



ALBUQUERQUE  
**SCHOOL OF EXCELLENCE**  
*R.I.S.E TO EXCELLENCE*

# **EMPLOYEE/STAFF HANDBOOK**

## **2022-2023**

Albuquerque School of Excellence

13201 Lomas Blvd. NE

Albuquerque, NM 87112

(505) 312-7711

[www.abqse.org](http://www.abqse.org)

Approved by the ASE Governing Council

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# INTRODUCTION

Dear ASE Faculty and Staff,

Employee communications are critical to all organizations, so the ASE Employee Handbook is a basic communication document for Albuquerque School of Excellence. This Employee Handbook is a summary of employee benefits and guidelines with respect to your employment. It does not cover all aspects of your employment with ASE. You are responsible for reading and understanding the Handbook and other School policies and procedures and should utilize it as a reference. All questions regarding the Handbook should be directed to your Principal.

This Handbook may be revised from time to time as deemed necessary by the School. The absence of information in this handbook does not restrict ASE's right to take action or to formulate policy. When there is a conflict between this handbook and ASE Governing Council Policies or school Regulations, Governing Council Policies or School regulations will govern.

Some of the subjects described in this Handbook are covered in more detail in official School policy and procedures or in benefit/plan documents. Please refer to those documents for specific information, since this Handbook only briefly summarizes those benefits and/or policies.

This handbook contains guidelines for employees; the policies expressed herein are not express or implied contracts with School employees, and do not create contractual obligations of any kind between ASE and any of its employees. Additionally, this handbook is not to be construed by an employee as containing binding terms and conditions of employment. ASE retains the right to terminate any employee at any time, consistent with New Mexico law and the New Mexico School Personnel Act.

This employee handbook is the property of the ASE. All employees and trainees will be provided with a copy of the handbook and will be required to read and abide by it. While the ASE intends to notify employees whenever there has been a significant modification or addition to any of the policies in the handbook, the policies are subject to change at any time, with or without notice, at the ASE's sole discretion.

In addition to the policies/procedures contained in this Staff Handbook, ASE employees will be expected to have familiarized themselves with the ASE Charter and Governing Council policies, and will be expected to adhere to the Charter and Governing Council policies.

Please note that any written insurance/benefit plan(s), agreement(s), or other policies may be controlling over this Handbook where there is conflict.

## SCHOOL INFORMATION

ASE is a high performing K-12th grade college preparatory, open enrollment public charter school and focusing on Science, Technology, Engineering, Arts, and Math.

### **Mission Statement**

The mission of Albuquerque School of Excellence (ASE) is to provide a safe and collaborative environment which will cultivate the academic and social development for all students regardless of their socio-economic status by emphasizing math, science, and technology for the purpose of students setting and meeting higher education goals.

### **Governing Council**

The governing body of the Albuquerque School of Excellence ("ASE") is known as the "Albuquerque School of



Excellence Governing Council”, or as the ASE Governing Council. Both names apply to the same entity.

The purpose of the ASE Governing Council is to govern the ASE in accordance with the terms of its charter, in compliance with the New Mexico Charter Schools Act, NMSA 1978 §§22-8B-1, et seq. as amended from time to time. The Governing Council acts as a Board of Finance for the state-approved charter school. The Governing Council has a responsibility to ensure that ASE operates in accordance with all applicable laws and regulations, complies with the Open Meetings Act ( NMSA 1978.10.15), and meets its commitments to ASE’s authorizer as reflected in its charter. The school will be operated for the educational benefit of its students. The Governing Council is the governing and policy-making body for the school. The Governing Council will exercise leadership primarily through the formulation and adoption of policies.

The Governing Council (GC) meets on a regular basis at Albuquerque School of Excellence, located at 13201 Lomas Blvd Albuquerque, New Mexico 87112 and may meet at other places (or online) and times deemed necessary by the GC. Special meetings may be called and held when and where necessary. In compliance with NM open meetings laws, a written notice of regular and special meetings will be posted on the [ASE website](#) at least 72 hours before the scheduled meeting time. In emergencies, a meeting may be held with a two- hour notice in accordance with applicable legal requirements.

# **EMPLOYMENT**

## **Hiring Standards**

ASE believes that the quality of the professional staff determines the quality of education offered in the school. It is therefore the goal of the school Administration to locate, recruit and rehire the best qualified teachers to meet the school's educational needs. Staff selection shall be based on:

- Strong academic preparation,
- Professional competence,
- Intellectual rigor,
- Emotional maturity,
- Enthusiastic professional attitude,
- Knowledge of instructional practices,
- Ability to contribute to the furtherance of the school's mission and educational goals.

Attention shall be paid, among other factors, to the candidate's academic records, and his/her/their previous relevant experience. Prospective staff must demonstrate that they are aware that children have many different family circumstances and that they are willing and able to provide the educational support that a diverse student population needs in school. ASE teaching staff members must fulfill their individual responsibilities and work in concert with the other members of the teaching team.

The Administration of the school will be responsible for evaluation of the teachers. Human Resources and the Executive Director will be responsible for advertising available jobs and soliciting applications from new qualified candidates. The Governing Council hires and evaluates the Executive Director; the Executive Director, Principals and Assistant Principals will hire, evaluate and make employment decisions regarding all other School staff.

## **Employee Duties**

Each employee is expected to comply with the standards of conduct set out in this Handbook and any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his/her/their status as a ASE employee. Violation of ASE policies, regulations, or guidelines may result in disciplinary action, including discharge or termination of employment.

## **Equal Employment Opportunity**

ASE is an equal opportunity employer committed to maintaining a non-discriminatory, diverse work environment. ASE does not unlawfully discriminate against any person on the basis of race, color, religious creed, age, sex, national

origin or ancestry, mental or physical disability, medical condition, status as a veteran, military service, sexual orientation, spousal affiliation, marital status, gender identity or any other basis protected by federal, state or local law. This policy covers all programs, services, policies, and procedures of ASE.

## **Employees with Disabilities**

In accordance with the Americans with Disabilities Act (ADA), ASE does not discriminate against any "qualified individuals with a disability." Individuals qualify for employment if they meet the educational, skills, and experience requirements of a position and can perform the essential functions of the job with or without a reasonable accommodation. Individuals have a disability if they have an impairment that impacts a major life function such as caring for one's self, performing manual tasks, walking, hearing, seeing, speaking, breathing, learning, or if the impairment otherwise impacts an individual's ability to perform a class of jobs or broad range of jobs. Psychological impairments, learning disabilities, and some chronic health impairments, such as epilepsy, diabetes, arthritis, cancer, cardiac problems, and AIDS may also be considered disabilities.

ASE is committed to diversity and nondiscrimination and supports the full employment of qualified individuals with disabilities in its workforce. Therefore, a process has been established to assist employees with disabilities in reasonably modifying the work environment to allow the employee to perform the essential functions of his/her/their job. It is the responsibility of the employee to request an accommodation of his/her/their physical or mental disability by contacting the Principal. In accordance with the ADA, ASE will take such requests seriously and will promptly determine whether the employee is a qualified individual with a disability and whether a reasonable accommodation exists which would allow the employee to perform the essential functions of the job without imposing an undue hardship on ASE or other employees. If you believe that you have been unlawfully discriminated against because of a disability, you should discuss the matter with the Principal and/or follow the complaint procedure described in this Section, below.

## **Anti-Harassment/Discrimination Policy**

ASE is committed to providing a work place that is free of unlawful discrimination or harassment. Every employee is expected to treat his/her/their co-workers, visitors, students and guests professionally and respectfully.

Each employee is required to familiarize him/her/themself with this Anti-Harassment/Discrimination Policy, reporting obligations and procedures. If you have any questions about the school's policy, please contact the Principal or his/her/their designee for clarification.

## **No Tolerance Harassment/Discrimination Policy**

ASE is committed to creating a workplace free of discrimination and harassment. Both the law and ASE prohibit any form of discrimination and/or harassment based on race, color, religious creed, age, sex, national origin or ancestry, mental or physical disability, medical condition, status as a Vietnam-Era or disabled veteran, military service, sexual orientation, spousal affiliation, marital status, gender identity or any other basis protected by federal, state or local law. All of these groups are referred to in this policy as "protected classes." This policy applies to all employees, contract workers, consultants, vendors, students, parents and guardians, visitors and guests, or any other people doing business with or for the school. It is in effect not only at ASE's primary site but during all school-sponsored functions.

## **Discrimination/Harassment Described**

Discrimination and harassment include conduct that could reasonably be construed generally as any unwelcome behavior towards another, whether verbal, physical or visual, that is based on a person's belonging to a protected class. This conduct will most likely interfere with others' ability to work and most certainly will be intolerable as an example to our students and our community. All such harassment can be unlawful when it is severe or pervasive enough to affect a reasonable employee's job.

## **Sexual Harassment**

Sexual harassment of employees is a form of discrimination and is prohibited by law (Title IX). Because sexual harassment raises issues about human interaction that are to some extent unique, the subject of sexual harassment is

described separately here, however, it is no more or less tolerable than harassment based on some other protected status. Sexual harassment is a form of sex discrimination that may include:

- requests for sexual favors;
- sexual advances;
- persistent or unwelcome flirtation or requests for dates, especially if the behavior continues after a clear objection has been made;
- sexually motivated inappropriate conduct such as facial expressions or body language, leering, making sexual gestures or actual touching, kissing, impeding or blocking another's movements;
- displaying sexually suggestive objects, pictures or cartoons; demands to submit to sexual requests in order to maintain employment or avoid some employment-related loss (e.g. salary), and offers of job benefits or favors in return for sexual favors;
- intimidation and hostility directed to an individual because of sex; or explicit or degrading verbal, written or electronic comments of a sexual nature, such as comments about an individual's body or dress.

This list is not exhaustive and applies to conduct by co-workers, supervisors, volunteers and others invited to the school premises. Sexual harassment can apply to conduct in any work-related setting outside the work place as well.

Consensual sexual behavior between adults, outside the workplace and welcome by both parties is not considered sexual harassment; however, those who engage in such relationships should be aware that questions regarding the actual freedom of choice of one of the parties may be raised later, especially when a superior/subordinate relationship exists between them.

### **Sexual Harassment of Student by Employee**

Sexual harassment of students by employees is a form of discrimination and is prohibited by law (Title IX). Sexual harassment of students includes any welcome or unwelcome sexual advances, requests for sexual favors, and other oral, written, physical, or visual conduct of a sexual nature. Romantic relationships between school employees and students are strictly prohibited, regardless of the age of the student. Other prohibited conduct includes the following:

- Engaging in sexually-oriented conversations for the purpose of personal sexual gratification
- Telephoning students at home or elsewhere and engaging in inappropriate social relationships
- Engaging in physical contact that would reasonably be construed as sexual in nature
- Enticing or threatening students to get them to engage in sexual behavior in exchange for grades or other school-related benefits

In most instances, sexual abuse of a student by an employee violates the student's constitutional right to bodily integrity. Sexual abuse may include, but is not limited to, fondling, sexual assault, or sexual intercourse.

Employees who suspect a student is being sexually harassed or abused by another employee are obligated to report their concerns to the Principal and the Title IX Coordinator. All allegations of sexual harassment or sexual abuse of a student will be reported to the student's parents and promptly investigated by the school and/or law enforcement. Conduct that may be characterized as criminal behavior or known or suspected child abuse also must be reported to the appropriate authorities, as required by law. Employees with questions or concerns relating to the alleged sexual harassment of a student should contact the Principal and the Title IX Coordinator..

### **Harassment/Discrimination Other Basis**

Other prohibited harassment includes verbal or physical conduct which degrades or shows hostility or aversion toward an individual even partly because of a person's belonging to a protected class. Conduct similar to that described above as sexual harassment and discrimination, if based on one of these protected classifications is illegal. For example, verbal conduct such as epithets, jokes based on ethnicity, age-related derogatory comments, foul or obscene language or racial slurs will likely be unwanted and offensive to others resulting in unwelcome behavior that could be interpreted as harassing or discriminatory.

### **Complaint Process**

If you believe that you have experienced or witnessed harassment, discrimination or sexual harassment, follow the process described below.

## **Employee Responsibilities**

All employees of ASE are responsible for taking appropriate action to prevent and eliminate harassment and discrimination at ASE. If you experience or witness discrimination or harassment, ASE encourages you to firmly and promptly notify the offender that his/her/their conduct is offensive, even if it is not directed at you. If you choose not to address the issue directly with the person, or if the conduct continues you should report the conduct immediately. If you observe discrimination or harassment of another employee, student, visitor or guest, by a fellow employee, report the concern immediately. At no time should you assume that inappropriate conduct between a student and an adult is acceptable, “consensual” or that it should not be reported because you are concerned that you misinterpreted the conduct.

## **Reporting Complaints**

If you experience or observe harassment or discrimination you should bring your concerns directly to the Principal (in all cases) and Title IX Coordinator (only in cases of Sexual Harassment). Your complaint will be promptly investigated by the individual to whom you reported or a third-party investigator, if appropriate. The complainant and the alleged offender will be instructed to limit their work contact with each other immediately, pending the outcome of the investigation.

## **No Retaliation**

ASE will not tolerate retaliation or reprisals of any type against any employee who complains of harassment or provides information in connection with any such complaint. Retaliation is considered to be misconduct and ground for disciplinary action, up to and including discharge/termination.

## **Complaint Procedure – Investigation and Response**

Complaints may initially be made verbally; however, the complainant must complete an “ASE Incident Report Form” to assist with the investigation process. (See the ASE website for a copy of this form).

Normally, an investigation will include interviews with the complainant, and the alleged offender (who will be told of all of the allegations against him/her/them) and all witnesses or other relevant persons as necessary to establish the facts. All employee-witnesses, the complainant and the alleged offender are expected to cooperate in the investigation. Failure to cooperate or deliberately providing false information during an investigation, including in complaint itself, will be grounds for disciplinary action, up to termination or discharge. Other individuals, such as a third party investigator, may be involved to resolve the complaint. The investigator will collect and review all relevant documents.

