



# ALBUQUERQUE COLLEGIATE

CHARTER SCHOOL

## **Governing Board Policy Manual 2018-2019**

Edited: 8/26/2018

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## **Section 1- The School**

### **1.01- Definitions**

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As used in this Policy Manual, the terms set forth below shall have the following meanings:

- “Board” shall mean the Governing Board of Albuquerque Collegiate Charter School.
- “Albuquerque Collegiate” shall mean the Albuquerque Collegiate Charter School.
- “School Executive Director” shall mean the Board appointed Executive Director of Albuquerque Collegiate.
- “Parent” shall mean a parent or legal guardian of an Albuquerque Collegiate student.

### **1.02- Mission Statement and Core Beliefs**

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#### **Mission Statement**

Within a structured and ambitious school community, driven by high-quality instruction and intensive academic supports, Albuquerque Collegiate Charter School ensures all K-5 students make dramatic academic growth each year and demonstrate measurable academic performance that puts them firmly on the path to college graduation.

#### *Core Beliefs*

Student outcomes Albuquerque Collegiate Charter School (“Albuquerque Collegiate”) seeks to accomplish:

- Students make dramatic academic growth each year
- Demonstration of measurable academic performance setting students firmly on the path to college graduation

How Albuquerque Collegiate will accomplish student outcomes:

- A structured and ambitious school community
- High-quality instruction
- Intensive academic supports

### **1.03- School Legal Status**

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Albuquerque Collegiate Charter School is a New Mexico charter school organized pursuant to NMSA 1978, Section 53-8-11 (1975). Albuquerque Collegiate operates pursuant to a charter granted by the New Mexico Public Education Commission on September 1, 2017.

Albuquerque Collegiate is a public school within the State of New Mexico

#### **1.04- Nondiscrimination**

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It is the policy of Albuquerque Collegiate to recruit, hire, train, educate, promote, and administer all personnel and instructional actions, without regard to race, religion, sex, sexual orientation, age, national origin, disability, need for special education service, marital status, or public assistance. We will not tolerate any discrimination, and any such conduct is prohibited. The school also prohibits any form of discipline or retaliation for reporting incidents.

## **Section 2- The Board**

### **2.01- School Bylaws**

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#### **Bylaws**

#### **ARTICLE I**

#### **GOVERNING BOARD**

Section 1: The governance of Albuquerque Collegiate Charter School is entrusted to the Governing Board.

Section 2: In addition to all powers conferred upon the Governing Board by New Mexico law and the Articles of Incorporation, the Governing Board shall have the power to:

- A. Review and adopt the school's mission statement;
- B. Review and adopt bylaws and establish policies consistent with the school's mission;
- C. Hire, evaluate, set compensation and employment terms for, and terminate the Principal;
- D. Oversee financial matters for the school, including approving the annual school budget and authorizing designees to sign checks and legal documents on behalf of the school.

Section 3: The Governing Board shall establish the number of members, which shall consist of 8 members. The established number of members can be changed by a simple majority vote by the board. Notification of any membership changes shall be communicated to the department within 45 days. All members shall have identical rights and responsibilities.

Section 4: Members shall serve a term of three (3) years from the date of their appointments, or until their successors are seated. A full three-year term shall be considered to have been served upon the passage of three (3) years since the date the member was elected to the Board. After election, the term of a member may not be reduced, except for cause as specified in these bylaws. No member shall serve more than two (2) consecutive, three-year terms.

Section 5: Governing Board members shall be sought to reflect qualities, qualifications and diversity determined by the Board, delineated in the Job Description of the Governing Board.

Section 6: Any vacancy occurring in the Governing Board and any position to be filled by reason of an increase in the number of members may be filled upon a simple majority vote of the seated members, within 45 days of the vacancy.

Section 7: A member may resign at any time by sending a written resignation to the Chair of the Governing Board. This may take the form of an email.

Section 8: The Governing Board may remove any officer or member with a majority vote of the entire Governing Board at any regular or special meeting of the Board, provided that a statement of the reason or reasons shall have been mailed by Registered Mail to the Officer or member proposed for removal at least thirty (30) days before any final action is taken by the Governing Board. This statement shall be accompanied by a notice of the time when, and the place where, the Governing Board is to take action on the removal. The officer or member shall be given an opportunity to be heard and the matter considered by the Governing Board at the time and place mentioned in the notice.

Section 9: Members of the Governing Board:

- A. Shall receive no payment.
- B. Shall serve the Albuquerque Collegiate Charter School with the highest degree of undivided duty, loyalty, and care and shall undertake no enterprise to profit personally from their position with the Albuquerque Collegiate Charter School.
- C. All participants in Governing Council work are bound by the Code of Conduct and Conflict of Interest laws and policies.
- D. Shall have no direct or indirect financial interest in the assets or leases of the Albuquerque Collegiate Charter School; any Representative who individually or as part of a business or professional firm is involved in the business transactions or current professional services of the Albuquerque Collegiate Charter School.

ARTICLE II  
MEETINGS

Section 1: There shall be at least 10 regular meetings of the Board held each year.

Section 2: Special meetings of the Governing Board may be called by the Board Chair or by a majority of the Governing Board filing a written request for such a meeting with the Board Chair and stating the object, date, and hour therefore, due notice having been given each member five (5) calendar days prior to the meeting.

Section 3: A simple majority of the members then in office shall constitute a quorum for the transaction of business at any regular or special meeting of the Governing Board.

Section 4: The Governing Board shall follow Robert's Rules for all meetings. Any such meeting, whether regular or special, complying with Sections 1 or 2 of Article III shall constitute a meeting of the Governing Board and shall subscribe to the policies, procedures, and rules adopted by the Governing Board.

Section 5: Notice of all regular and special meetings of the Governing Board, an agenda of all items to be discussed at such meetings, and agenda support materials shall be circulated to all members prior to the meeting and shall be made in compliance with the Open Meetings Act and the School's Open Meetings Act Resolution.

Section 6: An absentee Governing Board member may not designate an alternate to represent him or her at a Governing Board meeting.

ARTICLE III  
OFFICERS

Section 1: There shall be four (4) elective Officers of the Governing Board: a Board Chair, a Vice-Chair, a Secretary, and a Treasurer.

Section 2: The Governance Committee shall present a slate of officers to the Governing Board. The nominated officers shall be drawn from among the members of the Governing Board. The election of officers shall be held as needed.

Section 3: In the event that the office of the Board Chair becomes vacant, the Vice-Chair shall become Chair for the unexpired portion of the term. In the event that the office of Vice-Chair, Secretary, or Treasurer becomes vacant, the Chair shall appoint interim officers to fill such vacant offices until a scheduled meeting of the Board can be held.

Section 4: The Board Chair shall preside at all meetings of the Governing Board. In the Chair's absence, the Vice-Chair shall preside. The Chair is responsible for setting the agenda for all meetings, calling any special meetings, and appointing members to chair all committees.

Section 5: The Treasurer shall have general supervision of the school's financial securities. The Treasurer shall also supervise the maintenance of financial records and books, and sign such instruments as required by the office.

Section 6: The Secretary shall issue Governing Board meeting notices and shall keep minutes, act as custodian of the school's records and perform such other duties as required by the office.

#### ARTICLE IV

#### COMMITTEES

Section 1: A Governing Board resolution shall appoint committees of the Governing Board. Committees may be composed of Board members or community members, or both. The Board may prescribe the need and/or the composition of such committees.

Section 2: Each standing committee shall consist of at least two people. The Chair of each standing committee shall be a Governing Board member

Section 3: Standing Committees shall include the following;

- A. Governance Committee
- B. Finance Committee
- C. Audit Committee
- D. Academic Achievement Committee

Membership of the Audit and Finance committees shall comply with NMSA Section 22-8-12.3(B).

Section 4: The Governance Committee shall be composed of at least two (2) persons recommended by the Board Chair and elected by the Governing Board at its annual meeting. Each committee member shall serve a term of two (2) years, and these terms shall be staggered to ensure continuity of the committee. The committee shall elect its own chair. Duties of the Governance Committee shall be:

- A. to study the qualifications of candidates and present a slate of the best qualified as nominees for the vacant member positions on the Governing Board;
- B. to present a slate of nominees for officers to the Governing Board for election at the annual meeting;
- C. to recommend candidates to the Governing Board to fill vacancies that arise outside the regular nominating process;
- D. to provide ongoing orientation to members;

- E. to oversee a member assessment process to ensure optimum performance; and
- F. to recommend the appointment of a past Board Chair to the Governing Board, if necessary, in the interests of continuity.

ARTICLE V  
FISCAL YEAR

Section 1: The fiscal year of the Albuquerque Collegiate Charter School shall begin on July 1 of each calendar year and terminate on June 30 of the following calendar year. The school's financial accounts shall be audited annually.

ARTICLE VI  
RULES OF ORDER

Section 1: The rules of order in the current edition of Robert's Rules of Order shall govern the conduct of all meetings of Albuquerque Collegiate Charter School.

ARTICLE VII  
AMENDMENTS

Section 1: These bylaws may be amended at a regular meeting by a simple majority vote of all members then in office.

*Adopted by the Albuquerque Collegiate Charter School Governing Council on **June 2, 2018.***

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**2.02- Decision Making**

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Albuquerque Collegiate Charter School has been created to serve students. All decisions by the Governing Board and the administration should be made within the parameters of the mission and vision of the school, always keeping in mind the interest of students.



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## **2.03- Public Attendance at Board Meetings**

### **2017 Open Meetings Act Resolution**

**WHEREAS**, Albuquerque Collegiate Charter School, a state-chartered charter school, met in regular session at 500 4<sup>th</sup> Street NW, on October 28, 2017, at 9:00am, as required by law; and

**WHEREAS**, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

**WHEREAS**, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

**WHEREAS**, Section 10-15-1(D) of the Open Meetings Act requires Albuquerque Collegiate Charter School to determine annually what constitutes reasonable notice of its public meetings;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of Albuquerque Collegiate Charter School that:

1. All meetings shall be held at 1720 Bridge Blvd at 9:00am, or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held each month on the first Saturday of each month. The agenda will be available at least seventy-two hours prior to the meeting. The agenda will be posted at the offices of Albuquerque Collegiate Charter School and on the school's website at <https://abqcollegiate.org>.

3. Notice of regular meetings other than those described in Paragraph 2 will be available at least seventy-two hours before the meeting and posted along with the agenda on the school's website at <https://abqcollegiate.org>.
4. Special meetings may be called by the Chair or a majority of the members upon three days' notice. The notice for a special meeting shall include an agenda for the meeting or information on how a copy of the agenda may be obtained a copy of the agenda. The agenda will be available at least seventy-two hours before the meeting and posted on the school's website at <https://albuquerquecollegiate.org/>.
5. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the school will notify the Attorney General's Office.
6. Copies of the written notice of meetings shall also be emailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
7. A member of the Governing Board may participate in a meeting by means of a conference telephone or other 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 member of the public body who speaks during the meeting.
8. The Governing Board may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.
  - a. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Governing Board taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
  - b. If a closed meeting is conducted when the Governing Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.

- c. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
- d. Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Governing Board in an open public meeting.

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**2.04- Policy Making**

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1. The Board shall be solely responsible for adopting, repealing or amending policies for Albuquerque Collegiate Charter School. Action by the Board shall be accomplished as set forth in the bylaws.
2. Proposals for adopting, repealing or amending policies for Albuquerque Collegiate may be made in writing by any member of the Board or by any parent or student submitted through an administrator of the schools. When appropriate policy change proposals shall include adequate information concerning potential fiscal impact on the school.
3. Except in cases of special need, the Board shall follow the following procedure in adopting, repealing or amending policies at Albuquerque Collegiate:
  - (a) The First Reading. The proposed policy shall be submitted for approval on first reading at a regular or special meeting of the Board called for that purpose. The proposed policy shall be contained in the Board packet distributed prior to the meeting. At first reading the Board shall receive public comment and comments from the sponsor of the proposed policy. A vote of the Board will be taken after the reading, and if the amendment receives a simple majority vote of the Board Members present at the meeting, it will be placed on the agenda for a second reading at the next meeting of the Board.
  - (b) The Second Reading. If the proposed policy is approved on first reading, it will be placed on the agenda and considered at the next regular or special meeting of the Board called for that purpose. No amendment shall be adopted at second reading unless the amendment receives a two-thirds vote of the Board Members present at the meeting. If the proposed policy is adopted upon second

reading it shall become a policy of Albuquerque Collegiate, and the Policy Manual shall be amended accordingly.

- (c) Special Need. Upon a two-thirds (2/3) vote of the Board Members present at a regular or special meeting called for that purpose, a special need may be declared. If a special need is declared, a policy may be adopted on first reading.
- (d) Proposed policies should reference the policy provision it will be amending. Ideally, the entire policy will be reprinted with new language in all caps, and language to be deleted lined out. New policies should include the proposed table of contents policy title and code number.

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## **2.05- Conflicts of Interest and Nepotism**

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### **Conflict of Interest and Anti-Nepotism Policy**

#### **1. Purpose**

The purpose of this policy is to assure and ensure compliance with conflicts of interest and nepotism laws such as those within the Charter Schools Act (NMSA § 22-8B-5.2) and Public School Code (NMSA § 22-1-1 et. seq.).

#### **2. Definitions**

##### **A. Immediate Family Member**

The spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law or any other relative who is financially supported.

##### **B. Financial Interest**

A person has any financial interest if the person has, directly or indirectly, through business, investment, or family:

- 1) An ownership or investment interest in any entity with which the School has a transaction or arrangement, or contract;

- 2) A compensation arrangement with the School or with any entity or individual with
  - a. which the School has a transaction or arrangement, or contract;
- 3) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the School is negotiating a transaction, arrangement, or contract.

Compensation includes direct and indirect remuneration, as well as, gifts or favors.

### **3. Procedures; Conflicts of Interest**

#### **A. Duty to Disclose**

In connection with any actual or possible conflicts of interest, an interested person must disclose the existence of a financial interest and be given the opportunity to disclose all material facts to the Governing Board.

