

6. Procedure. Roberts' Rules of Order, newly revised, will govern the Council, except when in conflict with applicable laws or regulations, which then prevail. Most action items are handled by appropriate motion procedures.

7. Attendance via Telephone Conference Call. Except to the extent otherwise provided by law, any meeting of the Council may be attended by any or all of the Council members by means of a conference telephone (or similar communications equipment) when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all

participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any other member of the Council who speaks during the meeting. Such attendance shall constitute presence by the Council member as if in person at such meeting and for purposes of determining a quorum. Any action taken by the Council at such meeting shall constitute a valid action of the Council.

ARTICLE X CONFLICT OF INTEREST POLICY

1. General Principles. It is the responsibility of all Council members to conduct themselves in accordance with the highest standards of integrity, honesty, and fair dealing to preclude any appearance of a conflict between the interest of ECRA and the personal interests of the member. Likewise, it is the responsibility of the Council to ensure that the school conducts all its business and operations impartially in accordance with all laws. All hiring and other transactions imposing financial and/or legal obligations on ECRA shall be made with the best interests of ECRA as the foremost consideration.

The Council also recognizes that the ultimate success of ECRA depends upon the active participation, cooperation and collaboration of all stakeholders. Sometimes, the best interests of ECRA may involve the creation of relationships that might create an appearance of impropriety or potential for abuse of position, if not carefully evaluated by disinterested parties. ECRA therefore has established this policy to guide Council members in their actions or relationships, so that they will avoid the appearance of having their judgment or the performance of their duties compromised.

2. Conflict of Interest Definition. A conflict of interest occurs whenever a Council member permits the prospect of direct or indirect personal gain (or gain to a relative or Related Party) to influence improperly his or her judgment or actions in the conduct of ECRA business.

It is not practical to specify every action that might be considered to raise a conflict of interest. Consequently, Council members should immediately disclose to the Council any circumstance that may give rise to the appearance of a conflict of interest. The following situations describe examples of direct conflicts of interest that should be reported to the Council and avoided by Council members.

a. Acquiring, leasing, selling any property, facilities, materials, or contract services (e.g., financial, legal, public relations, computers) by ECRA under circumstances in which there is direct or indirect compensation to a Council member, or his/her relative or a Related Party of the member.

b. Using confidential information acquired by virtue of the member's associations with ECRA for their individual or another's private gain.

c. Requesting or receiving and accepting a gift or loan to the member or a Related Party that tends to influence the member or appear to influence the member in the discharge of his/her duties as Council members.

d. Influencing or having the appearance of influencing business with suppliers to ECRA, which results in the financial benefit to the member, his or her relatives or a Related Party.

3. Transactions with Interested Council Members. Neither the Council nor ECRA shall enter into a financial transaction with any Council member or a Related Party of a member unless during a public meeting: (a) the nature of the direct or indirect financial interest is fully disclosed to the Council; (b) the transaction is expressly approved by a majority of the Council

members present at such meeting who have no direct or indirect personal financial interest in the transaction; and (c) the Council has established that: (i) the transaction is financially no less favorable to ECRA than would be available in an arm's length transaction between unrelated parties; (ii) no Council member will be, as a result of ECRA entering the transaction in question, in a position to influence decisions relating to the questioned transaction and (iii) the benefits to ECRA outweigh any appearance of a conflict of interest. A written contract or other written memorandum shall evidence all such interested transactions approved by the Council, and be reflected in Council minutes.

4. Related Party. For purposes of these Bylaws, a "Related Party" is an individual, business enterprise, nonprofit organization or other entity with respect to which such Council member, or a relative of such a Council member (i) has a direct or indirect financial interest; (ii) is an officer or director; or (iii) is otherwise in a position to control the management or decision-making of such entity.

5. Deliberations and Voting on Conflict Issues: In order to avoid conflicts of interest and the appearance of impropriety Council members shall not participate in any meeting, deliberation, or vote of the Council relating to (i) the discipline of himself or herself; (ii) discipline or employment decisions affecting any relative of the Council member; or (iii) the Council's consideration of any transaction affecting the member for purposes of determining whether a conflict of interest exists. Disciplinary matters pertaining to a Council member shall be held in an open meeting and may not be convened to a closed session unless the discussion may implicate matters properly exempted by the Open Meetings Act.

6. Violation of Conflict of Interest Policy. Upon discovery of a possible infraction of the ECRA Conflict of Interest Policy, the discovering party is required to immediately notify the Council president and Principal. The matter shall be considered and resolved at the next regularly scheduled meeting of the Council. If the Council decides that an ECRA employee, Council member, or volunteer has violated the conflict of interest rules or otherwise abused or attempted to abuse his or her position at ECRA, the Council shall review and recommend appropriate action.

7. Annual Disclosure Statement. Each Council member shall complete an "Annual Disclosure Statement," in which he/she is responsible for disclosing to the Council the existence of any such direct or indirect interest. Failure to make such disclosure shall be grounds for voiding the transaction, at the discretion of the Council.

ARTICLE XI COUNCIL MEMBERS' ETHICAL OBLIGATIONS AND DUTIES

1. Misuse of Position. A Council member shall not use his or her position at ECRA to attempt to influence the decision of any ECRA employee to grant special treatment to (a) the child or ward of the member, (b) any relative of the member, or (c) any "Related Party" as defined in Article X. Every Council member and every ECRA employee who is a parent or ward of a ECRA student shall inform his or her child that he or she is required to follow all rules, policies and procedures applicable to ECRA students, that he or she is not entitled to special treatment by virtue of the relationship with a Council member or employee, and that any attempt to seek such special treatment may result in disciplinary action.

2. Commitment to Collaboration. All Council members shall work collaboratively with each other, with the sole goal of achieving ECRA's educational mission. The Council has

been constituted so as to include a broad spectrum of experience and perspectives, and every Council member shall be afforded the opportunity to express his or her opinion, in a professional manner, about matters before the Council. Council members shall refrain from non-constructive or personality-based comments that do not advance ECRA's mission. Because the Council makes decisions as a deliberative body, it is expected that, except in extraordinary circumstances, Council members will voice their opinions to other Council members about Council matters in the context of Council and/or committee meetings, rather than in private communications among Council members.

3. Confidentiality. Council members shall be expected to keep confidential any deliberations or discussions that take place in the closed session meetings. It is expected that Council members will raise concerns or share information about closed session meetings within the context of Council and/or other committee meetings with other members of the Council and appropriate staff members only. A member's obligation to maintain confidentiality shall survive the Council' member's tenure on the ECRA Council.

ARTICLE XII MISCELLANEOUS

1. Alternative Dispute Resolution Programs. The Council recognizes the existence and effectiveness of alternative dispute resolution programs. Use of alternative dispute resolution programs can result in the early, fair, efficient, cost effective, and informal resolution of disputes. Appropriate use of alternative dispute resolution methods by ECRA is hereby determined to be in the best interest of the school. The Council shall publish a thorough and concise set of dispute resolution policies and provide them in the appropriate School policy publications as they apply.

2. Policy Adoption. Adoption of new policies or the revision or repeal of existing policies is solely the responsibility of the Council. Proposals regarding policies may originate from Principal, a Council member, Council advisors, or committees formed by the Council for the purpose of investigating and developing policy. Staff members, students, civic groups, parents or other interested citizens may request that a Council member or the Principal sponsor a proposed policy.

The Council will adhere to the following described procedure in considering and adopting policy proposals to ensure that such proposals are thoroughly examined before final action. After review, the Governing Council will make such proposed policies available where Council minutes are posted for public comment by affected stakeholders for a period of at least seven (7) days. Comments on the proposed policies must be submitted in writing to the Principal by the deadline specified by the Council or be given in person at the public meeting at which the policy will be considered by the Council. Following such public comment period, the Council shall consider those comments received by the deadline and determine whether changes to the initial draft policies should be implemented. After such consideration by the Council, and adoption of any recommended changes, the Council shall present its final recommended policies or revisions. The public comment process shall apply to all policies proposed by the Council after the date these Bylaws are adopted by the Council.

3. Amending Governing Council Bylaws. Any section or subsection of the Governing Council Bylaws that law may be altered, suspended or revoked only by 2/3 two thirds of a quorum vote of the Governing Council.

4. Signatory Authority. The Governing Council may by a majority vote, delegate authority to sign contracts as described by resolution, to the Principal consistent with Article V, paragraph 7 and 8. All checks must be signed by two authorized individuals, neither of which may be ECRA's business manager.

5. Dissolution of the Charter. If deemed advisable by the Council that ECRA's charter should be dissolved, ECRA in collaboration with the Albuquerque Public Schools and the New Mexico Public Education Department shall devise an appropriate plan for closing the school and transferring assets as required by the New Mexico Charter School Act and such other applicable laws and regulations.

CERTIFICATE OF ADOPTION

The undersigned officers hereby certify that these Bylaws were duly adopted by the ECRA's Governing Council on May10, 2011.

By


President

See attached Board Minutes

C.01 Principal's Authority and Responsibility

The Principal has the authority and responsibility of administering the School and the development of procedures to implement each policy of the Council.

The Principal has the authority and responsibility to employ, fix salaries of, assign, terminate or discharge all employees of the school, according to New Mexico State Statutes.

The Principal has the authority to approve and sign non-employment contracts in an amount not to exceed \$25,000. The Principal has the authority to approve contracts for repair and maintenance of the facilities not to exceed \$7,500.

Board Bylaws Cross Ref.: Governing Council Bylaws Section V items 7 and 8.

Legal Ref.: 22-5-4 NMSA 1978 (1986 Repl.)
22-8B-5 NMSA 1978

Approved: 9/15/11

C.02 Principal's Evaluation

An effective working relationship between the Governing Council and the Principal is essential to the successful operation of the School. The development and maintenance of such a relationship requires that a periodic review be done of the Principal's diverse responsibilities accompanied by an appraisal of the Principal's performance.

The Council will annually evaluate the Principal in compliance with New Mexico State Statutes, the State Board of Education's Educational Standards and any applicable grants, which require Principal evaluations.

Based on a process and criteria that are mutually agreeable to the Council and the Principal, the Council will evaluate the Principal's effectiveness. The evaluation document and procedures to be used will be reviewed and approved annually by the Council and the Principal.

The evaluation will be completed and presented to the Principal by May 1st.

Legal Ref.: 22-5-4 NMSA 1978 (1989 Repl.)

Approved: 9/15/2011

C.03 Shared Leadership

The El Camino Real Academy Governing Council supports the implementation of shared decision making throughout the school's organizational structure.

The philosophy of shared decision making shall be evident in all components of the school's operation through the collaboration of personnel, students, parents, and community members to design and implement: (1) goals, (2) objectives, (3) plans of action, (4) evaluation methods, (5) responses to results of evaluation, and (6) reporting activities. Shared decision making shall support improved student achievement and effective delivery of programs and services.

While fully supporting these collaborative efforts, the council recognizes its ultimate authority and responsibility and that of the principal for decisions which impact the direction of education at El Camino Real Academy.

The Camino Real Academy Governing Council directs the principal to encourage and measure community involvement in shared leadership and to foster the collaborative efforts of school personnel, students, parents, and community members through: grade level Professional Learning Communities; parent organizations, and special committees for specific projects or problems when warranted.

Nothing in this policy shall preclude the identification and creation of other appropriate avenues of communication by school personnel, students, parents, and community members for development of policies, programs, short and long range planning, and activities of the school.

Legal Ref.: 22-5-4 NMSA 1978 (1989 Repl.)

Approved: September 28, 2011

C.04 Equity Council

The El Camino Real Academy Governing Council is dedicated to integrating innovative educational programs to address the diverse needs of our students, culturally, academically, and social-emotionally. We are a K-12 community school that works to establish strong connections with our neighborhood stakeholders.

The School's educational approach is designed to create self-awareness of our own cultural lens, recognize and address bias, and draw on student's culture as we model respect for differences and set high expectations for all learners. Culturally responsive teaching is our goal and focus for professional development. We support full inclusion, social justice and equity across all stakeholders.

The Camino Real Academy Governing Council directs that the director establish an Equity Council in compliance with the State Public Education guidelines. The Equity Council will be a group of informed, invested members, established to provide guidance and support to insure full implementation of ECRA's commitment to equity and culturally responsive program.

While fully supporting these collaborative efforts, the council recognizes its ultimate authority and responsibility and that of the director for decisions which impact the direction of education at El Camino Real Academy.

Nothing in this policy shall preclude the identification and creation of other appropriate avenues of communication by school personnel, students, parents, and community members for development of policies, programs, short and long range planning, and activities of the school.

Legal Ref.:

Approved: February 24, 2020

C.05 – Electronic Signatures

Electronic or digital signatures can take many forms and can be created using many different types of technology. The authenticity and reliability of electronic signatures relating to transactions are dependent on the accompanying processes, supplemental records and the overall context in which records are created, transferred, and signed. El Camino Real Academy allows for the use of electronic signatures on certain documents used for the operation of the school.

El Camino Real Academy permits the acceptance of electronic signatures on certain forms and records that must be filed with the school, as determined by the Director and his/her designee. Pursuant to the New Mexico Electronic Transactions Act "electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

An electronic signature is considered to be attached to or logically associated with an electronic record if the electronic signature is linked to the record during the transmission and storage. An electronic signature may be used unless there is a specific statute, regulation or policy that requires records or forms to be signed in non-electronic (manual) form. If electronic signatures are permitted on a particular form or record, such electronic signature shall have the full force and effect of a manual signature if the electronic signature satisfies the following requirements:

The electronic signature identifies the individual signing the document by his/her name and title (if applicable);

The signer has the opportunity to review the entire document or content to be signed;

The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;

The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed.

El Camino Real Academy shall maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records and signatures relating to communications and transactions in their original form. This system should include security procedures whereby the school can (a) verify the attribution of a signature to a specific individual; (b) detect changes or errors in the information contained in a record submitted electronically; (c) protect and prevent access, alteration, manipulation or use by an authorized person; and (d) provide for nonrepudiation through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid

El Camino Real Academy shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention requirements are satisfied.

No person or entity shall be required to use an electronic record or electronic signature unless provided by law.

This policy applies to parents/guardians of students attending El Camino Real Academy. It also applies to individuals affiliated with the school including, but not limited to teachers, administrators, staff, students, and volunteers.

Responsible Persons: Executive Director, Business Manager

References

Legal Cross Ref.:

- §14-16 NMSA 1978

Procedural Directive Cross Ref.:

- Employee Handbook
- Parent/Student Handbook

Approved: October 29, 2020

C.06 COVID-19 Reentry Policy

Due to the declared health emergency in New Mexico related to the Novel Coronavirus (COVID-19), until further notice the following policies and procedures will be in place at School, in addition to the policies and procedures contained in the School's Student/Family and/or Employee Handbooks, and other School policies/procedures. To the extent that a policy or procedure set forth in this Guidebook conflicts with a policy or procedure contained in the School's Student/Family Handbook, Employee Handbook, or other School policy/procedure, the policy in this Guidebook shall control.

Violation of these policies/procedures may subject students/staff to disciplinary action. Parents/guardians, visitors and other persons who refuse to adhere to School policies and procedures shall be required to immediately leave School premises.

School will abide by all current federal and state public health orders applicable to schools and school-related activities. See <https://cv.nmhealth.org/public-health-orders-and-executive-orders/>. To the extent anything herein conflicts with a public health or executive order, the public health/executive order shall control.

Re: HEALTH SCREENING, MASKING AND SELF-ISOLATION PROCEDURES

Screening. In addition to the School's regular security and other visitor screening procedures, the School shall screen any person (including students and employees) wishing to enter the School premises or School-related in-person event or activity, or any other building operated or occupied by the School, and shall deny on-campus access to anyone, including any School employee, volunteer, student, parent, visitor, contractor, or any other person, as appropriate, based on the person's answers to the screening questions required by the School for entry to School property/events. These questions are available at https://www.ahcancal.org/facility_operations/disaster_planning/Documents/COVID19-Screening-Checklist-SNF-Visitors.pdf.

Further, School shall conduct temperature checks for all persons seeking to enter the School premises or School-related in-person event or activity, or any other building operated or occupied by the School, and shall deny entry to anyone with a temperature of 100.4 degrees Fahrenheit or higher.

The School shall maintain a daily log of all persons entering the School who is not a student at the School, or a School employee. The name, telephone number, and date of entry shall be logged for each School visitor, contractor, volunteer, parent, or any person other than a currently-enrolled student at the School, or a School employee. The daily log shall be retained for eight weeks and shall be maintained, monitored and secured by the Parent Liaison.

Masking. Any person entering the School premises or who is participating in or attending a School-related activity must wear a mask or similar protective face covering, covering the nose and mouth, at all times, except while eating or drinking, pending adjusted health orders. This does not apply to any person who provides written proof from a health care provider that the person has been advised by a

health care provider not to wear a face covering. The use of a mask/face covering is not required by an ECRA employee when in that person's private office with no one else present.

Masks will be provided to staff upon request. Students who cannot bring their own face coverings for use at ECRA should notify the parent liaison, who will arrange for face coverings to be provided.

Self-Isolation Procedures. Any person who is denied access to School premises or in-person events because of the results of the screening or temperature check requirements herein or as required by the State of New Mexico, shall be required to do the following before further attempting to access School premises or in-person events:

- (a) Engage in a fourteen (14)-day period of self-isolation;
- (b) Obtain a test or tests for COVID-19 in accordance with New Mexico Department of Health (DOH) protocols and disclose the results of the test to the School's Head Administrator, which results shall be kept in confidence by ECRA to the extent such does not conflict with orders and directives of the DOH and/or New Mexico Public Education Department (PED); and
- (c) Attend ECRA from home, or work from home to the extent that work can be performed remotely with the permission of the Head Administrator. Any ECRA employee engaged in a period of self-isolation required under this Policy/Procedure who is not able or permitted to work from home shall use annual and sick leave or, if eligible, leave under the Emergency Paid Sick Leave Act. *See related policy*

If an ECRA student or employee has contact with any person, including a household member, while that person is required to engage in a period of self-isolation under any applicable executive order, the student or employee shall engage in a fourteen (14)-day period of self-isolation from the date of last contact with that person before returning to the School and/or participating in School-related in-person events.

Students/parents and staff must notify the Head Administrator if he/she knows that he/she has been exposed to others who have tested positive for COVID-19. ECRA will keep this information confidential to the extent that it does not conflict with orders and directives of the OSHA, DOH and/or PED.

Per order of the New Mexico Environment Department, within four (4) hours of learning that an employee has tested positive for coronavirus disease 2019 (COVID-19), an employer must report the positive test to the NMED's Occupational Health and Safety Bureau. The report can be made by email to NMENV-OSHA@state.nm.us, by phone to (505) 476-8700, or by fax to (505) 476-8734. ECRA will comply with this directive for employees with a known COVID-19 positive result.