ASE will investigate every report of harassment or discrimination. In conducting an investigation, ASE will respect the privacy of all concerned; however, complete confidentiality may not always be possible because of the need to conduct a complete and thorough investigation and to ensure that both sides’ interests are fairly protected.

As soon as the investigation is finished, the investigator will meet with the individual’s supervisor or if appropriate the supervisor’s supervisor(s), and report whether he/she/they believes that discrimination or harassment has occurred. If the investigation results in a finding of discrimination and/or harassment, then the supervisor will determine the appropriate disciplinary action up to and including a recommendation to terminate or discharge the employee. The supervisor will inform the complainant and the alleged offender of the outcome of the investigation and his/her/their proposed disciplinary action. The date of the discussion with the respective party shall constitute the “determination date.”

## **Appeal Procedure**

If the complainant or alleged offender is not satisfied with the outcome of a discrimination complaint, either employee may appeal that decision first to the Executive Director. If they are still not satisfied with the Executive Director’s resolution of the complaint, then they may appeal to the Governing Council. The employee appealing the Principal’s decision must submit a written appeal to the Executive Director with copies to the other party within five

(5) working days of the determination date. The non-appealing party and Principal of the appealing party have the option of submitting written materials in support of their respective positions within three (3) working days from the date they receive the appealing parties' appeal.

## **Final Decision**

The Executive Director and/or Governing Council (as applicable) will inform the complainant/respondent of the appeal decision in writing within five (5) working days from the date the appeal was submitted. The Governing Council is the final level of review in the internal complaint process. The time lines set forth in this policy may be waived or extended by the Governing Council.

## **Violence in the Workplace**

ASE policy prohibits workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect ASE or which occur on School property will not be tolerated. Every employee is required to report incidents of threats or acts of physical violence of which he/she/they are aware to the Principal.

Acts or threats of violence include conduct which is sufficiently severe, offensive, or intimidating to alter the employment conditions at ASE, or to create a hostile, abusive, or intimidating work environment for one or several employees. Examples of workplace violence include, but are not limited to, the following:

1. Hitting or shoving an individual.
2. Threatening an individual or his/her/their family, friends, associates, or property with harm.
3. Intentional destruction of or threatening to destroy School's property.
4. Making harassing or threatening phone calls.
5. Harassing surveillance or stalking (following or watching someone).
6. Unauthorized possession or inappropriate use of firearms or weapons.

A school administrator, teacher or other school employee who observes or who has direct knowledge from a participant or victim of an act of violence upon a school administrator, teacher or other school employee in the lawful discharge of his duties, or vandalism to public school property, shall file an incident report describing the incident pursuant to procedures established by the NMPED. A person who files an incident report pursuant to this section shall not be discriminated against in any manner or discharged by the Principal because he has filed that report.

## **Immigration Law Compliance**

In compliance with the Immigration Reform and Control Act of 1986, as amended, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with ASE within the past three years, or if their previous I-9 is no longer retained or valid. If employees can not verify their right to work in US at any time, ASE may terminate their employment. Employees may raise questions or complaints about Immigration Law compliance without fear of reprisal.

## **Licensure Requirements**

All staff members who are required to have a current license issued by the New Mexico Public Education Department, other licensure agencies, or regulatory boards in New Mexico must provide a copy of that license to the Human Resources Department by the state-mandated deadlines. Teachers, educational assistants, special education ancillary staff, librarians, counselors, social workers, coaches, trainers, therapists, administrators, health assistants and substitute teachers are a partial list of the staff members who must be licensed. It is the employee's responsibility to seek and obtain all licensure(s) and endorsements required for their position(s). Employees who fail to acquire the appropriate licensure for their positions(s) within the state-mandated deadline shall not be paid after the deadline date, until the license has been obtained. "Back" pay shall not be paid if an employee fails to obtain licensure by the deadline but then subsequently obtains the licensure. In addition, employees who fail to obtain proper licensure for

the position to be held (or a waiver) from the Public Education Department by the deadline date may be subject to cancellation of their contract.

Forms and information about licensure are available over the Internet at the New Mexico Public Education Department's website: <http://www.ped.state.nm.us> and [www.teachnm.org](http://www.teachnm.org) under Licensure Information. If an employee receives a next level licensure (Level I to Level II or Level II to Level III) after the contract sign date, they must provide the copy of the new license before October 1st to be able to eligible receive new pay rate for that position/licensure. Failure to provide new licensure before October 1st means that the lower licensure level pay rate will be in effect for the rest of the school year.

## **PERSONNEL FILES**

The Human Resources (HR) Department maintains an official permanent record file for each employee. The responsibility of handling personnel records and related personnel administration functions at ASE has been assigned to the HR Manager. Questions regarding insurance, wages, and interpretation of personnel policies may be directed to the HR Manager, or to the Executive Director. ASE strives to balance its need to obtain, use, and retain employment information with each individual's right to privacy. To this end, it attempts to restrict the personnel information maintained to that which is necessary for the conduct of its business or which is required by federal, state, or local law.

The HR Manager is responsible for overseeing the record keeping for all personnel information. Employees have a responsibility to ensure their personnel records are up to date and should notify the HR Manager in writing of any changes in name; address; contact phone numbers; marital status (for benefits and tax withholding purposes only); number of dependents (for benefits and tax withholding purposes only); addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only); beneficiary designations if applicable; and emergency contact information. If you have a change in any of these items, please email the HR Manager as soon as possible.

### **Contents of File**

In addition, an employee's personnel file may contain the following information:

- a. Complete application for employment along with verification of qualifications for the position as outlined in the job description;
- b. Professional licenses and endorsements;
- c. Official transcript(s);
- d. Employee's contract;
- e. Signed Job description;
- f. Pre-employment references;
- g. Signed acknowledgment that the employee has received and understands the employee policies handbook, which includes, but is not limited to policies on child abuse and neglect, confidentiality, equal employment opportunity; drug-free workplace, conflicts of interest, employee complaints and problem solving, termination and discharge, employee discipline, email and computer usage, and the employee code of conduct.
- h. Performance appraisals;
- i. Documented attendance at educational and training programs, including in-service courses and orientation;
- j. Any complaints, allegations, inquiries or findings of student abuse or neglect; warnings or disciplinary actions.

### **Separate File**

The following records will be maintained in a separate file, apart from the personnel file, for each employee:

- a. Employment medical records;
- b. INS (Immigration and Naturalization) I-9 Form;
- c. Workers' compensation records;
- d. Health records;

- e. Drug testing records.
- f. Documentation of equipment issued to employee: keys, pagers, cell phones, etc.

## **Inspection of Personnel File**

Employees may inspect their own personnel records in the presence of the Executive Director or HR Manager. Such an inspection must be requested in writing to the Executive Director or HR Manager and will be scheduled at a mutually convenient time. Employees who feel that any file material is incomplete, inaccurate, or irrelevant may submit a written request to the HR Manager that documentation to correct such materials be added to personnel files. Only supervisors and others in management who have an employment related need-to-know about another employee may inspect the personnel files of a particular employee.

## **Employment References**

Other than as set forth below, the ASE provides references regarding former ASE employees only if the ASE receives written authorization and release from the (former) employee on forms supplied by ASE. Otherwise, the ASE will only verify dates of employment, the position held, and rate of pay. Requests for references should be directed to the HR Director.

The School shall respond to requests for the following written statement(s) on current and former employees, contractors, and/or volunteers from other employers by law:

- i. Whether the employee has ever been under investigation for, or was found to have violated, any state or federal statute relating to child abuse or neglect, sexual misconduct or any sexual offenses, including those offenses prohibited in Chapter 30, Article 3, 3A, 4, 6, 6A, 9, 37, 37A, or 52 NMSA 1978, unless the allegations were false or unsubstantiated;
- ii. Whether the employee has ever been under investigation for, or found to have violated, any ethical rule or policy approved by a former employer that previously employed the applicant, unless the allegations were false or unsubstantiated; or
- iii. Whether the employee has ever had a professional license or certificate denied, suspended, surrendered, or revoked due to a finding of child abuse or ethical misconduct or while allegations of child abuse or ethical misconduct were pending or under investigation; and
- iv. Any other information the ASE deems pertinent and substantive to the applicant's suitability for employment that includes unsupervised contact with children and students.

The ASE shall provide the requested information as set forth herein, within 30 days of receipt of the request, from an employer.

## **Employee Convictions**

An employee who is convicted of or receives deferred adjudication for any felony or any offense involving moral turpitude must report the conviction/adjudication to the Principal or immediate supervisor within three calendar days. This includes but is not limited to any indictment, conviction, no contest or guilty pleas, or other adjudication of the employee for any of the following offenses:

- Crimes involving school property or funds;
- Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
- Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
- Crimes involving moral turpitude, which include but are not limited to:
  - Dishonesty, fraud, deceit, theft, misrepresentation;
  - Deliberate violence;
  - Base, vile or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
  - Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct if two or more acts are committed within any 12-month period;
  - Acts constituting abuse under the New Mexico Children, Youth and Families Department regulations.

## **Background Check/Fingerprinting**

In compliance with state law, all employees and substitutes hired must complete the background and fingerprinting process with the School prior to employment.

Prior to becoming an employee of Albuquerque School of Excellence, a comprehensive background check consisting of prior employment verification, professional reference checks, education licensure and certification confirmation, and a criminal background check is conducted in accordance with applicable laws.

## **Health Requirements**

Teachers should be alert for signs of illness in their students and should report such signs immediately to the school Health Assistant. Admission of children back into school following a communicable disease shall be based on the recommendations from PED Communicable Disease Guidelines for Schools. The following procedure should be followed in case of serious accidents, injuries, or sudden illness:

- Administer first aid.
- Call the school Health Assistant for help and to notify parents.
- Health Assistant notifies parents or family doctor if unable to locate parents or others listed in contact information.
- If indicated, call an ambulance to transport to the emergency room of the local hospital. Albuquerque School of Excellence does not assume the responsibility for payment of ambulance, hospital, or doctor's fees.
- Complete an incident form.

## **Administering Medication to Students**

Staff members are strongly encouraged to have current first aid and CPR certification. Should first aid be needed, a first aid-certified staff member or other person assigned to take care of a particular situation will administer first aid or give instructions for proper care. All staff members will follow these instructions carefully. Health office visits will be charted and health office pass slips describing the nature of health office visits will be sent home with students. Minor accidents (e.g., bruises, scratches, bumps, cuts, scrapes, etc.), which can be taken care of by staff members, will be tended to immediately. The staff member will document the accident on an "Incident Report Form" form. The staff member will sign the form and submit it to a school administrator for review and signature. A copy will be placed in the student's file. Parents will be notified of any situation that involves trauma to the head.

With the exception of certain drugs that students are allowed to self-administer pursuant to state law and School policies (see Student Handbook), only designated employees can administer medication to students. A student who must take medicine during the school day must bring a written request from his/her/their parent and the medicine, in its original, properly labeled container. Contact the school Health Assistant for information on procedures that must be followed when administering medication to students.

## **Reassignments and Transfers**

All personnel are subject to assignment and reassignment by the Executive Director. Extra-curricular or supplemental duty assignments may also be assigned or reassigned at any time.

All employees interested in transferring positions and who meet a position's minimum qualifications are encouraged to apply. Selection is based on department needs and a candidate's qualifications and performance. ASE fills all job vacancies with the individual it deems most qualified for the position, and reserves the right to select candidates from outside ASE. The Executive Director's criteria for approval of campus appointments and reassignments will be consistent with the school's policy regarding equal opportunity employment.

## **Extra Duties**

ASE has extra duties which must be performed in order to ensure the proper supervision of students outside the classroom. Professional and paraprofessional staff members are expected to assume and perform these responsibilities in a professional manner. Extra duties may be assigned by the Administration, consistent with New



## **Providing Tutorials/Student Assistance**

As part of his/her/their regular duties, each professional staff member shall assume responsibility for providing tutorial services to students in his/her/their classes, in addition to following the processes for students in need of assistance (MLSS/SAT process). Students who are failing or who are in danger of failing shall be given priority regarding tutorial services. It is the responsibility of the staff member to notify parent(s)/guardian(s) when a student is in need of tutorial or other assistance, and to follow state-mandated MLSS/SAT processes. A student whose grade in a subject for a grade reporting period is lower than 70 on a scale of 100 is required to attend tutorials.

Teachers shall not tutor students for pay as supplemental employment or income during the school day or on school property. Such tutoring will be considered as both violation of Governing Council policy and professional ethics and may lead to termination of contract, after a hearing as provided by law.

## **School Activities**

Staff members are expected to attend and participate in as many school activities as possible. Staff presence projects support and interest to the students, the school, and the community.

Staff members are also encouraged to become involved in school-related organizations, clubs, etc. Staff members must receive permission from the Principal and Operations Manager to use school facilities for such activities. Employees should remember that no school-related activities may be scheduled the night before the state exams are administered.

Employees are required to submit ideas or requests for field trips, events, clubs and excursions to the Principal. If employees want to attend an event during school hours as a participant, they must also request permission from the Principal. Principals may approve or deny any request to attend or sponsor extra-curricular activities. Field trips and ASE clubs during school hours are only for ASE students assigned to that class; exceptions need to be pre-approved by the Principal based on circumstances.

## **Religious Accommodation**

Sometimes individuals hold religious beliefs or conduct religious practices that conflict with their work schedules or assigned responsibilities. ASE will attempt to provide a reasonable accommodation for religious beliefs and practices of such individuals if to do so does not impose an undue hardship for the employee's department, or interfere with the employee's ability to perform the essential functions of the position. If you would like to request reasonable accommodation based on your religious beliefs, you should contact the Principal. You may be asked to provide appropriate documentation to support your request.

## **Notification to Parents Regarding Qualifications**

State law requires that parents be notified in writing if their child has been assigned or taught for more than four consecutive weeks by a substitute teacher or a person who is not qualified to teach the grade-level or subject area.