#### **B. Determining Whether a Conflict of Interest Exists**

An incompressible conflict of interest exists for a Governing Board member under the Charter Schools Act when:

- 1) A person serving as a member of a governing body of the School or an immediate family member of the person is an owner, agent of, contractor with or otherwise has *any* financial interest in a for-profit or nonprofit entity with which the School contracts directly, for professional services, goods or facilities.
- 2) A member of a governing body or employee, officer or agent of the School has participated or will participate in selecting, awarding or administering a contract with the School. A conflict of interest exists when the member, employee, officer or agent or an immediate family member of the member, employee, officer or agent has *any* financial interest in the entity with which the School is contracting.
- 3) Any employee, agent or board member of the chartering authority who participates in the initial review, approval, ongoing oversight, evaluation or charter renewal process of a charter school is ineligible to serve on the governing body of the charter school chartered by the chartering authority. NMSA § 22-8B-5.2.

### **4. Procedures for Addressing a Conflict of Interest**

Any member of a Governing Council or employee, officer or agent held to have a conflict of interest as outlined in paragraph 2 above is prohibited from participating in selecting, awarding or administering the transaction, arrangement or contract with the school and from having or acquiring any financial interest in the transaction, arrangement or contract. Conflicts may be made known by either the conflicted member, employee, officer, or agent or by anyone aware of

the conflict. The conflict shall be disclosed to the Chair of the Governing Council or, in the event the conflicted member is the Chair, to the Head Administrator or the any other member of the Governing Council.

**5. Consequences of Violations of this Conflicts of Interest Policy**

A violation of NMSA § 22-8b-5.2 renders the contract between the person or the person's immediate family member and the charter school voidable at the option of the chartering authority, the department or the governing body. A person who knowingly violates this subsection may be individually liable to the charter school for any financial damage caused by the violation.

**6. Annual Statements**

Each member of the Governing Board shall annually sign a statement which affirms such person has:

- A. Received a copy of the Conflict of Interest Policy;
- B. Read and understood the Policy; and
- C. Agreed to comply with the Policy.

**7. Nepotism Prohibited**

Pursuant to NMSA § 22-8B-10 NMSA

The head administrator of a charter school shall not initially employ or approve the initial employment in any capacity of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister or sister-in-law of a member of the governing body or the head administrator. The governing body may waive the nepotism rule for family members of a head administrator.

The procedure for this wavier by the governing body shall be pursuant to the Open Meetings Act including provisions of notice, agenda requirements, and open and closed session requirements.

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Next Review Date:	10/28/2018

**2.06= Board Review of Administrative Procedures**

1. The Board recognizes that its role is to ensure that Albuquerque Collegiate is well managed, not to manage Albuquerque Collegiate. The School Executive Director, with the assistance of their staff, shall be responsible for the day-to-day administration of affairs of Albuquerque Collegiate and shall manage all activities of the school as prescribed by the Board. As a result, the Board need not review administrative policies and regulations in advance of issuance except as required by law. However, the Board should approve in advance any highly sensitive matters of policy and/or regulations that have the potential to impact its duties and obligations to Albuquerque Collegiate. To that end, the School Executive Director shall exercise his or her discretion to identify and bring to the Board’s attention any such policies and regulations prior to issuance.
2. Administrative policies and regulations should reference existing Board policy when applicable.
3. The Board reserves the right to review administrative policies and regulations at its discretion. However, the Board shall revise or veto such regulations only when, in its judgment, such regulations are inconsistent with the Board’s policies.

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**2.07- Special Task Forces of the Board**

1. The primary purpose of any special task force to the Board is to contribute to the overall mission of the school by conducting studies, identifying problems, or developing recommendations to assist the Board in making decisions. The ultimate authority to make those decisions, however, will be the Board’s as required by law.
2. A special task force may be formed by the Board at such times and for such purposes as the Board may deem necessary. They will be given a clear objective, and will be dissolved upon accomplishing that objective.
3. Members of a special task force will be chosen by the Board and should include individuals who have shown an interest or who have special knowledge or expertise related to the task force’s objective.

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## **2.08- Standing Committees**

A Governing Board resolution shall appoint committees or task forces of the Governing Board, except the Governance Committee. Committees may be composed of Board members or community members, or both. The Board may prescribe the need and/or the composition of such committees.

Each standing committee shall consist of at least two people. The Chair of each standing committee shall be a Governing Board member

Standing Committees shall include the following;

- A. Governance Committee
- B. Finance Committee
- C. Audit Committee
- D. Academic Achievement Committee

The Governance Committee shall be composed of at least two (2) persons recommended by the Board Chair and elected by the Governing Board at its annual meeting. Each committee member shall serve a term of two (2) years, and these terms shall be staggered to ensure continuity of the committee. The committee shall elect its own chair. Duties of the Governance Committee shall be:

- A. to study the qualifications of candidates and present a slate of the best qualified as nominees for the vacant member positions on the Governing Board;
- B. to present a slate of nominees for officers to the Governing Board for election at the annual meeting;
- C. to recommend candidates to the Governing Board to fill vacancies that arise outside the regular nominating process;
- D. to provide ongoing orientation to members;
- E. to oversee a member assessment process to ensure optimum performance; and
- F. to recommend the appointment of a past Board Chair to the Governing Board, if necessary, in the interests of continuity.

1. **Academic Achievement Committee** – responsible for reviewing school assessment policies and procedures and ensuring that those policies conform to district and state standards. Also responsible for reviewing results of school assessment programs, reporting findings to the Board and, when applicable, proposing changes in policy indicated by assessment findings



2. **Finance Committee** – responsible for reviewing and submitting an annual balanced budget to the Board and, after Board approval, making the budget available to the public. The Finance Committee will also oversee preparation of the annual report, including audited financial statements, and other exhibits required by the New Mexico Public Education Department (NM-PED), and make them available to the public. A Resource Development Committee will serve as a standing sub-committee of the Finance Committee whose responsibilities include fundraising, building relationships in the community and facility study.
3. **Governance Committee** - The Governance/Nominating Committee will be responsible for setting criteria for Board election, and identifying and evaluating candidates for the Governing Board. The Governance/Nominating Committee will present a slate of candidates for election to the Board at least once annually. Election will be by a simple majority of the sitting Board. The Governance/Nominating Committee will also conduct the Board self-evaluation, described in **Section 2.10**.
4. **Audit Committee** – The purpose of the Audit Committee is to ensure that Albuquerque Collegiate participates in state of New Mexico required audits and reports those results per state requirements.

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## **2.09- Board Election Procedures**

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The Governing Board shall establish the number of members, which shall consist of at least seven (7) members and no more than fifteen (15) members. All members shall have identical rights and responsibilities.

Members shall serve a term of three (3) years from the date of their appointments, or until their successors are seated. A full three-year term shall be considered to have been served upon the passage of three (3) annual meetings. After election, the term of a member may not be reduced, except for cause as specified in these bylaws. No member shall serve more than two (2) consecutive, three-year terms. Members shall serve staggered terms to balance continuity with new perspective.

The initial Governing Board will serve staggered terms. The initial Governing Board shall consist of at least one member who will serve a one-year term (ending in Summer 2019), at least two members who will serve a two-year term (ending in Summer 2020), and at least two members who will serve a three-year term (ending in Summer 2021).

Governing Board members shall be sought to reflect qualities, qualifications and diversity determined by the Board, delineated in the Job Description of the Governing Board.

Any vacancy occurring in the Governing Board and any position to be filled by reason of an increase in the number of members may be filled, upon recommendation of a qualified candidate by the Governing Board, by two-thirds (2/3) vote of the seated members, within 45 days of the vacancy. A member elected to fill the vacancy shall be elected for the unexpired term of his/her predecessor in office.

The Governance Committee, shall present a slate of potential members and officers for election by the Governing Board. This slate shall be presented at the annual meeting of the Board. In the case of a member vacancy, the Governance Committee shall present a slate of members for election by the Governing Board no later than 45 days following the vacancy.

A member may resign at any time by filing a written resignation with the Chair of the Governing Board.

The Governing Board may remove any officer or member with a majority vote of the entire Governing Board at any regular or special meeting of the Board, provided that a statement of the reason or reasons shall have been mailed by Registered Mail to the Officer or member proposed for removal at least thirty (30) days before any final action is taken by the Governing Board. This statement shall be accompanied by a notice of the time when, and the place where, the Governing Board is to take action on the removal. The officer or member shall be given an opportunity to be heard and the matter considered by the Governing Board at the time and place mentioned in the notice.

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## **2.10- Board Self Evaluation**

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The Board believes that efficient and effective performance of the Board itself can have a significant impact on the overall success of the school and is an essential component of good governance. Therefore, the Board will conduct an annual evaluation of its own work. The Governance Committee will conduct the evaluation. This Committee shall determine the format

of the evaluation, but it must include a formal written evaluation. The evaluation process should be designed to encourage constructive feedback aimed at improvement.

Original Effective Date:	10/28/2017
Version Date:	10/28/17
Regulatory Reference(s):	
Next Review Date:	10/28/2018

### **2.11- Board Administrative Structure**

1. The Board shall rely on its Chair and the Executive Director to provide professional and administrative leadership. The Executive Director shall be hired by and report directly to the Governing Board.
2. The Executive Director will, directly or indirectly, supervise all other staff members employed by the school. He or she will be ultimately responsible for selecting staff members, conducting staff reviews and recommending compensation levels.
3. Annually, the board will compose a Executive Director Evaluation Committee, to consist of three members that include the Board Chair.

Original Effective Date:	10/28/2017
Version Date:	10/28/17
Regulatory Reference(s):	
Next Review Date:	10/28/2018

## **Section 3- Board Policies**

### **3.01- Background Check**

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#### **Background Check Policy**

**Purpose:** The purpose of this Policy is to assure compliance with all applicable laws regarding background checks, as well as, to help ensure the safety of Albuquerque Collegiate Charter School (“Albuquerque Collegiate” or “School”) students and employees. Background checks for licensed school employees is provided for in the New Mexico Statutes Annotated 1978, Section 22-10A-5 (2007).

#### **1. Definitions:**

- A. “Background Check” or “Background Investigation” means the process, in compliance with all applicable laws, by which a person is reviewed for eligibility for unsupervised access to students.
- B. “Ethical Misconduct” means unacceptable behavior or conduct engaged in by a licensed school employee and includes inappropriate touching, sexual harassment, discrimination, and behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior.
- C. “School Employee” or “Employee” means any licensed or non-licensed employee of Albuquerque Collegiate. For the purposes of this Policy only, the terms also refer to a person who has been offered employment, as well as a contractor or a contractor’s employee who will have unsupervised access to students at Albuquerque Collegiate.
- D. “School Volunteer” or “Volunteer” means any person who has completed the required process to provide uncompensated services to the School and who will have unsupervised access to students at Albuquerque Collegiate.

#### **Background Checks:**

- 1. Albuquerque Collegiate shall conduct background checks of all persons who may have unsupervised access to students, such as licensed and non-licensed staff, volunteers, and contractors as required by law.
- 2. For employees licensed through the Public Education Department (PED), the background check shall be conducted as proscribed by the PED. Each employee is responsible for any cost associated with requesting and processing a background check.
- 3. For employees not licensed by the Public Education Department, the background check may consist of:
  - Professional or personal reference checks;

Confirmation of education or certificates (if applicable);  
A criminal background check;  
Driving record history; and/or  
Any other information or data, as allowed by law, deemed required by the School.

4. Employees are authorized to have unsupervised access to students based on satisfactory background check results. All offers of employment are contingent upon a satisfactory background check.
5. Convictions of felonies or misdemeanors contained in the records provided by the Department shall be used in accordance with the Criminal Offender Employment Act (New Mexico Statutes Annotated 1978, Chapter 28, Article 2) and except as provided in this policy, any such convictions shall not serve as an automatic bar to employment unless required by law.
6. A finding in a background check related to child abuse or neglect or a finding related to criminal sexual penetration or contact shall unconditionally preclude a person from becoming or remaining an employee at Albuquerque Collegiate.
7. Background checks are kept on file for twenty-four months following separation from Albuquerque Collegiate.
8. Once employed or contracting with Albuquerque Collegiate, all employees must self-report to the Head Administrator any arrest, charge and/or conviction of a criminal offense other than a minor traffic infraction. If an employee or contractor is found not to have self-reported as required by this Policy, the failure to self-report shall be a violation of that employee's or contractor's contract with Albuquerque Collegiate Charter School and said contract may be terminated at the option of the Head Administrator. If the employee in question is the Head Administrator his or her contract may be terminated at the option of the Governing Council.
9. School officials, who in the course of their background checks of employment applicants, discover that a licensed applicant or applicant pending a license has a conviction of a felony or misdemeanor of moral turpitude that results in any kind of action against that individual, shall share that information with the professional licensure and educator ethics bureaus of the PED. 6.60.8.9(D) NMAC (2006).

### **Investigations of Ethical Misconduct:**

The Head Administrator or their designee(s) shall investigate all allegations of ethical misconduct about any licensed school employee who resigns, is being discharged or terminated, or otherwise leaves employment after an allegation has been made. If the investigation results in a finding of wrongdoing the Head Administrator or their designee(s) shall report the identity of the licensed school employee and attendant circumstances of the ethical misconduct on a standardized form to the PED and to the licensed school employee within thirty days following the separation from employment. Copies of that form shall not be maintained in the School's

records. No agreement between a departing licensed school employee and the School shall diminish or eliminate the responsibility of investigating and reporting the alleged ethical misconduct, and any such agreement to the contrary is void.

*Adopted by the Albuquerque Collegiate Charter School Governing Board on October 28, 2017.*

### **3.02- Bullying Policy**

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#### **Bullying and Cyberbullying Prevention Policy**

##### **I. Scope**

Bullying and cyberbullying are strictly prohibited. This Policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, and at bus stops. This policy also pertains to usage of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, at bus stops, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school staff, students, parents and volunteers.

##### **II. Definitions**

- A. “Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.
- B. “Harassment” means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person. Harassment means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school’s educational programs or activities because the conduct is so severe, persistent or pervasive. This includes conduct that is based on a student’s actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion or any other distinguishing characteristics that may be defined by the state or local educational agency. This also includes association with a person or group with one or more of the abovementioned characteristics, whether actual or perceived.
- C. “Cyberbullying” means electronic communication that targets a specific student, is published with the intention that the communication be seen by or disclosed to the targeted student, is in fact seen by or disclosed to the targeted student, and creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student's educational benefits, opportunities or performance.