ECRA shall adhere to DOH and/or PED guidelines and shall work with state and local health officials with respect to contact tracing.

Paperwork/records relating to employee/student COVID-19 screening, testing, diagnosis and related documentation shall be maintained by School Administration in confidential, segregated, locked files as medical records.

Re: IF YOU FEEL SICK AT SCHOOL

If you feel unwell before school or work, you must stay home and follow attendance notification requirements. Students/staff who become unwell while at ECRA must do the following:

- Students must notify a staff member that they feel unwell. Staff must notify Administration immediately.
- Persons who feel unwell on campus shall immediately be taken to an isolation room or area to separate them from others. School healthcare staff shall conduct COVID-19 screening procedures and use Standard and Transmission-based Precautions when caring for persons who feel unwell on campus. See <https://www.cdc.gov/coronavirus/2019-ncov/hcp/caring-for-patients-H.pdf>
- Parents/guardians will be called to pick up their student immediately. Employee emergency contacts will be called to pick up the employee immediately. If circumstances appear to require immediate healthcare, ECRA shall call for ambulance transportation to a healthcare facility. Ill students/employees shall not be allowed to drive themselves home.
- Students/staff feeling unwell must contact the DOH Coronavirus hotline for next steps (1-855-600-8453), and will be required by ECRA to seek and obtain testing for COVID-19 at the earliest opportunity and, for the safety of others, to inform ECRA of the results of any testing. ECRA shall maintain confidentiality consistent with the ADA and other applicable federal and state privacy laws.
- Per order of the New Mexico Environment Department, within four (4) hours of learning that an employee has tested positive for coronavirus disease 2019 (COVID-19), an employer must report the positive test to the NMED's Occupational Health and Safety Bureau. The report can be made by email to NMENV-OSHA@state.nm.us, by phone to (505) 476-8700, or by fax to (505) 476-8734. ECRA will comply with this directive for employees with a known COVID-19 positive result.
- ECRA shall inform the DOH, staff, and ECRA families according to the procedures as advised by the Centers for Disease Control or the DOH, whichever is more restrictive, while maintaining confidentiality consistent with the ADA and other applicable federal and state privacy laws. Students/employees shall not be identified to the ECRA community by name, and shall avoid, to the extent reasonably feasible, making other references that would permit the community to guess the person's identity. While ECRA cannot prevent speculation, it will take reasonable steps not to contribute to it.
- Parts of the school facility used by a possible COVID-19 positive sick person shall be closed and remain unused for 24 hours, and shall not be used thereafter until thorough cleaning and disinfection has occurred.

- DOH/health officials will work with ECRA to identify individuals exposed to the infected person and test them for COVID-19.
- ECRA shall immediately contact DOH to activate contact tracing. Students/staff who are notified by DOH via contact tracing must follow all directives of DOH.
- Students/staff with suspected or confirmed cases of COVID-19 may not return to campus/in-person activities until they demonstrate to the school leader that they have met DOH criteria to discontinue home isolation.

Re: TRAVEL

Travel. ECRA employees shall not travel out of state for School-related business until further notice.

All students, families, and ECRA employees are strongly discouraged from traveling out of state on personal business, pending changes in NM public health orders. . Any ECRA employee who engages in personal out of state travel shall report the nature, extent, and details of the travel to the Head Administrator before traveling or, if advance notice of the out of state travel is not possible because of unforeseen, emergency circumstances, as soon as possible after the travel begins. For so long as executive/DOH order 2020-054 or similar order remains in place, any student or employee who engages in or returns from out of state or international travel shall engage in a fourteen (14)-day period of self-isolation upon return to New Mexico before returning to the campus or attending in-person ECRA events, whether or not they are exhibiting any health symptoms.

Re: SCHOOL FACILITY CLEANING

Cleaning. All ECRA facilities and buildings operated by ECRA must be maintained in accordance with the guidelines issued by the New Mexico Department of Health and CDC for the cleaning and disinfection of public facilities and schools during the current public health emergency. See, e.g., <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>; <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>; <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>. Staff shall be required to keep and provide daily checklists or similar verification that facilities have been cleaned in accordance with these DOH guidelines. Staff further shall comply with any/all cleaning/maintenance requirements that may be issued by the New Mexico Public School Insurance Authority (NMPSIA).

Re: SOCIAL DISTANCING ENFORCEMENT

Social Distancing. All large group gatherings shall be avoided on ECRA premises or during ECRA-related events. Outside of class, students/staff/visitors shall not congregate in groups larger than 5, or the maximum number of people allowed to congregate as defined by then-current DOH or Executive Order applicable to the ECRA's area.

Students/staff/visitors must maintain proper social distancing measures at all times (minimum 6 feet between individuals, whether or not a mask is worn).

Traffic patterns are marked in hallways, classroom indicators for designated social distancing, staggered entry and exit, entry protocols, scheduled bathroom and brain breaks by village or SLC. Special classes such as music or art will occur inside the student's regular classroom. As re-entry phases change, additional protocols will be instituted.

Where possible/practical, meetings/conferences shall be held virtually or in small groups with maximum social distancing.

Staff shall closely monitor and enforce social distancing requirements.

Re: TRANSPORTATION

Transportation. All staff and students must wear protective face coverings covering nose and mouth on school-provided transportation. Students will be assigned to certain seating. All reasonable steps shall be taken to limit bus seats to one student per seat, with a maximum of two per seat. Hand sanitizer will be provided and required. School vehicles shall be thoroughly cleaned and disinfected before and after each use.

Students and staff using school-provided transportation will be screened for symptoms of illness prior to entering the school vehicle.

Parents are strongly encouraged NOT to carpool, and to transport only their student(s) to and from school. If students must carpool with members not in their household, all persons in the car should wear masks and should distance themselves in the vehicle to the maximum extent possible.

Re: POPULATIONS WITH UNDERLYING MEDICAL CONDITIONS

Students and employees with underlying medical conditions as defined by the CDC, https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html, and/or employees over the age of 50, and/or those who live with someone who is in a high-risk category, should contact the Executive Director and HR prior to the start of school, or as soon as reasonably possible, to discuss any concerns or issues about returning to on-campus instruction. ECRA will maintain such discussions and documentation in confidence and in segregated, locked files as medical-related records and information. Student accommodations and modifications will be addressed pursuant to IDEA, Section 504, and/or ADA procedures. Personnel accommodations shall be addressed in compliance with ADA and OSHA requirements. *See also Emergency Paid Sick Leave and Extended Family Medical Leave Policy.* ECRA aims to be as flexible as possible in making alternative arrangements.

Re: FIELD TRIPS

School field trips necessitating school-provided vehicular transportation to indoor or outdoor locations will be curtailed. Walking field trips to outdoor locations where social distancing can be maintained may occur, subject to prior scheduling and approval by the Executive Director and parents/guardians.

Re: MEALS/FOOD ON CAMPUS

During remote learning days, meals will continue to be provided to eligible students through ECRA's designated food service vendor at ECRA. Please contact Denise Brown for further information. Masks must be worn, and social distancing must be maintained, during meal distribution.

During mealtimes on campus, students and staff are required to maintain social distancing requirements and to wear masks when finished with their meal. Cleaning/disinfection of tables, high-touch surfaces and school meal sites will be conducted throughout the day. Meals provided on campus during re-entry will be delivered to the classrooms and supervised by appropriate staff.

Re: EXTRACURRICULAR ACTIVITIES

School shall follow the current public health orders and Albuquerque Charter League (ACL) guidelines regarding extracurricular activities, including school sports, as updated periodically by ACL. All members of the coaching staff will be tested for COVID-19 shortly before the start of the season for any sport or activity that they coach, and the coaching staff members will provide the results to a school official named by the ECRA. Each student participating in an ACL sport or activity will be tested for COVID-19 shortly before each competitive season in which the student participates and will provide the results to a school official named by the charter school. Coaching staff will self-monitor and screen students prior to all workouts, practices, and competitions.

Re: RECESS

Time for recess, brain breaks, shall not be reduced or eliminated, and withholding of recess shall not be used as a student disciplinary measure. Students engaged in exercise during recess need to utilize face coverings and maintain social distancing requirements, unless students have medical exemptions. Students not engaged in exercise during recess must use their face covering. Playground equipment shall be off limits until administration deems that it is safe for use. Specific activities and games will be provided by the teachers to support social distancing.

Re: ATTENDANCE FOR SUCCESS

Students are expected to attend in-person or remote instructional programs, as provided by ECRA, each day. Attendance will be officially recorded and reported to PED, whether school is conducted online or in-person. The school further will track online participation. The New Mexico Attendance for Success Act requires that districts and charter schools provide interventions to students based on the percentage of absences students have accrued.

Hybrid Model: For hybrid learning models in which students attend in-person classes on some days of the week and participate in remote learning on other days of the week, attendance shall be taken by teachers for both in-person and remote instructional classes and school programs. Accurate attendance data shall be documented and reported by the School, in accordance with the Attendance for Success Act. Teachers will track student engagement and whether or not students are logging on to online instructional activities or otherwise using other means to participate in a class/activity, and ECRA will maintain this data. ECRA will monitor those students who are not participating or engaging with online instructional activities and provide supports as appropriate.

ECRA will use Google Classroom Attendance Collector for the live video conferencing meets and identify various measures of contact to provide alternative opportunities for students to engage in the classroom content, activities and assignments, such as viewing recordings of instruction with exit tickets, student check-ins, connections with teacher by phone or email, task logs, discussion threads, project kits and packets, completed assignments, etc.

Please contact Brenda Garcia at ECRA if you/your student requires assistance with remote participation/engagement methods.

If campus is closed, and remote-only instructional model is implemented due to emergency, attendance shall continue to be taken and reported to the NMPED, pursuant to this policy and the Attendance for Success Act. Students will be expected to participate in remote learning during any campus closure period(s) as scheduled.

Failure to attend and/or participate in instructional classes and school programs shall result in processes being implemented pursuant to ECRA's Attendance Policy and the Attendance for Success Act (see student/parent handbook). Meetings that need to be held with parents/guardians pursuant regarding attendance may be held via videoconference or teleconference in lieu of in-person.

Medical and other excused absences: Absences due to medical conditions may be excused absences if the status of the student is disclosed to appropriate school personnel and if relevant documentation is provided as per the existing ECRA attendance policies. Students will be allowed to make up schoolwork missed due to excused medical absences. Excused medical absences, including medical absences for students on 504 plans and students who are expectant or parenting, are included when determining students' attendance intervention tiers. However, for students who are excessively absent (students missing 20 percent or more of class periods or school days), additional excused medical absences need not be considered when determining whether a student must be referred to the probation services office.

Optional Online-Only program: For optional online instructional programs that the school may employ to better meet the needs of some families, and in which families may choose whether or not to participate, attendance will be regularly taken and reported for program participants, and students will be supported with appropriate interventions in accordance with the Attendance for Success Act.

Approved: September 21, 2020

D.01 Budget Process

The adoption of the annual operating budget is the responsibility of the Governing Council. The budget process will include specific budget hearings allowing the Council to learn of the public's priorities and what the public believes should be the major focus areas of the School. School staff will also be given a specific opportunity to speak to various programs and matters of interest to the Council.

Following such hearings, the Council will identify priorities and give general instructions to the principal to prepare a balanced budget based upon its priorities.

Finally, the Council will debate and vote upon budgetary matters without further public hearings. The operating budget will then be approved by APS and included separately in the budget submission to the State Department of Education pursuant to the Public School Finance Act and the 1999 Charter Schools Act.

Legal Ref.: 22-5-4 NMSA 1978 (1988 Repl.)

Approved: September 28, 2011

D.02 Investments

The charter school shall account for public money placed in any interest bearing account in accordance with 22-8-40 NMSA 1978, 6.10-17 and 6.10.31 NMSA, and any other federal and state laws which apply to the investment of public school funds.

Legal Ref.: §6-10-1 et. seq. NMSA 1978
§22-8-37 through §22-8-42 NMSA 1978

Approved: September 28, 2011

D.03 Contracts

State statute and regulation shall govern the issuance of contracts. El Camino Real Academy may require additional provisions in a contract between itself and any third party that is not specifically outlined in state statute or regulation.

Legal Cross Ref.:

- §13-1-28 et seq. NMSA 1978
- 6.20.2.9 NMAC

Council Policy Cross Ref.:

**Governing Council Bylaws Article V 7 and 8.
C.01 Principal's Authority and Responsibility**

Approved: September 30, 2011

D.04 Central Purchasing

To assist the Governing Council with its powers or duties pursuant to state statute, the principal and the business manager shall maintain a central purchasing department.

The central purchasing department may purchase, rent, lease or otherwise acquire on behalf of the school all items of tangible personal property or services. All purchases shall be in accordance with the applicable federal and state statute and regulation in addition to applicable Governing Council policies and administrative procedural directives. The principal shall appoint a certified Central Procurement Officer (CPO). The CPO may make a determination whether a service is a professional service, based on required licensure, continuing education requirements and type of service provided.

El Camino Real Academy will not operate any credit card, p-card or debit card (i.e. VISA, Discover). El Camino Real Academy will not enter into any agreements for provision of any other type of retail credit facility (for example, store credit accounts) without a specific resolution of the El Camino Real Governing Council.

The Governing Council shall reserve the right to review, approve or reject any procurement decision.

References

Legal Cross Ref.:

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et.seq. NMSA 1978
- §22-8B-4 NMSA 1999

Revision approved: September 30, 2011

Revision approved: May 15, 2014

D.05 Financial System and Reporting

The principal and business manager shall establish and maintain for the school a complete, auditable financial system which meets all statutory and regulatory requirements of the State of New Mexico and more particularly the State Department of Education. In addition the financial system must provide information which allows for compliance with Generally Accepted Accounting Principles (GAAP), applicable Governmental Accounting Standard Board pronouncements, the Every Student Succeeds Act annual report card and the Federal Uniform Grant Guidelines.

A complete set of financial statements shall be presented to the Governing Council each month. The Principal will insure that all required state and federal fiscal reports are filed timely. All funds over which the Governing Council has direct control shall be audited annually, as required by law.

In accordance with the Elementary and Secondary Education Act the Principal and Business Manager will establish the parameters to be used to calculate the school's annual per pupil expenditure information. Once established, the parameters will be approved by the Governing Council and any future changes must be approved by the Governing Council.

A complete inventory of the district's property shall be maintained, as required by law

References

Legal Cross Ref.:

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et. seq. NMSA 1978
- §22-8B-4 NMSA 1999
- Every Student Succeeds Act, P.L. 114-95 Part A, Subpart 1, Section 1111

Approved: September 30, 2011

Amended: May 23, 2016

Amended: April 23, 2020

D.06 Internal Audit

The Governing Council considers the internal audit function to be a critical ingredient in providing comprehensive evaluation of the level of control in the School's operating and accounting systems.

The internal auditor(s) will exercise independence in carrying out responsibilities outlined in this policy.

In accordance with the Council's By-Laws the school will have an Audit Committee. The Audit Committee will serve by evaluating the School's internal controls annually, determining the need and extent of in-house or external internal audit services, receiving internal audit reports and communicating and receiving the annual external audit report and findings.

The internal auditor function will independently review, evaluate, and report through audits and management studies the status of the following in the school, departments, and programs: financial condition; accuracy of financial and property record keeping; compliance with applicable laws, policies, guidelines, and procedures; and effectiveness and economy of operations.

The Internal Audit Committee may meet in Executive or closed session in accordance with the provisions of the Open Meetings Act.

Approved: September 30, 2011

D.07 Segregation of Duties

The assignment of duties to staff members and/or contractors who have access to the El Camino Real Academy financial management system should be done with the intent of limiting the ability of any one person to cause or conceal errors or irregularities. Working within certain limitations, including staff size, incompatible functions are not assigned to any one person. Due to the small size of staff, added administrative review and oversight procedures will act as a mitigating control. Notwithstanding that any particular financial management function is assigned to the business manager or other senior administrative staff in terms of this policy, the principal retains overall control and authority and the business manager and/or senior administrator/s at all times act under the direction and supervision of the principal and subject to any limitations (particularly in relation to authority to contract for goods or services) as the principal deems appropriate.

In order to provide maximum internal control, the business manager is not allowed to be have check signing authority. This allows the maximum internal control over cash and also allows the business manager to review bank operations without a conflict of interest.

References

Legal Cross Ref.:

Approved: September 30, 2011

D.08 Travel and Other Reimbursements

Employees and governing council members of the school may be entitled to reimbursement of registration fees, mileage, and other costs associated with authorized trips for official school business.

All travel (in state and out of state) must be approved in advance by the principal for reimbursement to be authorized. The approved Leave Request Form (LRF) will serve as formal authorization for the trip. A copy of the approved LRF should be attached to the employee timesheet.

All reimbursements are processed in accordance with the Per Diem and Mileage Act, as outlined in the DFA regulations.

Legal Cross Ref.:

Approved: September 30, 2011

D.09 Operational Fund Cash Balances

El Camino Real Academy shall maintain an operational fund cash balance level within the parameters of applicable state law of its final budgeted operating expenditures. Finances of the school shall be managed to maintain these parameters.

For purposes of this policy, “operational fund” means the specific 11000 sub-fund of the general fund as designated by the New Mexico Public Education Department.

For purposes of this policy, “cash balance” means the total of the beginning balance of a specific fund plus revenue minus expenditures of that same specific fund.

Legal Cross Ref.:

§22-8-5 NMSA 1978

§22-8-41 NMSA 1978

6.20.2 NMAC

Approved: September 30, 3011

D.10 Federal Programs

The principal and business manager shall establish and maintain for the school processes for charging only allowable costs to Federal Awards and requesting reimbursement from Federal Awards. Procurement for Federal Programs is covered under Central Purchasing and proper recording of transactions are covered under Financial Systems.

These processes will include criteria for allowable costs, methods for verifying allowable costs, allocation of Salaries, Wages and benefits and other specifically purchased direct costs.

At this time, the school will not charge for indirect costs nor direct costs such as occupancy, utilities or communications.

References

D.04 Central Purchasing

D.05 Financial System

Legal Cross Ref.:

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et. seq. NMSA 1978
- §22-8B-4 NMSA 1999

Approved: May 23, 2016

D.11 Fixed Asset Capitalization

This policy is to define guidelines for the control of assets owned by the school. The guidelines' purpose are to comply with federal and state reporting requirements, protect capital assets, preserve the life of capital assets, to avoid any unnecessary duplication of assets, to establish a guideline for future replacement, and to establish a basis for the amount of insurance coverage required. All assets shall be recorded in accordance with generally accepted accounting principles, and an asset register shall be maintained in either a hard copy or in a computerized format.