# **STAFF DRESS AND GROOMING**

Albuquerque School of Excellence Governing Council (the Council) believes that all staff members set an example in dress and grooming for their students to follow. Staff members who set a good example in professional dress and grooming present an image of dignity and encourage respect for authority. These factors assist ASE in maintaining discipline and order. Education research shows that teacher's attire affects the learning environment. Teachers who are dressed professionally are perceived by students as organized, prepared, and caring about the job they are doing. They respect these teachers as teachers. Therefore, Employees shall be suitably attired and groomed during working hours, when attending district-sponsored activities and when representing Albuquerque School of Excellence. To maintain a professional appearance, facial piercings, ear gauges, tongue piercings and visible tattoos may be subject to

covering. Dress shall be professional and modest so that cleavage, midriffs and buttocks are covered. ASE shall prohibit employees from displaying gang-related attire and/or tattoos.

If a supervisor determines that an employee's attire and/or grooming is out of place, the employee may be asked to leave the workplace until he/she/they is properly attired and/or groomed. In no case shall the standards for employees be less than those prescribed for students in the Student Handbook. Employees who violate dress code standards may be subject to disciplinary action, up to and including termination.

Substitute teachers are expected to follow the same guidelines as teachers because you will find that dressing appropriately will help you in and out of the classroom through student respect and behavior and respect from other staff members.

Appropriate/Acceptable	Inappropriate/Not Acceptable
<b>Shirts</b>	
<ul style="list-style-type: none"> <li>· Button-down</li> <li>· Polo/Golf collar shirt</li> <li>· ASE logo shirts</li> <li>· Blouses</li> <li>· Sweaters</li> <li>· Blazers/Jackets</li> <li>· Ties</li> </ul>	<ul style="list-style-type: none"> <li>· Hoodies</li> <li>· T-Shirts or Sweatshirts (except for PE classes)</li> <li>· Shirts with writing</li> <li>· Beachwear</li> <li>· Active wear (except for PE classes)</li> <li>· Crop-tops, clothing showing midriffs</li> <li>· Low-cut clothing &amp; clothing showing cleavage</li> </ul>
<b>Slacks/Pants</b>	
<ul style="list-style-type: none"> <li>· Slacks, pants, trousers</li> <li>· Professional capris or ankle pants</li> </ul>	<ul style="list-style-type: none"> <li>· Active wear (except for PE classes)</li> <li>· Shorts (except for PE classes) or cargo-style pants</li> <li>· Jeans (except on Fridays)--no holes, rips, or tears</li> <li>· Yoga pants, joggers, jeggings, spandex, sweatpants</li> <li>· Low-rise or tight pants</li> <li>· Leggings as outerwear</li> </ul>
<b>Dresses/Skirts/Tunics</b>	
<ul style="list-style-type: none"> <li>· Hem length must fall at or below the knee</li> <li>· Skorts, split skirts or dress culottes that fall at or below the knee</li> </ul>	<ul style="list-style-type: none"> <li>· Mini skirts</li> </ul>
<b>Shoes</b>	
<ul style="list-style-type: none"> <li>· Athletic shoes, tennis shoes</li> <li>· Dress shoes</li> <li>· Loafers, dockers</li> <li>· Heels, wedges, peep-toe</li> <li>· Dress booties, dress boots</li> </ul>	<ul style="list-style-type: none"> <li>· Clogs</li> <li>· Crocs</li> <li>· Sandals</li> <li>· Flip flops</li> <li>· Slippers</li> <li>· Construction boots (except for Maintenance Custodian)</li> </ul>
<b>Hair</b>	
<ul style="list-style-type: none"> <li>· Clean, washed</li> <li>· Well-groomed</li> <li>· Styled in a way that isn't distracting</li> </ul>	<ul style="list-style-type: none"> <li>· Extreme hairstyles (Mohawk, severe spikes, etc.)</li> <li>· Extreme hair colors (Blue, purple, green, etc.)</li> </ul>

Jewelry/Tattoos	
<ul style="list-style-type: none"> <li>· Tattoos must be covered if they are gang-related, or inappropriate for the school environment</li> <li>· Earrings, hair jewelry, watches, bracelets, rings, and necklaces</li> <li>· Religious or cultural head/hair coverings</li> </ul>	<ul style="list-style-type: none"> <li>· No visible facial or body piercing (except for ears)</li> <li>· No visible gauges</li> <li>· Hats, caps, bandanas, or other headwear indoors</li> </ul>

Exceptions for classroom needs, spirit days, or casual days will be communicated by the Administration. On Fridays, staff will be allowed to wear jeans (no holes, rips, tears). ASE School spirit shirts are encouraged.

## Performance Evaluation

ASE considers three (3) components for teacher evaluations: Roles & Responsibilities, Instructional Quality, and Student Achievement. Evaluation of an instructional employee's job performance shall follow the teacher evaluation process as required by ASE and the New Mexico Public Education Department. Instructional Employees will participate in the evaluation process with their assigned supervisor at least annually or as required by the NMPED. Evaluation components will be completed on online platforms as required by the NMPED. Data Collection Spreadsheets, reports, correspondence, and memoranda also can be used to document performance information as approved by the Executive Director and Principals. All Instructional Employees will have access to their performance indicators, have performance conferences with their supervisor, and be given an opportunity to respond to their evaluation. All non-instructional employees shall be evaluated annually based upon criteria required for the employee's job description. The process shall be a continual process that focuses on improvement.

The Executive Director uses your performance evaluation as a factor in recommending promotions, or award of subsequent contracts, if any. Your performance evaluation may also be impacted by your willingness to follow and cooperate with ASE's employee conduct policies as described in this Handbook or other directives or instruction given to you by the Executive Director or your supervisor

## Separation from Employment

### A. Definitions

1. Termination – In the case of a licensed employee, "termination" means non-renewal of a contract at the end of its term. For all other employees, "termination" means severing or ending the employment relationship.
2. Discharge – means to sever the employment relationship of licensed personnel before the end of the existing contract.
3. Just Cause – Refers to a reason that is rationally related to an employee's competence or moral turpitude or the proper performance of his/her/their duties and that is not in violation of the employee's civil or constitutional rights.

### B. Termination/Discharge Policy for Employees with Fewer than Three (3) Consecutive Years of Service

1. General. ASE may terminate an employee (licensed or non-licensed) with fewer than three (3) years of consecutive service for any reason it deems sufficient.
  - a. Non-contract employees. Employees with three (3) years or less of consecutive service and who are not employed pursuant to a contract are considered at-will employees. A written notice of termination will be provided to the employee.
  - b. Contract employees. Contract employees with three (3) years or less of consecutive service; i.e., who have not been reemployed under a third consecutive contract, may be terminated by non-renewal of their contracts for any reason the Executive Director deems sufficient.
2. For an employee of less than three (3) consecutive years who was terminated or whose contract was not renewed, there is no protest procedure because such an employee may be

terminated or not renewed for any reason deemed sufficient by the Executive Director. However, an employee of less than three (3) years may request a written explanation from the Executive Director that details the rationale for his/her/their termination or non-renewal. Reasons for the determination will be provided to the employee within ten (10) days of receiving his/her/their request. The decision of the Executive Director to terminate is final and not subject to appeal.

**C. Termination/Discharge Policy for Employees with Three (3) or More Years of Consecutive Service**

1. Non-Contract and Contract: No employee who has been employed by ASE for three (3) years or more of consecutive service may be discharged except for just cause.
2. Protest Procedure. Pursuant to the New Mexico School Personnel Act, NMSA 1978 Section 22-8A-24(C), ASE provides the following procedures for challenges to termination or discharge decisions for employees with three (3) or more years of consecutive service:
  - a. Request to make a Statement to the Governing Council.. An employee who has been employed by ASE for three (3) consecutive years and who receives a notice of termination or notice of non-renewal may request an opportunity to make a statement to the Governing Council on the decision to terminate him/her/them by submitting a written request to the Executive Director within five (5) working days from the date written notice of termination is served upon him/her/them. The employee may also request a written statement of the reasons for non-renewal. The Executive Director will provide a written statement of the reasons for non renewal within five (5) working days from the date they receive the request. Neither the Executive Director nor the Governing Council shall publicly disclose the reasons for termination.
  - b. Hearing before the Governing Council. The employee's request to make a statement to the Governing Council shall be granted if they respond to the Executive Director's written reasons by submitting in writing to the Executive Director a contention that the decision to terminate him/her/them was made without just cause.

The employee's written contention must be submitted within ten (10) days after receiving the written rationale for termination from the Executive Director . The written contention must include a statement explaining why the employee believes that he/she/they were terminated for reasons that do not constitute just cause and shall include a statement of the facts that the employee believes supports his/her/their contention. The submission of this written contention constitutes a representation on the part of the employee that he/she/they can support his/her/their contentions, and an acknowledgement that the Executive Director may offer the causes for its decision to terminate and any relevant data in rebuttal of the employee's contentions.

- i. The Governing Council will meet to hear the employee present the statement in no less than five (5) and no more than fifteen (15) working days after receipt of the employee's written statement of contentions.
- ii. At the hearing, both the employee and the Executive Director may each be accompanied by a person of his/her/their choice. Both parties will notify the other no later than five (5) calendar days prior to the scheduled hearing date whether either will have an attorney present. Failure to notify the other of having an attorney representative will be good cause to postpone the hearing.
- iii. **Rules for Hearing:**
  - (A) The hearing will be conducted in accordance with the provisions of the Open Meetings Act and will be conducted in closed session; however, the employee may request that the hearing be held in a public session. The ASE Governing Council, however, reserves the right to deny an open meeting if the grounds for termination are based on issues that will include identifiable student information and the employee has not secured a full release from the named student's legal guardian at least three days prior to the proceedings. The employee must provide the original release to the school.
  - (B) A designee of the Governing Council will first state the reasons for termination and present the factual support for those reasons. The reasons will be limited to

those first provided to the employee after his/her/their request for an opportunity to address the Governing Council.

- (C) The employee will next state his/her/their reasons and factual support for contending that the termination was not for just cause. Those reasons and factual support must be the same as those provided in the employee's written response to the statement provided by the Executive Director.
- (D) The Executive Director may offer such rebuttal testimony that they deem appropriate.
- (E) Each party may question all witnesses.
- (F) Only evidence presented at the hearing will be considered and the Governing Council is only required to consider that testimony it considers reliable.
- (G) No record will be kept of the hearing.
- (H) The Governing Council will notify the employee and the Executive Director of its decision in writing within five (5) working days from the conclusion of the meeting.

[Reference, NMSA 1978 §22-10A-24.]

#### **D. Appeals from Determinations by Governing Council Arbitration**

An employee who is still aggrieved by the decision of the Governing Council pursuant to subsection C above may appeal the decision of the Council. The matter will be appealed to an independent arbitrator who will hear all evidence as if presented for the first time. The arbitration process takes place as follows:

1. Timely Request. The employee must submit a request for appeal to the Governing Council President in writing that states his/her/their reasons for the appeal within five (5) working days from the receipt of the Governing Council's written decision. The request for appeal must include a statement of grounds and facts supporting the basis for appeal. Failure to submit a timely appeal will bar the objection to the decision of the Governing Council and will render the Governing Council's decision final.
2. Selection of Arbitrator. The Governing Council and the employee will meet within ten (10) working days from the receipt of the employee's request for appeal to select an independent arbitrator. If they cannot agree upon a choice, they will ask the presiding judge of the Second Judicial Court for the State of New Mexico to select an individual to hear the matter. The judge will make the selection within five (5) days of the parties' request. The arbitrator selected must be experienced in employment practices and school procedures and must have no relationship to any party in the proceeding, employment by the School or membership in any professional or labor organization of which the employee is a member, or direct or indirect financial or personal interest in the outcome of the proceeding.
3. Scope of Arbitration. The arbitrator will hear all of the evidence presented de novo. The issue before the arbitrator will be limited to whether there was just cause for the decision of the Governing Council to terminate the employee.
4. Date of Arbitration. The arbitration will be held within thirty (30) working days from the date the arbitrator is selected. Notice of the hearing will be provided by the arbitrator, which will include the date, time and location of the hearing.
5. Rules of Arbitration:
  - a. ASE and the employee may have representation of their choosing, but at their own expense; both parties will notify the other no later than ten (10) calendar days prior to the scheduled hearing date whether either will have an attorney present. Failure to notify the other of having an attorney representative will be good cause to postpone the hearing.
  - b. Discovery will be limited to depositions and requests for production of documents on a time schedule to be determined by the arbitrator;
  - c. The arbitrator has the power to issue subpoenas for witnesses and documents and to administer oaths;
  - d. The New Mexico Rules of Civil Procedure will not be strictly enforced, however, the rules will apply to the extent that both contentions and responses are amply and fairly

- presented;
- e. The Rules of Evidence will not strictly apply, but the arbitrator will permit either party to call and examine witnesses, to cross-examine witnesses and to introduce evidence. The arbitrator will require reasonable substantiation of statements and authentication of records where the accuracy or truth is in reasonable doubt;
- f. The Governing Council will have the burden to show by a preponderance of evidence that at the time the notice of termination was served on the employee, there was just cause to terminate the employee.
- g. If the Governing Council fails to meet its burden of proof, or the employee sufficiently rebuts the Governing Council's reasons, then the arbitrator will reverse the decision of the Governing Council.
- h. Either the employee or ASE may record the proceeding at their own expense, but it will not constitute an official record for purposes of further appeal.
- i. Departures from these procedures are considered harmless unless the party can demonstrate prejudice.
- 6. **Decision.** The arbitrator will issue a written decision within ten (10) working days of the hearing, which will contain findings of fact and conclusions of law.
- 7. **Remedies.** The only remedies available to an employee who has been reinstated by the decision of an arbitrator are: reinstatement; back pay, but subject to any scheduled salary increase to which the employee may be entitled; or, both, less an offset for any compensation received by the employee during the period the compensation was terminated; e.g., unemployment benefits.
- 8. **Binding Decision.** Decisions by the arbitrator are final and binding on both ASE and the employee. The decision may not be appealed unless the decision was procured by corruption, fraud, deception or collusion, in which case it will be appealed to the Second Judicial Court for the State of New Mexico.
- 9. **Costs/Fees.** The employee and ASE will pay their own fees, expenses and costs. The arbitrator can assign to either party or both parties the fees and costs of the independent arbitrator.