### **III. Notice**

This policy will be distributed annually and will also be included in any student codes of conduct, disciplinary policies, student handbooks and school websites.

### **IV. Reporting Bullying and Harassment**

#### **A. Procedures**

These procedures for reporting incidents of bullying and cyberbullying are designed to ensure confidentiality 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.

All allegations of bullying or harassment shall be reported to the Executive Director or a designated staff member. Prior to notification of any parent or guardian regarding any incident of bullying, harassment or cyberbullying, school authorities must consider the issue of notification as they would any other educationally-relevant decision, considering the health, well-being, and safety of any students involved in the incident including confidentiality.

Any school employee who has information about or a reasonable suspicion that a person is being cyberbullied report the matter immediately to the Executive Director or her delegate. Any school administrator who receives a report of cyberbullying must take immediate steps to ensure prompt investigation of the report.

Whomsoever is designated to investigate the allegation shall do so in a timely manner and determine appropriate disciplinary action. The Executive Director or designated staff member will be held accountable for doing everything possible, within reason, to resolve the situation.

#### **B. Anonymous Reports**

Bullying and cyberbullying may be reported anonymously. This may be done by the student or someone delegated by the student placing an unsigned report into the Executive Director's mailbox in the Administration Office. However, disciplinary action cannot be taken solely based on an anonymous report. Anonymous reports will be investigated with the same procedure, timeliness and vigor as other reports and disciplinary action can occur based on the results of the investigation.

#### **C. False Reports**

Students who file false reports of bullying or harassment will be subject to disciplinary action.

#### **D. Parental Reports**

Reports alleging bullying or harassment may be filed with the Executive Director or the designated staff member by parents and school volunteers.

#### **E. Responsibility of Students**

Any student who observes an act of bullying or harassment should report the bullying or harassment to the Executive Director or the designated staff member.

F. Responsibility of Staff

All staff members will take reasonable measures to prevent bullying and harassment and are obligated to report any such acts that come to their attention.

G. Retaliation

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.

**V. Investigation of Bullying and Harassment**

Once reported commencement of the investigation will begin promptly by the Executive Director or her designee. If the Executive Director is unavailable upon the report of bullying or harassment, or is the subject of the report, the investigation will be undertaken by the Chief Academic Officer. Proper disciplinary action will be taken immediately following the conclusion of the investigation.

**VI. Discipline and Remediation**

Disciplinary actions for bullying and harassment may include, but are not limited to: warnings, counseling, loss of opportunity to participate in extracurricular activities, school social events or graduation exercises, loss of school bus transportation, community service, in-school suspension, short term suspension, long term suspension, or expulsion. The specific consequences should be consistent, reasonable, fair, age appropriate, match the severity of the incident, and in the case of cyberbullying, be by the least restrictive means necessary. If necessary, counseling will be provided for the target and/or the student perpetrating the bullying or harassment.

**VII. Training and Prevention**

All licensed school employees will complete training on how to recognize signs that a person is being bullied or cyberbullied. Students and staff will be given instruction on how to prevent bullying and harassment. This will also include instruction on the process for filing complaints and the process/consequences that will result from the complaint.

In addition, Albuquerque Collegiate Charter School shall comply with the requirement that anti-bullying be included as part of the health education curriculum as set forth in 6.30.2.19 NMAC (“content standards - health education”).

*Adopted by the Albuquerque Collegiate Charter School Governing Council  
on\_5/5/2018\_\_\_\_\_.*

**3.03- Complaint and Grievance Policy**

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**Complaint and Grievance Policy**

**Employee Grievance**

1. An employee must deliver a written statement to his/her immediate supervisor stating the



pertinent facts relating to or regarding the problem within ten (10) working days of the act or occurrence out of which the problem arose. In cases involving employee groups, the written statement must be filed within fifteen (15) working days of the act or occurrence out of which the problem arose. If the immediate supervisor is the reason for the complaint or grievance the employee or employee group may go directly to the Head Administrator.

2. Grievances will be heard by the supervisor or Head Administrator at a reasonable time agreeable to both parties but in no event more than five (5) working days after the written statement has been delivered to the supervisor or Head Administrator.
3. An employee may discuss the matter personally with the supervisor or Head Administrator or the employee may be accompanied by a representative of his or her choice. The supervisor or Head Administrator may also be accompanied by a representative of his or her choice.
4. Following this meeting the employee making the complaint and, if applicable, the person who is the reason for the complaint (respondent) will receive written notification of the supervisor or Head Administrator's decision.
5. If the employee is aggrieved by the decision of the supervisor the employee may appeal to the Head Administrator.
6. If the employee is aggrieved by a decision of the Head Administrator the employee will have ten (10) working days from the date of the decision to submit an appeal in writing to the Governing Board. The Governing Board will have fifteen (15) working days from the date of the receipt of the appeal to inform the complainant of the decision in writing.
7. If the Head Administrator is the subject of or reason for the complaint the employee may bring the complaint directly to the Governing Board via any of its members.
8. All meetings and hearings shall be conducted in accordance with the Open Meetings Act.
9. No member of the Governing Board and no member of the administration shall retaliate against any employee because the employee instituted a grievance proceeding by doing any act which affects the employee's employment status, detrimentally affects or damages a party in interest, any professional organization representative or any other participant in the grievance procedure.

### **Student, Legal Guardian and Community Member Complaints**

1. Any student, parent, or legal guardian of a student may file a complaint of any nature with the Head Administrator. The Head Administrator or his/her designee will conduct an investigation into the complaint. This investigation may consist of interviews of the complainant and any witnesses who may have knowledge of the wrong doing. Additionally, other method(s) or documents may be used. Complaints must be filed within 180 days of any wrong doing.

2. An investigation will generally be completed within forty-five (45) calendar days. In some cases, the investigation may take longer. However, Albuquerque Collegiate will make every reasonable effort to complete investigations within appropriate timelines.
3. At the conclusion of the investigation, the complainant and respondent (if applicable) will receive written notification of the outcome.
4. When the investigation is concluded by Albuquerque Collegiate, the complainant and respondent (if applicable) will have ten (10) working days from the date of the written notification to submit an appeal in writing to the Governing Board. The Governing Board will have fifteen (15) working days from the date of the receipt of the appeal to inform the complainant or respondent of its decision in writing.
5. If the Head Administrator is the subject of or reason for the complaint the student, parent, or legal guardian may bring the complaint directly to the Governing Board via any of its members.

*Adopted by the Governing Board of Albuquerque Collegiate Charter School on **October 28, 2017.***

### **3.04- Compulsory School Attendance Policy**

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#### **Compulsory Attendance Policy**

- I. **Objective:** Daily school attendance is essential to students at Albuquerque Collegiate Charter School (ACCS). Students are responsible for attending school on a daily basis. Parents/guardians are responsible for ensuring students attend school on a daily basis. The staff of ACCS will provide support the students to meet daily attendance requirements and address lack of attendance in accordance with all applicable laws.
- II. **Definitions:**
  - A. “Attendance” means students who are in class or in a school-approved activity. If a student is in attendance up to one half the total instructional time during a school day, the student will be counted as having attended one-half of a school day. If the student attends school for more than one-half of the total instructional time, the student will be counted as having attended for the full day.
  - B. “Early identification” means the process by which the school promptly determines and identifies students who have excessive absences and tardiness from an instructional day. Early identification includes the school’s defined system for recording, reporting, and summarizing daily attendance of its students and then providing that data to the school’s central administration.
  - C. “Habitual truant” means a student who has accumulated the equivalent of ten or more unexcused absences within a school year.
  - D. “Intervention” means the partnering that schools engage in with other agencies to

implement administrative remedies, provide services and provide support programs that aggressively reduce if not eliminate truancy in a charter school.

- E. "Prevention" means school-based innovative or proven successful programs, including alternative programs whether school-based or non-school based, that encourage regular and on-time attendance for students.
- F. "School-age person" means a person who is at least five years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent. A maximum age of twenty-one shall be used for a person who is classified as special education membership as defined in Section 22-8-21 NMSA 1978 or as a resident of a state institution.
- G. "Student in need of early intervention" means a student who has accumulated five unexcused absences within a school year.
- H. "Unexcused absence" means an absence from school or a class for which the student does not have an allowable excuse pursuant to the compulsory school attendance law or rules of the school.

### **III. Procedures:**

- A. ACCS complies with the New Mexico Compulsory Attendance Law and as such adopts the following procedures:
  - 1. ACCS requires that class attendance be taken and maintained for every instructional day for each student;
  - 2. ACCS will report unexcused absences of two or more classes up to fifty percent of an instructional day as one-half day absence, and the unexcused absence of more than fifty percent of an instructional day to be counted as one full-day absence;
  - 3. ACCS prohibits out-of-school suspension and expulsion as a punishment for unexcused absences and habitual truancy;
  - 4. ACCS uses withdrawal as provided in Section 22-8-2NMSA 1978 only after exhausting interventions efforts to keep students in educational settings;
  - 5. ACCS engages in early identification of students with unexcused absences, students in need of early intervention, and habitual truants; provides for intervention strategies that focus on keeping students in need of early intervention in an educational setting and ACCS provides that:
    - a. if a student is in need of early intervention, ACCS shall contact the student's parent(s)/guardian(s) to inform them that the student has unexcused absences from school and to discuss possible interventions unless the parent(s)/guardian(s) has contacted the school to explain the absence and the excuse complies with the school district attendance policy;
    - b. a representative of ACCS shall meet with the student in need of early intervention and his or her parent(s)/guardian(s) to identify the causes for the student's unexcused absences, identify what actions can be taken that might prevent the student's unexcused absences, identify possible resources to address the causes for the student's unexcused absences, and

- establish a corrective action plan to address the student's unexcused absences;
- c. the notification to the student's parent(s)/guardian(s) and the meeting with the parent(s)/ guardian(s) will be respectful and in a language and manner that can be understood by both the student and the parent(s)/guardian(s);
  - d. the corrective action plan will contain follow-up procedures to ensure that the causes for the student's unexcused absences are being addressed;
  - e. if the student is a habitual truant, ACCS shall, in addition, give written notice of the habitual truancy by mail to or by personal service on the student's parent(s)/guardian(s); the notice shall include a date, time and place for the parent to meet with the school to develop intervention strategies that focus on keeping the student in an educational setting;
  - f. if there is another unexcused absence after delivery of a written notice of habitual truancy, the student shall within seven (7) days of this unexcused absence be reported to the probation services office of the judicial district where the student resides;
  - g. if the student is a habitual truant the school will document the following for each student identified as a habitual truant:
    - i. attempts of the school to notify the parent that the student had unexcused absences;
    - ii. attempts of the school to meet with the parent to discuss intervention strategies; and
    - iii. intervention strategies implemented to support keeping the student in school.
- B. If the habitually truant student is not referred to the children's court by the juvenile probation office for appropriate disposition, including consideration of initial or renewed suspension of his or her driving privileges, Albuquerque Collegiate Charter School may contact the children's court attorney directly to determine what action will be taken.
- C. If a determination and finding has been made by the juvenile probation office that the habitual truancy by a student may have been caused by the parent or guardian of the student, and no charges have been filed against the parent or guardian, ACCS may contact the district attorney's office to determine what action will be taken.
- D. The school shall report unexcused absences and habitual truancy rates to the department in a form and at such times as the department determines and shall document intervention efforts made to keep students in need of early intervention and habitual truants in educational settings. The public education department's truancy prevention coordinator shall be permitted access to any records and information related to students in need of early intervention or habitual truancy.

*Adopted by the Albuquerque Collegiate Charter School Governing Council  
on 5/5/2018\_\_\_\_\_.*

### 3.05- Distance Learning Policy

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#### Distance Learning Policy and Procedures

**POLICY:** The Executive Director or her designee is authorized to establish distance learning, a process used to provide instruction for credit when the student and primary instructor are not necessarily physically present at the same time and/or place. The school will assure that students enrolled in a distance learning program have the necessary access to technology for all classes or activities.

Per New Mexico law, a student must be enrolled in a public school or a state-supported school and must have the permission of the student's local distance education learning site to enroll in a distance learning course. In addition, a distance learning student shall only be counted in the student's primary enrolling district for the purpose of determining the membership used to calculate a school district's state equalization guarantee. A student shall have only one primary enrolling district.

For any distance learning or computer-based courses of study offered by Albuquerque Collegiate Charter School the school shall provide accompanying electronic formats that are usable by a person with a disability using assistive technology, and those formats shall be based on the American standard code for information interchange, hypertext markup language and extensible markup language.

**Procedures:** The designated school site coordinator shall be the Director of Curriculum and Instruction (DCI). The DCI shall also be the school official designated to approve or disapprove students' requests to participate in any distance learning courses or programs for credit or a grade. In addition, the DCI shall be responsible for:

- Assigning scheduled class periods during the school day that correspond to the number of distance learning courses students are taking while making it possible for students to maintain a class schedule which incorporates both distance learning courses and locally scheduled classes without conflict. The proposed assignment shall be submitted to the Head Administrator for final approval.
- monitoring student progress;

The Head Administrator and/or her designees shall work with the School's attorney to ensure compliance with all federal and state statutes pertaining to student privacy, the posting of images on the internet, copyright or duplication of materials, and rules pertaining to the public broadcasting of audio and video technology.

The Head Administrator and/or her designees shall work with the appropriate school staff to ensure the security of individual student data and records under the Family Educational Rights and Privacy Act [20 U.S. Code 1232g].

The Head Administrator shall ensure that all teachers of distance learning courses meet the highly qualified teacher requirements of the current authorization of the Elementary and Secondary Education Act of 1965 [20 U.S. Code 6301];

All core curriculum delivered by distance learning courses shall meet or exceed the state content standards with benchmarks and performance standards. The written criteria and approval process for determining the appropriateness of particular distance learning courses for each individual student prior to student enrollment in distance learning courses shall be as follows:

- Upon request by the student or the family of the student the DCI or his/her designee shall meet with the student and/or family of the student to assess if a particular distance learning course is appropriate.
- If the course is deemed appropriate the DCI or his/her designee shall assist to enroll the student in the course.
- If the course is not deemed appropriate the DCI or his/her shall communicate this to the student and/or family.