This policy does not include intangible assets as defined under Governmental Accounting Standards Board (GASB) statements 87 and 96. For those specific assets see Policy D.12 Capitalization Threshold for Leases and Subscription-based Information Technology Arrangements (SBITAS)

Definitions

For the purpose of this policy, Capital Assets are defined as tangible property owned by the school which meets the definition and minimum dollar amount for capitalization as determined by statute, and as may be amended from time to time by legislative mandate, per the following categories:

- A.Land** - The cost of real property exclusive of the cost of any constructed assets on the property. Land is recorded as an asset but is not depreciated. Land is recorded at book market value at the time of acquisition.
- B.Buildings** - The cost of real property, exclusive of the land that it is located on, of any constructed assets with a recorded value of \$5,000.00 or more. The recorded value is
 - i. The current one-time actual acquisition value of the structure, or
 - ii The lesser of the present value of future payments or the market value per external appraisal.
 -
- C.Building modifications or improvements** after the purchase sale agreement that do not extend the useful life, have a useful life of over 1 year and are \$5,000.00 or more will be recorded under the "Buildings Improvements" category.

This category does not include repairs and maintenance of facilities that only maintain the original status of the buildings (i.e. replacement of flooring, painting, etc). Repairs and maintenance are expensed as incurred.

- D.Land Improvements** – The constructed improvements to land that occur after the purchase sale agreement, such as driveways, walkways, lighting, parking lots, landscaping, and safety features that are \$5,000.00 or more.
- E.Furniture, Fixtures, and Equipment** - Tangible personal property with a cost of \$5,000 or more with a useful life of more than one (1) year that is employed in the operating activities of the charter school. Items which fall into this category may be purchased or acquired by gift and include, but are not limited to: computer equipment, software, filing cabinets, copiers and laboratory equipment. Equipment will be recorded at the current actual acquisition value (including shipping, installation, or applicable taxes)

Evaluation of the purchase must include consideration of its intended use. Computers that will be maintained as a lab require all computers and related equipment be treated as a group that must be valued and tracked as a group.

Improvements or repairs to existing assets will be capitalized **only** if the result of the expense meets

all of the following conditions:

Total cost of repairs exceed \$5000

The asset's useful life is extended three (3) or more years

Bulk Purchases

In accordance with GASB Implementation Guide 2021-001 items purchased with a value over \$5000, but having individual items within the purchase less than \$5000 will be evaluated for inclusion as a group within fixed assets. For the purchase to be recorded as a fixed asset the bulk purchase needs to be material to the School's financial statements as defined below.

Amounts for a bulk purchase will be material to the school's financial statements, therefore requiring recognition as fixed assets, if it is more than 3% of the total of current year's Annual State Guaranteed Equalization revenue plus any property tax revenues.

Donated Items

Donated items, valued at the thresholds contained in this policy and which are items that the school otherwise would have bought and used in operations, shall be recorded in the school's general ledger account titled Fixed Assets (over \$5,000) and in the asset register at its fair market value at the date of donation. Donated items, which are valued at less than the threshold contained in this capitalization policy, will be recorded in the school's general ledger account titled Supply Assets (less than \$5,000) at fair market value at the date of donation. Donated items, which are determined to have no fair market value, will not be recorded.

Depreciation

Depreciation is the rational and systematic allocation of the cost of a capital asset over its estimated useful life. For purposes of this policy, all depreciable assets will be depreciated using the **straight-line method** of allocation. The straight-line method allocates the acquisition cost of a depreciable asset evenly over its estimated useful life. Most assets retain some recovery at the end of their useful lives, which is known as salvage value. All depreciable property for the purposes of this policy shall be deemed to not have a fair market value at the end of their useful lives.

The school **will** use the tables derived from Revenue Procedure 87-56 1987-2 CB 674 for establishing the useful life using the general depreciation system (GDS) recovery period. In the event the category of asset is not named in Revenue Procedure 87-56 1987-2 CB 674, the school will use the table found in the NM Manual of Procedures PSAB Supplement 12.

Depreciation expense is recognized for financial statement purposes at year-end only. For budgetary purposes, the full acquisition cost of a capital asset is recognized at the time of acquisition. **The** depreciated term at year-end will be rounded to the closest half-month based on the asset's acquisition date.

Asset Disposition

Capital assets which are deemed to be obsolete or no longer meet the requirements of the school may be disposed of pursuant to NMSA (1978) 13-6-1 to 13-6-4, Sale Of Public Property.

Procedures for the disposal of assets is detailed on the Public Education Department - Capital Outlay Division (PED) website. Board approval is required, PED approval is required, as needed,

and the Office of the State Auditor's approval is required. These approvals are required prior to disposal.

Sensitive Assets

All computers, projectors and other items considered "high-theft" will be labeled and entered into a tracking document. Verification of these assets will be performed by the asset custodian and reported to the Director annually.

Supply Asset Verification

All furniture not defined as fixed assets are still the responsibility of the school. All furniture will have a label affixed and will be assigned to a school location and listed on a tracking system. **Periodic verifications of this inventory will be performed, documented and maintained in the Fixed Asset files**

Property Theft Reporting

All stolen and unreturned property must be reported to local law enforcement and as required to New Mexico Public School Authority.

References

D.05 Financial System

Legal Cross Ref.:

- §2.20.1 et seq. NMAC
- §13-6-1 to 13-6-4 et. seq. NMSA 1978, Sale of Public Property

Approved: April 25, 2024

Revised: June 20, 2025

D.12 Capitalization Threshold for Leases and Subscription-Based Information Technology Arrangements (SBITAS)

This policy is to acknowledge that the Governmental Accounting Standards Board (GASB) has issued Statements 87 and 96, covering Leases and Subscription-Based Information Technology Arrangements (SBITAs). Within the guidelines of these Statements, the school may establish a liability threshold for reporting either a lease or a SBITA that are considered to be *de minimis* when compared to the school's financial capacity. These leases or SBITAs must have a maximum possible term of greater than one year to be included.

Definitions

For the purpose of this policy, the following definitions are used, in accordance with the Statements referenced above:

A. Lease is a contract which conveys control of the right to use another entity's nonfinancial asset for the time specified in the contract for an exchange or exchange-like transaction.

B. Subscription-based Information Technology Arrangement (SBITA) is a contract that conveys the right to use another entity's software, alone or in combination with tangible capital assets, for the time specified in the contract for an exchange or exchange-like transaction. Software that is insignificant to the cost of the underlying asset is excluded.

Value

The value of leases or SBITAs under this policy will be determined using the methodology outlined in the original Statements and current accepted industry practice. Each lease or SBITA will be considered individually.

Capitalization

For capitalization purposes, those leases or SBITAs with an annual expense value that equals or exceeds \$900 or \$5000 over 5 years and has a maximum possible term or expected future use of 5 years or more will be capitalized as an intangible asset and recorded as a liability on the school's government-wide financial statements in accordance with the Statements referenced above. Any lease or SBITA that does not meet this threshold, or which has a maximum term of one year or less, will not be reported as an intangible asset or a liability on the school's government-wide financial statements.

Amortization will be calculated and recorded for the intangible asset or SBITAs over the number of years the School anticipates using the product.

If during any fiscal year the School discontinues the use of a lease or a SBITA the School will record the discontinuance of the intangible by writing off the value of the intangible asset less accumulated amortization, net of remaining liability at the government-wide financial statements. A discontinuance of an intangible asset is not considered a disposal of a fixed asset.

References

D.05 Financial System

Legal Cross Ref.:

- GASB Statement No. 87, Leases, Issued 06/17
- GASB Statement No. 96, Subscription-Based
Information Technology Arrangements, Issued 05/20

Approved: April 25, 2024

E.01 Safety

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

Procedural Directive Cross Ref.: School Safety Plan

Approved: September 30, 2011

E.02 Food Services

El Camino Real Academy Governing Council and staff recognize that students are not able to learn when they are hungry and it is our desire that no child would go hungry during the school day.

USDA approved meal programs such as the El Camino Real Academy Food and Nutrition Services must follow regulations stating that any losses arising from uncollectible accounts are unallowable. All meal charges must be paid in a timely fashion.

The school will be implementing Provision 2 procedures as soon as reasonably possible to provide the maximum benefit to our students. The school will also participate in the breakfast in the schools program.

Approved: September 30, 2011

E.03 Security of Digital Information

El Camino Real Academy shall ensure proper security measures for district data and data systems. This may include, but is not limited to:

- Appropriate access controls
- Data security measures
- Network security measures
- Oversight of employee and student online internet use

The superintendent, or his/her designee, shall develop administrative procedural directive to ensure district data, data systems security measures and internet usage are properly monitored and reviewed.

References

Legal Cross Ref.:

- Health Insurance Portability and Accountability Act
- Gramm-Leach-Bliley Act
- Family Educational Rights and Privacy Act
- FCC 11-125

Board Policy Cross Ref.:

- G.09 Acceptable Employee Use of Technology
- I.10 Student Internet Acceptable Use policy

Procedural Directive Cross Ref.:

- Internet Safety Procedural Directive

Revision approved: June 21, 2012

E.04: Identification and Badging Policy

Purpose:

To ensure student and staff safety and the safety of visitors and volunteers in the event of a school emergency occur.

Policy:

El Camino Real Academy pledges to make every effort to ensure the safety of our students. Therefore, all persons entering the campus who are not school staff are considered either visitors or volunteers. All visitors or volunteers at the school are required to check in at the office, and wear a visitor's pass as identification. All school staff must wear identifying badges during the duty day which is 7:30 a.m. to 3:30 p.m. Visitors and/or volunteers are to report to the office upon entering the campus, sign-in, and pick-up a "Visitor" badge to wear while they are on campus. El Camino Real Academy will provide one badge per employee each school year. Employees are responsible for the cost of replacement badges.

Responsible Persons: Executive Director

References

Legal Cross Ref.:

Approved: January 25, 2021

E.05: Pest Management Policy

Purpose:

To protect the environment, to protect human health and safety, and to comply with state law regarding the application of pesticides on campus.

Policy:

El Camino Real Academy shall 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, in compliance with 6.29.1.9.(P)(6) NMAC.

El Camino Real Academy shall use integrated pest control methods to control pest infestations and minimize the potential need for the application of pesticides. Reasonably available non-pesticide alternatives will be used preferentially.

El Camino Real Academy employees and contractors shall follow the guidelines below:

- 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.
- 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.
- 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.
- 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 six (6) hours of the application. In emergency cases, where a pest infestation threatened the health and/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.
- 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

E.05 Pest Management Policy

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 and/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.

- Written records of pesticide application will be kept for three (3) years and will be available upon request to parents, guardians, students, teachers, and staff.
- If any part of this section 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.

Responsible Persons: Executive Director

References

Legal Cross Ref.:

NMAC §
6.29.1.9(P)(6)

Approved: January 25, 2021

G.01 – Personnel Goals and Staff Development

El Camino Real Academy shall encourage all personnel to pursue a program of continued growth. To assist employees in assuming this responsibility, El Camino Real Academy shall provide employees with staff development opportunities.

References

Legal Cross Ref.:

- §22-10A-19.1 NMSA 1978

Revision approved: December 12, 2012

G.02 – Personnel Evaluations

The Principal, or his/her designee, shall maintain a system of evaluation for all personnel in compliance with federal and state law and regulation. Personnel evaluations also shall be utilized to monitor the employee's program of continued growth.

References

Legal Cross Ref.:

- §22-10A-1 et. seq NMSA 1978

Board Policy Cross Ref.:

- G.01 – Personnel Goals and Staff Development
- ECRA Employee Handbook

Revision approved: December 12, 2012

G.03 Staff Reporting System

The principal and business manager shall establish and maintain for the school a complete, auditable staff reporting system which meets all statutory and regulatory requirements of the State of New Mexico and more particularly the State Department of Education.

References

Legal Cross Ref.:

Approved: December 12, 2012

G.04 Verification of Experience and Training

The principal or business manager shall document in an employee's file verification of experience and educational training in accordance with the position parameters, funding source and procedures set forth by the New Mexico Public Education Department and required by New Mexico statute.

The information must also be maintained in the staff reporting system.

References

Legal Cross Ref.:

- §22-8-24 NMSA 1978

Board Policy Cross Ref.:

G.03 Staff Reporting System

Revision approved: December 12, 2012

G.05 – Equal Opportunity Employment

ECRA is an equal opportunity employer and will recruit, hire, train, and promote in all job titles without regard to race, color, religion, sex, national origin, age, physical or mental handicap, sexual orientation, or status as a disabled veteran or veteran of the Vietnam era.

ECRA will base employment decisions on principles of equal employment opportunity with the intent of furthering ECRA's general goals expressed in its Mission. This policy governs all aspects of employment at ECRA including hiring, assignments, training, promotion, upgrading, demotion, downgrading, transfer, lay-off, termination, compensation, employee benefits, discipline and other terms and conditions of employment.

References

Board Policy Cross Ref.:

- A.03 Non-Discrimination

Procedural Directive Cross Ref.:

- Employee Handbook

Revision approved: December 12, 2012

G.06 – Background Checks and Employment History Policy and Procedure

SECTION 1. PURPOSE: To comply with NMSA 1978, §22-10A-5 (2019), and §22-10A-5.2. These laws require Governing Bodies of public schools to adopt policies and procedures for obtaining and reviewing applicant employment histories, and background checks on applicants who have been offered employment, or who apply to be a volunteer, or who provide services to the School as a contractor or contractor's employee, who may have unsupervised contact with children or students on School premises or during School-sponsored events, including but not limited to online learning, and to address application, review, and reporting requirements.

SECTION 2. POLICY STATEMENT. The School is committed to ensuring that its academic and related programs are staffed with qualified employees, competent volunteers, and ethical contractors. It is committed to providing a safe and secure working and learning environment for employees, students, visitors, and others doing business with our School. Further, this policy is adopted to ensure protection of the School's property and other interests. To that end School Administration will obtain applicant Employment histories and complete a Background Check as set forth herein to safeguard our School community from individuals who have a history of ethical misconduct and/or criminal conduct of a nature that may present an unreasonable risk of harm to our School community.

SECTION 3. PERSONS AFFECTED. This policy applies to all applicants for employment, and all volunteers/contractors/contractors' employees/others who may have unsupervised contact with children or students while on School's premises or during School sponsored events, including online learning. Failure or refusal to cooperate with the application requirements, and/or with Administration's completion of a Background Check, disqualifies the applicant from employment, volunteering at the School, or contracting with the School and/or the Governing Body. This policy does not apply to parents/guardians supervising only their own children during periods of online learning.

SECTION 4. USE OF BACKGROUND CHECK INFORMATION; DISCRIMINATION SAFEGUARDS. No applicant shall be required to disclose the applicant's criminal record prior to being offered a position contingent upon completion of a satisfactory Background Check. Subject to mandatory child abuse and ethical misconduct reporting requirements, information discovered through the School's Employment History/Background Check processes will be used solely for the purpose of evaluating an applicant's suitability for employment, volunteering or contracting, and will not be used to discriminate against a Finalist on the basis of race, color, religion/creed, sex/gender, age, sexual orientation, gender identity/expression, pregnancy, national origin, genetic information, marital/familial status, mental or physical disability, military, veteran status, or other protected status.

Convictions of felonies or misdemeanors contained in the FBI record shall be used in accordance with the New Mexico Criminal Offender Employment Act; provided that other information contained in the FBI record, if supported by independent evidence, may form the basis of employment decisions for just cause.

SECTION 5. DISQUALIFYING ETHICAL MISCONDUCT/ CRIMINAL CONVICTIONS. An applicant may be disqualified from employment/volunteering/contracting for ethical misconduct (defined below) or if convicted of a felony or misdemeanor involving moral turpitude and the criminal conviction directly relates to the position for which the individual will be employed, volunteering or contracting. The Governing Body finds that ethical misconduct (defined below), and criminal offenses listed herein, are so severe and directly relate to employment in any position at a public school that initial or continued employment, service as a volunteer, or contracting with individuals who have committed ethical misconduct or who have been convicted of such crimes, places the safety of students, employees and School visitors at an unreasonable risk. Ethical misconduct, and/or such crimes are, therefore, presumed to disqualify an individual from initial or current employment, volunteering or contracting with School. Such crimes include but are not limited to:

Criminal homicide, murder, capital murder, kidnapping, aggravated kidnapping, smuggling of persons, prostitution, false imprisonment, trafficking of persons, improper relationship between educator/school employee and student, public lewdness involving a child or student, indecency with a child, injury to a child, child abuse or neglect, abandoning or endangering a child, sale or purchase of a child, child pornography, sexual solicitation of a child.

Before any offer of employment or opportunity to volunteer or contract is withdrawn by the Head Administrator, applicants will be provided the opportunity to respond to such information as set forth in Section 13(F), below.

SECTION 6. FELONY CONVICTION. A Finalist may be denied employment based on a conviction for a felony or misdemeanor involving moral turpitude that *does not* directly relate to the particular employment position, volunteer service or contract for service, but which is a crime listed in Section 5, if the conviction is less than seven (7) years old, and the Head Administrator determines after an investigation demonstrates that the person has not been sufficiently rehabilitated to warrant the public trust. Before any offer of employment or opportunity to volunteer or contract is withdrawn pursuant to this Section, the Finalist will be provided the opportunity to respond to such information as set forth in Section 13(F), below.

SECTION 7. CONFIDENTIALITY/MANDATORY REPORTING:

A. Confidentiality. Records and related information provided to School during the Background Check process including from the Finalist's FBI Record shall be deemed confidential and shall not be disclosed to any person who is not authorized to be involved in the decisions or to receive information concerning a Finalist, Volunteer or Contractor.

B. Protection. Information obtained by School through an FBI Report or information from a criminal history check, shall only be used in accordance with the Criminal Offender Employment Act, provided that other information contained in the FBI Record or other criminal report, if supported by independent evidence may form the basis for an employment decision, decision to enter a contract or to permit a volunteer to serve. Such information shall be

maintained separately from personnel or other confidential files that are accessible only by authorized School employees.

C. Use of Information. Subject to mandatory child abuse and ethical misconduct reporting requirements, and to Subsections 7.D and E herein, information disclosed by a criminal Background Check shall only be used to make employment, volunteering or contract decisions.

D. The Head Administrator shall immediately report to the New Mexico Public Education Department any known convictions of a felony or misdemeanor involving moral turpitude of a licensed school employee, school contractor/contractor's employee, and/or school volunteer, as required by law.