#### **E. Report to PED:**

ASE will report to the NMPED all terminations and all actions arising from terminations annually. [Reference NMSA 1978 §22-10A-25(R) (2003)]

#### **F. Exceptions to Termination**

In addition to employees who have less than three (3) consecutive years of employment, the processes provided in Subsections B, C, and D herein do not apply to the following ASE personnel:

1. Certified school instructors employed to fill the position of certified school instructor entering military service;
2. Persons employed as licensed school administrators;
3. Non-certified school employees employed to perform primarily school-wide management functions.

[Reference, NMSA 1978 §22-10A-26 (2003)]

#### **G. Discharge Policy for Contract Employees Discharged Prior to End of Contract Term**

A contract employee may be discharged prior to the end of his/her/their contract term for just cause according to the following procedures:

##### **1. Notification and Immediate Removal**

- a. **Notice of discharge.** The Executive Director will serve written notice via personal delivery retaining a receipt signed and dated by the employee, of intent to recommend to the Governing Council that the employee be discharged. Service otherwise consistent with the New Mexico Rules of Civil Procedure will be sufficient to complete service as meant by these provisions.
- b. **Stated reasons.** The notice will include the reasons for the Executive Director's recommendation that the employee be discharged, along with a written description of the employee's right to a hearing before the Governing Council.
- c. **Immediate Removal.** In the event that the Executive Director determines that it is

necessary to immediately remove the employee from the school premises, the employee will be placed on paid administrative leave pending the outcome of a hearing on the recommended discharge.

2. **Protest Procedure/Hearing.** A contract employee who receives a notice of intent to recommend discharge may request a hearing before the Governing Council by giving the Executive Director a written notice of their decision to request a hearing within five (5) working days of receipt of the notice to recommend discharge.

- a. **Date of hearing.** If the employee timely notifies the Executive Director that he/she/they is requesting a hearing on the recommendation for discharge, a hearing will be scheduled by for no less than twenty (20) and no more than forty (40) working days after the Executive Director receives the written election from the employee. The employee will have at least ten (10) working days prior notice of the hearing date.

- b. **Hearing Procedures:**

- i. ASE and the employee may have representation of their choosing and at their own expense. Both parties will notify the other no later than ten (10) calendar days prior to the scheduled hearing date whether either will have an attorney present. Failure to notify the other of having an attorney representative will be good cause to postpone the hearing.
- ii. Discovery will be limited to depositions and requests for production of documents, which will be completed prior to the hearing.
- iii. The Governing Council will have the authority to issue subpoenas for the attendance of witnesses and to produce documents and other evidence at the request of either party and will have the power to administer oaths.
- iv. ASE will have the burden of proving the just cause for discharge by a preponderance of the evidence. The evidence at hearing will be limited to the reasons as stated in the notice to the employee recommending the discharge.
- v. ASE will present its evidence first; the employee will present second; either party may present witnesses and introduce documents to prove their respective case.
- vi. An official record must be kept of the preceding, and the employee is entitled to one copy at the expense of ASE.
- vii. The Governing Council will render its written decision within twenty (20) calendar days of the conclusion of the hearing and deliver its decision to the employee by certified mail return receipt requested or by personal delivery.

3. **Appeal from Decision on Discharge: Arbitration.** An employee aggrieved by the Governing Council's decision to discharge him/her/they may appeal the decision of the Governing Council. The matter will be appealed to an independent arbitrator who will hear all evidence de novo.

- a. **Request Appeal/Arbitration.** To request an appeal, the employee must state his reasons for the appeal in writing ("request for appeal") and submit it to the President of the Governing Council within five (5) working days from the receipt of the Governing Council's written decision. The appeal must contain a statement of the particular reasons the employee believes the Governing Council's decision was incorrect and include a statement of facts supporting his/her/their decision.

- b. **Timely Appeal.** Failure to submit a timely appeal will bar the employee's right to object to the decision of the Governing Council and will render the Governing Council's decision final.

- c. **Selection of Arbitrator.** The Governing Council and the employee will meet within ten (10) working days from the receipt of the employee's request for appeal to select an independent arbitrator. If they cannot decide, they will request the presiding judge of the Second Judicial Court for the State of New Mexico to select an individual to hear the matter. The judge will make the selection within five (5) days of the parties' request.. The arbitrator selected must be experienced in employment practices and school procedures and must have no relationship to any party in the proceeding, employment by the School or membership in any professional or labor organization of

which the employee is a member, or direct or indirect financial or personal interest in the outcome of the proceeding.

d. **Scope of Review.** The arbitrator will hear all of the evidence de novo.

e. **Date of Arbitration.** The arbitration will be held within thirty (30) working days from the date the arbitrator is selected. Notice of the hearing will be provided by the arbitrator, which will include the date, time and location of the hearing.

f. **Arbitration Rules:**

i. ASE and the employee may have representation of their choosing, but at their own expense. Both parties will notify the other no later than ten (10) calendar days prior to the scheduled hearing date whether either will have an attorney present. Failure to notify the other of having an attorney representative will be good cause to postpone the hearing;

ii. Discovery is limited to depositions and requests for production of documents on a time schedule to be determined by the arbitrator;

iii. The arbitrator has the power to issue subpoenas for witnesses and documents and to administer oaths;

iv. The New Mexico Rules of Civil procedure will not be strictly enforced, however, the rules will apply to the extent that both contentions and responses are amply and fairly presented;

v. The Rules of Evidence will not strictly apply, but the arbitrator will permit either party to call and examine witnesses, to cross-examine witnesses, and to introduce evidence. The arbitrator will require reasonable substantiation of statements and authentication of records where the accuracy or truth is in reasonable doubt;

vi. The Governing Council will have the burden to show by a preponderance of the evidence that the reasons provided for recommended the employee's discharge constitute just cause;

vii. If the Governing Council cannot show just cause, or the employee sufficiently rebuts the Governing Council's reasons, then the arbitrator will find in favor of the employee; viii. Either the employee or ASE may record the proceeding at their own expense, but it will not constitute an official record for purposes of appeal; only the official record prepared by a certified court reporter will constitute the official record;

ix. Departures from these procedures are considered harmless unless the party can demonstrate prejudice;

x. **Decision.** The arbitrator will issue a written decision within thirty (30) working days of the hearing, which will contain findings of fact and conclusions of law;

xi. **Final Decision.** Decisions by the arbitrator are final and binding on both ASE and the employee; the decision may not be appealed unless the decision was procured by corruption, fraud, deception or collusion, in which case it will be appealed to the Second Judicial Court for the State of New Mexico.

xii. **Costs/Fees.** The employee and ASE will pay their own fees, expenses and costs; the arbitrator may assign to either party, or both of them, the fees and costs of the independent arbitrator.

xiii. **Compensation to discharged personnel.** Payment of compensation to any certified school instructor or certified administrator will terminate as of the date a final decision is provided by the Governing Council. If the contract is to be paid monthly during a twelve (12) month period for services to be performed during a period less than twelve (12) months, the person will be entitled to a pro rata share of the compensation payments due for the period during the twelve (12) months in which no services were to be performed. In the event that the Governing Council's decision to discharge is overturned by the arbitrator, payment of compensation to the employee shall be reinstated in full but subject to any additional compensation allowed other certified school instructor or administrator of like qualifications and experience employed by the School and including reimbursement for



compensation during the entire period the compensation was terminated less an offset for any compensation received by the person from a school district or state agency during the period the compensation was terminated.

[Reference, NMSA 1978 22-10A-29]

#### **H. Phasing Out and Elimination of Positions/Reduction-in-Force/Furloughs**

From time-to-time, it may be necessary to phase-out or eliminate certain job classifications or reduce the number of positions in a particular employment category, or to furlough employees. Orderly processes will be established by the ASE Governing Council pursuant to Reduction in Force and Furlough policies to guide such phase-out or reduction in force. A reduction in force carried out pursuant to ASE's policy is just cause for termination or discharge.

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

If you are suspected of violating ASE's policies, procedures, or work rules, you may be placed on administrative leave with pay pending an investigation of the situation. Further disciplinary action may apply. Administrative Leave without pay of up to ten (10) days in duration may be utilized by the School in appropriate circumstances warranting employee discipline.

#### **J. Resignation**

All contract employees are required to provide written notice of their intent to terminate employment with ASE to the Executive Director at least thirty (30) calendar days in advance. Failure to provide adequate notice may result in a complaint to the NMPED Licensing Bureau. The School will consider you to have voluntarily terminated your employment if you do any of the following:

1. Resign from ASE;
2. Fail to return from an approved leave of absence on the date specified by the School; or
3. Fail to report to work or call in for two (2) or more consecutive work days.

### **Return of School Property**

All information, equipment and materials, including but not limited to business information, files, research, records, memoranda, books, lists, computer disks, hardware, software, cell phones and other wireless devices, documents, drawings, models, apparatus, sketches, designs and any other embodiment of confidential information or intellectual property received by an employee during employment or volunteer service, and any tangible embodiments of such materials created by an employee, alone or with others, whether confidential or not, are the property of Albuquerque School of Excellence.

Upon separation of employment with ASE or cessation of volunteer services, or upon the request of ASE, an individual will return to ASE all such equipment and materials, including copies thereof, in the individual's possession or under the individual's control. Such equipment/materials will be returned within 24 hours of notice of separation or upon request of ASE, whichever comes first. Employees shall not remove ASE equipment/materials from ASE's campus without the express written permission of the Principal and execution of an equipment responsibility acknowledgement/wage deduction authorization form by the employee. Equipment/materials that are lost or damaged as a result of the employee's removal from the ASE campus are the responsibility of the employee and the employee shall reimburse the School.

Any materials created by staff members for use by ASE, or created on ASE time, or produced using the staff or resources of ASE, are considered works-for-hire and all intellectual property rights are vested exclusively in ASE.

## **Employee Discipline**

### **Basis for Disciplinary Action**

The following examples of acts or omissions, among others, which evidence unfitness to perform duties, by an employee in the scope of employment are prohibited and shall constitute grounds for disciplinary action:

- Insubordination, including the willful refusal of an employee to perform an assignment or to comply with a lawful directive given by the employee's supervisor.
- Unprofessional job-related conduct.
- Incompetence or inefficiency in the performance of duties.
- Corporal punishment of students.

- Improper conduct toward students and other employees.
- Conduct in violation of any ASE policy or established expectation of performance.
- Conviction of a felony related to the employee's employment, or which seriously impairs the employee's ability to perform his/her/their assigned duties.
- Serious misconduct related to the employee's job.
- Abuse of the ASE's leave policies.
- Excessive tardiness.
- Excessive absenteeism.
- Unexcused absences from work.
- Gross negligence or gross carelessness in the performance of duties.
- Use of ASE policy or property for personal gain.
- Negligent or willful damage to ASE property.
- Gross waste of ASE supplies or equipment.
- Dishonesty or falsification of any information involving the ASE, including grades, credits, data on forms, employee records, or any other information involving the ASE.
- Possession of alcohol or other intoxicants or illegal narcotics, or other controlled substances without prescription on school property or at any school function.
- The use of or being under the influence of alcohol or other intoxicants or illegal narcotics, or other controlled substances without prescription on school property or at any school function.
- Deliberate conduct which has the apparent purpose of exposing the ASE to censure, ridicule, or reproach (this prohibition is not intended to deprive employees of any free speech rights guaranteed by the United States or New Mexico Constitutions).
- Verbal and/or physical fighting on school premises or at any school related activities.
- Falsification of records or data with intent to defraud.
- Sexual misconduct or harassment.
- Theft or vandalism of school, student or employee property.
- Any other act or omission which impairs or restricts the ability of ASE to provide a safe and healthy environment for employees and students.

## **Discipline Process**

A number of tools are utilized to motivate, correct, and/or discipline employees, including but not limited to verbal and written warnings, suspensions, and discharge or termination as determined to be appropriate in each individual circumstance.

If your work performance is unsatisfactory or if your conduct on the job becomes a problem, your supervisor will address the matter(s) with you and work with you to help address the issues(s). You may initiate this as well. Your supervisor may also use a progressive, corrective process. This progressive disciplinary process may involve, but is not limited to, oral or written warnings, probation for poor work performance/habits, disciplinary suspension, and termination. Uncorrected unsatisfactory work performance for which discharge is recommended must first follow the process set forth in NMSA 1978 22-10A-30 and associated PED regulations before notice of intent to discharge may be served upon the employee.

Decisions about whether discipline is necessary and what type of discipline is to be imposed are at the sole discretion of the Executive Director and the Principal. In the case of serious misconduct, it may be necessary to protect the safety and security of the workplace by suspending or placing the involved employees on administrative leave in order to remove them from the workplace. In addition, in some instances, while your supervisor is investigating and considering appropriate action, you may be relieved from duty pending a full investigation of the circumstances.

## **Staff Development**

Staff development activities are organized to meet the needs of employees and ASE. Staff development is predominantly campus-based, and related to achieving school performance objectives. Staff development for non-instructional personnel is designed to meet specific licensing requirements and continued skill development.

Staff development may consist of work at local colleges/universities, professional memberships, workshops, in-service training, retreats, and conferences. Employees must submit a request to the Principal(s) or designee in advance of registering for development opportunities in order to be fully or partially reimbursed for participation. ASE participates in NMPED's Extended Learning Time Program (ELTP). In accordance with the ELTP requirements, all teachers must complete a minimum of 80 hours of professional development within a school calendar year (July – June). These 80 hours need to be documented through ASE's chosen online Professional Development platform.