The process should irregularities or deficiencies in the provider's services become apparent will be the prompt removal or non-use of a distance learning course provider by the Head Administrator or his/her designee. The Head Administrator or his/her designee shall work with the School's attorney to ensure contracts with such providers are properly cancelled.

Should the School choose to utilize a distance learning option not provided by IDEAL-NM it shall provide documentation to the School's Governing Council that the distance learning course meets the state content standards with benchmarks and performance standards.

*Adopted by the Albuquerque Collegiate Charter School Governing Council on 5/5/2018\_\_\_\_\_.*

### **3.06- Dual Credit Policy**

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#### **Dual Credit Policy**

Albuquerque Collegiate Charter School is a kindergarten and elementary school and therefore dual credit will not be available to its students pursuant to 6.30.7.8 NMAC.

*Adopted by the Albuquerque Collegiate Charter School Governing Council on 5/5/2018\_\_\_\_\_.*

### **3.07- Enrollment Policy**

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#### **Enrollment, Admission and Lottery Policy**

#### **Admissions, Enrollment, and Lottery Policy**

##### **I. Admissions**

- A. Albuquerque Collegiate Charter School (ACCS) is a public school and as such will comply with all applicable laws regarding admission to a public school in New Mexico. All students who meet the State of New Mexico's eligibility requirements for attending a public school may be enrolled at ACCS. The School will not discriminate among applicants on the basis age, disability, gender, gender identity, ethnic or national origin, religion, sexual orientation, or academic standing. ACCS is a New Mexico non-sectarian, non-home school based public school that does not charge tuition or have admission requirements.
- B. To be enrolled in kindergarten, a child shall be at least five years of age prior to 12:01am on September 1<sup>st</sup> of the school year in which they are enrolling.

## II. **Enrollment and Lottery**

- A. Pursuant to the Charter Schools Act at Section 22-8B-4.1(B) NMSA 1978 enrollment preference shall be given to:
  - 1. Students who have been admitted to the charter school through an appropriate admission process and remain in attendance through subsequent grades; and;
  - 2. Siblings<sup>1</sup> of students already admitted to or attending the same charter school.
- B. Opportunities to enroll will be advertised on the School's website and through venues such as pre-schools, youth development organizations, neighborhood organizations that provide services to youth, community centers and student academic associations. For students who are homeless and are provided protections under federal law the School shall be required to follow the specialized enrollment procedures as outlined in federal law.
- C. Applications for enrollment will be distributed and accepted via paper and electronic form.
- D. All students to be enrolled will be notified electronically, by phone, or delivered in person within 1 week of the lottery. Within 1 month of notification regarding enrollment, parent(s)/guardian(s) of students must acknowledge in writing their intent to enroll in ACCS and complete all registration documents in order to be enrolled.
- E. With the exception of enrollment preferences required by law as outlined above ACCS shall accept students on a lottery basis. Applications for enrollment will be accepted through an annually set enrollment period. As it is received, the registrar or designee will record all applications for enrollment. If at the end of enrollment period, the total number of applicants exceeds the number of spaces available, a public lottery selection will be conducted. The lottery selection will be held annually. If the number of applicants does not exceed the number of spaces

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<sup>1</sup> siblings" means:

- (1) students living in the same residence at least fifty percent of the time in a permanent or semi-permanent situation, such as long-term foster care placements; or
- (2) students related to each other by blood, marriage or cohabitation. §22-8B-2(N) NMSA 1978.

available, all applicants can be admitted to the school for formal enrollment registration. Following the enrollment period, students may enroll on a first come, first serve basis, if there is space available. If there is not space available, students applying for enrollment will be added to the waitlist.

### **III. Waitlist**

- A. Once the lottery is conducted and all student openings are filled, all others will be placed on a waitlist. If a student expresses interest in enrolling after the lottery has been drawn the student's name will be added to the bottom of the waitlist.
- B. Waitlists from the prior year will not carry over to a subsequent year. The school will conduct a new lottery for each enrollment year.
- C. If a vacancy exists, the open seat will be immediately offered to the first student on the waitlist. This student's family will have 72 hours to accept the offer. If the family does not accept the offer with 72 hours, the offer will then be extended to the next student on the waitlist.

### **IV. Ongoing Enrollment**

- A. During the school year, students can be enrolled on a first come, first served basis, if the school is not at capacity.

*Adopted by the Albuquerque Collegiate Charter School Governing Council on June 2, 2018.*

*Adopted by the Albuquerque Collegiate Charter School Governing Council on*

## **3.08- FERPA Policy**

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### **Family Educational Rights and Privacy Act Policy**

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

1. The right to inspect and review the student's education records within forty-five (45) days after the day the School receives a written request for access.  
Parents or eligible students should submit to the Registrar a written request that identifies the records they wish to inspect. The Registrar will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.  
Parents or eligible students who wish to ask the Albuquerque Collegiate Charter School to amend a record should write the Head Administrator clearly identifying the part of the record they want changed, and specify why it should be changed. If the School decides not to



amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

A hearing request must be made in writing by the student and directed to the Registrar. The Registrar will notify the student, within a reasonable time after the request is received, but not more than thirty business days, as to the date, time and place of the hearing. In most circumstances, the hearing date will be within forty-five business days of such notice so that the student may be prepared for the hearing. The hearing procedures outlined do not attempt to recreate or approximate a court of law.

#### Student Rights at the Hearing

- To present information and evidence concerning a clerical or recording error in the education record which needs to be corrected. The hearing is not an opportunity to review substantive decisions by School faculty or staff concerning evaluation of academic work or outcomes of disciplinary proceedings.
- To have a hearing officer who does not have a direct interest in the outcome of the hearing;
- To be advised by one or more individuals, including counsel;
- To have a full and fair opportunity to present evidence concerning requested corrections to the education record;
- To receive, within a reasonable period of time after the hearing, but not more than thirty business days, a written decision based solely on the evidence provided at the hearing. The decision will include a summary of evidence and reasons for the decision;
- To submit a statement into his or her education record commenting on the contested portion of the record which will be provided to any person who later views that portion of their education record, if the amendment is denied.

#### School Rights and Responsibilities When a Hearing is Requested

- To select a hearing officer in accordance with FERPA requirements. The hearing officer may be any School official who does not have a direct interest in the hearing outcome. The hearing shall in all respects be under the control of the hearing officer and shall not be subject to formal rules of evidence or procedure.
- To deny a request for a hearing when the proposed amendment to the education record include anything more than correcting clerical errors.
- To schedule a hearing within a reasonable time, but not more than thirty business days, after receiving the hearing request.
- To provide evidence to the hearing officer to support the previous determination not to amend the student's education record.

#### Role of the Hearing Officer

- To allow the student the opportunity to present evidence relevant to the issues raised. The hearing officer has the right to determine whether particular evidence presented is relevant to the record and issue(s) in question
- To make his or her decision solely on the evidence presented at the hearing

- To provide the student with a timely written decision, including a summary of the evidence and reason for the decision.

#### Hearing Outcome

If the hearing officer finds that the record is inaccurate, misleading or otherwise in violation of the privacy rights of the student, the School will amend the record accordingly. The student will be notified in writing of the correction. If the hearing officer finds that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the School will notify the student of the right to place a statement in the record commenting on the contested portion of the record, or stating why he or she disagrees with the decision not to amend, or both. The School will maintain this statement with the contested portion of the student's education record for as long as the record is maintained.

The only right to appeal shall be those provided for under New Mexico state regulation or code.

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

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A "school official" is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Governing Board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

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

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

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

The address and phone number of Albuquerque Collegiate Charter School are:  
1720 Bridge Blvd SW Suite #101

Albuquerque, NM 87105  
Office: 505-539-5283  
Director: 505-750-7027  
Fax: 505-539-5284

5. Albuquerque Collegiate Charter School will notify parents and guardians annually of their rights under FERPA, as required by 34 C.F.R. §99.37, as well as the school's limited directory information policy . FERPA defines "directory information" as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Typically, "directory information" includes information such as name, address, telephone listing, date and place of birth, participation in officially recognized activities and sports, and dates of attendance. A school may disclose "directory information" to third parties without consent if it has given public notice of the types of information which it has designated as "directory information," the parent's or eligible student's right to restrict the disclosure of such information, and the period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information designated as "directory information." The means of notification could include publication in various sources, including a newsletter, in a local newspaper, or in the student handbook. The school could also include the "directory information" notification as part of the general notification of rights under FERPA. The school does not have to notify a parent or eligible student individually. (34 CFR § 99.37.) Albuquerque Collegiate Charter School will keep records of all requests to access student records in accordance with state and federal statute.

*Adopted by the Albuquerque Collegiate Charter School Governing Board on **October 28, 2017***

### **3.09- Grade Change Policy**

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#### **Grade Change Policy and Procedure**

Report cards are sent out at the end of each trimester. Report cards and progress reports will be sent home with the student. Teachers will be required to meet with parents of students who are in danger of failing.

Corrections of clerical errors in grades may be authorized by the Executive Director or her designee(s) whether she has recognized the error on her own or it has been brought to her attention by another such as the teacher of the course. These corrections will be documented in the student's file.

A course grade change is permitted upon receipt of a signed written request from a student's teacher, parent(s) or legal guardian, or student of legal age that states the reasons for the requested grade change, with final approval at the discretion of the Executive Director or their designee. Grade changes will not be approved for classroom tests, assignments or statewide tests used to determine adequate yearly progress, unless a clerical error exists.

The Executive Director or her designee shall respond in writing to the grade change request no later than two weeks from the request. Such response shall state whether the request is denied or allowed, and the grade entered if allowed.

If the request is granted the grade change must be based on articulated reasons that are stated in the Executive Director or her designee's response such as extenuating circumstances, additional graded work submitted by the student, additional or make-up testing, or any other meaningful criteria that can be verified.

A grade change shall be equally available to all students who are similarly situated.

Unless the change is requested by the student's classroom teacher the Executive Director shall make a good faith attempt to obtain the written input of the classroom teacher who issued the grade in dispute, the teacher shall state reasons to support or oppose the requested grade change and shall not be pressured into or retaliated against for making a certain recommendation.

The final written response shall be made and signed in each case by the Executive Director or her designee and she shall bear responsibility for ensuring that this Policy was followed.

Unless a student is still enrolled in the School at the time of the grade change request, the request will be processed within two weeks after the student has exited the School unless extenuating circumstances permit consideration of a longer time. The course grade change documents are to be maintained in a student's permanent record.

This policy shall not be construed to limit or eliminate the rights afforded to parents under federal regulations 34 CFR Sections 300.618 through 300.621 under the Individuals with Disabilities Education Act, and 34 CFR Sections 99.20 through 99.22 under FERPA, both as they relate to amendment of a student's educational records. 6.30.10 NMAC (2008).

It shall be considered unprofessional conduct pursuant to 6.60.9.9(C)(23) NMAC for anyone holding or seeking to renew their licensure issued by the Public Education Department to:

1. permit the changing of a student's final course grade contrary to the course grade change policy adopted by the governing authority of a charter school;
2. knowingly withhold material information when asked on whether a student's grade should or should not be changed; or
3. provide written recommendation for, or make a final written response allowing, a final course grade change knowing that a grade change under the circumstances is not warranted or that there has been a material non-compliance with the district's or charter school's grade change policy.

*Adopted by the Albuquerque Collegiate Charter School Governing Council on 5/5/2018\_\_\_\_\_.*

### **3.10- Internal Control and Procurement Policies**

#### **Internal Control and Procurement Policies**

The Governing Board of Albuquerque Collegiate will adopt the following financial policies and procedures to ensure the most effective use of the public and private funds to support its mission and to ensure that the funds are budgeted, accounted for, expended and maintained appropriately. It is the intent of these policies and procedures to implement both the letter and spirit of all applicable local, state, and federal rules and regulations regarding the expenditure of and accounting for public funds.

Collectively, they comprise a set of internal controls to ensure effective, efficient operations, a segregation of duties and responsibilities, reliability of financial reporting, legal and regulatory compliance, and risk mitigation. As Albuquerque Collegiate grows and guidance changes, these policies and procedures will be reviewed and updated on at least an annual basis.

Throughout this document EdTec and the services they provide will be referenced. If at any time the board decides to use a vendor other than EdTec for their back office support, the policies and procedures will be revisited and revised at that time.

#### **I. ACCOUNTING**

##### **a. Fiscal Year**

- i. The fiscal year for Albuquerque Collegiate is July 1 through June 30.

##### **b. GAAP**

- i. The accounting procedures used by Albuquerque Collegiate shall conform to Generally Accepted Accounting Principles (GAAP) to ensure accuracy of information and compliance with external standards. The school will also follow the GASB, which is The Governmental Accounting Standards Board and is the source of generally accepted accounting principles used by state and local governments in the United States.

- c. Accounting Basis
  - i. Albuquerque Collegiate will use the modified accrual basis of accounting. This requires that revenues will be recognized as they are received, and expenditures will be recognized as they are paid. Additionally, payroll expenditures will be recognized as they are incurred.
  - ii. Year-end audited Financial Statements will be prepared on a full accrual basis.
- d. Restricted Grant Tracking
  - i. Albuquerque Collegiate shall maintain its general ledger using grant fund codes for the purposes of tracking restricted revenues and expenses.
- e. Capitalization and Depreciation
  - i. Albuquerque Collegiate will capitalize and depreciate annually all assets of \$5,000 or more as required by the State of New Mexico.
  - ii. All assets purchased with an individual value less than \$5,000, will be recognized as non-depreciable assets and will be expensed in the year incurred. Only single items that are equal or greater than \$5000 will be depreciated. Capitalized assets are recorded at cost and depreciated under the straight-line method over their estimated useful lives as follows:
    - 1. Leasehold improvements: Lease term or 10 years, whichever is shorter.
    - 2. Can only install leasehold improvements if an approved lease-purchase is in place.
    - 3. Facility purchases: up to 30 years
    - 4. Building and site improvements if there is a lease-purchase in place.
    - 5. Computers and associated technology: 3 years
    - 6. Furniture & equipment: 5 years
  - iii. Repair and maintenance costs, which do not extend the useful lives of an asset, are recognized as expenses.
  - iv. Throughout the year, items will be recognized as expenses. They will be reviewed at year-end for possible capitalization and depreciation. Depreciation will be calculated from when the item was purchased and will be treated as placed in service at that time unless otherwise specified.
  - v. Items will be tagged when placed in service by the Office Manager or Executive Director.
  - vi. As part of the annual close, staff will conduct an inventory of all assets, noting condition and location. The office manager and ED will review inventory and approve it.
  - vii. Assets sold, retired, lost, or stolen and related amounts of accumulated depreciation will be eliminated from the asset accounts, and any resulting gain or loss will be recognized within that year.
  - viii. Nothing in this practice is to prevent Albuquerque Collegiate from maintaining an estimated impact of capitalization and depreciation on operating income and fund balance for the year on interim financial statements.
- f. Bank Reconciliations
  - i. A reconciliation of all bank accounts, whether checking or savings accounts, will be performed monthly by an EdTec accountant. The EdTec accountant does not have the ability or authority to disburse funds or approve expenses.