E. The Head Administrator or designated representative shall investigate all allegations of ethical misconduct about any school personnel, employee, volunteer, contractor, or contractor's employee, who resigns, is discharged or terminated or otherwise leaves employment after an allegation has been made. If the investigation results in a finding of ethical misconduct by a licensed school employee, the Head Administrator or designated representative shall report the identity of the licensed school employee within 30 days following the separation from employment or immediately if the finding of ethical misconduct is sexual misconduct with an adult or child. The Head Administrator or designee shall also report allegations of sexual assault or sexual abuse involving any school personnel, employee, volunteer, contract or contractor's employee to the appropriate law enforcement agency. No agreement between a departing school employee and the School shall diminish or eliminate the responsibility of investigating and reporting the ethical misconduct to the NMPED or, if legally mandated, to law enforcement, and any such agreement to the contrary is void.

SECTION 8. EMPLOYEES – BACKGROUND CHECK RENEWALS. Employees must submit to a new background check after 5 consecutive years of employment. However, the School reserves the right to require any Employee to submit to additional criminal background checks at the School's expense at any time based on a reasonable suspicion that new information exists that would place students or other employees at an unreasonable risk of harm. The School shall pay for the renewal FBI Records check. An Employee's refusal to submit to a renewed background check will result in disciplinary consequences, up to including severance from employment. Information disclosed in a renewal background check may result in employment actions such as discharge or termination, mandatory reporting to the New Mexico Public Education Department's Licensing Bureau and/or the Public Education Department, or any other action deemed appropriate by the Head Administrator consistent with the Criminal Offender Employment Act, the Code of Ethical Responsibility of the Education Profession, School policies and procedures, or other applicable state or federal laws, rules or policies.

SECTION 9. VOLUNTEERS AND CONTRACTORS – BACKGROUND CHECK RENEWALS. New Background Checks for Volunteers must be completed after an interruption in service exceeding one (1) year. The School reserves the right to require a Volunteer, Contractor or a Contractor's employee(s) to submit to additional criminal background checks at the School's expense at any time based on a reasonable suspicion that new information exists. The School shall pay for a new FBI Record for Volunteers who have previously served the School for at least one (1) year (12 months) in the past three (3) years (36 months). Contractors and Contractor's employees must obtain and pay for a new FBI Record check before commencing work pursuant to a third contract. An unsatisfactory Background Check conducted on Contractor's employees may be grounds to terminate the Contract. A Volunteer's or

Contractor's (or Contractor's employees) refusal to submit to a renewed background check will result in ending a Volunteer's service at the School or may result in cancelling a Contractor's contract.

SECTION 10. DESIGNATION OF AUTHORIZED EMPLOYEE TO RECEIVE CRIMINAL HISTORY INFORMATION. The school has applied for an ORI number and will sign a User Agreement with the New Mexico Department of Public Safety when the ORI number has been received. The Executive Director and the Business Manager shall be the authorized designee[s] for the School to request FBI Records for Finalists. The Executive Director shall notify the New Mexico Department of Public Safety (DPS) whenever there is a change in the School's authorized designee.

SECTION 11. FINGERPRINTS. All Finalists will be informed that his/her/their fingerprints will be used to perform an FBI records check for the purposes of determining suitability for employment, volunteering or contracting with the School.

SECTION 12. TRANSFER OF FBI RECORD. The School may not transfer, release to or otherwise convey information contained in the Finalist's FBI Record for any purpose other than for which it was obtained. Under no circumstances, may the School transfer the results of an FBI records check to a third party.

SECTION 13. DESTRUCTION OF FBI RECORD INFORMATION. When an Employee's, Volunteer's, or Contractor's FBI Record is no longer needed by the School, it shall be destroyed by burning, shredding or other method rendering the information unreadable.

SECTION 14. DPS AUDIT. FBI Records are obtained through the New Mexico Department of Public Safety. The DPS or other authorities (e.g. the FBI) may conduct security audits related to the information provided to the School. Records subject to audit include criminal history records, notifications to individuals, School policies and procedures related to security, confidentiality and records and information dissemination.

SECTION 15. PROCEDURES.

A. Application Employment History Requirements. As part of the application for employment/Volunteer service/Contractor approval, School shall require all Applicants to provide information relating to the applicant's work history, including:

a. a list of the applicant's current and former employers that were schools or that employed the applicant in a position involving unsupervised contact with children or students; the list shall include name/address/phone number/other relevant contact information for each of the applicant's listed employers;

b. a written statement describing whether the applicant:

i. has ever been under investigation for, or has been found to have violated, any state or federal statute relating to child abuse or neglect, sexual misconduct or any sexual offense, including those offenses provided in Chapter 30, Article 3, 3A, 4, 6, 6A, 9, 37, 37A or 52 NMSA 1978, unless the allegations were false or unsubstantiated;

ii. has ever been under investigation for, or found to have violated, any ethical rule or policy approved by a former employer that previously employed the applicant, unless the allegations were false or unsubstantiated; or

iii. has ever had a professional license or certificate denied, suspended, surrendered or revoked due to a finding of child abuse or ethical misconduct or while allegations of child abuse or ethical misconduct were pending or under investigation; and

c. a written authorization that authorizes disclosure of information requested in this subsection, and the release of related records by the applicant's previous employers, releasing the applicant's previous employers from any liability related to the disclosure or release of records.

B. Consent to Obtain FBI Record. Finalists, Volunteers and Contractors will be informed during the pre-employment, contracting or application for volunteer status, that employment, volunteering and contracting with the School is contingent upon completion of a Background Check with results acceptable to the Executive Director and consistent with this Policy. Said individual shall sign a consent form to complete a Background Check, including an agreement to submit to fingerprinting for purposes of the School obtaining an FBI Record. Employment or unsupervised access to students shall not begin until a satisfactory Background Check has been completed. The School shall pay for or reimburse Finalists and Volunteers for their initial Background Checks.

C. Employment History Review. The School shall conduct a review of an Applicant's employment history and contact the applicant's current and former employers listed in the application and shall request that the employer provide, within 30 days of receiving the request:

a. the applicant's dates of employment; and

b. a written statement describing whether the applicant:

i. has ever been under investigation for, or has found to have violated, any state or federal statute relating to child abuse or neglect, sexual misconduct or any sexual offense, including those offenses prohibited in Chapter 30, Article 3, 3A, 4, 6, 6A, 9, 37, 37A or 52 NMSA 1978, unless the allegations were false or unsubstantiated;

ii. has ever been under investigation for, or found to have violated, any ethical rule or policy approved by a former employer that previously employed the applicant, unless the allegations were false or unsubstantiated; or

iii. has ever had a professional license or certificate denied, suspended, surrendered, or revoked due to a finding of child abuse or ethical misconduct or while allegations of child abuse or ethical misconduct were pending or under investigation; and

iv. any other information the applicant's current or former employer deems pertinent and substantive to the applicant's suitability for employment that includes unsupervised contact with children or students.

c. The School shall make and document efforts to verify the Employment History information provided by applicants and employers, and to obtain from an applicant's current or former out-of-state employer(s) the information required above.

d. The School shall respond to requests for written information on current and former employees/contractors/volunteers from other employers, and shall provide the requested information as set forth herein, within 30 days of receipt of the request.

D. Other Background Checks for New Employment Positions, Volunteers, Contractors.

Applicants are subject to criminal background checks, licensure and/or certification (where applicable), and employment history checks as defined herein. Criteria requiring additional or different background checks by the School include but are not limited to:

1. Direct responsibility for the safety, supervision and/or security of students;
 2. Direct responsibility for handling or managing School funds; or
 3. Responsibility for operating School vehicles or machinery.
- E. Current Employees, Volunteers, Contractors Duty to Report.

As a condition of employment, continuation of volunteering and providing services pursuant to a School contract, all such persons are required to notify the Executive Director if they are charged, convicted, plead guilty to or otherwise found guilty of any misdemeanor or felony, regardless of the imposition of a sentence. This notification must be made as soon as possible, but no later than five (5) days after the event.

F. Submitting False Information/Willful Failure to Disclose.

If any person subject to this Policy provides knowingly false information or who willfully neglects to disclose information in response to questions about information gained through the Employment History and/or Background Check process, that person may be terminated from or denied employment, a volunteer may be prohibited from service, or a contract may be cancelled. Any other material misrepresentation given during a Background Check or a renewal background check may result in revocation of any conditional offer of employment, opportunity to serve as a Volunteer, or to contract with the School, or separation from current employment, volunteer service, or a contract. Action may also be taken to deny, suspend, or revoke a license for providing false information or willful neglect to disclose information required by law.

G. Evaluation of Background Check Results. Once a Background Check is completed, the Executive Director will make the final hiring decision (or approve a volunteer for service/execute a Contractor's agreement to provide service) based on the information obtained. Any findings of concern will be reviewed only by the Executive Director or in consultation with the business manager or the school attorney. If negative information is obtained through the Background Check process, the Executive Director will determine whether the information is directly related to the position and whether offering employment, volunteer service or a contract would be consistent with Section 5, above. When making this decision the Executive Director will consider, among all other relevant information, the following:

1. For criminal convictions, the nature and gravity of the offense(s), the number and type of each type of offense, length of time since the offense(s), and whether it is directly related to the position offered.
2. For all other negative information, the nature and gravity of the conduct of concern or data obtained, length of time since the conduct or data obtained, whether the information is reliable and directly related to the responsibilities of the position.

H. Adverse Action Contemplated Due to Background Check Results. If an adverse action is likely based in whole or in part on the results of a Background Check, the Finalist will receive written notice of the specific reasons for the contemplated action. The Finalist will be permitted to provide responsive information regarding the criminal history or other negative information, including but without limitation proof of: an incorrect criminal history; proof of a misidentification in a criminal history; an explanation of the facts and circumstances surrounding the conduct; the number of offenses for which the individual was convicted; the individual's age at the time of the offense(s) and the time that has elapsed; evidence of the same type of work without incident; the individual's employment history before and after the conduct; rehabilitation, training, education employment or character references; information regarding the

individual's fitness for the position; whether the individual is bonded, licensed or certified under federal, state (any), or local law; extenuating circumstances including but not limited to disparate legal and enforcement practices; and other pertinent information. If the Finalist does not respond to an opportunity to explain negative information appearing in the Background Check process within five (5) business days, a decision will be made by the Executive Director based on the information obtained. Extensions may be provided to the Finalist in the Executive Director's sole discretion.

If adverse action is taken against the Finalist in whole or in part because of the results of the Background Check, the Finalist will receive a written statement from the Executive Director indicating the offer of employment, volunteer service or offer to contract with the School is rescinded.

I. Designation of Authorized Employee to Receive Criminal History Information. The school has applied for an ORI number and will sign a User Agreement with the New Mexico Department of Public Safety when the ORI number has been received. The Executive Director and the Business Manager shall be the authorized designee[s] for the School to request FBI Records for Finalists. The Executive Director shall notify the New Mexico Department of Public Safety whenever there is a change in the School's authorized designee.

J. Fingerprints. All Finalists will be informed that his/her/their fingerprints will be used to perform an FBI records check for the purposes of determining suitability for employment, volunteering or contracting with the School.

K. Transfer of FBI Record. The School may not transfer, release to or otherwise convey information contained in the Finalist's FBI Record for any purpose other than for which it was obtained. Under no circumstances other than those required by law, may the School transfer the results of an FBI records check to a third party.

L. Destruction of FBI Record Information. When an Employee's, Volunteers, or Contractor's FBI Record is no longer needed by the School, it shall be destroyed by burning, shredding or other method rendering the information unreadable.

M. DPS Audit. FBI Records are obtained through the New Mexico Department of Public Safety. The DPS or other authorities (e.g. the FBI) may conduct security audits related to the information provided to the School. Records subject to audit include criminal history records, notifications to individuals, School policies and procedures related to security, confidentiality and records and information dissemination.

N. NMPED List of Persons Reported for Convictions involving Moral Turpitude. As part of the background check process, the Executive Director shall request the list updated monthly by the NMPED which names the persons who have been reported as having been convicted of a felony or misdemeanor involving moral turpitude who have been found to have committed ethical misconduct, pursuant to NMSA 1978 §22-10A-5(I), and shall check a Finalist against that list.

SECTION 16. DEFINITIONS.

A. Adverse Action. Withdrawal of an employment offer, denial of an opportunity to serve as a volunteer, or refusal to contract or cancellation of a contract to do business with the School, or any other decision made relating to employment, volunteer or contract services that adversely affects any current employee, Finalist, Volunteer or Contractor.

B. Applicant. An applicant being considered for employment, or an individual being considered as a contractor/contractor's employee/school volunteer who may have unsupervised access to students.

C. Background Check. Checking or verifying any or all parts of the Finalist's licensure, employment, educational, criminal, sex and violent offender histories. The nature and scope of the Background Check will be determined by the School in accordance with applicable laws, and will be appropriate for the position, but shall in all instances include obtaining an employment and criminal history check, and a Federal Bureau of Investigation record ("FBI Record") for individuals who will have unsupervised contact with children/students.

D. Contractor. All persons who, pursuant to a contract for services with the School or Governing Body, may have unsupervised contact with a child or student(s) regardless of whether the scope of services provided under the contract contemplates direct services to students. Such individuals include any person named in the contract, any employee of the Contractor who will have responsibilities under the contract at School or School-sponsored events, or any subcontractors assigned by Contractor to fulfill any service contemplated under the contract that require unsupervised contact with children/students.

E. Conviction. The act or process of judicially finding someone guilty of a crime. A conviction includes a judgment that a person is guilty of a crime pursuant to a jury verdict or confession or plea of guilty. A conviction as defined herein shall be sufficient evidence that the conduct of which the person is accused occurred.

F. Criminal history check. A search for any felony or misdemeanor convictions through the National Sex Offender Public Website, New Mexico Department of Public Safety Sex Offender Registry, public state or federal court filings, FBI Records check or other reliable sources containing information about criminal convictions. Criminal convictions will not automatically exclude a Finalist from consideration for employment unless they are related to the position offered and the decision not to hire is consistent with business necessity.

G. Employee. Individual currently employed by the School whether licensed or unlicensed.

H. Employment history check. Verifying that the Finalist worked in the positions cited in the Finalist's application and/or resume, and verification/investigation of the information provided by the applicant in the application. Verification shall include the review set forth in Subsection 15.C, and may also include dates of employment, positions held, eligibility for re-hire, licensure, certificates or other credentials required for the position, prior to extending an offer of employment.

I. Ethical misconduct. Means the following behavior or conduct by school personnel, school employees, school volunteers, contractors or contractors' employees:

a. Discriminatory practice based on race, age, color, national origin, ethnicity, sex, pregnancy, sexual orientation, gender identity, mental or physical disability, marital status, religion, citizenship, domestic abuse reporting status or serious mental condition;

b. Sexual misconduct or any sexual offense prohibited by Chapter 30, Article 6A or 9 NMSA 1978 involving an adult or child, regardless of a child's enrollment status;

c. Fondling a child or student, including touching private body parts, such as breasts, buttocks, genitals, inner thighs, groin or anus; or

d. Any other behavior, including licentious, enticing or solicitous behavior, that is reasonably apparent to result in inappropriate sexual contact with a child or student or to induce a child or student into engaging in illegal, immoral or other prohibited behavior.

J. FBI Report. Is a report obtained by the School's Administration about a Finalist from the Federal Bureau of Investigation that may include criminal convictions for felonies or misdemeanors.

K. Finalist. An individual who has been offered employment, volunteer opportunity, or contract, contingent upon completion of a satisfactory Background Check, including but not limited to, teachers, educational assistants, administrators and other staff members, Volunteers, and Contractors.

L. License history check. Independent verification that the Finalist has the license(s), endorsements, certifications or other credentials as claimed by the Finalist as required for the position.

M. Moral turpitude. Means an act or behavior that gravely violates the accepted standards of moral conduct, justice or honest and may include ethical misconduct.

N. Unsupervised access to or contact with children or students. Means access to or contact with, or the opportunity to have access to or contact with, a child or student for any length of time in the absence of:

a. a licensed staff person from the same school;

b. a school volunteer who has undergone a background check pursuant to NMSA 1978, §22-10A-5; or

c. any adult relative or guardian of the child or student.

O. Volunteer. A person, including a relative of a student, who commits to serve on a regular basis at a school or other educational entity without compensation.

Administrative Position:

Executive Director

Legal Cross Ref:

NMSA 1978, §22-10A-5;

NMSA 1978, §28-2-4;

NMSA 1978, §22-10A-5.2

NMSA 1978, §22-10A-2

Procedural Directive Cross Ref.:

· Employee Handbook

· Parent/Student Handbook

Revision approved: December 12, 2012

October 22, 2018

February 24, 2020

G.07 – Staff Standards of Conduct

El Camino Real Academy personnel shall maintain the highest standard of conduct and act in a mature and responsible manner at all times. El Camino Real Academy personnel shall not engage in activities which violate federal, state or local statutes and regulations or which, in any way, diminish the integrity, efficiency or discipline of the district. Employees shall be required to comply with administratively established standards of conduct.

El Camino Real Academy staff shall maintain appropriate professional behavior while working with students and refrain from harassment, malicious or prejudicial treatment, or abridgement of student rights.

Employees of El Camino Real Academy shall serve as positive role models for students and set good examples in conduct, manners, dress and grooming. Employees shall be suitably attired and groomed during working hours and while attending district-sponsored events.

Employees of El Camino Real Academy shall wear school issued identification badges at all times in order to assist in school security.

References

Legal Cross Ref.:

Board Policy Cross Ref.:

- A.03 Nondiscrimination
- G.05 Equal Opportunity Employment

Procedural Directive Cross Ref.:

- Employee Handbook

Revision approved: December 12, 2012

Revision approved: November 20, 2017

G.08 – Conflicts of Interest

Employees are prohibited from using confidential information acquired by virtue of their associations with El Camino Real Academy for their individual or another's private gain. Employees are prohibited from requesting or receiving and accepting a gift or loan for themselves or another that tends to influence them or appears to influence them in the discharge of their duties as employees. Business with suppliers to El Camino Real Academy will not be influenced or appear to be influenced by an employee's financial interest. Employees must not engage in activities which violate federal, state, or local laws or which, in any way, diminish the integrity, efficiency, or discipline of El Camino Real Academy.

Legal Cross Ref.:

- §10-16-1 et. seq. NMSA 1978

Board Policy Cross Ref.:

- Bylaws of the Governing Council

Procedural Directive Cross Ref.:

- Employee Handbook

Revision approved: December 12, 2012

G.09 – Acceptable Employee Use of Technology

The use of district technology resources shall be considered a privilege granted to employees for the enhancement of job-related functions. Employees may have limited access to these resources for personal use. Any personal use shall comply with the professional standards and administrative procedural directives outlining acceptable use of technology resources.

All employees have the responsibility to educate, supervise and monitor appropriate usage and conduct of students when on the internet.

Violations of this policy may result in the revocation of this privilege. Employees may face disciplinary action up to and including termination, civil litigation, and/or criminal prosecution for misuse of these resources.