### **Building Use**

Requests to use school facilities should be directed to the Principal. Once approved, the staff member needs to coordinate use of the facility with the Operations Manager. A request may be granted with the Principal's or designee's approval. All building use is subject to School policies and procedures for such use.

### **Instructional Supplies**

All instructional or classroom materials/equipment purchased by ASE or donated to ASE become property of the School. Employees may not keep teacher resource materials when leaving employment with ASE.

Staff members should initiate requests for supplies/curriculum through the Operations Manager in coordination with the Principal. ASE will assume no financial responsibility for teacher resource materials purchased without a properly issued purchase order.

### **Communication with Parents in General**

Teachers and administrators are expected to notify a parent when a student performs poorly on classwork or testing or begins to misbehave at school. New Mexico laws require MLSS interventions and the Student Assistance Team (SAT) process to be followed in appropriate instances.

## **CLASSIFICATION, COMPENSATION AND BENEFITS**

### **Payroll**

The payroll period is a two-week period from Mondays 12:00 AM until Sundays 11:59 PM and you will be paid each subsequent Friday following the completion of that pay period. Your check will reflect your compensation for that pay period, less required payroll deductions. If you were hired after a payroll deadline (check with your supervisor), your first paycheck will be delayed until the second payday after you started work. You will be issued paychecks every two weeks or 26 times per year.

Your deductions will be itemized on your payroll stub. You should review your paycheck stub carefully each payday. If, at any time, you have any questions about the amounts shown on your paycheck or how they are calculated, you should contact the HR Manager or Business Management group. If you have been overpaid, and it is later discovered, you will be required to return the overpayment in full to ASE.

The ASE Governing Council adopts a salary schedule each year based upon education, experience, and legislative mandates. Each job class or licensing level presently has a salary range. Increases beyond the initial or minimum salary for your class or license level may be granted annually until the employee reaches the top step of their salary range. If you receive a new job at a higher or lower level of pay, your salary will be adjusted according to the salary schedule rules that are adopted by the Governing Council.

If an employee receives licensure/credits/master's/PhD degrees or verification of experience (VOE) after the contract sign date, s/he must provide the official license/transcript/VOE before October 1st to be eligible to receive the new pay rate for that position for the remainder of that school year.

## Direct Deposit

Direct payroll deposit is the automatic deposit of your pay directly into a financial institution account. Contact the HR Manager for details and the necessary authorization forms. This is a benefit we provide for your convenience. We encourage all employees to take advantage of this service.

Federal, state and local income taxes and your contribution to Social Security and New Mexico Educators retirement system will be deducted from your paycheck as required by law. These deductions will be itemized on your check stub. The amount of the deductions will depend on your earnings and on the information you furnish on your W-4 form regarding the number of exemptions you claim. If you wish to modify the number of deductions, please request a new W-4 Form from the HR Manager. Only you may modify your W-4 form. Verbal or written instructions are not sufficient to modify withholding allowances. We advise you to check your pay stub to ensure that it reflects the proper number of withholdings. Other mandatory deductions from your paycheck include court-ordered garnishments or support deductions. If ASE receives a court order mandating that your pay be garnished you will be notified and provided a copy of the order. ASE will comply with the court order until such time as you provide a subsequently dated and signed court order directing ASE to cease making the deduction from your paycheck.

## Retirement

ASE shall not require the retirement of any employee. It is recommended that personnel considering retirement discuss the matter with the Principal several months in advance in order for the necessary procedures and actions to be completed. Prior planning can be to the advantage of the person who is retiring.

## Employment Classification Categories

Your position at ASE is classified as either regular full-time, part-time or as needed. In addition, you are classified as either non-exempt or exempt. Certain policies and procedures outlined in the Handbook may apply differently to you depending on how your job position is classified. If you have a question concerning the applicability of any particular provision, contact the Principal or the HR Manager prior to signing the receipt for this Handbook.

## Exempt and Non-Exempt

Each employment position is designated as either EXEMPT or NON-EXEMPT under federal and state wage and hour laws in accordance with applicable federal law. Non-exempt positions are entitled to overtime pay under the specific provisions of federal law. Exempt positions are excluded from specific provisions of federal and state wage and hour laws. A position's Exempt or Non-Exempt classification may be changed only upon written notification by ASE, and in accordance with applicable federal law.

### **Exempt status applies to the position and not the employee.**

Exempt simply means the position the employee fills is exempt from the [Fair Labor Standards Act \(FLSA\)](#), and is not entitled to overtime compensation. Employees assigned to exempt positions are paid on a salaried basis, and ASE generally will not deduct from a non-teacher exempt employee's salary, in accordance with FLSA, for absences of less than one full day. However, any full days of absence taken in excess of the employee's allotment/service record accumulation of sick or personal leave will result in an employee payroll deduction calculated on a prorated daily rate. With respect to exempt teachers, ASE will not make leave and/or salary deductions for absences of less than one-half day (four hours).

### **Non-exempt positions are those positions that are not exempt from FLSA requirements.**

Non-exempt positions require ASE to pay the employee overtime (time and a half) for all hours worked in excess of 40 during a workweek. The key phrase here is "hours worked." For example, an employee might work 32 hours in a week and have 16 hours of vacation (PTO) time. Vacation (PTO) time does not count as hours worked for the purpose of overtime calculations. All employees in positions that are classified as non-exempt will be required to maintain a timesheet or record, and will be eligible for overtime pay in accordance with the appropriate Wage and Hour Laws, and as outlined in this Handbook. **Non-exempt employees may not work beyond 40 hours per week without prior written approval from their supervisor.**

ASE's positions are reviewed and assigned an FLSA (exempt or non-exempt) status that is maintained on a master

record by the school. Upon request, the campus HR Manager may provide this information to an employee.

## **Full-Time Employee**

An individual who is employed at least 40 hours per week is considered full-time. Full-time employees are those who are not in a temporary or introductory status, and who are regularly scheduled to work ASE's full-time schedule. Generally, full-time employees are eligible for ASE's benefit package, subject to the terms, conditions, and ASE's Staff Handbook limitations of each benefit program. Employees in this status must contribute to the New Mexico Educational Retirement Board (NMERB).

## **Part-Time Employee**

An employee who is regularly scheduled to work less than 40 hours per week is considered a part-time employee. If you are a part-time employee working less than 20 hours per week, you are not eligible for the Health Coverage employee benefits described in this Employee Handbook, but you are eligible for the Basic Life insurance coverage of \$50,000 if you work 15 or more hours per week per your contract.. Benefits will be prorated for employees working between 20 and 39 hours per week.

## **Overtime Pay**

If you are a non-exempt employee you will be paid overtime in accordance with state and federal laws. Any overtime must be approved in advance by your supervisor; failure to obtain authorization prior to working overtime may result in disciplinary action. For purposes of determining overtime pay, ASE's work week shall be from 12:00 a.m. Monday until 11:59 p.m. Sunday.

## **Work Schedules**

A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedules, including required days of service and scheduled holidays, will be distributed each school year.

Teachers and other staff are entitled to a duty-free lunch period of at least 30 minutes.

Paraprofessional and auxiliary employees: Support employees are employed at will and will be notified of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees are not exempt from overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor.

ASE does not offer compensatory time for non-exempt employees, but may reduce work hours in a workweek such that actual work time during the workweek does not exceed 40 hours.

Work schedules may vary based on an employee's department and job position.

Staff members generally will adhere to the following work schedules:

Administrators 7:30 a.m. – 4:30 p.m. (Fridays 7:30 a.m – 3:00 p.m.)

District Staff (Non-Teaching) 7:30 a.m. – 4:30 p.m. (Fridays 7:30 a.m – 3:00 p.m.)  
(8 hours a day and 1 hour lunch break)

Health Assistants 7:30 a.m. – 4:00 p.m.

Front Office 8:00 a.m. – 4:30 p.m. or 7:30 a.m. - 4:00 p.m. (as approved by Principal)  
(8 hours a day and 1/2-hour lunch break)

Elementary Teachers/Counselors 7:30 a.m. – 4:00 p.m. (Fridays 7:30 a.m. – 2:30 p.m.)

Secondary Teachers/Counselors 7:45 am - 4:15 pm (Fridays 7:45 am - 2:45 pm)

Educational Assistants 7:30 a.m. – 4:15 p.m. (Fridays 7:30 a.m. – 3 p.m.)

Please note that these hours are not exclusive, but are simply the hours that an employee is expected to be at work. Professional staff should be prepared to spend as much time at work as necessary to get the job done, beyond the

hours listed. As appropriate and necessary, employees may be required by their supervisor or the Principal, to remain at work beyond the hours listed, subject to any applicable overtime requirements and limitations.

## **Timekeeping**

Federal and state laws require ASE to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. All ASE employees (Exempt and Non-Exempt) are required to clock-in/out using the WASP system daily. Employees are not to estimate future hours and include them on their time card.

Non-exempt employees are required to accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. This work log should be recorded as it takes place – not several hours or days later. Overtime work must always be approved by the Principal before it is performed. Non-exempt employees turn in their 2-week timesheets to the Principal for approval/signature on the Friday before Payday.

All employees should regard coming to work on time, working their shift as scheduled, and arriving and leaving at the scheduled time as essential functions of their jobs. Any changes from the work schedule need to be approved by the Principal.

## **Insurance**

Basic Life insurance at \$50,000 is available to all employees who work more than 15 hours per week. Health insurance coverage, Dental, Vision and long term disability are available to all full-time employees, or a part-time employee who works more than twenty (20) hours per week. For part-time employees, benefits are prorated. Coverage is available to you and your dependents as defined in the benefit summary plan descriptions. Please see the HR Manager for details.

Detailed descriptions of insurance coverage, prices, and eligibility requirements are provided to all employees on the NMPSIA website.

The insurance plan year is from July 1st through June 30th. New employees must complete enrollment forms within the first 30 days of employment.

## **Supplemental Insurance Benefits**

At their own expense, employees may purchase additional life insurance. Premiums for these programs can be paid by payroll deduction. Employees should contact the HR Manager for more information.

## **New Mexico Retirement Plan**

The New Mexico Educators Retirement Act is provided to eligible employees (those who have completed sufficient service) with a monthly pension benefit upon retirement. All employees who work more than 25% of the time (0.25 FTE) are mandated by the New Mexico Educational Retirement Act to participate in the retirement plan. Participation in the Plan begins on the first day of the month following your date of hire. ASE and the employee are required by State law to contribute to this retirement plan operated by the New Mexico Educators Retirement Board. The details regarding ASE and employee contributions, vesting, administration, and investments are provided in the Summary Plan Description, made available through the Education Retirement Board.

## **Social Security**

In accordance with the applicable federal law, all employees are required to participate in and contribute to Social Security. ASE also makes a mandatory matching contribution on behalf of employees. Contribution levels are established by law, and are subject to change. To obtain information about Social Security and related programs, you may contact the local Social Security office.

## **Workers' Compensation**

ASE maintains Workers' Compensation Insurance coverage for employees who sustain an injury or illness

compensable under the New Mexico workers' compensation laws. ASE pays the full cost of the workers' compensation insurance. All workers' compensation claims are subject to evaluation and investigation by ASE and its insurance carrier. If you are injured while performing duties related to your job at ASE, you must report the injury promptly to your immediate supervisor. More information is available from ASE's Human Resources Manager.

## **Unemployment Compensation**

ASE employees are covered in accordance with applicable unemployment compensation laws and regulations that also govern eligibility for unemployment benefits. All forms or contacts related to unemployment compensation claims should be delivered or referred to the Human Resources Manager.

## **COBRA**

The School shall comply with the 1985 Consolidated Omnibus Budget Reconciliation Act (COBRA) in notifying employees of their right to continue health and life insurance coverage upon resignation, termination, or retirement. Dependents that are also losing coverage upon becoming ineligible shall also be informed of their COBRA rights.

## **Employment of Relatives**

If you and members of your family are employed by ASE, one may not supervise the other nor work in the same department. Family members include the employee's spouse, child, parent, parent-in-law, grandparent, grandparent-in-law, granddaughter, grandson, daughter-in-law, son-in-law, step-parent, domestic partner (a person with whom the employee's life is interdependent and with whom the employee shares a mutual residence), brother, sister, brother-in-law, sister-in-law, daughter or son of the employee's spouse or domestic partner, and any relative living in the household of the employee or domestic partner.

No 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 the head administrator may be employed by ASE unless approved by the Governing Council. The Governing Council may not hire a head administrator 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 any member of the Governing Council, nor may the head administrator hire any 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 any Governing Council member. [Reference NMSA 1978 22-8B-10(B)]

## **Pay Schedules**

All salary/pay schedules (including those for holidays/summer breaks) are listed in the ASE Compensation Manual.

## **Lost/Stolen Paychecks**

Lost or stolen paychecks should be reported to the Business Office immediately. The Business Office will issue a stop payment on the lost or stolen check. Only after receiving confirmation from the school's financial institution that a check has been stopped will a new check be issued.

## **Unclaimed Paychecks**

Paychecks issued throughout the school year that are not handled through direct deposit must be picked up at the school. If an employee fails to pick up a paycheck, the employee's supervisor will immediately return the paycheck to the Business Office. The Business Office will attempt to contact the employee to forward payment. In the event the employee does not collect the check within 90 calendar days, the paycheck will be canceled, but the wages will still be recorded. The employee will be required to present proper identification to ASE before the check will be reissued.

## **Administrative Pay Corrections**

In the event of an error in payment, the employee should contact the HR Manager or Business Office as soon as possible and send the necessary paperwork to correct the matter. When the Business Office receives the correction, a determination will be made as to how the error is to be corrected – either through a manually created paycheck or in the individual's subsequent paycheck. Any questions concerning how or when corrections will be made should be

directed to the appropriate supervisor and/or the Business Office.

## **Employee Advances**

ASE does not issue payroll advances to employees.