- ii. Albuquerque Collegiate will provide EdTec with either online access or paper copies of the monthly statements no later than the 5th business day of the following month.
  - iii. All bank statements and reconciliations will be reviewed by the Executive Director and Board Treasurer. The school will have access to all bank reconciliations.
  - iv. Un-cleared checks older than one year will be reviewed for reissuance, voidance, or escheatment proceedings in compliance with New Mexico State law.
  - v. All checks will have printed on the face of the check “void after one year from date.”
  - vi. Financial irregularities discovered during the banking reconciliation process will be brought to the attention of the Executive Director and Board Treasurer.
- g. Financial Record Retention and Destruction
- i. All financial records will be retained as per the [State of New Mexico Records Retention Law](#). Records include but are not limited to transaction ledgers, bank statements, cancelled and voided checks, payroll records, audits, and tax filings.
  - ii. The school will have access to all accounting records at all times.
  - iii. Hard copies will be retained at the school when appropriate and feasible, otherwise there will be an electronic version of the record that the school will have access to.
  - iv. Nothing in this section will be considered to supersede the organization’s broader record retention and destruction policies.
  - v. All paper documents must be housed on site at the school.

## II. Banking

- a. Checking Accounts
- i. The Board shall authorize the establishment of a non-speculative, public funds checking account with a federally insured banking institution for the purposes of school operations. The checking account will be from a NM institution.
  - ii. An account bearing interest will not be considered speculative per NM State Law, this account must be a “NOW” account. Any other interest bearing account must follow the restrictive NM State banking laws for public entities.
  - iii. The established checking account shall be the primary account for school financial obligations, as well as the primary account for deposit and receipt of all funds. Authorized signatories to this account shall be the Executive Director, Board Treasurer, and Board Chair.
    - 1. Checks under \$5,000 will require the signature of the Executive Director.
    - 2. Checks of \$5,000 or more will require the signature of the Executive Director AND Board Chair.
    - 3. Checks payable to the Executive Director must be signed by the Board Chair. Checks of \$5,000 or more payable to the Executive Director will require the signature of Board Treasurer AND Board Chair.
    - 4. Under no circumstances should the recipient of a check also be a signatory on his or her own check.
  - iv. In addition to the general operating account, the board shall authorize the establishment of a checking account for the purposes of processing payroll if needed, but will most likely only use one bank account for payroll and general operating expenses.
  - v. No additional checking accounts shall be established without board approval.

- vi. Board approval is also required to close a public fund checking account.
  
- b. Federal Deposit Insurance
  - i. Albuquerque Collegiate recognizes that deposits are only insured up to \$250,000 per qualified banking institution, not per account, and its bank balance may otherwise exceed the \$250,000. The board shall review ongoing opportunities to cost-effectively insure excess cash or otherwise diversify its account holdings at federally insured banking institutions, while also evaluating risk and convenience. Any balances in any account that will exceed the FDIC insured \$250,000.00 must be collateralized per NM State Law regarding the protection of public funds.
  
- c. Deposits of Receipts
  - i. Albuquerque Collegiate will deposit all funds received within 24 hours or one banking day. In line with this:
    - 1. The Office Manager will open all mail daily, immediately sort and receipt all checks or money orders, will endorse all checks with a deposit only stamp, and forward them to the Executive Director. Any checks or money orders received in person will also be given to the Office Manager to be receipted.
    - 2. Cash payments, whether for student activities or donations or otherwise, will be strongly discouraged. Albuquerque Collegiate will direct individuals to use a service such as PayPal to make a payment electronically to the school in the alternative. If this is not possible, all cash payments received will be also receipted using a cash receipt book with 3 copies. The original copy will be given to the payor, the 1<sup>st</sup> copy will be kept with the deposit slip in which the money is deposited and the 2<sup>nd</sup> copy will be retained in the receipt book. The Executive Director will review the cash receipt book each week and affirm that the total collected matches the supporting documentation.
    - 3. Checks and cash waiting to be deposited will be stored in a secure location.
    - 4. The Office Manager will restrictively endorse (“For Deposit Only”) the checks or money orders to the checking account and deposit them, along with any cash collections. The Executive Director will then forward on a completed log and copy of associated backup to EdTec, including any revenue coding.

### III. PURCHASES

- a. Authorization of Expenditures
  - i. All purchases of goods and services shall be consistent with the most recently board-approved budget.
  - ii. All purchase orders will be signed by the Executive Director and acknowledged or initialed by the Chief Procurement Officer.
  - iii. These expenditures shall not require additional board approval, except for contracts for professional services that will exceed or are likely to exceed a total annual amount greater than \$10,000, or if the term will go past one year.
  - iv. All expenditures over \$10,000 must be approved by the Chief Procurement Officer who will review to assure that the purchase follows the requirements of



the NM State Procurement Code and the Executive Director who will review to determine whether it is consistent with the board-approved budget. The Executive Director is the only staff person authorized to sign contracts.

- v. All contracts that cross fiscal years, or extended beyond one year, must contain the required State of New Mexico law language regarding cancellation for non-appropriation. Additionally, no long-term contracts may extend beyond 4 years (or 48 months) per New Mexico State Law.
- vi. Nothing in this section shall prevent the Executive Director from making an assessment to rebalance individual line items within the approved budget, provided the adjustments do not otherwise jeopardize the financial health of the school or disrupt the school's educational program. All Budget Adjustments must be approved through a vote by the Governing Board during a scheduled board meeting open to the public.

b. Contracts and Bidding

- i. All professional services shall be provided for under a contract. The Chief Procurement Officer will review and approve all contracts prior to the contract being signed by either the Executive Director or a member of the Board.
- ii. The Executive Director can execute single year contracts for professional services that will not exceed or are not likely to exceed \$10,000.
- iii. For contracts for professional services that will exceed or are likely to exceed a total annual amount greater than \$10,000 or the term will extend for a period greater than one year, board approval will be required prior to execution. Length of contracts shall be at the discretion of the Board in consultation with the Executive Director, and multi-year contracts shall not be prohibited as long as the term of the contract does not exceed 4 years or 48 months.
- iv. All multi-year contracts will contain the State required non-appropriations clause in the contract.
- v. Should a contract require board approval per the above, but timing or other circumstances require execution prior to being approved at a board meeting, the Executive Director, with the approval of both the Board Chair and Board Treasurer, may conditionally execute said contract. The contract will need to then be formally approved at the next board meeting.
- vi. Unless otherwise expressly required by conditions of a funding source, Albuquerque Collegiate shall not be required to conduct a formal bid process for contracted services less than \$60,000. However, the Executive Director shall make good faith efforts to secure multiple quotes and proposals to ensure a prudent, cost-effective use of funds.
- vii. The following bidding practices will be followed in accordance with New Mexico Purchasing Compliance:
  - 1. Any goods that range from \$1-\$20,000 the school will select the best value for their money.
  - 2. Any goods that range from \$20,000 - \$60,000 will need 3 written quotes.
  - 3. Any good equal to or more than \$60,000 will require an RFP or an ITB.
- viii. Nothing in this section shall require or be interpreted to require Albuquerque Collegiate to choose or select the lowest cost provider of goods or contracted services, and Albuquerque Collegiate will have discretion in what criteria it gives most weight when selecting vendors and providers.
- ix. Any purchases with Federal funds will follow the rules or regulations governing expenditure of federal funds, shall supersede the above when otherwise contradictory.

- c. Purchasing
  - i. Albuquerque Collegiate will follow New Mexico Procurement Code.
  - ii. The Chief Procurement Officer for Albuquerque Collegiate, will be the Office Manager. The Office Manager does not have the authority to sign checks to pay for purchases.
- d. Invoice Processing and Requests for Payment
  - i. On a weekly basis, the Executive Director will review invoices for accuracy, as well as review invoices for goods against received goods and packing slips, address any inconsistency with vendors and compare everything against the purchase orders and resolve any discrepancies.
  - ii. Each week, the Office Manager will collate and code all invoices received, including both expense and grant fund coding.
  - iii. EdTec will then generate a payment approval report, which lists all invoices submitted for processing, and it will request payment by the school.
  - iv. The School will pay vendor invoices within vendor terms. If no terms are written on the vendor invoice, the School will pay the invoice within 30 days of the date of the invoice. If the school is cash strapped they will discuss when the invoice has to be paid with the vendor.
  - v. The school will implement accounts payable policies and procedures in accordance with NM State Law and EdTec will abide by these policies.
- e. Payment Approvals and Payroll Processing
  - i. Payments under \$5,000 must be approved by one of the following authorized positions: Executive Director, Board Treasurer.
  - ii. Payments for \$5,000 or more must be approved by the Executive Director AND Board Treasurer.
  - iii. All payroll will be based on the salary schedule established by Albuquerque Collegiate and approved by the board.
  - iv. For recurring payments, such as rent, when the amount is fixed, annual approval is allowed.
  - v. All expenses need to be reviewed monthly by the Executive Director and Board Treasurer.
  - vi. Once EdTec receives all the required approvals, EdTec will issue payments with the required authorizer signatures. EdTec will then generate a check register and send back to the school as record of issuance. The check register will be collated with all the check registers for a month and included in the board packet.
- f. Debit Card Usage
  - i. Debit card usage will not be permitted.
- g. Procurement Card Usage
  - i. Subject to board approval, the school may establish a procurement card account.
  - ii. All purchases made with a procurement card must have an approved PO in place.
  - iii. The use of a procurement card shall be allowed with a maximum authorized purchase limit of \$5,000 per card holder.
  - iv. Procurement cards shall only be issued to the Executive Director.
  - v. An individual purchase should not exceed \$1,000, except with the approval by the Board Treasurer. Total charges in a month shall not exceed the purchase card limit.

- vi. Authorized purchase card holders are responsible for submitting itemized receipts or other printed documentation from the vendor for all transactions and providing sufficient reporting as to the necessity of the charge. Purchase card statements will not be considered as sufficient supporting documentation.
  - vii. For any purchases that are charged without adequate supporting documentation and justification, the card holder will be required to reimburse the school the amount of such purchases.
  - viii. Because documentation issues might otherwise prevent EdTec from having the adequate documentation to pay a purchase card statement balance in its entirety or documentation may pertain to the following month's statement, the Executive Director must request and specify the amount of all payments towards a purchase card statement balance each time. However, every effort should be made to pay the current balance due in full and otherwise mitigate financing charges.
  - ix. Purchase card transactions will be reported to the board monthly.
- h. Sales Tax Exemption
- i. Albuquerque Collegiate will apply for tax exempt status with the State of NM, Taxation and Revenue Department and will be exempt from sales tax on goods purchased for their own internal use.
  - ii. The Office Manager or Executive Director will ensure all vendors have a copy of a tax exempt certificate.
  - iii. Prior to submission to EdTec, the Office Manager will ensure all invoices have sales tax removed on goods.
- i. Electronic Payments
- i. To preserve payment approval processes and internal controls, electronic methods (wire or ACH) shall not be permitted for payment of any expenses or reimbursements, except for payroll and associated employer and employee liabilities.
  - ii. Any exception will require approval by the Board Treasurer.
- j. Non-Travel Related Employee Reimbursements
- i. Employees, except for the Executive Director, will limit purchases made with personal funds that will be submitted for reimbursement to no more than \$500 at a given time, except if the purchases are meals or incidental expenses during school-related travel.
  - ii. Employee's will follow school approved purchasing policies before purchasing items expected to be reimbursed by the school.
  - iii. Should an employee need to make a purchase with personal funds on behalf of the school for more than \$500, prior approval by the Executive Director will be required.
  - iv. Employees shall submit a reimbursement request with supporting documentation no later than one month from each purchase. A bank or credit card statement may not be considered adequate documentation, and lack of adequate documentation or timely submission will be grounds for non-reimbursement.
  - v. Under no circumstances shall the purchase of alcohol, entertainment or personal expenses be reimbursed.
  - vi. Nothing in this section is to be considered to supersede any personnel policies regarding eligible, reimbursable expenses.
- k. Travel-Related Employee Reimbursements

- i. All employees must receive approval by the Executive Director for all school-related travel.
- ii. All employees must sign a travel policy form, before travel, acknowledging that they understand the reimbursement guidelines for travel reimbursements.
- iii. All efforts should be made to make cost-effective, efficient travel arrangements as expeditiously as possible to mitigate cost escalation. This applies to airfare, accommodations, and registration fees.
- iv. Travel arrangements should be made the Office Manager or Executive Director and paid for directly by the school by check or procurement card.
- v. Meals during school-related travel are considered reimbursable. Meals should be modest but otherwise appropriate with the circumstances and will not exceed state required maximums. Itemized Receipts are required to be submitted if reimbursement is expected.
- vi. Incidental purchases made during school-related travel and otherwise necessary, such as taxi service, are considered reimbursable. Receipts are required to be submitted if reimbursement is expected. In the case of mass-transit expense, when a receipt is not available, reimbursement will be limited to \$6.00 per state law.
- vii. Employees shall submit a reimbursement request with supporting documentation to the Executive Director or Office Manager no later than one month from each purchase. A bank or credit card statement will not be considered adequate documentation, and lack of adequate documentation or timely submission will be grounds for non-reimbursement.
- viii. Under no circumstances shall the purchase of alcohol, entertainment or personal expenditures be reimbursed.

l. Employee Mileage Reimbursements

- i. All employees will be reimbursed at 80% of the IRS standard mileage rate effective January 1 of the previous year per mile for use of their own vehicle for school-related travel. If mileage is expected to exceed 100 miles or more, it must be pre-approved by the Executive Director.
- ii. All employees requesting such mileage reimbursement are required to document the destination of each trip, its purpose, miles driven, and any associated parking fees and tolls, within one month after the travel date, supported by receipts, if applicable.
- iii. Per IRS guidance, mileage of an employee driving from his or her residence to the school or vice versa is not considered reimbursable.
- iv. Nothing in this section is to be considered to supersede any personnel policies regarding eligible, reimbursable expenses.

m. Personal Use of School Funds

- i. Use of school funds for personal use is prohibited. Violation of this policy may result in discipline up to and including dismissal or in case of a board member, removal.