References

Legal Cross Ref.:

Board Policy Cross Ref.:

- E.03 Security of Digital Information
- I.10 Student Internet Acceptable Use Policy

Procedural Directive Cross Ref.:

- Internet Safety Procedural Directive

Revision approved: June 21, 2012

G.10 – Leave and Holidays

The school shall grant employees personal leave (inclusion of sick and vacation) pursuant to the employee's position. The principal shall establish appropriate formulas, rules and designations for leave.

The Governing Council annually shall approve recognized holidays for year round employees and any changes to the leave formulas, rules or designations for leave.

Administrative Position: Principal and Business Manager

References

Legal Cross Ref.:

Board Policy Cross Ref.:

- G.11 Donation of Annual and/or Personal Leave

Procedural Directive Cross Ref.:

- Employee Handbook

Revision approved: October 29, 2012

G.11 – Donation of Personal Leave

Employees of El Camino Real Academy may donate, upon appropriate approval, personal leave hours to another school employee who has exhausted their personal leave in the event of an extreme health situation of the employee or an employee's immediate family member. The principal shall develop an administrative procedural directive to further clarify and implement this donation.

Administrative Position: Principal and Business Manager

References

Legal Cross Ref.:

Board Policy Cross Ref.:

- G.10 Leave and Holidays

Procedural Directive Cross Ref.:

- Employee Handbook

Revision approved: October 29, 2012

G.12 - Staff Wellness and Welfare

El Camino Real Academy shall maintain a coordinated school health and wellness program to maintain healthy staff. This program shall promote the Coordinated School Health Model, which includes the following eight components:

- Nutrition
- Physical Education and Activity
- Family, School and Community Partnership
- Health Education and Life Skills
- Healthy and Safe Environment
- Social and Emotional Well-Being
- Health Services
- Staff Wellness

Revision approved: January 17, 2013

G.13 – Reporting Child Abuse or Neglect

Any and all El Camino Real Academy employees knowing or reasonably suspecting that a child has suffered injury or injuries (physical, sexual, emotional, or psychological) as a result of abuse or neglect shall immediately report the matter to New Mexico Children, Youth and Families Department (CYFD) at (505) 841-6100, 800-797-3260, or cyfd.org

Administrative Position: Principal and Business Manager

References

Legal Cross Ref.:

Board Policy Cross Ref.:

Procedural Directive Cross Ref.:

- Employee Handbook

Revision approved: January 17, 2013

G.14 – Drug Free Workplace

El Camino Real Academy prohibits the sale, use, possession, transfer of, or being under the influence of alcohol, narcotics, hallucinogens, inhalants, or drugs or possession of drug paraphernalia by an El Camino Real Academy employee in the workplace, on school property or at any school-sponsored activity. Any employee found to be engaging in any of the above behaviors shall be subject to appropriate disciplinary measures.

As a condition of employment individual employees shall notify their supervisor within five (5) business days if they are convicted of a criminal controlled-drug statute violation occurring in the workplace. Failure by an employee to report such a conviction may be grounds for disciplinary action. Supervisors who become aware of a conviction of an employee for a criminal controlled-drug statute violation occurring in the workplace shall immediately notify the principal, or his/her designee, in compliance with federal law.

The school shall educate employees about provisions of this policy and related administrative procedural directives, available school and community counseling and referral services and the penalties involved for drug violation convictions.

Administrative Position: Principal and Business Manager

References

Legal Cross Ref.: Drug Free Workplace Act of 1988
Drug-Free Schools and Communities Act Amendments
U.S. Controlled Substances Act
New Mexico Controlled Substances Act. NMSA 1978 §§30-31-1 et seq

Board Policy Cross Ref.:

Procedural Directive Cross Ref.:

- Employee Handbook

Revision approved: January 17, 2013

G.15 – Nepotism

El Camino Real Academy shall comply with all applicable state and federal statutes regarding nepotism. The Governing Council, Principal, and all employees of El Camino Real Academy shall not engage in nepotism in any of their operations or hiring practices. El Camino Real Academy shall not initially employ or approve initial employment in any capacity a person who is a family member of a Governing Council member, the Principal, or the individual responsible for the hiring and/or supervision of that family member.

Administrative Position: Principal and Business Manager

References

Legal Cross Ref.:

- §22-5-6 NMSA 1978
- §22-8B-10 NMSA 1978

Board Policy Cross Ref.:

- Article X Bylaws of the Governing Council
- G.08 – Conflicts of Interest
- G.07 Staff Standards of Conduct

Procedural Directive Cross Ref.:

- Employee Handbook

Revision approved: March 20, 2017

G.16 – Whistleblower Complaints

The Governing Council and Principal shall not permit unlawful or unethical behavior by school employees. El Camino Real Academy shall provide employees a means to confidentially file, in good faith without fear of retaliation, whistleblower complaints regarding such conduct. These complaints shall be fully investigated by the Governing Council Internal Audit committee, Principal and/or by his/her designee.

The Principal shall develop a process to implement this policy.

Administrative Position: Principal and Business Manager

References

Legal Cross Ref.:

- §22-5-6 NMSA 1978
- §22-8B-10 NMSA 1978

Board Policy Cross Ref.:

- D.06 – Internal Audit

Procedural Directive Cross Ref.:

Revision approved: March 20, 2017

El Camino Real Academy

G.17 POLICY re: REQUIRED TRAINING IN DETECTION/REPORTING OF CHILD ABUSE/NEGLECT, ETHICAL MISCONDUCT, PROFESSIONAL RESPONSIBILITIES, SEXUAL ABUSE, AND ASSAULT/SUBSTANCE ABUSE

All SCHOOL employees, school volunteers, school contractors and contractors' employees shall be required to complete training developed or adopted by the NMPED in the detection and reporting of child abuse and neglect, ethical misconduct, professional responsibilities, sexual abuse and assault and substance abuse, within the school employee's, school volunteer's, contractor's or contractor's employee's first year of employment at SCHOOL. Employees, volunteers, contractors and their employees of the SCHOOL during the first fiscal year following adoption of this policy shall complete this training during the first fiscal year following adoption of this policy.

Administrative Position:

- Executive Director

References

Legal Cross Ref.:

- Ref.: NMSA 1978, §22-10A-32 (2021)

Board Policy Cross Ref.:

Approved:

G.18 EMERGENCY PAID SICK LEAVE AND EXPANDED FAMILY MEDICAL LEAVE POLICY

PURPOSE: To comply with the federal Families First Coronavirus Response Act referred to as the CARES Act. The CARES Act was passed to assist employees affected by the COVID-19 outbreak with job-protected leave and pay, where applicable. Under the CARES Act, two new temporary laws were enacted by Congress. The first is the Emergency Family Medical Leave Expansion Act and the second law is known as the Emergency Paid Sick Leave Act. This policy will address requirements of both new laws and is in effect immediately and until December 31, 2020, unless extended by Congress.

EMERGENCY PAID SICK LEAVE (EPSL)

ELIGIBILITY/QUALIFYING REASONS

No waiting period is required for employees to be eligible for EPSL. All current full-time and part-time employees scheduled but unable to do physical work at School or perform their job responsibilities as approved by the Administrator by teleworking or other remote delivery of services are eligible for EPSL if the requested leave is due to one of the following reasons for leave:

- #1 The employee is subject to a federal, state or local quarantine or isolation order¹ related to COVID-19.
- #2 The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- #3 The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- #4 The employee is caring for an individual who is subject to either #1 or #2 above.
- #5 The employee is caring for his or her child because the child's school (elementary or secondary) or other child care location has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
- #6 The employee is experiencing any other substantially similar condition specified by the U.S. Secretary of Health and Human Services in consultation with the U.S. Secretary of the Treasury and the U.S. Secretary of Labor. (NOTE: As of the date of this policy, no other conditions have been identified.)

Unable to telework means that the employer has work for the employee, but the employee is not able to perform that work, either under normal circumstances at the normal worksite or by at a remote location.

- "Child" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:
 - Under 18 years of age; or

¹ This includes "stay-at-home" orders as used by New Mexico's Governor and Department of Health.

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- 18 years of age or older and incapable of self-care because of a mental or physical disability.
- “Child Care provider” means a provider who may or may not receive compensation for providing child care services on a regular basis. The term includes a center-based child care provider, a group home child care provider, a family-member child care provider, or other provider of child care services for compensation that is licensed, regulated, or registered under state law. However, a Child Care provider under the CARES Act need not be compensated or licensed if he or she is a family member or friend, such as a neighbor, who regularly cares for the employee’s child.
- “Individual” means an immediate family member, roommate or similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she self-quarantined or was quarantined.
- “Telework” means the employer permits an employee to perform work while the employee is at home or at a location other than the employee’s normal workplace. An employee is able to telework if: his or her employer has work for the employee; the employer permits the employee to work from the employee’s location; and there are no extenuating circumstances (such as a serious COVID-19 symptoms) that prevents the employee from performing that at work. Telework is work for which an employee is paid at his/her normal rate of pay.

EPSL MAY NOT BE USED FOR ANY OTHER REASON OR SUBSTITUTED FOR ANY OTHER CATEGORY OF LEAVE AVAILABLE TO EMPLOYEES.

PROCEDURE FOR REQUESTING EMERGENCY PAID SICK LEAVE

Employees must give notice according to the same procedure followed for other sick leave, however, in addition to notifying the School of the need for leave, the employee must also be specific about the reason for leave under this policy. If employee is unable to personally (either by phone, text or email) provide notice of the need for leave, a spouse or adult family member may do so. Verbal notification will be accepted until practicable to provide written notice. The employee must complete the “Request for Emergency Paid Leave” form as soon as practical, the form will be provided in response to the request for EPSL or posted on the School’s website. Failure to complete the required information or documentation within five business days after being notified by the School of the missing information/documentation, may result in an employee having to use accrued sick leave, request approved leave without pay, or be subject to other consequences. Employee shall communicate with the School about any obstacles to providing required documentation.

The following information and/or supporting documentation for EPSL must be provided in addition to the completed Request for Emergency Paid Leave form:

- A copy of the federal, state, or local quarantine or isolation order related to COVID-19 applicable to the employee or the name of the government entity that issued the order.
- Written documentation by a health care provider advising the employee to self-quarantine due to concerns related to COVID-19 or the name of the provider who advised the employee.
- A statement which provides for the name and employee’s affiliation or relation to the individual the employee is taking leave to care for who is subject to a quarantine or isolation order or is advised to self-quarantine; a copy of the order related to COVID-19 and issued by a federal,

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state, or local entity applicable to the individual directing that he/she self-quarantine, or the name of the government entity that issued the order; or the name of the health care provider who advised the individual being cared for to self-quarantine due to concerns related to COVID-19.

- The name and age of the child or children being cared for; the name of the school, place of care, or child care provider that closed or became unavailable; and a statement that no other suitable person is available to care for the child during the period of requested leave.

Once EPSL has begun, the employee and the School's Administrator or designee will determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive EPSL. EPSL is only for the reasons above and only for as long as that reason exists.

AMOUNT OF PAID SICK LEAVE

All eligible full-time employees will have up to 80 hours of paid sick leave available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- If the employee has worked 6 months or more, the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. The average daily hours worked number is then multiplied by 10 working days to arrive at the total number of Emergency Paid Sick Leave hours.
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire, multiplied by 10 working days to arrive at the total number of Emergency Paid Sick Leave hours.

RATE OF PAY

EPSL will be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above. Employees taking leave for reasons 4-6 will be compensated at two-thirds their regular rate of pay, or minimum wage, whichever is greater. Pay will not exceed:

- \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above.
- \$200 per day and \$2,000 in total for leave taken for reasons 4-6 above.

INTERACTION WITH OTHER PAID LEAVE

The employee may use EPSL under this policy before using any other accrued paid time off for the qualifying reasons stated above.

TERMINATION AND CARRYOVER

EPSL shall end under this policy and will not be provided beyond December 31, 2020, unless extended by an act of Congress. Any unused EPSL will not carry over or be combined with other categories of accrued sick leave or be paid out to employees at termination of employment. EPSL may not be contributed under the School's leave donation policy.

If employees do not exhaust the total number of eligible EPSL hours, the balance can be used later (before 12.31.2020) for another qualifying reason for EPSL, if the required notice and documentation are provided.

COMBINING WITH OTHER LEAVE BENEFITS

EPSL is in addition to other paid leave benefits and employees may opt to use EPSL and other earned paid sick, personal or annual leave in the sequence of their choice. The employee must notify the Administrator at the time leave is taken for one of the reasons above, whether the employee wishes to use another category of leave first. If employee does not so indicate, EPSL will be applied first based on the appropriate Rate of Pay.

JOB PROTECTIONS

No employee who appropriately utilizes EPSL under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave or for filing any complaint or for participating in any proceeding related to the employer's alleged violation of EPSL.

If you believe that you have been disciplined or discriminated based on use of EPSL, it is appropriate to file a complaint pursuant to the School's anti-discrimination policy or grievance policy.

EXTENDED FAMILY MEDICAL LEAVE (EFML)

EFML provides eligible employees with up to 12 weeks of emergency family medical leave for a qualifying reason related to a public health emergency as declared by an official with jurisdiction to make such a declaration, e.g. the Governor of the State of New Mexico. Even if no employee at School is eligible for traditional Family Medical Leave, the School will provide EFML, if the employee is eligible as described in this policy.

ELIGIBILITY/ QUALIFYING REASON FOR LEAVE

All current employees who have been employed with the School for at least 30 calendar days and are actively scheduled for work are eligible for EFML, if the requested leave is for the following reasons:

An eligible employee is unable to work (or telework) due to a need to care for a child (as defined below) when a school or child care location has been closed, or when the regular child care provider is unavailable as a result of a COVID-19 related emergency declared by a federal, state or local authority. In addition, the employee certifies that no other suitable person is available to care for the child during the period of requested leave. "Closed" means the physical location of the location where the child received instruction or care is closed, even if some or all instruction is being provided online. Unable to telework means that the employer has work for the employee, but the employee is not able to perform that work, either under normal circumstances at the normal worksite or by at a remote location.

- "Child" has the same meaning as defined above under EPSL.
- "Child Care provider" has the same meaning as defined above under EPSL.
- "Telework" has the same meaning as defined above under EPSL.

PROCEDURE FOR REQUESTING EFML

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All employees requesting EFML must provide written notice of the need for leave to the Administrator or designee as soon as practicable using the School's "EFMLA Employee Request Form." Verbal notice will otherwise be accepted until written notice and relevant documentation can be provided.

Notice of the need for leave must include:

- The name and age of the child or children being cared for.
- The name of the school, place of care, or childcare provider that closed or became unavailable due to COVID-19 reasons.
- A statement representing that no other suitable person is available to care for the child or children during the period of requested leave.

On a basis that does not discriminate against employees on EFML, the School may require an employee to report periodically on the employee's status and intent to return to work.

DURATION OF LEAVE

Employees will be entitled to 12 workweeks of leave to use through December 31, 2020, for the Qualifying Reasons stated above, including the two weeks (80 hours or part time hours total) for EPSL for reason #5. If you are an eligible employee for FMLA, EFML counts towards the 12 weeks of FMLA for which you would be entitled within a 12-month period. For example, if an employee has already taken 6 weeks of FMLA leave, that employee would be eligible for another 6 weeks of EFML under this policy.

INCREMENTS & INTERMITTENT USE OF LEAVE

Employees may take EFML intermittently and in increments as agreed to in writing between the Administrator and employee. For example, an employee may only need 4 hours per day of leave to care for his or her child or may only need to do so on Tuesdays and Thursdays.

PAY DURING EFML

Leave will be unpaid for the first 10 days of leave; however, employees may use accrued paid vacation or personal leave during this time. The employee may also elect to use and exhaust the paid leave provided under the EPSL, before using accrued paid leave or unpaid leave. If the School and employee agree, employee may supplement EPSL pay with other paid leave up to the employee's normal earnings for the first two weeks of EFML. After the EPSL pay expires (two weeks), the employee must use accrued paid leave. If employee exhausts all accrued paid leave, the employee will be paid for the remainder of EFML at the rate described below.

RATE OF PAY

After the first 10 days of EFML and exhaustion of all other accrued paid leave, employee will be paid at two-thirds of an employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work. EFML Pay will not exceed \$200 per day and \$10,000 in total, or \$12,000 in total if using EPSL for the first two weeks. Unused EFML pay does not carry over, will not be applied to existing accrued leave, and cannot be applied to the School's leave donation bank.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- If the employee has worked 6 months or more, the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type.

- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

EMPLOYEE STATUS AND BENEFITS DURING LEAVE

While an employee is on leave, the company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on EFML, the employer will continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee must continue to make this payment per instructions from the School.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. During any portion of unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employee may request to discontinue coverage during the leave. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether the employee returns to work or not.

RETURN TO WORK AFTER EFML

Generally, an employee who takes EFML will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The Administrator may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to School's operations. Key employees will be given written notice their status as a key employee at the time they request EFML.

Generally, an employee who takes EFML will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. However, if the School at the time of employee's intent to return employees 25 or fewer employees the School is not required to return the employee to his/her position if:

- The position the employee held does not exist due to changes in the employer's economic or operating condition that affect employment and were caused by the COVID-19 health emergency;
- The School makes "reasonable efforts" to restore the employee to an equivalent position; **and**
- If these efforts fail, the School makes additional reasonable efforts to contact the employee if an equivalent position becomes available during a one-year window beginning on the earlier of:
 - The date on which the employee no longer needs to take leave to care for the child; or
 - 12 weeks after the employee's leave commences.

NOTICE

The School will post notice of employees' rights under the Emergency Family Medical Leave Expansion Act and the Emergency Paid Sick Leave Act in a conspicuous place including on the School's website if one is regularly maintained. The School may satisfy this notice requirement by sending an email or a direct mailing to its employees.

If you have questions concerning this policy, please contact the School's Administrator or designee.

EFFECTIVE DATE OF THIS POLICY

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This policy is effective April 1, 2020 through December 31, 2020 and shall automatically expire without further action of the School's governing body or Administration. If the United States Congress extends these provisions of the CARES Act, this policy will be automatically extended to the extent required by law.

Approved: September 21, 2020

G.19 - Reduction in Force

I. AUTHORITY.

Pursuant to ECRA'S charter, the Executive Director, when authorized by the ECRA Governing Council has the authority to discharge licensed school personnel during the term of their contracts or to terminate licensed school instructors and non-licensed school employees with rights created by NMSA 1978, Section 22-10A-24(C) (hereafter "tenured employees"), after notice and a hearing when a reduction in such personnel is required as a result of circumstances justifying a reduction in force as specified herein. Reduction-in-force (R.I.F.) is "just cause" for discharge of licensed school personnel and terminations of tenured employees, when established pursuant to this policy. This policy is adopted as the procedure by which reductions in personnel who are covered by the policy may be accomplished, within the context of ECRA'S general personnel policies.