## **Deductions From Pay**

ASE will deduct from an employee's paycheck that which is allowable under state and federal law. Generally, optional deductions, if any, may only be made from pay as long as the resulting wage does not fall below the FLSA minimum wage. All optional deductions from an employee's paycheck must be approved by the employee in writing.

## **Deductions Required by Law**

The following deductions are required by law and are withheld from every paycheck; no written authorization is required:

- Federal Income Tax Withholding (based on IRS Form W-4)
- Medicare
- Social Security (FICA)
- Retirement and Insurance (two deductions per month):
  - Retirement (federal exempt) – employee retirement account through ERB
  - Insurance– active member contribution to retirees' health insurance program (NMRHCA)
- Health, Dental, Long-term Disability, Additional Life Insurance and/or Vision Insurance coverage (optional)

## **Social Security/Medicare Taxes**

The amounts withheld are based upon a tax rate set by law and are applied up to a certain specified amount of annual earnings. ASE is liable for an amount equal to the amount of tax paid by the employee at the time the wages are paid.

## **Federal Withholding Income Tax**

Federal income tax will be withheld from each employee's paycheck. The amount is shown on the paycheck stub under the heading "Federal Withholding." The Internal Revenue Service (IRS) requires that deductions be made based on an employee's gross earnings in accordance with established withholding tax tables in effect at the time of withholding. The classification used to determine the amount of tax withheld is taken from the Employee's Withholding Allowance Certificate (Form W-4). The withheld tax is forwarded to the IRS, and the employee is given credit toward payment of their individual income tax.

## **Exemption From Withholding**

If an employee wishes to claim an exemption from withholding they must fill out the qualifying section of the W-4 form. If the Payroll Department determines that the employee does not qualify for an exemption based upon the qualifying statement in the W-4, exemption status may be denied.

## **Change in Withholding Status**

Employees must file a revised W-4 form in order to change withholding status. The Business Office will not make changes in an employee's withholding status based upon a verbal or email request. Please note that in accordance with IRS guidelines, if marital status is not checked, the default Single will be entered and if allowances are not completed, the default zero (0) will be entered.

## **Wage and Tax Statements**

All employees will receive a Wage and Tax Statement (Form W-2) from ASE showing their annual earnings and the amounts deducted for Social Security, Medicare, and federal income taxes. Additional earnings and deductions that may be included, if applicable, are social security tips, allocated tips, advance earned income credit, and dependent care benefits. W-2 forms will be prepared by the Business Department and distributed on or before January 31st of each year.



# **ATTENDANCE, LEAVE AND ABSENCES**

## **Attendance**

Albuquerque School of Excellence expects regular and prompt attendance from all its employees in accordance with ASE's Board Policy governing attendance. Excessive absences and tardiness puts an unfair burden on co-workers, and will be a significant factor in an employee's continued employment, performance appraisals, and advancement opportunities.

Employees are expected to:

- 1) Arrive to work, clock-in, and be at their assigned duty station no later than their scheduled start time.
- 2) Remain at their duty station unless the needs of the job require being elsewhere or as authorized by their supervisor, except during authorized breaks.
- 3) Take only the time normally allowed for breaks as authorized by their supervisor.
- 4) Non-salaried/Non-exempt employees should leave promptly at the end of their scheduled workday, unless given permission by their supervisor to work past that time.
- 5) Call, text, or email their supervisor or Principal to personally notify a supervisor if they will be absent or tardy, unless a verifiable emergency makes it impossible to do so.

## **Scheduling and Attending Parent-Teacher Conferences**

Parents are the first educators and must be treated with respect. Teachers are responsible for attending and conducting all Parent Open House Meetings and Orientations unless approved in writing by a Principal.

Individual parent conferences must be scheduled during non-instructional hours. Teachers are expected to call parents of students who are at risk of failing starting the third week of school after benchmarks. Teachers are expected to make positive phone calls to parents. Parent-Teacher conferences are not to be scheduled during instruction time. Teachers are also encouraged to contact parents to invite them to "Parent Nights" or classroom-specific events. Teachers must follow and adhere to the state-mandated Student Assistance Team (SAT) process and MLSS (Multi-Layer System of Support).

## **Leaving the Classroom**

Students must be supervised at all times – it only takes a second for something to happen. If it is necessary to leave the classroom, a teacher must notify the school office or another teacher immediately. It is the teacher's responsibility to ensure their class is supervised and covered at all times if they cannot be in a scheduled class for any period of time. All employees must obtain advance authorization from the Principal before leaving the school during scheduled work hours.

## **Tardiness**

Employees are required to notify their supervisor or Principal no later than one hour before the start of the school day on any day that the employee suspects that they may be late in reporting to their assigned campus unless it is medically impossible for the employee to do so. Notification by a friend, spouse or other relative is not acceptable, unless the employee is physically unable to make the notification personally. If, for some reason, the Principal or supervisor cannot be reached, the employee is responsible for contacting the main office. NOTE: It is the employee's responsibility to ensure that the school is notified in a timely manner. When an employee is absent, an employee needs to email the supervisor or Principal for substitute arrangements and applicable payroll purposes. Excessive tardiness will result in disciplinary or corrective action, up to and including the possibility of termination.

## **Attendance Records**

The supervisor or Principals are responsible for maintaining accurate attendance records for all employees under their supervision. Accurate attendance records are valuable and necessary tools for performance appraisal, discipline, overtime pay calculations and determination of salary continuation during absences. Every employee must use

required clocking in/out devices as they arrive/leave the school. Failure to use required clocking in/out devices, alteration of your own time or records or attendance documents, punching or altering another employee's time or records, or causing someone to alter your time or records may lead to disciplinary action up to, and including, discharge or termination.

### **Excessive Absenteeism or Tardiness**

Excessive absenteeism or tardiness constitutes grounds for disciplinary action up to, and including termination. Excessive absenteeism, tardiness, and/or leaving work prior to designated time may result in:

- Disciplinary probation.
- Denial of pending or future promotion.
- Request for production of medical certification of reason or reasons for absences and/or tardies.
- Any other appropriate disciplinary measure, including termination of employment.

### **Absences**

Regular attendance on the job is very important to the proper functioning of ASE, and is therefore a condition of continued employment. It is the responsibility of all employees to maintain prompt regular attendance so as to ensure the smooth functioning of their own jobs and avoid inconveniencing or disturbing other interrelated jobs. When it is necessary for an employee to be absent, the procedures listed below will be followed:

- Teachers are expected to report anticipated absences to the campus Principal as soon as possible, and no later than one hour before school starts.
- In extreme emergencies or after one hour before school starts, continue calling the school office until you speak to someone directly.

Failure of an employee to give the notification of absence to their supervisor in a timely manner for three or more consecutive workdays, unless prevented by circumstances beyond the employee's control, may be considered to be voluntary resignation/job abandonment as of the last day worked in accordance with applicable federal and state laws.

Each teacher is required to have a substitute folder readily accessible containing the following:

- Lesson plans;
- Alternative activities, if needed;
- Seating charts, if applicable;
- Class rosters;
- Discipline plan;
- Fire drill and disaster routes;
- Name and room number of a staff member to answer questions, as well as the names of helpful students;
- Special instructions unique to your location or subject area.

### **Personal Leave**

Accumulated personal leave days from other schools cannot be transferred in or out of the ASE system. Employees must follow established procedures for reporting and requesting any leave.

Albuquerque School of Excellence allows all employees to accrue personal/sick leave at a rate of one day for each 18 workdays of employment. per school year, and personal/sick leave may not be carried over to the following year. One day of earned personal leave is equivalent to one assigned workday. Earned personal leave may be used for anticipated and unanticipated leave. Anticipated leave is leave taken at an employee's discretion and that can be scheduled in advance. Unanticipated leave is unexpected leave taken for personal and family illness, emergency, a death in the family, or active military service. This type of leave allows very little or no advance planning.

Leave requested before it is earned will be treated as leave without pay and will be deducted from the employee's pay at their hourly/daily rate, as applicable. Leave beyond the employees' maximum leave balance will also be treated as leave without pay and will be deducted from the employee's next paycheck. Employees who depart ASE will have any leave without pay deducted from their final pay.

An employee may not use more personal leave time than has been earned at the time leave is requested/taken. If an employee uses more personal leave time than has been earned, ASE will deduct that unearned leave time from his/her paycheck, at their daily rate according to their gross salary. At the end of each school year, earned unused personal leave days will not roll over, but instead, employees will be compensated as follows (for the days not used throughout the year, the ASE personnel will be paid at the end of June):

- Teacher Aides/EAs, nonexempt employees: Paid based on their hourly rate for 8 hours maximum per each PTO day up to and not to exceed \$150 per day for all unused PTO days by June 30, 2023.
- Teachers, Administration; other certified staff: \$160 per day

Before taking **anticipated leave**, an employee must submit an email request to the Principal **at least five (5) days** in advance of the anticipated absence. The effect of the employee's absence on the educational program and the availability of substitutes are factors that will be considered before leave is granted. Anticipated personal leave is granted on a first-come first-served basis and must be pre-approved to be used.

Anticipated personal leave may not be taken for more than three consecutive days, except in extenuating circumstances as determined by the supervisor or Principal. Additionally, anticipated leave **may not** be taken under the following circumstances, absent extenuating circumstances as determined by the supervisor or Principal:

- The day before a school holiday.
- The day after a school holiday.
- Days scheduled for end-of-semester or end-of-year exams.
- Days scheduled for state assessments .
- School norm-referenced testing days
- Professional or staff development days.

Unanticipated leave taken must be reported to the supervisor or Principal on the same day leave is taken, except in cases of extreme emergency involving incapacitation.

Misuse of personal/sick leave is cause for disciplinary action, up to and including termination or discharge.

## Short Leave

Each full-time staff member (both exempt and non-exempt employees) will be granted 6 short leaves (90 minutes or less) for the school year (pro-rated if they are hired after the beginning of the school year) which must be pre-approved by the Principal and may be used as long as they do not have a class. If they have a duty, they must arrange their own substitute beforehand. Any leaves over 90 minutes will be charged as personal leave. Once an employee has used all of their short leaves for the year, they will be charged personal leave for the time requested.

## Leave Options for Non-exempt Employees for Absences Less Than ½ Day

The following leave options are available for nonexempt employees upon supervisory approval:

- The employee may “make-up” missed time during the same workweek as an absence rather than take paid leave.
- The employee may choose to be paid only for hours actually worked, *i.e.* docked for time missed due to absence, rather than take paid leave.
- The employee may be charged leave (or use a 90-minute short leave—see paragraph above) for the absence.

## Medical Certification

Any employee who is absent more than three consecutive days because of a personal or family illness must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, , and – in the case of personal illness – the employee's fitness to return to work.

## Forfeiture of Leave

Personal leave does not accumulate or roll forward from year to year, and is forfeited upon resignation, retirement, or discharge/termination from employment.

## **Military Leave**

ASE is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in, or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights hereunder.

If you are a full-time employee and are inducted into the U.S. Armed Forces, you will be eligible for reemployment after completing military service, provided:

- a. You show your orders to the Principal as soon as you receive them.
- b. You satisfactorily complete active duty service of five years or less.
- c. You enter the military service directly from your employment with ASE.
- d. You apply for and are available for re-employment within ninety (90) days after discharge from active duty. If you are returning from up to six (6) months of active duty for training, you must apply within thirty (30) days after discharge.

## **Military Reserves or National Guard Leave of Absence**

Employees who serve in the U. S. military organizations or state militia groups may take the necessary time off during the school year, with pay up to fifteen (15) days, to fulfill this obligation, and will retain all of their legal rights for continued employment under existing laws. These employees may apply accrued personal leave and unused earned vacation time to the leave if they wish, however, they are not obliged to do so. You are expected to notify your supervisor as soon as you are aware of the dates you will be on duty so that arrangements can be made for replacement during this absence.

## **Bereavement (Funeral) Leave**

Bereavement leave may be granted, upon request, to all employees for a death in the immediate family of the employee. Up to three (3) working days of leave with pay (not charged to other leave time) shall be granted to regular, full-time employees upon request. The purpose of this leave is to make arrangements for and attend funeral services of the employee's spouse, child, parent, parent-in-law, grandparent, granddaughter, grandson, daughter-in-law, son-in-law, domestic partner, brother, sister, daughter or son of the employee's spouse or domestic partner, and any relative living in the household of the employee. Funeral leave pay will only be made to employees for actual time spent away from work for the funeral or its arrangements. For example, if the death occurs at a time when work is not scheduled, payment will not be made. Requests for extended bereavement leave may be considered by the Principal.

## **Family and Medical Leave Act (FMLA)**

In order to be eligible for family and medical leave an employee must have worked for ASE which employs more than fifty (50) personnel as of **July 1, 2022– Fiscal Year 23:**

- For at least twelve (12) months; and
- at least 1,250 hours during the year preceding the start of the leave; and
- Be employed at a worksite where fifty (50) or more employees are employed by the employer within seventy-five (75) miles of that worksite.

NOTE: Whether an employee has worked the minimum 1,250 hours of service is determined according to FLSA principles for determining compensable hours or work.

## **Maternity/Paternity Leave/Benefits**

While New Mexico does not have a statute requiring employers to give time off for pregnancy; however, under the state Human Rights Act, ASE treats pregnancy and related conditions the same for all employment-related purposes, including receipt of employee benefits (9 NM Admin. Code Sec. 1.1.7 MM (2)). This includes the commencement

and duration of a leave of absence, the availability of extensions, the accrual of seniority and other benefits while on leave, and job reinstatement. State law mandates that a mother may breastfeed her child in any location, public or private, where the mother is otherwise authorized to be present. **Moreover, ASE offers 22 working days paid leave for maternity leave as well as 3 days for paternity leave.**

### **Jury Duty and Other Court Appearances**

Leave for Jury Duty and Court Subpoena Leave is subject to verification by the School and is available to employees as follows:

1. Full-time and part-time employees will receive their normal pay for days that they are required to report to jury duty. Employees must immediately report a call to jury duty or subpoena to their supervisor.
2. If an employee is excused from jury duty or the subpoena assignment prior for any full day, they must report to work on that day.
3. In order to receive compensation for jury duty leave, the employee must remit all fees paid by the courts to ASE.
4. Employees are encouraged to request jury duty be deferred to the summertime rather than during the school year.