#### IV. PAYROLL

a. New Employees

- i. The Executive Director shall hire all employees at both headcount and compensation levels consistent with the approved salary schedule.
- ii. New employees shall complete an application for employment and all necessary paperwork for payroll addition.

- iii. New employees shall be fingerprinted and background checked consistent with state law. Fingerprint and background clearance must be received by the school before any employee may start work.
  - iv. Employees shall accrue paid time off (PTO) based on the personnel policies of the school.
  - v. Each employee shall have a job description that they read, review, and sign-off on before starting their employment.
- b. Timekeeping for Hourly Employees & Payroll Changes
- i. The Office Manager shall track or implement an electronic system for the accurate and timely preparation of timesheets for hourly employees.
  - ii. Based on policies and timelines delineated separately by EdTec, the Executive Director will submit hourly information prior to each pay day, along with any payroll changes for all staff including salary or rate changes, deduction changes, or other payroll items.
- c. Payroll Processing and Accounting
- i. Once EdTec receives the payroll changes from the Executive Director, EdTec will enter the information into the payroll processing system.
  - ii. EdTec will generate a payroll preview or Excel worksheet summary and send to the Executive Director for approval.
  - iii. Once payroll has been approved and issued, EdTec will upload the payroll information to the accounting system and reconcile the payroll activity to the banking activity.
- d. Independent Contractor Vs. Employee
- i. Unless otherwise specified, Albuquerque Collegiate shall treat individuals as employees unless he or she meets the IRS test for classification as an independent contractor.
  - ii. If someone is determined to be an independent contractor, he or she will need to provide a W-9, as well as proof of insurance depending on the nature of his or her work on behalf of the school.
  - iii. All independent contractors shall be formally engaged under a contract that is approved by the Executive Director or the Board, based on the contract approval criteria previously enumerated.
  - iv. Payments to an independent contractor shall be made pursuant to an invoice for services generated by the independent contractor to the school.
  - v. Albuquerque Collegiate, through EdTec's assistance, will generate a 1099-Misc for all independent contractors that received \$600 or more in the prior tax year and meet the IRS requirement as a contractor requiring a 1099.

## V. AUDITS & TAX FILINGS

- a. Annual Audit
- i. Each operating year, Albuquerque Collegiate shall engage an independent accounting firm, appointed by the state of New Mexico, to perform an audit of the prior year financial statements. The audit shall be performed, and the audit report shall be generated in advance of the NM State Auditor's submission deadline with adequate review time by the audit committee and board.
  - ii. The audit shall include all work named in the contract with the authorizer as pertains to the school for the year being audited.

- iii. Prior to submission of the audit report, EdTec and the Audit Committee will review the audit and respond to any management points, findings, material weaknesses, or significant deficiencies identified during the audit. To the extent appropriate, any official change in policies or procedures necessary to address any issue identified during the audit will be brought before the Governing Board for review after the audit is released to the public.

## VI. DONATIONS & PHILANTHROPY

- a. Tax Exempt Status & Charitable Solicitation
  - i. To the extent that Albuquerque Collegiate has established a supporting foundation that has filed for and received recognition of its 501 (c) 3 status as a tax-exempt nonprofit organization, which has completed all required annual return filings with IRS, and has completed and maintained all required registration as a charitable organization within the state of New Mexico, Albuquerque Collegiate may engage in charitable solicitations for tax deductible donations as permitted by local, state, and federal law. Nothing in this section shall prevent Albuquerque Collegiate from utilizing a fiscal sponsor as an intermediary to solicit and receive donations on its behalf to the extent permitted by local, state, and federal law.
- b. Donations
  - i. The Executive Director, separate from the depositing process, will log all cash donations, recording date of donation, donor's name, donor's contact information, and donation amount.
  - ii. the Executive Director will provide the donor with a written acknowledgement of the donation in compliance with IRS acknowledgement requirements.
- c. Donated Stock and Securities
  - i. Albuquerque Collegiate shall sell all gifts of stock or securities as soon as possible to convert them into cash and transfer to the school's checking account. The value of the gift will be recorded based on the cash proceeds less any brokerage sale fees.

## VII. FINANCIAL REPORTING & PLANNING

- a. Budget Approval
  - i. An annual budget shall be approved by the Governing Board no later than June 18th prior to the start of each new fiscal year.
  - ii. The approved budget will include a summary of assumptions and include both restricted and unrestricted revenues and expenses.
  - iii. During the year, the Board will adopt an amended budget as expenses and revenue projections change, or as student counts are updated.
  - iv. The annual budget and budget modifications will be reported to the authorizer and state by the required deadlines.
- b. Monthly Financial Statements
  - i. EdTec shall prepare a budget vs. actuals report, balance sheet, statement of cash flow, checking account register, purchasing card register if applicable, as well as a financial synopsis each month.

- ii. The Finance Committee and the Governing Board shall review these materials on a regular basis.

- c. Interim Financial Reports

- i. EdTec shall prepare and submit the required financial reports to the PED on the timeline required by the PED

VIII. OTHER PRACTICES & FINANCIAL MATTERS

- a. Conflicts of Interest

- i. Any board member with a financial interest in a matter presented to the board shall fully disclose such interest prior to board discussion on the issue and shall recuse themselves from the discussion and voting on the matter.
  - ii. For more information on the school's conflict of interest policies, please consult the school's bylaws.

- b. Related Party Transactions

- i. Albuquerque Collegiate will identify, recognize, and evaluate any related party transactions.

- c. Whistleblower Policy

- i. Albuquerque Collegiate's policy shall extend to financial matters and improprieties.

- d. Debt

- i. Albuquerque Collegiate will not take on any debt outside Accounts Payable invoices and approved Lease Purchase Agreements.
  - ii. To the extent that a supporting organization does, any debt, whether loans, notes, or lines of credit must be reviewed by the governing board. Information about covenants, restrictions, and other requirements associated with the debt must be reviewed at time of approval.
  - iii. The finance committee in conjunction with EdTec will review ongoing compliance with incurred debt of the supporting organization, as well as strategies to reduce debt and associated borrowing expense as expeditiously as possible.
  - iv. Albuquerque Collegiate will avoid utilizing vendor financing.

- e. Political Contributions & Advocacy

- i. Albuquerque Collegiate will not make any direct or indirect contribution of funds, assets, or resources to a political party or individual serving in or seeking public office.
  - ii. Nothing in this section is to prevent Albuquerque Collegiate from seeking membership with charter association or charter advocacy organizations, local or otherwise, that may be engaged in political campaign activities.
  - iii. Nothing in this section is to prevent Albuquerque Collegiate from engaging in lobbying, provided it complies with NM State Law or IRS guidance that a substantial part of Albuquerque Collegiate's activities is NOT devoted to attempting to influence legislation.
  - iv. Albuquerque Collegiate will not pay for lobbying with school funds.

- f. Approvals and Authorizations

- i. Throughout the financial policies and procedures, various requirements for approvals and authorizations by the Executive Director, Board Treasurer, and Board Chair are enumerated. Considering current technological and business practices, an approval shall be deemed valid and in compliance with the financial policies and procedures if it comes in the form of email approval, written in the affirmative of the specific matter or attachment or set of attachments, from the approver's school email account or if unavailable, his or her regularly-used email account. Silent assent over email or verbal approval by phone will not be deemed valid.
  - ii. Board approval or authorization shall be deemed valid if provided pursuant to board action at an official meeting of the governing board of Albuquerque Collegiate.
- g. Confidentiality
- i. Confidential information includes information gained during employment with or service of the school that is otherwise not common knowledge including, but not limited to, student records, and personnel records, information. All employees and board members must maintain confidentiality to the extent that is allowed by law.

*Adopted by the Albuquerque Collegiate Charter School Governing Council on January 6, 2018.*

### **Purchasing Card Policy and Procedure**

#### **Introduction and Overview**

The Albuquerque Collegiate Purchasing Card ("P-Card") is a credit tool issued by a credit card issuer, pursuant to this Policy and Procedure, the New Mexico Public School Code, NMSA 1978 §§22-8-5.1 and -13.2, and the New Mexico Procurement Code, NMSA 1978 §13-1-129. It is a fast, flexible purchasing tool which offers an alternative to the existing purchase order process(es) and which provides an efficient and effective method for purchasing and paying for small-dollar items and School-related business travel. The card is to be used only for official purchases, and in compliance with this policy and the New Mexico Procurement Code and the New Mexico Administrative Code.

The Purchasing Card will enable approved users to purchase approved, non-restricted goods/services, by telephone or in person, directly from the vendors, in appropriate circumstances. The Purchasing Card is NOT intended to circumvent the appropriate purchasing, approval or payment process. The Purchasing Card will be issued in the approved user's name, with the School's name clearly indicated on the card.

#### **Parties Involved**

1. **Card Issuer/Bank-** The Card Issuer/Bank issues Visa Purchasing Card(s) to School's Authorized User(s); the Bank bills Albuquerque Collegiate for all purchases made on the card.
2. **School-** Arranges with Bank to have Purchasing Cards issued to Authorized User(s); the School agrees to accept liability for the Authorized User's use of the card.



3. **Purchasing Card Administrator-** The person designated by the School to coordinate and administer the Purchasing Card program. The Purchasing Card Administrator may not be an Authorized User.
4. **Authorized User-** An administrator or authorized employee of the School, approved by the Governing Board and School Business Manager to use the Purchasing Card.
5. **Vendor-** The merchant from whom an Authorized User is making a purchase.

### **Authorized User Eligibility**

Any Authorized User must be an employee of the School and must be approved by the Albuquerque Collegiate Governing Board. Authorized Users must attend a training session with the School's Business Manager before they may be issued a P-Card. Authorized Users must sign a Cardholder Agreement, and an Authorization to Collect for Unauthorized Expenditure form, which must be notarized, before a P-Card may be issued to them.

### **Authorized User Responsibilities**

The P-Card may be used for legitimate School business purposes only. Authorized Users must keep the Card in a secure location at all times, and at all times are responsible for the Card's safety. Authorized Users shall not allow other individuals to use the Purchasing Card. Prior to making any Purchasing Card transactions/purchases, Authorized User must obtain a properly authorized purchase order for any and all Purchasing Card transactions from the School's Business Office. The purchase order must be detailed and shall contain sufficient information to make a determination about the need for the purchase. Vague or blanket purchase orders are not acceptable and will not be approved.

The Purchasing Card Administrator must pre-approve any and all expenditures using the P-Card, except in cases of emergency. Authorized Users shall adhere to the purchase limits and restrictions of the Purchasing Card set by the Bank and the School. Authorized Users must obtain and reconcile all itemized sales slips and receipts, and provide them to the Purchasing Card Administrator on the next business day following the purchase. Authorized Users shall report erroneous transactions to the Purchasing Card Administrator and to the Business Manager.

Authorized Users who cannot produce original receipts may be personally liable for charges incurred. All receipts must be signed by an administrative employee other than the Authorized User, who verifies that the items were received by the School. Authorized Users shall return the Purchasing Card to the Purchasing Card Administrator upon terminating employment with the School, or transferring from an Administrator position.

Authorized Users must treat the P-Card issued to them with at least the same level of care as their own personal credit cards. Keep the card safely secured and the account number carefully guarded. No one other than the Authorized User may utilize the P-Card. Never email your P-Card number to anyone, or release information about your P-Card (including CID number) over the phone to anyone other than an authorized vendor.

### **Purchasing Card Administrator Responsibilities**

The Purchasing Card Administrator shall review Purchasing Card transaction requests for appropriateness, shall review billings/P-Card statements promptly upon receipt, and shall attempt to resolve disputes or billing errors directly with the vendor. Authorized Users shall cooperate with and assist the Purchasing Card Administrator as requested. The Purchasing Card Administrator shall review receipts and billing statements to ensure that appropriate tax exemptions have been applied, and shall ensure that if allowed by the Bank, an appropriate credit for any reported disputed item or billing error appears on a subsequent Cardholder statement. The School shall not accept cash in lieu of a credit to the Purchasing Card account. Authorized Users shall immediately report a lost or stolen card to the Purchasing Card Administrator. The Purchasing Card Administrator shall immediately notify the Bank and School's Business Manager of a lost or stolen P-Card.

The Purchasing Card Administrator shall report discrepancies and/or violations of the School's P-Card Policy/Procedure to Business Manager and/or Governing Board, shall collect revoked P-Cards and ensure that revoked, lost or stolen cards have been blocked by the Bank, and shall distribute monthly reports to the Business Manager and Governing Board regarding the P-Card's use. The Purchasing Card Administrator shall reconcile the Bank's bill to the Bank's electronic file and to the transaction totals posted to the NAS-NM accounting system.

### **Business Manager Responsibilities**

The Business Manager shall act as liaison with the Bank/Card Issuer. S/he shall:

- Review School-approved P-Card Authorized User applications for completeness.
- Submit completed applications to Bank/Issuer.
- Receive Purchasing Card from Bank/Issuer.
- Train Authorized Users on policy/procedure/restrictions before releasing Purchasing Card to Authorized User.
- Assure all necessary forms are signed and/or notarized.
- Handle disputed charges/discrepancies not resolved by Authorized User and/or Purchasing Card Administrator.
- Forward vendor payment set-up requests to Bank.
- Dispute or pay amounts billed by the Bank within 30 days of receipt.

### **Requirements for Becoming an Authorized User**

Before receiving a Purchasing Card, Authorized User is required to:

- Fill out the Request for Procurement Card form;
- Return Request for Procurement Card form to the Business Manager or designee;
- Be approved by the Governing Board and the Business Manager;
- Complete the P-Card training;
- Sign NAS-NM Purchasing Card Authorized User Application/Agreement (Attachment 1); and
- Sign the Authorization to Collect for Unauthorized Expenditure Form (Attachment 2) (must be notarized).