II. GOVERNING COUNCIL DISCRETION.

The Governing Council is vested with the discretion to develop educational policies for ECRA, so long as the state educational standards and statutorily required standards are met. The Executive Director, in carrying out the educational policies of the Governing Council and administering and supervising ECRA, will make recommendations to the Governing Council in accordance with this policy in determining when decreased enrollment, financial exigency or other causes justify a reduction in personnel.

III. GROUNDS JUSTIFYING REDUCTION IN FORCE.

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

- A. decrease in student enrollment or reduced student demand for or participation in programs or activities;
- B. decrease in revenue:
 - 1. because of decrease of student enrollment;
 - 2. Because of loss or reduction of PSCOC lease payments;
 - 3. Because of reduction of state, local, or federal financial support; or
 - 4. Because of inflation reducing the value of revenues received or significantly increasing costs of operation;
- C. change in the ECRA educational program, as determined by the Governing Council, in its good-faith exercise of discretion;
- D. court orders;
- E. orders of the Secretary of Education;
- F. legislative mandates;
- G. unanticipated financial or programmatic exigencies identified by the Governing Council which warrant initiation of a RIF's process.

IV. GOOD FAITH DETERMINATION.

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

V. TIMING OF REDUCTION IN FORCE.

A R.I.F. may occur at any time during the calendar year when the Governing Council determines that it is justified, and the procedures prescribed herein are applicable and are followed. A R.I.F. may be based upon projections of future enrollment, revenues or expenses, and the subsequent receipt of more revenue than expected or a subsequent saving of projected expenses will not invalidate any actions previously taken in good-faith reliance on such projections, nor will it require the reemployment of any employees who were released on the basis of such projections.

VI. DETERMINATION OF NEED FOR REDUCTION IN FORCE

Except as required by legislative mandate or orders of the State Secretary of Education and to the extent that circumstances permit, the Executive Director, with the assistance of the administrative staff, will report to the Governing Council any circumstances which may ultimately require a R.I.F., in order that notice be given to licensed personnel of the possibility of a R.I.F. and so that consideration be given to means by which a R.I.F. may be avoided. Preparation of a R.I.F. Plan will not be necessary if the reductions can be accomplished through attrition (i.e. resignations, retirements, etc.), or by termination of a sufficient number of non-tenured staff.

A. Preparation of R.I.F. Plan. When the Executive Director concludes that a R.I.F. is necessary, a plan for R.I.F. will be developed for presentation to the Governing Council. The R.I.F. plan will not identify individuals to be discharged or terminated, but rather will focus upon the total educational program of the school and how it may be modified to reduce costs, programs and personnel while still providing the educational program required and taking into account the particular educational needs of the school. Where circumstances warrant, a R.I.F. plan may address particular programs, departments, content areas or activities if the causes for the R.I.F. predominately impact that aspect of the educational program. Such impact will be described in the R.I.F. plan. The R.I.F. plan will include, but need not be limited to, the following:

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

The Executive Director will include in the R.I.F. plan a listing of all extra-curricular, co-curricular and athletic programs or activities which may be considered for rating points

in the proposed R.I.F. rating sheet and the proposed weight to be given each category of such programs or activities for discussion at the public meeting at which the R.I.F. plan is considered.

B. **Governing Council Considerations.** The Governing Council will consider the recommendations of the Executive Director for the adoption of the R.I.F. plan at a duly-called meeting, the public notice of which announces that a R.I.F. will be considered. The discussion and action on the plan will be in open session; however, nothing herein will restrict the Governing Council from holding portions of those discussions in closed session, if such discussion would be proper under the New Mexico Open Meetings Act. The Governing Council may allow such review, consultation, and comment by employees and members of the public, as the Council, in its discretion, deems appropriate. The Governing Council may propose modifications to the plan recommended by the Executive Director as it deems appropriate. If a mid year R.I.F. is proposed which would require the discharge of tenured certified staff, the Executive Director and the Governing Council will adopt a joint determination that as to the projected financial burdens to ECRA in the future and concluding ECRA cannot survive financially for the fiscal year already underway, if the R.I.F. is not carried out. Any final plan for a R.I.F. will be made available to all staff, by providing copies thereof in the ECRA office, within two (2) work days after the final plan has been approved by the Governing Council.

C. **Adopted Plan.** If an R.I.F. plan is adopted, the Governing Council will not be required to deplete its operational cash balances maintained or carried over as permitted by NMSA 1978 § 22-8-41C and Section 71, Laws 2003, Ch. 153 in order to avoid the R.I.F., if the Governing Council, in its discretion, determines that the cash balance must be maintained at the level determined by the Governing Council, in order to cover other permitted expenditures or as a contingency for unforeseen expenditures or emergencies.

Based upon the R.I.F. plan approved by the Governing Council, the Executive Director and designated staff will perform a study of ECRA' personnel to determine which person or persons must be wholly or partially terminated or discharged in order to implement the plan. The primary concern to be applied in making the R.I.F. selections will be the Governing Council's interest in maintaining a sound and balanced educational program which is accredited and meets state and federal or regulatory requirements or standards, as well as the educational and extra-curricular program established for ECRA. In performing the study, the Executive Director will prepare a rating sheet and apply a point scale using the criteria applicable to the affected personnel specified in the following section.

VII. CRITERIA FOR SELECTION OF EMPLOYEES FOR R.I.F.

A. Licensed Personnel.

1. **Licensing as Qualification/Substandard Licenses.** Substandard licensure is inferior to full licensure, and a person who is fully licensed to teach within the presently assigned content area will be retained in preference to a person holding a substandard license.

(a) A person holding a "teaching waiver" of licensure requirements approved by the Public Education Department (per NMSA 1978 Section 22-10A-14B) will be treated as having substandard licensure for the purpose of this policy, and will receive zero (0) points for licensure in the survey and on the rating sheet.

(b) A licensed person working in the affected content area pursuant to an “assignment waiver” (per NMSA 1978 Section 22-10A-14C), but possessing full licensing in another content area not affected by the RIF will be allocated five (5) points on the rating sheet.

(c) A person who is fully licensed and teaching in the affected content area will be allocated ten (10) points on the rating sheet.

2. Endorsements. Licensed personnel possessing teaching endorsements recognized by the Public Education Department beyond those requested or required as qualifications for the individual’s current assignment or content area will receive an additional two (2) points per current valid endorsement, up to a maximum of six (6) points.

3. Extracurricular Licensing/Experience/Assignment. No employee may receive in excess of ten (10) total points on the rating sheet for extracurricular, athletic or co-curricular assignments. The Executive Director will include in the proposed R.I.F. Plan a listing of all extracurricular, athletic and co-curricular programs or activities which may be considered for rating points in the proposed R.I.F. rating sheet and the proposed weight to be given to each category of such programs or activities for discussion at the Governing Council meeting at which the R.I.F. Plan is considered.

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

a. Each licensed individual considered for termination or discharge will be awarded one (1) point for each year of full-time service during the most recent period of uninterrupted service, prior to the current year, excluding approved extended leaves of absence, up to a maximum of twenty (20) points.

5. Education. The amount of credit for education will be determined based on degree and additional hours:

(1) B.A.	1 point
(2) B.A. + 15	2 points
(3) B.A. + 45 or M.A.	4 points
(4) M.A. + 15	6 points
(5) M.A. + 45 and higher	8 points
(6) Ed.D. and Ph.D.	10 points

6. Performance [Optional - The Governing Council will determine whether this criterion will be used at the time the R.I.F. Plan is approved.] The current supervisor of each licensed instructor considered for termination or each licensed person considered for discharge will rate the relative performance of each such person on a rating form to be prepared by the Executive Director, or under his/her direction. Such rating form may be based on the standard evaluation form(s) rating teacher competencies but may include additional competencies identified by the Executive Director which reflect his or her judgment as to the attributes necessary for success in the particular program(s) affected by a R.I.F. The rating form will include not more than a total of ten standard and specific competency areas, will specify the score for each performance category or

attribute, and will allow for a maximum score of twenty (20) points. The supervisor(s) may consult with the Executive Director concerning the implementation of the evaluation. The supervisor(s) will complete the rating forms and return them to the Executive Director within the time specified for completion of the evaluations.

If different individuals considered for a R.I.F. have different supervisors, the supervisors may consult with each other and/or with the Executive Director to insure that the rating system is applied uniformly. There will be no requirement of observation of performance by a supervisor specifically for the purpose of completing the rating form; however, each supervisor will review prior evaluations of the individuals considered for a R.I.F. for a period of the three (3) years immediately prior to the R.I.F, if available. Where a supervisor lacks familiarity with an individual's performance (e.g., a new supervisor), the Executive Director may assign the evaluation to a supervisor who has greater familiarity with the individual's performance. The Executive Director may devise such other measures as he or she deems necessary to address situations where implementation of the performance rating cannot occur in the normal manner, so long as such measures are rationally designed to award points to licensed personnel based on the employee's performance.

B. Selection Based on Scores. The Executive Director will total the points allocated based on the criteria specified above. The person with the lowest score will be the person who is released by termination or discharge unless such action would have a serious and detrimental effect on the total educational program. In such event, the Executive Director may select a higher scoring person for termination or discharge but will prepare a written justification for such action in the best interests of the school, along with the rating sheets for such positions. The computations of the Executive Director, plus the rating forms on the persons considered for release, will be available for review by the person released.

C. Transfers/Reassignment .If, as a result of the application of the selection criteria, a person is selected to be released from the affected program, but such person ("the affected person") is also licensed and qualified for another program(s) within the school, the person will be considered for transfer or reassignment to such program(s). The fact that there are one or more other licensed employees within the program affected by the R.I.F. who scored higher than the affected person, and that such person(s) may be licensed and qualified to teach or administer in other programs, will not require that the higher scoring persons be transferred or reassigned to the other program or programs, even if there is a vacancy in the other program or programs. The transfer/reassignment obligation will not arise until after the selection of the person or persons to be released from program affected by the R.I.F. and will only apply to the person or persons selected for release. Consideration of transfer or reassignment of the affected person will be governed by the following criteria:

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

2. No Existing Vacancy. Where the affected person is licensed and qualified for another program or programs at ECRA, but all such positions are currently filled, the selection criteria described above, subject to the modifications described

below, will be applied to determine whether the affected person will be transferred or reassigned to another program and another person, currently employed in the other program, will be released.

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

b. If neither the Executive Director nor the current supervisor of the program has observed the person being considered for transfer or reassignment performing the duties of the other program, it is impractical for the relative performance of the person being considered for transfer or reassignment and the person or persons currently teaching or administering in the program to be rated based on direct observation. Under such circumstances, the Executive Director or his/her designee will make a judgment as to the likely performance of the person being considered for transfer or reassignment and assign the performance score which may be used in the selection process in comparison to the person or persons currently employed in the other program. The Executive Director or designee will consider the affected person's performance in other programs and his/her knowledge of all persons in the program in question in making the judgment, and may consult with other knowledgeable persons in making this determination.

Each licensed instructor or administrator discharged and each tenured teacher terminated pursuant to this policy will be entitled to the procedural rights provided under the applicable statutes and regulations of the State Secretary of Education governing discharge of licensed school personnel or the termination of tenured teachers. The written decision of the Governing Council, to the extent required by statute and regulation, will clearly specify that the termination or discharge resulted from a R.I.F. and not from any cause personal to the person released.

D. Non-Licensed Personnel. Seniority will be the primary criterion in determining which non-certified personnel will be recommended for complete or partial termination in order to implement the R.I.F. Plan. More senior non-certified personnel ordinarily will be retained in preference to less senior non-certified personnel within the same job category. However, where multiple positions and programs are affected by the R.I.F., the Executive Director may prepare a rating sheet which includes the following criteria in making the selection:

1. Specialized Qualifications/Licenses. Specialized training/certification or licensing directly related to the current job duties of the non-certified employee (e.g. electrician's license held by maintenance employee) may be allocated up to, but no more than, five (5) points. This factor excludes credit for extra-curricular licensing referred to in the next section.

2. Extra Curricular Licensing/Assignments/Experience: Licensing/training in extra-curricular activities, such as coaching or training in athletic programs, which are to be retained as an integral part of the school's overall program for its students, may be considered as a qualification requirement in making selection of personnel to be released under this policy. Coaches and trainers who possess current licensing as a coach or trainer may be allocated up to, but no more than, two (2) points for each head coaching or training assignment, up to a maximum of six (6) points for all current assignments. Licensed assistant coaches, or service in current extra-curricular

assignments requiring specialized knowledge, training expertise, or significant time commitment, may be allocated up to, but no more than one (1) point for each assistant coaching assignment, up to a maximum of three (3) points for all current assignments.

3. Service - Each noncertified employee rated will be awarded one (1) point for each complete school year of full-time service during the most recent period of uninterrupted service with ECRA, up to a maximum of twenty (20) points. Periods of extended leave of absence without pay will not be included. Where cumulative scores are equal, tenured noncertified individuals (those who have completed three full consecutive years of service with ECRA) will be retained over nontenured noncertified individuals.

4. Performance - [Optional - To be used only if directed by Governing Council] If two or more individuals have equal ratings on the above criteria, the current supervisor of each person classified as support staff who is considered for termination will rate the relative performance of such person on a rating form to be prepared by the Executive Director. Such rating form will be designed based on the performance evaluation form for non-certified employees. The rating form will allow for a maximum score of twenty

(20) points. The forms will be returned to the Executive Director for tabulation.

5. Selection Based on Scores. The Executive Director will total the points for service and performance. The person with the lowest score will be the person who is released. The computations of the Executive Director, plus the rating forms on the persons considered for release, will be available for review by the person released.

6. Transfer/Reassignments: If, as a result of the application of the selection criteria, a person is selected to be released from the affected program, but such person is tenured and qualified for another program within ECRA in which a vacancy exists, that person will be considered for transfer/reassignment to the other program.

7. Termination. Each non-licensed employee terminated pursuant to this policy will be entitled to the procedural rights provided under the applicable New Mexico statutes and regulations governing the termination of non-licensed personnel. The written decision of the Governing Council, to the extent required by statute and regulation, will clearly specify that the termination resulted from a R.I.F. and not from any cause personal to the person released.

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

F. Recall of Released Staff. For a period of one year after the effective date of the discharge or termination of any employee pursuant to this policy, the Executive Director will offer to such person any position(s) which becomes available for which such person is licensed and qualified, provided that such person has complied with the requirements specified below.

1. Every person discharged or terminated under this policy who wishes to be considered for recall, in the event that an opening occurs, must file with the Executive Director, within thirty (30) days after the effective date of the discharge or termination, a written statement indicating a desire to be considered for recall and providing an address at which the person may be contacted. Such person must notify the Executive Director of any

change in address within ten (10) days after changing residences in order to insure proper notification in the event of a recall.

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

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

4. Any person recalled pursuant to this policy will have all accrued but unused sick leave restored and be given credit for all years of actual service at ECRA for salary purposes.

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

If legislation is passed which requires the ECRA to reduce licensed school personnel, for any reason, ECRA will follow the legislative procedures, if any, in lieu of this policy.

Countervailing orders of the State Secretary of Education will override this policy. Unless a different procedure is mandated by law, the termination or discharge of school employees in compliance with a State Secretary order will be governed by NMSA 1978, Statutes 22-10A-24, 22-10A-25, 22-10A-27, and 22-10A-28, if applicable.

Administrative Position:

- Executive Director

References

Legal Cross Ref.:

- §22-10A-24 NMSA 1978
- §22-10A-25 NMSA 1978
- §22-10A-27 NMSA 1978
- §22-10A-28 NMSA 1978
-

Board Policy Cross Ref.:

Approved: 2006

G.20 - Restraint & Seclusion

El Camino Real Academy shall follow requirements for the use of restraint and seclusion techniques in accordance with Section 22-5-4.12 NMSA 1978 and 6.11.2.10.E NMAC, as amended.

- I. El Camino Real Academy shall establish and review annually policies and procedures for the use of restraint and seclusion techniques. Such policies and procedures shall require and describe appropriate training for school personnel and shall include requirements in relation to the use of restraint and seclusion techniques.
 - A. A school may permit the use of restraint or seclusion techniques on a student pursuant to the requirements in Section 22-5-4.12 NMSA 1978, and only if the student's behavior presents an imminent danger of serious physical harm to the student or others, and only if less restrictive interventions appear insufficient to mitigate the imminent danger of serious physical harm.
 - B. Less restrictive interventions, including positive behavioral intervention supports or other comparable behavior management techniques, shall be implemented prior to the use of restraint and seclusion techniques.
 - C. If a restraint or seclusion technique is used on a student, trained and authorized school employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use.
 - D. Restraint or seclusion techniques shall be used only by school employees who are trained in de-escalation strategies, positive behavioral intervention supports, and the safe and effective use of restraint and seclusion techniques, unless an emergency does not allow sufficient time to summon those trained school employees.
 - E. The restraint or seclusion techniques shall not impede the student's ability to breathe or speak, shall be in proportion to a student's age and physical condition, and shall end when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others.
 - F. A school employee shall provide the student's parent/guardian with written or oral notice on the same day the incident occurred, unless circumstances prevent same-day notification. If notice is not provided on the same day of the incident, notice shall be given within 24 hours after the incident.
 - G. Within a reasonable time following the incident, no longer than two school days, a school employee shall provide the student's parent with written documentation that includes information about any persons, locations, or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used, and the duration of its use.
- II. El Camino Real Academy shall develop and implement an annual training for designated school personnel regarding positive behavioral intervention supports or comparable behavior management techniques and the use of restraint and seclusion techniques. In the event that new designated school personnel are employed within the school after the provision of the annual training, the principal of the school, or a person authorized to act officially in a matter involving school discipline or the maintenance of order within the school, shall ensure that a training is provided to new designated school personnel within 60

- days of employment.
- III. El Camino Real Academy shall update school safety plans with regard to restraint/seclusion and make reports to the NMPED in accordance with state law.
 - IV. If a student has been restrained or secluded two or more times within 30 calendar days, El Camino Real Academy shall review strategies used to address the student's behavior and determine whether the student needs a functional behavior assessment or referral to a SAT or BIP team, or, if a student has an IEP, a referral to the student's IEP team. The student's IEP, BIP, or SAT team shall meet within two weeks of each subsequent use of restraint or seclusion to provide recommendations for avoiding future incidents requiring the use of restraint or seclusion; the review shall include whether school personnel involved in the incidents were trained in the use of de-escalation strategies, positive behavioral intervention supports, or restraint and seclusion techniques. Additionally, the review shall consider whether the individual who restrained or secluded a student needs additional training.
 - V. El Camino Real Academy shall conduct an annual review and analysis of all incidents in which restraint or seclusion techniques were used, including the number of incidents, the type of incident, personnel involved, the need for additional training, and student demographics.
 - VI. If the school summons law enforcement instead of using a restraint or seclusion technique on a student, the school shall comply with the reporting, documentation, and review procedures established herein and in 6.11.2.10 NMAC and Section 22-5.-4.12 NMSA.
 - VII. Restraint or seclusion techniques used in compliance with 6.11.2.10.E NMAC shall not be deemed to be corporal punishment.