### **Professional Leave**

Professional leave may be granted at the discretion of the Principal, for professional development, professional organizational activities, school-related professional activities, or other activities related to the employee's assignments.

### **Religious Leave**

Religious leave may be granted, upon request, to employees for observance of recognized religious events. Personal leave may be used, or leave without pay will be granted for up to two (2) days per year.

### **Voting Leave**

Voting Leave will be granted to employees who are eligible voters and whose work day begins less than two (2) hours after the polls open and ends less than three hours before the polls close. If you qualify you will be granted a maximum of two (2) hours with pay in order to vote in an election recognized under the law. Written requests for this leave must be submitted prior to the day of the election. The Principal will schedule voting leave to ensure department work is covered.

## **EMPLOYEE RELATIONS AND COMMUNICATIONS**

### **Announcements**

All written announcements, class newsletters or correspondence sent home must be shared with the Principal one day in advance. Only announcements concerning school activities will be accepted. No correspondence of any kind should be sent out without a Principal's approval.

### **Distribution of Non-School Materials**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by Albuquerque School of Excellence, will not be sold, circulated, distributed, or posted on any ASE premises by any employee, or by persons or groups not associated with ASE, except in accordance with this section. ASE will not be responsible for, nor will it endorse, the contents of any non-school literature distributed on any ASE premises. For purposes of this provision, "distribution" means the circulation of one or more copies of material from a source other than ASE.

### **Limitations on Content**

Non-school-related materials will not be distributed on ASE property.

## Violations

Failure to comply with ASE requirements regarding distribution of materials will result in appropriate administrative action, including but not limited to confiscation of materials and/or suspension of use of ASE facilities. Law enforcement officials may be called when appropriate.

## COMPLAINTS AND GRIEVANCES

As an employee of ASE and an important member of our team, we want any on the job problems or employment related issues you experience to be brought to the attention of ASE. Many problems tend to arise out of misunderstanding or lack of complete information. If problems/issues are kept hidden, they tend to fester and to grow out of proportion to their seriousness. If you feel that anything has occurred that is in any way unfair to you, or if you have any complaints, requests, or constructive criticism regarding employment-related policies or procedures, the best way to address the issue is to talk it over with the person with whom you have the issue. If the problem involves harassment of any kind, please see the complaint procedure set forth in that section of the Handbook.

This Complaint/Grievance procedure does not apply for complaints about the following situations:

1. The contents of an evaluation or the discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by his/her/their immediate supervisor;
2. Discharge or termination decisions (those procedures are set forth elsewhere in this Handbook);
3. Situations in which the remedy for the alleged violation resides exclusively in some person, agency, or authority other than ASE, its Principals, Executive Director or Governing Council;
4. A former employee cannot file a grievance after the effective date of separation from employment.

All problems should be taken to your immediate supervisor first for discussion. Your supervisor is always ready and willing to answer your questions about your work or your progress. If you have ideas for doing things a better way or encounter a problem about practices discussed herein or if any problems arise in the course of your work, talk to your supervisor. In most instances, the problem can be immediately solved after this first step is taken.

If, after talking to your supervisor, you have not received a satisfactory explanation or decision, you should notify your supervisor that you wish to present the problem to the Principal. To do this, please write a note to the Principal stating:

- (1) your name and position;
- (2) what the problem is;
- (3) when you discussed it with your supervisor;
- (4) what your supervisor's response was;
- (5) why you disagree; and
- (6) what you suggest as the proper response to the problem or issue you raised.

The Principal will investigate and, to the extent necessary, will discuss the problem with you. Option for a third step: If you feel you did not receive a satisfactory explanation or decision from the Principal, you should notify the Principal that you wish to present the problem to the Executive Director. To do this, please write a note to the Principal stating:

- (1) your name and position;
- (2) what the problem is;
- (3) when you discussed it with your supervisor and the Principal;
- (4) what their responses were;
- (5) why you disagree; and
- (6) what you suggest as the proper response to the problem you raised.

The person designated by the Executive Director will investigate and, to the extent necessary, will discuss the problem with you.

In all cases, if an immediate decision is possible, it will be given to you; if not, you will be informed of a time when an answer will be available.

If the issue involves the substance of an employment-related policy or the generalized application of an employment related policy (as opposed the application of a policy to one person or a small group), if the Executive Director's response is unsatisfactory to you, you may bring the matter to the attention of the Governing Council President, in writing, in the manner set forth above. The Governing Council President, in his/her/their discretion, may place the issue on the Governing Council's agenda for discussion and/or action.

All complaints should be brought no later than ten (10) school days from the date of the incident. This is to ensure that a proper and timely investigation and fair evaluation can take place.

## **EMPLOYEE CONDUCT AND WELFARE**

An effective educational program requires employees to exemplify integrity, high ideals, and human understanding. ASE expects all professional staff members to maintain high standards in their working relationships, and in the performance of their professional duties, by:

- Recognizing the basic dignity of all individuals;
- Accurately representing their qualifications;
- Exercising due care to protect the mental and physical safety of students, colleagues, and subordinates;
- Maintain confidentiality; and
- Refraining from using his/her/their position or school property for partisan political or religious purposes.

### **Principal's Expectations of Teachers**

- Attend all meetings. BE PROMPT!
- Meet your deadlines. They are set because they are necessary.
- Read and understand board policies and school site procedures.
- Immediately take attendance in each class period.
- Be at work on time and do not leave early.
- Be professional in appearance and demeanor.
- Be stingy with hall passes.
- Be on supervision duty during passing periods. Check restrooms nearest your room during each class break.
- We can curb a lot of negative activity if we all work together as a team.
- Maintain accurate academic records.
- Keep your classrooms clean, pleasant and conducive to learning. Change your bulletin boards a minimum of once every nine weeks.
- It is important for teachers to seek and schedule competitive student academic activities, especially with other school schools for students to compete in. Competition is important for all students and a positive way to promote the school.
- Maximize instructional time; no birthday parties or other social events in the classroom without prior approval by the Principal. Outside food may not be shared to prevent allergic reactions and liability issues.
- Report to duty on time. Most student discipline problems happen when you are not visible.
- Your students learn best when there is consistency in the classroom. Regular teacher attendance is important for the success of our students. It is understandable that people get sick or cannot make it to work for various reasons. In your absence, the education of your students must go on. There are procedures that must be followed when you are absent.
- Familiarize yourself with all Individualized Education Plans (IEPs), 504 Accommodation plans and Student Assistance Team (SAT) plans for students in your class. Be sure to implement MLSS accordingly.
- Remember to follow the Chain of Command.

Additionally, all employees are expected to act with the highest ethical standards and are subject to the following ethical codes:

## Educator Code of Ethics

An effective educational program requires the services of men and women of integrity, high ideals, and human understanding. To maintain and promote these essentials, the ASE expects all professional staff members to maintain high standards in their working relationships, and in the performance of their professional duties, to: recognize basic dignities of all individuals with whom they interact in the performance of duties; represent accurately their qualifications;

- A. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
- B. understand and apply the knowledge and skills appropriate to assigned responsibilities;
- C. keep in confidence legally confidential information as they may secure;
- D. ensure that their actions or those of another on their behalf are not made with the specific intent of advancing private economic interests; refrain from using position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. (This will in no way limit constitutionally or legally protected rights as a citizen.);
- E. avoid accepting anything of value offered by another for the purpose of influencing judgment;
- F. adhere to and comply with the Code of Ethics and Standards of Professional Conduct found in 6.60.9 of the New Mexico Administrative Code.

Moreover, the mission of ASE requires that all involved in the school work and develop relationships of collegiality. It is reasonable to insist on a high degree of mutual, professional and personal respect and for a high level of mutual support. We value teachers, staff and volunteers actively participating in discussions of decisions affecting them. The school values diversity in perspectives leading to a deeper understanding of organizational reality and an enriched knowledge base for decision making. The school values employees resolving conflict in a healthy way that leads to stronger solutions for complex issues. We value employees reflecting on their own and others' thinking in order to achieve better organizational decisions.

Genuine community requires respect for individual privacy. Among other things, this means a high degree of attention to confidentiality. As individuals within the community we should share information about one another and our students on a judiciously defined need to know basis. If one needs to know something in order to carry out school responsibilities one should know it; otherwise the information should not be shared.

ASE emphasizes the extraordinary degree of care that staff (including volunteers) must take in maintaining the confidentiality of all School matters, including information about children and families as well as employees. Personnel/children's records may not be taken out of the office. Our obligation to maintain confidentiality requires that information not be released other than to the child's parents without the express written consent of the parent. This handbook addresses the confidentiality demanded of ASE employees in other sections.

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

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

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



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

- (1) share the responsibility for improving the educational opportunities for all;
- (2) recognize that each educational institution has a person authorized to interpret its official policies;
- (3) acknowledge the right and responsibility of the public to participate in the formulation of educational policy;
- (4) evaluate through appropriate professional procedures conditions within a school or institution of learning, make known serious deficiencies, and take action deemed necessary and proper;
- (5) assume full political and citizenship responsibilities, but refrain from exploiting the institutional privileges of our professional positions to promote political candidates or partisan activities;
- (6) protect the educational program against undesirable infringement, and promote academic freedom.

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

- (1) recognize that a profession must accept responsibility for the conduct of its members and understand that our own conduct may be regarded as representative of our profession;
- (2) participate and conduct ourselves in a responsible manner in the development and implementation of policies affecting education;
- (3) cooperate in the selective recruitment of prospective teachers and in the orientation of student teachers, interns, and those colleagues new to their positions;
- (4) accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
- (5) refrain from assigning professional duties to nonprofessional personnel when such assignment is not in the best interest of the student;
- (6) refrain from exerting undue influence based on the authority of our positions in the determination of professional decisions by colleagues;
- (7) keep the trust under which confidential information is exchanged;
- (8) make appropriate use of the time granted for professional purposes;
- (9) interpret and use the writings of others and the findings of educational research with intellectual honesty;
- (10) maintain our integrity when dissenting by basing our public criticism of education on valid assumptions as established by careful evaluation of facts;
- (11) respond accurately to requests for evaluation of colleagues seeking professional positions; and
- (12) provide applicants seeking information about a position with an honest description of the assignment, the conditions of work and related matters.

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

- (1) apply for or offer a position on the basis of professional and legal qualifications;
- (2) apply for a specific position only when it is known to be vacant and refrain from such practices as underbidding or commenting adversely about other candidates;
- (3) fill no vacancy except where the terms, conditions, and policies are known;
- (4) adhere to and respect the conditions of a contract or to the terms of an appointment until either

- has been terminated legally or by mutual consent;
  - (5) give prompt notice of any change in availability of service, in status of applications, or in change in position;
  - (6) conduct professional business through recognized educational and professional channels.
- [6.60.9.8 NMAC - N, 04-30-01]

#### **6.60.9.9 STANDARDS OF PROFESSIONAL CONDUCT:**

##### **A. Preamble**

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

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

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

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

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

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

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

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

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

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

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

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

maturity of the student;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (12) shall not engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus;
- (13) shall not without permission of a supervisor use property to conduct personal business or our personal affairs;
- (14) shall use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable policy, law and regulation;
- (15) shall not discriminate against any school employee, or any other person with whom we have any dealings or contact in the course of our official duties, on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;
- (16) shall not engage in any outside employment:
  - (a) the performance of which conflicts with our duties, such as where a licensed educator takes a private job that would require performance in the very school where he/she/they is employed;
  - (b) where we use confidential/privileged information obtained from our employment as part or all of our private employment duties; and
  - (c) that impairs our physical ability to perform our school duties;
- (17) shall not, with the intent to conceal/confuse a fact, change or alter any writing or encourage anyone else to change or alter any document:
  - (a) in connection with our official school duties;
  - (b) in connection with another licensed person's official school duties;
  - (c) in connection with any standardized or non-standardized testing;
  - (d) in connection with any school application or disclosure process; and
  - (e) in connection with any writing submitted to the public education department related to our initial or continued licensure, including endorsements;
- (18) shall not in connection with any state board-approved teacher test knowingly make any misrepresentations about one's identity, or engage in any false or deceptive acts of test-taking or test registering;
- (19) shall not engage in any conduct or make any statement:
  - (a) that would breach the security of any standardized or non-standardized tests;
  - (b) that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;
  - (c) that would give students an unfair advantage in taking a standardized or non-standardized test;
  - (d) that would give a particular school or a particular classroom an unfair advantage in taking a standardized or non-standardized test; and
  - (e) that would assist students in obtaining services or benefits for which they do not qualify or are not entitled;
- (20) shall not, when on school property or off campus while representing the school or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace;
- (21) shall not hold, or continue to hold, employment for which educator licensure or certification is required when the individual knew, should have known or is informed by the PED, that the individual does not hold the required credentials; and
- (22) shall not use school information technology equipment, hardware, software or internet access to view, download, display, store or print pornographic images or advertisements, nude images, or sexually explicit depictions or language;
- (23) shall not engage in unprofessional conduct, which conduct shall include but not be limited to the following:
  - (a) striking, assaulting or restraining a student for no valid reason;
  - (b) using any written or spoken words in or at school events that are inflammatory or derogatory or otherwise demonstrate a bias against a person or group, on the basis of their race, religion, culture, ethnicity, sexual preference, sexuality or physical disability;
  - (c) bringing firearms onto school property or possessing them on school property, except with proper authorization;
  - (d) possessing or consuming alcohol beverage at school
  - (e) possessing or using illegal drugs

- (f) being under the influence of alcohol or illegal drugs at school;
  - (g) actively obstructing an investigation into the possible unethical or illegal conduct of a school employee; and
  - (h) engaging in favoritism or preferential treatment toward any school employee or applicant in regards to that individual's hiring discipline, terms of employment, working conditions or work performance due to their individual's familial relationship with the licensee.
- (24) shall report any knowledge of inappropriate contact, as provided by Paragraph (7) of Subsection B of 6.60.9 NMAC with a student or other school employee to the local school authority within 30 days of obtaining such knowledge.