All documents must be verified and training requirements met before P-Card will be issued to Authorized User.

### **P-Card Purchase Request Procedure**

Before making a purchase using the P-Card, an Authorized User must fill out a P-Card Purchase Request form (Attachment 3) describing the proposed purchase, and return the completed form to the Purchasing Card Administrator. The Purchasing Card Administrator shall approve or deny the request by reference to the Policy and the New Mexico Procurement Code. If the request is deemed appropriate and is approved by the Purchasing Card Administrator, the Purchasing Card Administrator shall cause a Purchase Order to be issued for the purchase, and the Authorized User may proceed to use the P-Card in accordance with the approval received. Disputes between the Authorized User and the Procurement Card Administrator regarding requested purchases shall be referred to the Business Manager for resolution.

Receipts for P-Card purchases must be provided by the Authorized User to the Purchase Card Administrator on the next business day following the purchase.

### **Acceptable Purchasing Card Purchases**

The P-Card is not intended to replace the purchase order or other established method of paying merchants and vendors; rather, the P-Card is to be used for approved School-related purchases where the vendor/merchant does not and cannot accept a purchase order/check from the School, e.g., secure internet or online purchases, travel reservations. Before making a purchase with a P-Card, the Authorized User and Procurement Card Administrator should check to see whether the vendor/merchant will accept a purchase order/check from the School. In time-sensitive cases where a check/purchase order is not practicable, a P-Card may be used to make authorized purchases, but this should not be a regular practice where normally a purchase order/check can be used.

Examples of purchases that are appropriate for the School P-Card [**Note:** All purchases must be pre-approved by the Purchasing Card Administrator, even if listed here.]:

- In and out of state School-related travel, conference expenses, car rental
- Professional conference and seminar registrations
- Professional membership dues
- Federal Express, United Parcel Service, United States Postal Services expenses
- Professional 1-year subscriptions that are received by the School
- Other miscellaneous items that apply to School budget that otherwise cannot be paid through School check or purchase order

This list is not intended to be all-inclusive. If you have specific questions, please consult with Purchasing Card Administrator or Business Manager for assistance.

### **Unacceptable Purchasing Card Purchases**

The following items are examples of purchases that are inappropriate for the purchasing card:

- Purchases over \$1,000.00, per item or aggregate monthly purchases of \$10,000
- Meals [reimbursed through Per Diem request]
- Payment of sales tax, except in relation to purchase of services
- Open accounts for hotel room incidentals (must use personal credit card)
- Prepaid purchases

- Donations, of any kind
- Massage or escort services
- Alcoholic beverages
- Tobacco
- Lottery tickets
- Cash advances
- ATM withdrawals
- Weapons
- Purchases through electronic mail
- Payments to/purchases from foreign entities
- Any personal purpose
- Any illegal purpose
- The Purchasing Card cannot be used to pay consultants

This list is not intended to be all-inclusive. If you have specific questions, please consult with Purchasing Card Administrator or Business Manager for assistance.

Splitting of purchases, incremental purchasing or any activity to avoid a decline is prohibited with the Purchasing Card. Incremental purchasing or splitting of purchases with the P-Card will result in cancellation of the Authorized User's card, and other appropriate disciplinary action.

### **Purchasing Card Limits**

No purchase may be made using the P-Card that is outside the limits set by the Bank, the Procurement Card Administrator, the School, and/or by the New Mexico Procurement Code. Purchases may not be 'split' to circumvent the limitations of the P-Card or the Procurement Code. In no event may a purchase be made in an amount exceeding \$1,000 for individual purchases and aggregate monthly purchase of \$10,000. Authorized Users exceeding limitations may be held personally liable for the amounts charged. In rare instances, the P-card Administrator and Business Manager may authorize a purchase exceeding \$1,000 when it is considered in the best interest of the school. Documentation pre-authorizing the purchase must be kept with the purchase order.

### **Sales/Gross Receipts Tax**

Sales/gross receipts taxes should not be charged on the School's purchases of tangible goods. Authorized Users and the Purchasing Card Administrator should ensure that sales/gross receipts charges for purchases of tangible goods are not included in P-Card purchases.

### **Purchasing Card Closure**

The Purchasing Card Administrator is required to close an account if an Authorized User:

- 1) moves to a position in which a Purchasing Card is not required
- 2) terminates employment with the School, or
- 3) for any of the following reasons, which will also subject Authorized User to disciplinary action in accordance with NAS-NM policies and procedures relating to disciplinary action and/or termination/discharge:
  - I. The Purchasing Card is used for personal or unauthorized purposes;
  - II. The Purchasing Card is used to purchase alcoholic beverages or any substance, material, or service which violates policy, law or regulation;

- III. The Authorized User allows the card to be used by another individual;
- IV. The Authorized User splits a purchase to circumvent the limitations of the Purchasing Card or Procurement Code;
- V. The Authorized User fails to provide, when requested, information about any specific purchase;
- VI. The Authorized User does not adhere to all of the Purchasing Card policies and procedures;
- VII. The Authorized User makes a purchase without a valid purchase order.

A request for closing an Authorized User's account will be submitted to Bank by the Purchasing Card Administrator.

#### **User Liability**

The Purchasing Card is a corporate charge card and will not affect Authorized User's personal credit. It is the Authorized User's responsibility to ensure that the card is used in accordance with this Policy & Procedure, and applicable state and federal laws. Failure to comply with P-Card Policy & Procedure may result in:

- 1. Permanent revocation of the card;
- 2. Notification of the situation to the Governing Board and School Administration;
- 3. Notification to law enforcement or other regulatory body, as appropriate and/or required by law;
- 4. Disciplinary action in accordance with School policies and procedures relating to disciplinary action and termination/discharge; and
- 5. Recoupment of any costs associated with unauthorized purchases by the User.

*This Purchase Card Policy and Notice of Rights was adopted by the Albuquerque Collegiate Governing Board on 7/7/2018.*

### **3.11- IPRA Policy**

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#### **Inspection of Public Records Act Policy**

**1. Purpose.** Recognizing that a representative government is dependent upon an informed electorate, the intent of the legislature in enacting the Inspection of Public Records Act is to ensure, and it is declared to be the public policy of this state, that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees. It is the further intent of the legislature, and it is declared to be the public policy of this state, that to provide persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees.

**2. Procedures for Requesting Copies and Fees.** By law, under the Inspection of Public Records Act, every person has the right to inspect public records of the Albuquerque Collegiate Charter School. Requests to inspect public records should be submitted to the records custodian:

Jade Rivera  
1720 Bridge Blvd SW #101

A person desiring to inspect public records may submit a request to the records custodian in writing. A written request must contain the name, address and telephone number of the person making the request. Written requests may be submitted in person or sent via US mail, email or facsimile. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records. The records custodian must permit inspection immediately or as soon as practicable, but no later than fifteen (15) calendar days after the records custodian receives the inspection request. If inspection is not permitted within three business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the public body will respond to the request. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the records custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within fifteen (15) calendar days after the records custodian receives the request for inspection.

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

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

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

*Adopted by the Albuquerque Collegiate Charter School Governing Board on Saturday, October 28, 2017.*

### **3.12- Response to Intervention Policy**

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#### **Response to Intervention and Student Assistance Team Policy**

A free appropriate public education (FAPE) must be available to all children with disabilities attending Albuquerque Collegiate Charter School until the age of 21. (34 C.F.R. § 300.101(a)) The process of identifying, locating, and evaluating these children is referred to as child find.

In order to comply with the Child Find requirements, Albuquerque Collegiate Charter School shall have procedures in place to ensure that all children with disabilities within the school, including children with disabilities who are homeless children or are wards of the state, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated. (34 CFR § 300.111(a))

The obligation to make FAPE available to each eligible child attending Albuquerque Collegiate Charter School begins no later than the child's third birthday. Albuquerque Collegiate Charter School shall have procedures to ensure that an IEP or an IFSP is in effect by that date. If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin. (34 C.F.R. § 300.101(b))

In compliance with child find provisions of the IDEA and New Mexico Administrative Code, Albuquerque Collegiate Charter School also shall, identify, locate, and evaluate:

- Children who are suspected of being a child with a disability under §300.8 and in need of special education, even though they are advancing from grade to grade;
- Highly mobile children, including migrant children; and
- Children who are suspected of being developmentally delayed.
  - Federal regulation requires states to define "developmentally delayed."
  - The New Mexico Public Education Department has adopted a definition of development delay in accordance with 34 CFR §300.8(b)

Albuquerque Collegiate Charter School Child Find duty includes locating, identifying, and evaluating all children with disabilities who are enrolled by their parents. (34 C.F.R. § 300.131(a))

Albuquerque Collegiate Charter School shall accept referrals, as per child find provisions, from any source that suspects a child may be eligible for special education and related services. (71 Fed. Reg. 46636 (August 14, 2006))

### **Student Intervention System**

- Albuquerque Collegiate Charter School shall follow a three-tier model of student intervention as a proactive system for early intervention for students who demonstrate a need for educational support for learning or behavior. (6.29.1.9(D) NMAC)
- In tier 1, the Albuquerque Collegiate Charter School shall ensure that adequate universal screening in the areas of general health and well-being, language proficiency status and academic levels of proficiency has been completed for each student enrolled. If, through universal screening, a referral from a parent, a school staff member, or other information available to a school or district suggests that a particular student needs educational support for learning or behavior, then the student shall be referred to the SAT for consideration of interventions at the tier 2 level. (6.29.1.9(D)(1) NMAC)
- In tier 2, a properly-constituted SAT at Albuquerque Collegiate Charter School, which includes the student's parents and the student (as appropriate), shall conduct the student study

process and consider, implement and document the effectiveness of appropriate research-based interventions utilizing curriculum-based measures. (6.29.1.9(D)(2) NMAC)

- In addition, the SAT shall address culture and acculturation, socioeconomic status, possible lack of appropriate instruction in reading or math, teaching and learning styles and instructional delivery mechanisms in order to rule out other possible causes of the student's educational difficulties. (6.29.1.9(D)(2) NMAC).
- When it is determined that a student has an obvious disability or a serious and urgent problem, the SAT shall address the student's needs promptly on an individualized basis, which may include a referral for a multi-disciplinary evaluation to determine possible eligibility for special education and related services. (6.29.1.9(D)(2) NMAC)
- In tier 3, a student has been identified as a student with a disability and deemed eligible for special education and related services, and an IEP is developed by a properly constituted team. (6.29.1.9(D)(3) NMAC)
- Administration, teachers, and other appropriate educators will be involved in supporting the student as needed through the SAT process. This team will meet with the parents to discuss further steps if needed.

*Adopted by the Albuquerque Collegiate Charter School Governing Board on 5/5/2018\_\_\_\_\_.*

### **3.13- Staff Discipline Policy**

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#### **Staff Discipline Policy**

At Albuquerque Collegiate Charter School (ACCS) a number of tools may be used to motivate, correct, and/or discipline employees, including, but not limited to warnings, reprimands, suspension with or without pay, and discharge, as determined to be appropriate in each individual circumstance. Progressive discipline may be used to correct employee behavioral or performance problems. However, there may be situations where the severity or seriousness of the offense justifies the omission of one or more of the steps in this process. Likewise, there may be situations where a disciplinary step is repeated.

#### **I. Definitions**

- A. "Council" or "Governing Council" means the governing body of the school.
- B. "Discharge" means the act of severing the employment relationship with a certified school employee prior to the expiration of the current employment contract.
- C. "Just cause" means a reason that is rationally related to an employee's competence or turpitude or the proper performance of the employee's duties and that is not in violation of the employee's civil or constitutional rights.
- D. "Terminate" means, in the case of a certified school employee, the act of not reemploying an employee for the ensuing school year and, in the case of a noncertified school employee, the act of severing the employment relationship with the employee.



## **II. Employment Termination and Discharge Generally**

ACCS employment policies conform to the State Personnel Act, as well as, the School Personnel Act. Below are examples of some of the most common circumstances under which employment is terminated:

- Reduction in Force (RIF)
- Non-renewal of Year-Long Contracts and School-Term Contracts
- Discharge – involuntary employment termination initiated by the organization
- Resignation – voluntary employment termination initiated by an employee
- Retirement – voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

## **III. Termination or Discharge for Cause**

The Executive Director determines all involuntary terminations for reasons including:

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

## **IV. Involuntary Termination or Discharge**

ACCS shall give notice of termination or discharge of an employee's services by ACCS due to reduction of force, budget cutbacks, abolition of position due to reorganization or reassignment of duties as required by law. Terminations required by a reduction in force shall be carried out pursuant to a Council approved policy.

Before terminating a non-certified school employee, ACCS shall serve the employee with a written notice of termination.

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

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

## **V. Administrative Leave Pending Possible Disciplinary Action**

If an employee is suspected of violating the law or ACCS policies or procedures, including the Dissemination of the Code of Ethics and Code of Professional Conduct Policy and Procedure, the employee may be placed on administrative leave, with or without pay, pending an investigation into the suspected violation.

*Adopted by the Albuquerque Collegiate Charter School Governing Council on  
\_\_\_\_5/5/2018\_\_\_\_\_.*

### **3.14- Student Discipline Policy**

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#### **Student Discipline Policy**

At Albuquerque Collegiate Charter School (ACCS) the goal of disciplinary measures shall be to assist each student in the development of self-control, social responsibility, and the acceptance of appropriate consequences for his or her actions.

ACCS encourages parent/legal guardian involvement in matters of school discipline. Parents/legal guardians shall be advised of disciplinary measures taken and the School shall maintain a record of disciplinary actions taken.

This Policy does not apply to long-term suspension or expulsion of students who are disabled pursuant to the IDEA or Section 504. The procedures for long-term suspension or expulsion of disabled students are as set forth in this Policy and in the School's Special Education Policy, as well as, in compliance with law. School personnel under this section may remove a student with a disability who violates a rule of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days, and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct provided those removals do not constitute a change of placement.

The ACCS Governing Council imbues the ACCS Executive Director and her designee(s) with the discretion to make judgments in each case of individual discipline.