Administrative Position:

- Executive Director

References**Legal Cross Ref.:**

- §22-5-4.12 NMSA 1978 6.11.2.10(E) NMAC

Board Policy Cross Ref.:**Approved: 12/2024**

H.1 – Employee Relations

It is the policy in this El Camino Real Academy to

1. allow employees to organize and bargain collectively with the Governing Council;
2. promote harmonious and cooperative relationships between these parties;
3. protect the rights of employees who do not desire representation; and
4. protect the public interest by assuring at all times, the orderly and uninterrupted operations and functions of El Camino Real Academy.

Nothing contained in this policy shall be construed to limit, impair, or affect the right of any employee to express a view or grievance, complaint, or opinion on any matter related to the conditions or terms of employment, so long as the same does not interfere with the full, faithful, and proper performance of the employee's duties.

Administrative Position: Principal and Business Manager

References

Legal Cross Ref.:

Board Policy Cross Ref.:

Procedural Directive Cross Ref.:

Revision approved: March 20, 2017

I.01 Instructional Program

Instruction at ECRA will aim to provide maximum opportunity for learning for all students. Learning activities will be appropriate to the individual needs and developmental levels of the students. Programs of study made available to the students will be consistent with policies of the New Mexico Department of Education. The Principal will submit reports to the Governing Council evaluating various aspects of the program of instruction and making recommendations for improvement in the program, including revising, dropping, or adding courses of instruction.

Middle School Required and Elective Program

The Principal is authorized to provide a process for the approval of middle school instructional programs within the regulations established by the New Mexico Department of Education. The middle school may combine required subjects in any pattern that accomplishes state competencies.

High School Required and Elective Programs for Graduation

Graduation requirements will be established in accordance with New Mexico Department of Education regulations. Additionally, in accordance to New Mexico Department of Education course requirement for health curriculum, one unit of health education will be a required high school graduation course.

Parents can request an exemption from the parts of the health education curriculum that addresses the sexuality performance standards. An exemption form is available for parents to complete if they choose to have their child opt-out of these parts of the curriculum. Established alternative lessons will be taught for the exempted parts of the curriculum.

Upon approval of the New Mexico Department of Education, the school may waive or substitute courses that are required for graduation whenever it can be verified that waiving the requirement is in the best interest of the student.

High School Elective Credit

The Principal is authorized to provide a process for the approval of high school elective credits within regulations established by the New Mexico Department of Education. The Principal will develop procedures to ensure that elective courses will have academic value, adequate contact time, and articulated student competencies. Procedures will also be developed for new elective courses to be evaluated at the end of two years.

Special Education Graduation

The Principal is authorized to insure that the Multi-Disciplinary Team follows State and

I.01 Instructional Program El Camino Real Academy

Federal law in developing an appropriate IEP for Special Education Student graduation requirements.

English Language Learners

The Principal is authorized to insure that the School follows State and Federal law in developing an appropriate program for English Language Learners.

Bilingual Program

The Principal is authorized to insure that the School follows State law in developing an appropriate program for Bilingual students.

Revision approved: July 21, 2011

I.02 School Year Calendar

The principal, or his/her designee, shall present the Public Education Department's School Calendar annually to the Governing Council for review, amendment and approval during the budget process.

The principal, or his/her designee, shall annually solicit parents, community partners, school staff to develop recommendations for the school year calendar. The recommendations shall comply with federal and state statute and law and regulation.

The Governing Council reserves the right and authority to change the adopted school year calendar during the school year if it is in the best interest of the school.

Administrative Position:

- Principal
- Business Manager

References

Legal Cross Ref.:

- §22-2-8.2 NMSA 1978

Revision approved: May 16, 2013

I.03 Treatment of Religious Issues


The Governing Council endorses a neutral stance in matters involving religion. The School will adhere to the following guidelines: The school year calendar will be planned to avoid conflict with religious holidays. In case of conflict, students will be allowed non-penalized absences to observe religious holidays.

The sacred literature of all faiths may be studied only for its historical, artistic, cultural, literary, or other secular importance. Religious exhibits, music, or display of religious objects or symbols are permissible only if they are used as learning materials in these studies.

School facilities may be used by religious groups outside of school hours or when such use will not conflict or interfere with the school program.

The School will not conduct or sanction any invocations, benedictions, or formal prayers at the graduation ceremony.

Board Policy Cross Ref.:

Cross Ref.: ECRA Student/Parent Handbook 

Revision approved: May 16, 2013

I.04 Instructional Materials and Curriculum Adoption

Required textbooks will be issued free to students. The Director or the Director's designee is responsible for establishing and enforcing rules and regulations relating to textbooks. Compensation will be made by students in case of lost, destroyed, or unnecessarily damaged textbooks.

Every student will have a textbook for each class that conforms to curriculum requirements and that allows students to take those textbooks home.

The Director or the Director's designee shall give written notice to parents and other community members of curriculum adoption meetings. The Director shall invite parental involvement in the adoption process at the school. The Director will also provide the general public notice via the School's website.

While fully supporting these collaborative efforts, the council recognizes its ultimate authority and responsibility and that of the director for decisions regarding curriculum used at El Camino Real Academy.

Legal Cross Ref.:

NMSA 22-15-8 B

NMSA 22-15-9 D

Approved: October 14, 2008

Revised: July 17, 2014

Revised: February 24, 2020

I.04 Instructional Materials

Required textbooks will be issued free to students. The Principal or the Principal's designee is responsible for establishing and enforcing rules and regulations relating to textbooks. Compensation will be made by students in case of lost, destroyed, or unnecessarily damaged textbooks.

Every student will have a textbook for each class that conforms to curriculum requirements and that allows students to take those textbooks home.

Approved: October 14, 2008

Revised: July 17, 2014

I.07 Student Travel: Field And Activity Trips

Field Trips

The Governing Council authorizes the Principal or his/her designee to approve field trips for students. A field trip is defined as a school sponsored first-hand education experience to supplement class activities for students away from the campus.

Students who participate in field trips to supplement class activities must have the approval of the principal and prior written consent from the parent or guardian obtained in writing prior to the trip.

Activity Trips

"Activity trips" are non-educational in nature and are used to reward academic, athletic or behavioral accomplishments.

The Governing Council authorizes the Principal or his/her designee to approve activity trips that are non-educational in nature providing that the trips have been defined and structured as part of the educational environment.

Unauthorized Travel: "Senior Trips"

The school does not sponsor "senior trips". "Senior trips" fail to meet the criteria for field or activity trips and, therefore, will neither be supported nor sponsored by the School. Companies that sponsor "senior trips" or their agent(s) are not permitted to use school property and/or other resources to promote such trips. School employees or students who chose to represent companies promoting "senior trips" will be considered agents of the Company. Companies who sponsor "senior trips" will be responsible and liable for any and all accidents, injuries, suits, etc., which may occur as a result of such travel.

Procedural Directive Cross Ref.: Activity Trips & Field Trips

Revision approved: May 16, 2013

I.08 Reports to Parents on Student Progress

A periodic system of grading and reporting to parents/guardians will be maintained at the various grade levels throughout the school.

Revision approved: May 16, 2013

I.09 Teaching About Controversial or Sensitive Issues

The Governing Council encourages the objective study of controversial issues. Provisions will be made, as directed by the Principal, for review of lesson plans, student or parent objections to presentations or to print or multi-media instructional materials in accordance with related policies and handbooks.

Board Policy Cross Ref.:

- K.01 Parent Involvement
- I.03 Treatment of Religious Issues
- Parent/Student Handbook

Revision approved: May 16, 2013

I.10 Student Internet Acceptable Use Policy

El Camino Real Academy Charter school provides technology resources to its students for educational purposes. The goal of providing these resources is to promote educational excellence.

Proper behavior, as it relates to the use of computers, is no different from proper behavior in all other aspects of APS activities. All users are expected to use the computers and computer networks in a responsible, ethical, and polite manner. Violation of this policy is grounds for school disciplinary action.

Board Policy Cross Ref.:

- G.09 Acceptable Employee Use of Technology
- E.03 Security of Digital Information

Procedural Directive Cross Ref.:

- Internet Safety Procedural Directive

Revision approved: June 21, 2012

I.11 Special Education

El Camino Real Academy shall provide a free appropriate public education for all students with disabilities. The Principal shall develop and implement administrative procedural directive(s) that comply with the Individuals with Disabilities Education Act, its implementing regulations, and state regulations established pursuant to 20 U.S.C. Section 1412.

Administrative Position: Principal

Department Director: Special Education Coordinator

References

Legal Cross Ref.:

- 20 U.S.C. 1400 et seq.
- 34 CFR Part 300
- NMAC 6.31.2

Board Policy Cross Reference:

- I.01 Instructional Program

Procedural Directive Cross Ref.:

- Special Education Procedural Directives

Revision approved: May 16, 2013

I.12 Civil Rights

Civil Rights Policy and Procedures for USDA Child Nutrition Programs

School Year 2025-2026

1. Purpose

This policy outlines Civil Rights compliance procedures specific to the USDA National School Lunch Program (NSLP) and other federal Child Nutrition Programs operated at El Camino Real Academy

2. Non-Discrimination Statement

El Camino Real Academy complies with the USDA's Civil Rights regulations and policies, including the following USDA Non-Discrimination Statement:

In accordance with federal civil rights law and USDA civil rights regulations and policies, the USDA, its agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the state or local agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. **Mail:** USDA Food and Nutrition Service, 1320 Braddock Place, Room 334 Alexandria, VA 22314; or
2. **Email:** FNSCIVILRIGHTSCOMPLAINTS@usda.gov.

3. Complaint Procedure

Any person who believes they have been discriminated against in the operation of USDA programs may file a complaint using USDA Form AD-3027. Complaint forms are available at the school office and on the USDA website. All complaints will be documented and forwarded to the appropriate agency for resolution in a timely manner.

4. Public Notification

The USDA Non-Discrimination Statement is posted in the school office, cafeteria, and on the school's website. "And Justice for All" posters are displayed in visible areas where meals are served.

5. Staff Training

All food service personnel receive annual Civil Rights training covering: -

Protected classes

- How to handle complaints

- Accommodating special dietary needs

- Language assistance services

Training logs and sign-in sheets are retained annually for review.

6. Reasonable Accommodations & LEP

Students with disabilities are accommodated per medical documentation. Translation and interpretation services are provided upon request for families with limited English proficiency (LEP).

This institution is an equal opportunity provider. **Use this link for Assistance Tagline Translations.**

7. Recordkeeping

Records of training, complaints, and public notification efforts are maintained for a minimum of 3 years.

References

Board Policy Cross Reference:

- A.03 Nondiscrimination
- E.02 Food Services
- D.10 Federal Programs

Policy approved: July 21, 2025

J.01 – Equal Educational Outcomes

El Camino Real Academy shall educate all students in its schools regardless of race, ethnicity, disability, religion, sex, or citizenship status.

El Camino Real Academy shall strive to integrate innovative educational programs to address the diverse needs of students, ensure that each student succeeds, and close the educational gap.

Administrative Position:

- Principal

References

Legal Cross Ref.:

- Plyler, v. Doe, 457 U.S. 202, 102 S. Ct. 2382 (1982)
- State of New Mexico Constitution, Article XII, Section I
- §22-1-4 NMSA 1978

Board Policy Cross Ref.:

- [A.03 Nondiscrimination](#)

Approved: July 17, 2014

J.04 – School Attendance Area

El Camino Real Academy does not have an attendance area and is not subject to the “Open Enrollment Act.” Students who reside within the school’s attendance area do not have preference over any other student who wants to attend the charter school. A student who wishes to transfer from another school is admitted only through the lottery process.

Administrative Position:

- Principal

References

Legal Cross Ref.:

- §22-8-B4.1 NMSA 1978

Board Policy Cross Ref.:

- A.03 Nondiscrimination

Approved: July 17, 2014

J.05 – School Lottery

El Camino Real Academy uses a first-come, first-served basis or through a lottery selection process if the total number of applicants exceeds the number of spaces available.

Enrollment preference is given to:

- 1) students who have been admitted to the school through an appropriate admission process and remain in attendance through subsequent grades;
- 2) siblings of students already admitted to or attending the school;
- 3) children of employees of the school and
- 4) Military families relocating to military installations in New Mexico pursuant to official military orders may submit their student's name for the lottery and, if selected, enroll their student in the school, prior to actual physical presence in the state. The school shall accept electronic enrollment applications from military families relocating to New Mexico pursuant to official military orders, and shall provide such families requesting information with information regarding the school's program, materials regarding academic courses, electives, sports and other relevant information regarding the school.

A student's parent:

- (1) shall provide proof of residence in the state within forty-five days after the published arrival date provided on official military documentation; and
- (2) may use any of the following addresses related to the family's military move: (a) a temporary on-base billeting facility; (b) off-base military housing; or (c) a purchased or leased residence.

Administrative Position:

- Executive Director

References

Legal Cross Ref.:

- NMSA 1978, §22-8B-4.1
- NMSA 1978, §22-1-4

Board Policy Cross Ref.:

- [A.03 Nondiscrimination](#)
- [J.04 School Attendance Area](#)

Approved: July 17, 2014

Revision approved: November 20, 2017

Revision approved:

J.06 – Student Enrollment Requirements

Upon initial enrollment of a student in El Camino Real Academy, the student and/or parent/legal guardian shall present the student’s birth certificate or other satisfactory evidence of the student’s age to the district.

Upon initial enrollment, the student and/or parent/legal guardian shall provide the district with evidence that the student is in compliance with immunization requirements under New Mexico state statute.

New Mexico law requires SCHOOL to verify student records of dental examination prior to the student’s initial enrollment in SCHOOL. Parents/guardians of students (or, if over 18, the student) are required to provide an executed Student Dental Examination Verification Form as part of the SCHOOL’s enrollment process prior to SCHOOL initially enrolling the student. Parents/guardians/students over 18 may request a waiver from this verification process by checking the correct box on the Form.

This Form shall be collected and stored by SCHOOL as part of student records; confidentiality shall be maintained and shall be only accessible to SCHOOL individuals on a need-to-know basis, consistent with the privacy protections of FERPA. End-of-year student data regarding student dental examination shall be reported to NMPED consistent with NMPED requirements.

Parents/guardians/students over 18 who wish to receive information about local resources regarding access to oral health cases should see parent liaison or health office for information. In addition to local resources, the New Mexico Department of Health, Office of Oral Health is available at 505-827-0837.

Students who are homeless and are provided protections under federal law shall be required to follow appropriate enrollment procedures as outlined in federal law.

Administrative Position:

- Executive Director

References

Legal Cross Ref.:

- §22-8-2 NMSA 1978
- §22-12-2 NMSA 1978
- §24-5-1 NMSA 1978
- §24-5-1 to §24-5-6 NMSA 1978

- 6.12.13 NMAC 1978

Board Policy Cross Ref.:

- [J.06 Student Compulsory Attendance](#)

Approved: July 17, 2014

Revision approved:

J.07 – Student Compulsory Attendance

El Camino Real Academy shall comply with New Mexico state statute which requires that all children who range in age from five (5), prior to 12:01 a.m. on September 1 of the current school year and students under the age of eighteen (18) years who have not yet graduated from high school or received a general educational development certificate attend scheduled classes unless officially excused.

Compliance with El Camino Real Academy attendance policies and procedural directives shall be the responsibility of the parent/legal guardian.

Administrative Position:

- Principal

References

Legal Cross Ref.:

- §22-8-2 NMSA 1978
- §22-12-1 et seq. NMSA 1978

Board Policy Cross Ref.:

- JH Student Absences and Excuses

Revised: July 17, 2014

J.08 – Student Absences and Excuses

If a student must be absent, the parent/legal guardian shall follow the school's notification process for absences. El Camino Real Academy shall consider a student in need of intervention at five (5) unexcused absences and a habitual truant at ten (10) unexcused absences in one school year.

Administrative Position:

- Principal

References

Legal Cross Ref.:

- §22-12-9 et seq. NMSA 1978

Board Policy Cross Ref.:

- J.07 Student Compulsory Attendance

Revised: July 17, 2014

J.09 – Release of Students

School or class shall not be dismissed before the regularly scheduled hour for dismissal except with the approval from the principal, or his/her designee.

Custody of a student shall be relinquished by school personnel only to the parent/legal guardian or a student's emergency contact as identified by the parent/legal guardian.

In extenuating circumstances, school personnel may relinquish custody of a student to law enforcement; however, in every case of an arrest of a student, El Camino Real Academy shall attempt to notify the student's parent/legal guardian.

Administrative Position:

- Principal

References

Legal Cross Ref.:

Board Policy Cross Ref.:

- J.08 Student Absences and Excuses

Revised: July 17, 2014

J.10 – Student Code of Conduct

Students shall be responsible for attending school and participating in the educational process.

El Camino Real Academy shall establish expected conduct of students in school and at all school sponsored activities. Students shall be responsible for knowing and understanding the expected conduct and aligning their behavior with that expected conduct.

Administrative Position:

- Principal

References

Legal Cross Ref.:

- §22-5-4.3 NMSA 1978

Board Policy Cross Ref.:

- J.08 Student Absences and Excuses

Revised: July 17, 2014

J.11 – Student Dress Code

El Camino Real Academy may adopt student uniform dress codes. The school shall develop, implement and document processes used to ensure thorough community input and community support for a student uniform dress code. The school shall provide accommodations for families who require financial assistance with the cost of uniforms.

Administrative Position:

- Principal

References

Legal Cross Ref.:

- §22-5-4.3 NMSA 1978

Board Policy Cross Ref.:

- J.10 Student Code of Conduct
- J.12 Student Discipline

Revised: July 17, 2014

J.12 - Student Discipline

El Camino Real Academy shall strive to provide and maintain a safe, fair, affirmative, and appropriately challenging environment that promotes learning and positive personal growth. Disciplinary measures shall be aimed toward assisting each student in the development of self-control, social responsibility, and the acceptance of appropriate consequences for his or her actions. Administrators shall use the progressive discipline procedures and options specified in administrative procedural directive.

El Camino Real Academy encourages parent/legal guardian involvement in matters of school discipline. Parents/legal guardians shall be advised of disciplinary measures taken to elicit their understanding and support. Schools shall maintain a record of disciplinary actions taken.

Corporal punishment shall be prohibited at El Camino Real Academy.

Revision approved: January 17, 2013

Revised: July 17, 2014

J.13 - Student Drug and Alcohol Use

El Camino Real Academy prohibits the sale, use, possession, transfer of, or being under the influence of alcohol, narcotics, hallucinogens, inhalants, or drugs or possession of drug paraphernalia on district property or at any district-sponsored activity. Any student found to be engaging in any of the above behaviors shall be subject to appropriate interventions and/or disciplinary measures.

Revision approved: January 17, 2013

Revised: July 17, 2014

J.14 - Student Wellness and Welfare

El Camino Real Academy shall maintain a coordinated school health and wellness program to maintain healthy students. This program shall promote the Coordinated School Health Model, which includes the following eight components:

- Nutrition
- Physical Education and Activity
- Family, School and Community Partnership
- Health Education and Life Skills
- Healthy and Safe Environment
- Social and Emotional Well-Being
- Health Services

Revision approved: January 17, 2013

Revised: July 17, 2014

J.15 – Anti-Bullying

Purpose:

To provide an educational environment free from harassment, intimidation, violence, hazing or bullying of any kind in order to support the safety and wellbeing of all students.

Policy:

El Camino real Academy School prohibits bullying and cyberbullying. The policy covers conduct that takes place at El Camino real Academy School, on school property and at school-sponsored functions and activities. This policy also pertains to the usage of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities and on school computers, networks, forums, mailing lists, and/or creates a hostile environment on the school campus (in-person or online) that is so severe or pervasive as to substantially interfere with the targeted student's educational benefits, opportunities or performance.

A. DEFINITIONS

1. **Bullying.** Bullying includes any severe, pervasive or persistent act or conduct that targets a student or group, whether physically, electronically or verbally, and that
 - (1) may be based on a student/group's actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or cognitive disability or any other distinguishing characteristic, or on an association with any person, with one or more of the actual or perceived distinguishing characteristics; and/or
 - (2) can be reasonably predicted to: (a) place a student in reasonable fear of physical harm to the student's person or property; (b) cause a substantial detrimental effect on a student's physical or mental health; (c) substantially interfere with a student's academic performance or attendance; (d) substantially interfere with a student's ability to participate in or benefit from the services, activities or privileges provided by the School; or (e) create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with student educational benefits, opportunities or performance.

2. **Cyberbullying.** Includes any bullying that takes place through 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

3. **Electronic Communication.** Includes any communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, electronic tablet, pager or video/audio recording, or other electronic device.

4. **Gender Identity.** Includes a student's self-perception, or perception by another, of the student's identity as a male or female based upon the student's appearance, behavior or physical characteristics that are in accord with or opposed to the student's physical anatomy, chromosomal sex or sex at birth.

5. **Physical or Cognitive Disability.** Includes a physical or cognitive impairment that substantially limits one or more of a student's major life activities.

6. Progressive Discipline. Includes disciplinary action other than suspension or expulsion from school that is designed to correct and address the basic causes of a student's specific misbehavior while retaining the student in class or in school, or restorative school practices to repair the harm done to relationships and other students from the student's misbehavior.

7. Sexual Orientation. Includes heterosexuality, homosexuality or bisexuality, whether actual or perceived.

8. Regular Volunteers. Means those persons, including relatives of students, who commit to serve the school on a regular basis.

B. GENERAL PROVISIONS

1. This policy and these procedures for reporting incidents of bullying and cyberbullying are designed to ensure safety to those reporting bullying or cyberbullying incidents, as well as protection from reprisal, retaliation, or false accusation against victims, witnesses, or others with information regarding a bullying or cyberbullying incident. Retaliation or threats of retaliation meant to intimidate the victim of bullying or harassment or toward those investigating the incident will not be tolerated and will be subject to disciplinary action.

2. As part of this policy, as well as the school's ongoing commitment to providing a safe school for all students, the school will:

- a. Develop a student safety support plan for students who are targets of bullying that addresses safety measures the school will take to protect targeted students against further acts of bullying,
- b. Establish an annual bullying prevention program for students included in New Mexico's health education content standards with benchmarks and performance standards,
- c. Provide annual training beginning with the 2020-2021 school year and each school year thereafter on bullying prevention to all school personnel and regular volunteers who have significant contact with students, and
- d. Incorporate information on the bullying prevention policy into new employee training.

C. REPORTING

1. Student Reports

- a. A student may report bullying or cyberbullying of his or herself or another or retaliation for such reporting to any adult member of the school community with whom that student feels safe to do so and may do so either in writing or orally.
- b. A student may do this reporting in the student's preferred language.
- c. If the Report was made to any adult other than the Director that adult shall then relay the Report to the Director immediately.
- d. The Director or his/her designee shall then investigate the report as detailed below.

2. Staff Reports

- a. Any staff member, whether independent contract or employee, shall report any

incident of bullying or cyberbullying or retaliation for such reports to the Director or his/her designee immediately and in no circumstances more than two school days after the staff members receives the report of or witnesses the bullying or cyberbullying.

b. The staff member shall not discipline the student for the incident but instead must report the incident to the Director or his/her designee for investigation.

3. Parental Reports

a. Parental reports alleging bullying or harassment may be filed with the Director or his/her designee.

b. A parental report may also be filed anonymously via the Anonymous Reports procedure below.

4. Anonymous Reports

a. Bullying and cyberbullying may be reported anonymously.

b. This may be done by the student or someone delegated by the student placing an unsigned report into the Director's mailbox in the Administration Office.

c. Disciplinary action cannot be taken solely based on an anonymous report.

d. Anonymous reports will be investigated with the same procedure as other reports and disciplinary action can occur based on the results of the investigation.

5. False Reports

a. False allegations against another student, member of the faculty or staff, or others, pursuant to this policy shall be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

D. INVESTIGATION & NOTIFICATION

1. The Director or his/her designee shall investigate and/or supervise the investigation of all reports of violations of this Policy and ensure that such investigations are completed promptly after the receipt of any report or complaint made under the Safe Schools for All Students Act.

2. This investigation may include:

a. Written statements and/or interviews with witnesses to the incident(s),

b. Review of any media available of the incident including school security cameras, and

c. Any other relevant and lawful evidence available.

3. The Director shall notify the parents or legal guardian of the student alleged to have committed an act of bullying and the parents of the students targeted by the alleged act. If the Director believes, in the Director's professional capacity, that notifying the parents would endanger the health or well-being of a student, the Director may delay such notification as appropriate. This notification may include:

a. Details about the alleged incident,

b. Results of the investigation by the Director or his/her designee, and

c. Consequences for any report that is substantiated.

- d. This notification shall be in writing and may also be made orally.

E. APPEAL

1. Any student accused of bullying or a student who is the target of bullying who is not satisfied with the outcome of the initial investigation shall have the right to appeal that outcome to the Director.
2. Unless excepted by Section E(3) below, this appeal shall take the form of a family meeting between the Director, the student, and the student's parent(s) or legal guardian(s).
3. A student who has been disciplined by long-term suspension or expulsion shall have all rights afforded to them under any applicable law.

F. CONSEQUENCES

1. Consequences shall include progressive discipline approaches that can result from an identified incident of bullying that are designed to:
 - a. Appropriately correct the bullying behavior,
 - b. Prevent another occurrence of bullying or retaliation, and
 - c. Protect the target of the bullying.
2. Consequences may include:
 - a. Family meetings, referral(s) to services, and restorative justice practices,
 - b. Reflective activities, such as requiring the student to write an essay about the student's misbehavior,
 - c. Counseling,
 - d. Anger management,
 - e. Health counseling or intervention,
 - f. Mental health counseling,
 - g. Participation in skill-building, and
 - h. Resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing,
 - i. Community service, and
 - j. In-school detention or suspension, which may take place during lunchtime, after school or during weekends
3. The consequences may be unique to the individual incident and varied in method and severity based on:
 - a. The nature of the incident,
 - b. The developmental age of the student who is bullying, and
 - c. Any history of problem behavior from the student who is bullying.
4. For cyberbullying incidents, the school shall use the least restrictive means necessary to address the interference with the student's ability to participate in or benefit from the services, activities or privileges provided by the school.

G. DISSEMINATION AND PUBLICATION

1. The school shall include bullying prevention policies and procedures for reporting bullying in student handbooks using developmentally and culturally appropriate language.
2. The school shall document reports and investigations of bullying and shall maintain those records for no less than four years.
3. The school shall report aggregate incidents of bullying and incidents of harassment under any applicable federal or state law, along with responses to these incidents, and report this information annually to the Public Education Department in the form required by the applicable law or Department.
4. This publication plan for this policy shall include:
 - a. Making the policy, and developmentally, culturally and linguistically appropriate variants of the policy, available on the school's website;
 - b. That the point of contact for bullying-related concerns is the Director or his/her designee; and
 - c. That parents and students shall be informed about this Policy at least annually through the school's student handbooks and other resources.

H. REPORTING

El Camino real Academy School shall report aggregate incidents of bullying as required under applicable federal or state laws, along with the school's responses to these incidents, and shall report this information annually to the NMPED in the form and content required by NMPED.

Responsible Persons: Executive Director

References:

Legal Cross Ref:

NMSA 1978, §§22-35-1

Revision approved: March 15, 2021

J.16 - Student Possession of a Firearm

Students found to be in possession of a firearm shall be expelled from El Camino Real Academy for a minimum of one calendar year and the offender(s) shall be referred to the Police Department for appropriate action.

The definition of "firearm" from 18 U. S. C. 92 is summarized as, "... any weapon which will propel a projectile by the action of an explosive."

Revision approved: January 17, 2013

Revised: July 17, 2014

J.17 - Student Interrogations and Arrests

School personnel shall cooperate with law enforcement agencies and/or child abuse investigators who are seeking to interview students at the school site. Individual students shall not be interrogated on campus without permission of the Principal or the Principal's designee

There is no requirement to notify the parents/legal guardians of the student prior to the questioning; however, the school shall immediately make a good faith effort to notify the parents/legal guardians of the student if the student is being interrogated for any reason or has been removed from campus by law enforcement authorities unless that notification violates a confidentiality agreement or it endangers the safety of the student.

The student shall be made aware of his/her legal rights by the law enforcement officials. A commissioned law enforcement officer shall be required to place a student under arrest, or protective custody, before the student may be removed from the campus for either further questioning or to be held at a detention facility.

Administrative Position:

- Principal

References

Legal Cross Ref.:

- §22-5-4.3 NMSA 1978

Board Policy Cross Ref.:

- J.12 Student Discipline

Revision approved: January 17, 2013

Revised: July 17, 2014

J.18 - Acceptable Student Use of Personal Electronic Devices

El Camino Real Academy shall permit student possession of personal electronic devices on school property and at school sponsored activities while the student is under the supervision of school staff. These devices shall be kept out of sight and silenced or powered off during the instructional day unless otherwise permitted by the school procedures. Use of personal electronic devices that disrupt the instructional day or include unauthorized use shall be prohibited.

El Camino Real Academy shall not be responsible for restricting, monitoring or controlling the electronic communications of students; however, it reserves the right to do so.

Administrative Position:

- Principal

References

Legal Cross Ref.:

- §22-5-4.3 NMSA 1978

Board Policy Cross Ref.:

- I.10 Student Internet Acceptable Use Policy
- J15 - Bullying Prevention

Revision approved: July 17, 2014

J.20 – Release of Student Information

The Governing Council, in compliance with the Family Education Rights and Privacy Act of 1974 (FERPA), as amended, and state law and regulation shall allow the release of directory information about El Camino Real Academy students only to those persons or organizations having a legal right to know. All release of student information requests shall be reviewed and approved or denied by the custodian of public records.

Administrative Position:

- Principal

References

Legal Cross Ref.:

- FERPA
- §22-21-2 NMSA 1798
- 6.10.6 NMAC

Board Policy Cross Ref.:

- K.10 Custodian of Public Records
- K.11 Recruitment in Schools

Revised: July 17, 2014

J.21 –Student Records

A student's records kept by El Camino Real Academy shall be open to review by the student's parents/legal guardians and/or the student and shall be treated as prescribed by the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, state statute and state regulation. If there are apparent conflicts among the various statutes, the provisions of FERPA shall prevail.

Administrative Position:

- Principal

References

Legal Cross Ref.:

- FERPA
- §22-21-2 NMSA 1798
- 6.10.6 NMAC

Board Policy Cross Ref.:

- K.10 Custodian of Public Records
- K.11 Recruitment in Schools

Revised: July 17, 2014

J.22 - McKinney-Vento Homeless

El Camino Real Academy complies with the McKinney-Vento Homeless Education Assistance Act and Regulations of the Public Education Department regarding the education of homeless students

Administrative Position:

- Principal

References

Legal Cross Ref.:

- §6.10.36.B NMAC

Revision approved: July 17, 2014

J.23 Student Non-Discrimination for Race/Religion/Culture/Hair policy

In accordance with the No School Discrimination for Hair Act, NMSA 1978 §22-8B-4 the School shall not discriminate against a student, discipline a student, or impose disparate treatment of a student, because of a student's race, religion or culture or because of a student's use of protective hairstyles or cultural or religious headdresses, as defined below in New Mexico statute, NMSA 1978 §22-8B-4(U).

- (1) "cultural or religious headdresses" includes hijabs, head wraps or other headdresses used as part of an individual's personal cultural or religious beliefs;
- (2) "protective hairstyles" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, weaves, wigs or head wraps; and
- (3) "race" includes traits historically associated with race, including hair texture, length of hair, protective hairstyles or cultural or religious headdresses.

Administrative Position:

- Executive Director

References:

Legal Cross Ref.:

- NMSA 1978 §22-8B-4

Adopted:

K.01 Parent Involvement

El Camino Real Academy Governing Council and staff recognize that we are a school that receives Title 1. Schools receiving Title 1 funds must consult with parents and teachers on the design and implementation of the Title 1 program and parental involvement opportunities to build effective partnerships that support student academic achievement.

The principal and parent liaison are responsible for meeting periodically with parents to develop the process, method and timeline of communication and development of the school/parent compact.

Approved: April 29, 2012

K.10 Custodian of Public Records

As required in the Inspection of Public Records Act, the Custodian of Public Records for the School will be responsible for (1) receiving and responding to requests to inspect public records; (2) providing proper and reasonable opportunities to inspect public records; and (3) providing reasonable facilities to make or furnish copies of the public records during usual business hours.

Board Policy Cross Ref.:

- J.20 Release of Student Information
- J.21 Student Records

Approved: April 29, 2012

Revised: July 17, 2014

L.02 Policy Implementing Public Health Order dated August 17, 2021

Purpose: The purpose of this policy is to implement the New Mexico Department of Health's Public Health Order dated August 17, 2021, issued pursuant to the Public Health Act, the Public Health Emergency Response Act and the Department of Health Act.¹ In addition, to implement the requirements of the August 24, 2021 New Mexico Public Education Department's "COVID-19 Response Tool Kit for New Mexico's Public Schools related to employee vaccinations against COVID 19.

Reason for Policy: To inform all school employees, students, parents and our community of the School's expectations related to COVID-19 vaccinations.

Policy and Related Procedures:

School employees who are not fully vaccinated or are not willing or able to provide proof of COVID-19 vaccination shall provide proof of COVID-19 test every week. Evidence of full vaccination includes:

- Original or copy (including photo) of a vaccination card indicating the individual completed a course of COVID-19 vaccination at least 14 days prior to the current date; or
- Print out screen from NMVaxView indicating the individual completed a course of COVID-19 vaccination at least 14 days prior to the current date.

School employees should provide proof of vaccination to: School Nurse. Employee's proof of COVID-19 vaccination shall be treated as confidential medical information and shall be maintained separately from the employee's personnel file.

Employees who are not fully vaccinated or are not willing or able to provide proof of COVID-19 vaccination must receive a viral test (antigen or PCR) for COVID-19 every week. For purposes of this policy, the first week of required testing begins on August 17, 2021. Thereafter, proof of testing results must be provided to the School Nurse on or before 7:00 a.m. each Monday. Employees with positive test results must stay home and isolate for the required number of days per the School's COVID-19 Safe Protocols. Test results should not include any health information other than information indicating whether the employee tested negative or positive for COVID-19. Individuals testing positive must cooperate with contact-tracing efforts by the School.

Employees' COVID-19 tests pursuant to this policy must occur outside of working hours and with minimal disruption to the School's operations whenever possible, including, for example, through Curative. If an employee cannot secure COVID-19 testing outside of working hours, the employee must obtain approved leave from the Executive Director. Leave may be paid or unpaid, depending on the employee's accrued leave status.

All employees whether vaccinated or unvaccinated are required to comply with all current COVID-19 Safe Protocols adopted by the School, including but without limitation, the current mask or face cover mandate unless an accommodation has been approved by the Executive

¹ Public Health Act, NMSA 1978, §§24-1-1, *et seq.*; Public Health Emergency Response Act, NMSA 1978, §§12-10A-1, *et seq.*; and the Department of Health Act, NMSA 1978, §§9-1-1, *et seq.*

Director.

Employees who refuse to abide by the requirements of this policy may be subject to disciplinary action, up to and including termination, in accordance with applicable law.

Any School employee who knowingly provides fraudulent proof of COVID- 19 vaccination or proof of COVID-19 test as contemplated by this policy may be subject to discipline, up to and including dismissal.

Effective Date:

Immediately and continuing until repealed by a subsequent Public Health Order

Administrative Position:

Executive Director

References:

Legal Cross Ref.: NMSA 1978 24-1-1
NMSA 1978 12-10A-1
NMSA 1978 9-1-1

Adopted:

K.13 Recruitment in the Schools

El Camino Real Academy shall comply with all applicable federal and state statutes, rules and regulations concerning post-secondary recruiters. The school shall comply with a request by a post-secondary recruiter for secondary students' directory information, unless a parent/legal guardian has "opted out" of providing such information. Students and parents/legal guardians shall have the right to deny the release of secondary student directory information to any or all post-secondary recruiters. The school shall not release student directory information to post-secondary recruiters unless specifically required to do so by federal or state statute or regulation.

For purposes of this policy, "post-secondary recruiter" means a person who recruits students to enroll in a school, college or university; to join a branch of the armed services; or to join a business, firm or other employment.

For purposes of this policy, "directory information" means students' names, addresses and telephone numbers.

Administrative Position: Principal

References:

Legal Cross Ref.:

- Elementary and Secondary Education Act
- Family Educational Rights and Privacy Act
- Protection of Pupil's Rights Act
- Freedom of Information Act
- Inspection of Public Records Act

Approved: July 17, 2014