#### **I. Immediate Removal**

- A. Students whose presence poses a continuing danger to persons or property or an ongoing threat of interfering with the educational process may be immediately removed from school, subject to the following rules:
1. A rudimentary hearing, as required for temporary suspensions, shall follow as soon as possible.
  2. Students shall be reinstated after no more than one school day unless within that time a temporary suspension is also imposed after the required rudimentary hearing. In such circumstances, a single hearing will support both the immediate removal and a temporary suspension imposed in connection with the same incident(s).

3. The school shall exert reasonable efforts to inform the student's parent of the charges against the student and the action taken as soon as practicable. If the school has not communicated with the parent by telephone or in person by the end of the school day following the immediate removal, the school shall on that day mail a written notice with the required information to the parent's address of record.

II. **Detention**

- A. Detention may be imposed and is distinct from in-school suspension in that it does not entail removing the student from any of his or her regular classes.
- B. The authority of the School to supervise and control the conduct of students includes the authority to impose reasonable periods of detention during the day or outside normal school hours as a disciplinary measure. No detained student shall be denied an opportunity to eat lunch or reasonable opportunities to go to the restroom. Reasonable periods of detention may be imposed in accordance with the procedures for temporary suspension.

III. **Suspension Generally**

- A. A suspension is the removal of a student from a class or classes and all school-related activities for any period of time and may include in-school suspension alternatives.
- B. The school administration must provide notification of any form of suspension to the parent/guardian and teachers of any student being suspended. The notification must be documented in writing and should occur on the same day, or as soon as possible if the parents cannot be contacted. Written notification should follow upon parent request if the notification is made by phone or in person.
- C. ACCS shall keep on file a copy of the notification.
- D. The Executive Director or her designee is responsible for notification, compliance and documentation.
- E. While a student is suspended he or she may not attend any school sponsored activities (dances, athletics, after school programs, etc.) until the end of the suspension.
- F. Suspension and expulsion shall not be used as punishment of unexcused absences and/or habitual truancy.
- G. Students who do not conduct themselves properly on school transportation may have their riding privileges suspended by the Executive Director. In such cases, the student's parent(s)/guardian(s) will become responsible for seeing that his or her child gets to and from school safely.

IV. Temporary suspension.

- A. A local school board may limit temporary suspensions to periods shorter than ten (10) school days.
- B. A student facing temporary suspension shall first be informed of the charges against him or her and, if (s)he denies them, shall be told what evidence supports the charge(s) and be given an opportunity to present his or her version of the facts. The following rules apply.
  - (1) The hearing may be an informal discussion and may follow immediately after the notice of the charges is given.

(2) Unless the administrative authority decides a delay is essential to permit a fuller exploration of the facts, this discussion may take place and a temporary suspension may be imposed within minutes after the alleged misconduct has occurred.

(3) A student who denies a charge of misconduct shall be told what act(s) (s)he is accused of committing, shall be given an explanation of the evidence supporting the accusation(s) and shall then be given the opportunity to explain his or her version of the facts. The administrative authority is not required to divulge the identity of informants, although (s)he should not withhold such information without good cause. (S)he is required to disclose the substance of all evidence on which (s)he proposes to base a decision in the matter.

(4) The administrative authority is not required to allow the student to secure counsel, to confront or cross-examine witnesses supporting the charge(s), or to call witnesses to verify the student's version of the incident, but none of these is prohibited.

(5) The school shall exert reasonable efforts to inform the student's parent of the charges against the student and their possible or actual consequence as soon as practicable. If the school has not communicated with the parent by telephone or in person by the end of the first full day of suspension, the school shall on that day mail a written notice with the required information to the parent's address of record.

V. **In School Suspension**

A. If suspension is in-school, administration will contact each of the student's teachers in order to obtain the student's assignments for the suspension time. Teachers should provide enough work to occupy the student's time during that duration.

B. ACCS shall follow the procedures for In School Suspension including as outlined in 6.11.2.12(E); which are as follows:

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

(2) In-school suspensions of any length shall be accomplished according to the procedures for a temporary suspension as set forth above. A local school board may limit the length of in-school suspensions which may be accomplished under temporary suspension procedures. No in-school suspension student shall be denied an opportunity to eat lunch or reasonable opportunities to go to the restroom.

VI. **Short-Term Suspension**

A. Short-term suspension shall be at the discretion of the Executive Director. The Executive Director, within the confines of the law, may impose consequences beyond minimum mandatory in order to maintain the safety and security of the school population.

B. Short-term suspension will be limited to no more than five (5) days.

- C. ACCS shall follow the procedures for Short Term Suspension as outlined in 6.11.2.12(D) NMAC (also referred to as “Temporary Suspension” under the New Mexico Administrative Code).

VII. **Long-Term Suspension**

- A. Long-term suspension is defined as the removal of a student from instruction and all school-related activities for more than five (5) days and up to the balance of the semester.
- B. A student receiving a long-term suspension may lose credit for the semester unless placed in an alternative school setting.
- C. At the Executive Director’s discretion, students may be suspended pending a due process hearing.
- D. ACCS shall follow the procedures for Long Term Suspension as outlined in 6.11.2.12(G).

VIII. **Expulsion**

- A. Expulsion is the suspension of a student from the school for a period exceeding one (1) semester.
- B. A student receiving an expulsion will lose credit for the semester in which the expulsion occurs, unless the student is engaged in an alternative program.
- C. ACCS shall follow the procedures for Expulsion as outlined in 6.11.2.12(G).

IX. **Student Searches**

To ensure the safety of the school population, school personnel may conduct searches of students. The School acknowledges both state and federal constitutional rights which are applicable to personal searches of students, searches of their possessions (e.g., pocket contents, backpacks, handbags, etc.) and vehicle searches.

School administrators need only have individualized reasonable suspicion that a particular search will reveal evidence that a crime or breach of the disciplinary code is being committed by the student or that a safety or security issue may exist. Individualized reasonable suspicion is established when the observation of specific and describable behavior or information from a credible informant leads one to reasonably believe that a particular student is engaging in or has engaged in prohibited conduct.

The reasonableness of the search shall depend upon:

- The value and reliability of information used as justification for the search;
- The prevalence and seriousness of the problem to which the search is directed;
- The urgency requiring an immediate search.

Even if individualized reasonable suspicion exists, the scope of the search shall be such that the measures used are reasonably related to the purpose of the search and not excessively intrusive.

Law enforcement officers shall be required to have probable cause to perform a search of a student.

### **Vehicle Searches**

Search of a student's vehicle while parked on School property may be conducted only if a school employee, school security officer, or campus security aide has reasonable suspicion that a crime or breach of the disciplinary code is being committed by the student.

### **Physical Searches**

Search of a student's person or property may be conducted only where there is individualized reasonable suspicion that the student being searched has committed a crime or a breach of the disciplinary code. Searches may be conducted by a certified school employee, school security officer, or campus security aide.

- Minimally Intrusive Searches - Searches such as emptying of pockets, searches of student backpacks and purses, removal of hats, socks and shoes may be conducted by any certified school employee, school security officer or campus security aide.
- More Intrusive Searches - Searches such as pat downs and frisks may only be conducted by an authorized person of the same sex as the student being searched.
- Most Intrusive Searches - A strip search shall be conducted only upon individualized reasonable suspicion of a safety concern and shall be conducted by a school administrator of the same sex as the student and in the presence of another authorized person of the same sex.

Strip searches of students shall be conducted only in life-threatening situations or in situations that pose a possible danger to the school population. Administrators may only conduct more intrusive or most intrusive searches when they have reason to believe that a student may be in possession of a firearm, a weapon, or a dangerous drug.

Student desks, school lockers, storage spaces and school computers are not the private property of a student but the property of the School and may be opened and subject to inspection without student consent.

*Adopted by the Albuquerque Collegiate Charter School Governing Council  
on 5/5/2018.*

### **3.15- Tobacco Policy**

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#### **Tobacco, Alcohol, and Drug Free Campus Policy**

**I. Purpose:** The purpose of this policy is to prohibit the use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances, and illicit drugs in school buildings, on school premises and by students at school-sponsored activities away from school grounds.

**II. Definitions:**

- A. “Alcoholic beverage” means any beverage containing more than one-half percent alcohol by volume, and includes all distilled or rectified spirits, potable alcohol or any similar alcoholic beverages, including all fermented or blended beverages and dilutions or mixtures of one or more of these alcoholic beverages.
- B. “E-cigarette”:
  - 1. means any electronic oral device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine or any other substances the use or inhalation of which simulates smoking; and
  - 2. includes any such device, or any part of it, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or any other product, name or descriptor; but
  - 3. does not include any product regulated as a drug or device by the United States food and drug administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 301 et seq.
- C. “Illicit drugs” means prescription and over-the-counter medications used for non-medical purposes, or not used as medically prescribed by lawfully authorized practitioners or as directed by the manufacturer’s literature, and include all supplemental dietary or nutrition ergogenic aids, stimulants, nootropics, adaptogens, painkillers, sedatives and anxiolytics, blood boosters and other performance-enhancing drugs.
- D. “Mood-altering substances” means substances that change, or are capable of changing, a person’s emotional state, and include all stimulants, opioids, intoxicative inhalants and hallucinogens.
- E. “Nicotine liquid container” means a bottle or other container of any substance containing nicotine where the substance is sold, marketed or intended for use in an e-cigarette.
- F. “School personnel” includes all administrators, principals, teachers, counselors, social workers, speech therapists, psychologists, nurses, librarians and other support staff who is employed by a school, or who perform services for the school on a contractual basis.
- G. “Tobacco product” means any product made or derived from tobacco that is intended for human consumption, including any component, part or accessory of a tobacco product. This includes, among other products, cigarettes, cigars, pipe tobacco, roll-your-own tobacco, dissolvable tobacco, and smokeless tobacco. Smokeless tobacco means any snuff or chewing tobacco.

**III. Prohibitions and Procedures:**

- A. The use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances, and illicit drugs in

school buildings, on school premises and by students at school-sponsored activities away from school grounds is strictly prohibited.

- B. Any student found to be in violation of this Policy shall be subject to disciplinary action such as detention, counseling, and family meetings. For multiple or severe offenses, the student may be expelled after a formal hearing. Any school employee or contractor found to be in violation of this policy shall be subject to disciplinary action such as formal or informal reprimand or action against the employee's license or certificate. Any disciplinary action instituted against a student, school employee, or contractor will be consistent with applicable statutory and case law.
- C. No school employee who in good faith reports any known or suspected use, possession or distribution of alcoholic beverages, mood-altering substances, or illicit drugs shall be held liable for any civil damages as a result of such report or efforts to enforce the policy.
- D. In order to effectively communicate this policy it will be posted on the school's website, as well as, conspicuously on school premises.

**IV. Exceptions:** Nothing in this policy shall be construed to apply to the lawful possession or use by a minor of a tobacco-cessation product approved by the United States food and drug administration.

*Adopted by the Albuquerque Collegiate Charter School Governing Board  
on 5/5/2018.*

### **3.16- Volunteer Policy**

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#### **Volunteer Policy**

**1. Purpose:** The purpose of this policy is to comply with New Mexico Public Insurance Authority regulations and to help ensure a safe environment for students, parents, teachers, staff, and volunteers.

**2. Definitions:**

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

**3. Regular Volunteers**

- A. In seeking and accepting the voluntary services of qualified, interested individuals, Albuquerque Collegiate Charter School recognizes that it has basic responsibilities to the regular volunteers as well as to the students and to themselves.



- B. It shall be responsibility of the Head Administrator or their designee(s):
- 1) To interview all prospective regular volunteers and conduct a background check including any history of drug abuse or drug dealing, domestic violence, DUI offenses, and sex crimes;
  - 2) To provide all regular volunteers with a job description, outlining specific duties, time commitment and qualifications for acceptance as a regular volunteer;
  - 3) To provide appropriate training, supervision and evaluation of regular volunteers; and
  - 4) To instruct all regular volunteers to understand that failure to obey the code of ethics and standards of professional conduct as provided in 6.60.9.8 NMAC and 6.60.9.9. NMAC concerning the obligations of school personnel is grounds for dismissal.
- C. Regular volunteers shall not be allowed to begin their service until after their duties are explained to them and they have accepted in writing the volunteer pledge acknowledging the duty of the volunteer:
- 1) to deal justly and considerately with each student, school employee or other volunteer;
  - 2) to share the responsibility for improving educational opportunities for all;
  - 3) stimulate students to think and learn, but at the same time protect them from harm;
  - 4) to respect the confidentiality of student records and information about students, their personal or family life;
  - 5) not to discriminate or to permit discrimination on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion or serious medical condition against any person while I am on duty as a volunteer;
  - 6) must not exploit or unduly influence a student into engaging in an illegal or immoral act or any other behavior that would subject the student to discipline for misconduct, whether or not the student actually engages in the behavior;
  - 7) to avoid giving gifts to any one student unless all students similarly situated receive or are offered gifts of equal value for the same reason;
  - 8) to avoid lending money to students;
  - 9) must not have inappropriate contact with any student, whether or not on school property, which includes all forms of sexual touching, sexual relations or romantic relations, any touching which is unwelcome by the student or inappropriate given the age, sex and maturity of the student;
  - 10) to avoid giving a ride to a student;
  - 11) not to engage in sexual harassment of students, other volunteers or school employees;
  - 12) not to engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off premises;
  - 13) not to possess or use tobacco, alcohol or illegal drugs while on school property or during school events off premises;
  - 14) to use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable law, policies and rules;

- 15) must not display any violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct when on school property or off campus at school functions;
- 16) to refrain from using school information technology equipment, hardware, software or internet access for other than a school related purpose;
- 17) to refrain from striking, assaulting or restraining students unless necessary in the defense of self or others;
- 18) to refrain from using inflammatory, derogatory or profane language while on school property or while attending school events off premises;
- 19) to refrain from bringing or possessing firearms or other weapons on school property except with proper authorization;
- 20) not to be under the influence of alcohol or illegal drugs on school property or at school events off premises; and
- 21) to report, as appropriate under the circumstances, violations of this pledge by other regular volunteers or school employees.

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

#### **4. Spontaneous volunteers**

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

*Adopted by the Albuquerque Collegiate Charter School Governing Board on **October 28, 2017.***