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

**6.60.9.10 FAILURE TO COMPLY WITH THIS CODE:** The PED finds that adherence to this code of ethical responsibility has a significant bearing on licensed personnel's competence, turpitude or the proper performance of their duties. It makes the same finding for any other person providing instructional or education-related services in a school who holds any license, certificate or written authority issued by the instructional or education-related services in a school who holds any license, certificate or written authority issued by the PED. Both the code of ethics and standards of professional conduct are intended to provide a valuable framework of personal ethics to assist educators and administrators in their interaction with colleagues, students and parents. However, the standards of professional conduct establish minimal standards of acceptable professional conduct with which all educators and administrators are required to comply. Therefore, the PED through the educator ethics bureau may revoke, suspend or take other appropriate action against any educator license of any person, or may deny applications for initial licensure or continuing licensure to any person, who is within the scope of this rule, and who after hearing, is found to have engaged in ethical misconduct, by failing to comply with one or more of the enumerated provisions of the standards of professional conduct set forth in 6.60.9.9 NMAC, above, exclusive of the preamble. All hearings and attendant notices shall be conducted and served pursuant to the Uniform Licensing Act 61-1-1 through 61-1-31, NMSA 1978 and either 6.68.2 NMAC or 6.68.3 NMAC. [6.60.9.10 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

Questions regarding ASE's expectations for employee conduct should be directed to the appropriate supervisor or Principal. Violations of laws, ethical codes, school policies or any other standards of employee conduct may lead to immediate disciplinary action, up to and including termination of employment.

All ASE employees should perform their duties in accordance with state and federal law, ASE policies and procedures, and ethical standards.

## Drug-Free Workplace

Employees who work while under the influence of alcohol or drugs present a safety hazard to themselves, their co-workers and students. In addition, employees who work under the influence of alcohol or drugs threaten ASE's reputation and integrity. ASE's policy is to create a drug-free workplace in accordance with the Drug Free Workplace Act of 1988. The unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in business off premises, such as at a parent's home, are strictly prohibited.

### Prohibition and Standards

1. General Prohibition. No employee or student will unlawfully possess, use, distribute, dispense, manufacture or be under the influence of alcohol or drugs while on ASE school grounds; at ASE sponsored or supervised activities (e.g., field trips); in any ASE owned, leased or used vehicle; while engaged in or going to or from ASE activities; or, while attending a school-related activity (e.g., workshop).

2. Definition of Drug. For purposes of this policy, the term "drug" will include any "illicit drug," "controlled substance," "intoxicating substance," "inhalant," "counterfeit substance," "look-alike substance," "marihuana," "cannabis," "opiate," "hallucinogen," "narcotic," or other unlawful drug for purposes of federal or state law including, but not necessarily limited to the Drug-Free Workplace Act, the Drug-Free Schools and Communities Act Amendments, the U.S. Controlled Substances Act and the New Mexico Controlled Substances Act, NMSA 1978 §§30- 31-1 et seq.

3. Exceptions. This policy is not intended to prevent possession of a controlled substance if it was obtained directly pursuant to a valid prescription or order, from a physician, dentist or other person duly licensed, registered, or

otherwise permitted under federal and state law to distribute or dispense the substance in the course of professional practice. If an employee is taking prescribed or over-the-counter medication that may affect work performance, this information should be immediately reported to the Principal or designee who will evaluate and address the situation on a case-by-case basis. The drugs, both prescription and over-the-counter, are limited to one day's supply, and must be kept in the original container. When appropriate, ASE may determine, by consulting a medical doctor, if the drug or inhalant produces hazardous effects that may impair an employee's ability to work safely. ASE may check with prescribing physicians to see if other medications are available which would not impair the employee's ability to work safely. The use or possession of medically-prescribed marijuana or similar substances, are not allowed in or at the workplace.

4. Conditions of employment. As a condition of employment, each employee will abide by the terms of this drug-free workplace policy. Every employee is required to notify the Principal of any criminal drug conviction or plea of no contest for a violation occurring in the workplace no later than five (5) days after such conviction.

5. Sanctions. Where an employee violates the terms of this policy or is convicted of violating a criminal drug statute for an offense occurring in the workplace, the employee will be subject to sanctions, consistent with law and policy, which may include either appropriate personnel action against the employee, up to and including discharge or termination; or, a requirement that such employee satisfactorily participate in a drug-abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health agency, law enforcement or another appropriate agency. The employee will be responsible for all uninsured costs associated with any such program.

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. Board policy establishes standards of conduct for ASE employees. (This notice complies with notice requirements imposed by the federal Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. 3224a and 34 CFR 86.201.)

## **Searches and Alcohol and Drug Testing**

Employees are hereby notified that they have no legitimate expectation of privacy in the workplace. Non-investigatory searches in the workplace, including accessing an employee's desk, file, cabinets, school-issued equipment and/or classroom or work area to obtain information needed for usual business purposes may occur when an employee is unavailable, and/or when administration has reasonable suspicion that a violation of law or policy has occurred or is occurring. Similarly, searches of an employee's personal items may be searched, if brought onto School premises, when administration has reasonable suspicion that a violation of law or policy has occurred or is occurring. Any search under this policy will be done in a manner protecting employee privacy, confidentiality, and personal dignity to the greatest extent possible. ASE will respond severely to any unauthorized release of information concerning individual employees. Investigatory searches may include drug and alcohol testing if the suspected violation relates to drug or alcohol use. As a general rule, with the exception of items relating to personal hygiene or health, no employee should ever bring anything to work or store anything at work that he/she/they would not be prepared to show and possibly turn over to ASE's officials and/or law enforcement authorities.

## **Possession of Dangerous Substances**

Employees will not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:

- Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana (including medically prescribed marijuana), any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, barbiturate or any "look-alike" substances.
- Alcohol or any alcoholic beverage.
- Any abuse-able glue, aerosol paint, or any other chemical substance for inhalation.
- Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.
- Equipment and paraphernalia related to illegal drug or substance use.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

## **Possession of Firearms and Weapons**

ASE prohibits all persons who enter School property from carrying a handgun, firearm, knives of any length, or other weapons regardless of whether the person is licensed to carry the weapon or not. The only exception to this policy

will be police officers, security guards or other persons who have been given written consent by ASE to carry a weapon on the property. Any employee violating this policy will be subject to disciplinary action. For the safety of all persons, employees who observe or suspect a violation of ASE's weapons policy should report it to their supervisors immediately. All staff must review and be familiar with our safety policies and procedures listed in the SCHOOL SAFETY PLAN.

## **Tobacco Use**

Smoking and the use of tobacco and tobacco-related products or 'lookalike' products (including e-cigarettes) by employees is prohibited on all ASE property, in ASE-owned vehicles, and while supervising students during school related events.

## **Theft**

Theft of property, whether from ASE or from a fellow employee; will not be tolerated. Employees must have a Principal's permission before removing any ASE-owned material, tools or other items, including damaged goods or scrap materials, from ASE's premises.

## **Video Surveillance**

There is no general or specific expectation of privacy in ASE's workplace, either on school premises, or while on duty. In general, employees should assume that what they do while on duty or on ASE's premises is not private. In order to promote the safety of ASE's employees, students, and visitors, as well as the security of its facilities, ASE may conduct video surveillance of any portion of its premises at any time. The only areas excepted from video surveillance are private areas of restrooms, showers, and dressing rooms.

## **Employee Acceptable Use of Computers**

All technology, software and access to the Internet provided by ASE is primarily intended for administrative and instructional purposes. Every user of ASE technology is responsible for respecting and protecting the rights of other users. Use of ASE's technology system is a privilege, not a right, and inappropriate use will result in cancellation of that privilege, disciplinary action (up to and including termination), and possible prosecution. All employees are expected to read, agree to and provide the "Employee Agreement Form for Technology Usage" form attached to employment papers. Limited personal use of the ASE technology system is permitted if the use:

1. Does not result in any direct cost paid with State funds, or if ASE is reimbursed immediately for any direct costs involved;
2. Does not relate to private commercial purposes; and
3. Involves only incidental amounts of employee time, comparable to reasonable coffee breaks during the day.

Some employees are given access to the Internet to assist them in the performance of their jobs. Employees may only access the Internet through ASE's approved Internet firewall. All ASE computer resources are school property, and any information located in or on computers and e-mail/voice mail systems is also school property and will be subject to inspection by ASE.

## **E-Mail and Voice Mail Systems**

All messages sent, received, composed and/or stored on these systems are the property of ASE. E-mail transmissions and other use of ASE's electronic communications systems are not confidential and can be monitored at any time to ensure appropriate use.

## **Confidentiality**

Employees will not use a password, access a file, or retrieve any stored information from ASE's server unless authorized to do so. Employees may not attempt to gain access to another employee's files/messages.

## **Privacy**

All files and messages on ASE computers are the property of ASE. They are not the property of any employee, even

if created by an employee. Anything created on the School's computers or using the School's Internet services may, and likely will be reviewed by others. If necessary, employees will take steps to help protect the security of documents. ASE has the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the Internet. Employees have no expectation of privacy in anything they create, store, send, or receive on their workplace computer, the ASE network, or School Internet resources.

## **Restrictions**

1. Employees are not allowed to use ASE computer resources for any reason other than as set forth in this Handbook, or as specifically allowed by the Principal.
2. Employees may not use e-mail or the Internet to send or receive materials, proprietary financial information, or other similar materials that violate copyright law.
3. The e-mail system may not be used to create or distribute any offensive or disruptive messages. Among those which are considered offensive are any messages that contain sexual implications, racial or gender specific slurs, or any other comment that offensively addresses an individual's age, sexual orientation, religious or political beliefs, national origin, disability, or anything that could be construed as harassment or disparaging of others.
4. Employees should refrain from sending non-business related emails to other ASE employees, or persons outside ASE.
5. ASE is responsible for maintaining records of software licensing agreements for the school. In order to ensure compliance with copyright laws and software licensing agreements, and help prevent computer viruses from being transmitted through the system, employees are not permitted to install or download any software or content, such as music, videos, or non-work related "zipped" files onto the ASE computer system without prior approval from the IT Manager.
6. Unauthorized duplication of software, often referred to as "piracy," is a federal crime. Employees are not permitted to make, acquire, or use unauthorized copies of computer software.

## **Employee Use of Social Media**

Although ASE encourages its employees to enjoy and make good use of their off-duty time, certain activities on the part of ASE employees may become a concern if they have the effect of impairing the work of any employee or student; harassing, demeaning, or creating a hostile working or learning environment; disrupting the smooth and orderly flow of work within the School; or harming the goodwill and reputation of the School among its employees, students, or the community at large.

In the area of social media (print, broadcast, digital, and online services such as Facebook, LinkedIn, MySpace, Plaxo, and Twitter, among others), employees may use such media in any way they choose so long as such use does not produce the adverse consequences noted above. The School has established the following guidelines for employee use of social media, both on and off duty:

1. If an employee publishes any personal information about the employee, another School employee, or the School in any public medium (print, broadcast, digital, or online) that:
  - a. Has the potential effect of involving the employee, their coworkers, students, or the School in any kind of dispute or conflict with other employees or third parties;
  - b. Interferes with the work of any employee or student;
  - c. Creates a harassing, demeaning, or hostile working or learning environment;
  - d. Disrupts the smooth and orderly flow of work within the office, or the educational process of the School;
  - e. Harms the goodwill and reputation of the School among its students or in the community at large; or
  - f. Tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the subject of the information, the employee(s) responsible for such problems will be subject to disciplinary action, up to and potentially including termination of employment, depending upon the severity and/or repeat nature of the offense.
2. No School employee may use School equipment or facilities for furtherance of non-work-related activities or relationships without the express advance permission of the Executive Director or Principal.
3. Employees who conduct themselves in such a way that their actions toward and relationships with each



other interfere with or damage work relationships, disrupt the flow of work or the School's mission, or cause unfavorable publicity in the community should be concerned that their conduct may be inconsistent with one or more of the above guidelines. In such a situation, the employees involved should request guidance from the supervisor, to discuss the possibility of a resolution that would avoid such problems. Depending upon the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.

4. Use of social media that involves any kind of criminal activity or harms the rights of others may result in criminal prosecution or civil liability to those harmed, or both.
5. Employees may not use the School's time, computers, network, or other equipment to set up, post on, or update social network page(s).
6. Employees shall not use or display the School's logo or other material copyrighted by the School without express written consent.
7. Employees who wish to set up a social media site for classroom use must first obtain the permission of the Principal. Reasonable restrictions shall apply, if allowed.
8. Employees remain subject to applicable state and federal laws, School regulations and policies, and the Code of Ethics and Standard Practices for New Mexico Educators, when using electronic media, regardless of whether the employee is using private or public equipment, on or off campus. The employee shall:
  - a. Maintain the confidentiality of student records and information;
  - b. Maintain the confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law;
  - c. Maintain the confidentiality of School records, including staff evaluations and private email addresses;
  - d. Respect copyright law; and
  - e. Refrain from harming others by knowingly making false statements about colleagues, students, or the School system.

## **Use of Electronic Media with Students**

A certified or licensed employee, or any other employee who is designated in writing by the Principal or designee, may communicate through electronic media with students who are currently enrolled in the School, but only relating to School business, and only pursuant to the following provisions. A certified or licensed employee means a person employed in a position requiring NM Licensure, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers. The employee must comply with the provisions outlined below. All other employees are prohibited from communicating with students who are enrolled in the School through electronic media.

An employee who uses electronic media to communicate with students shall observe the following:

1. Only a teacher, trainer, or other employee who has an extracurricular duty may use text messaging, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility.
2. The employee shall limit communications to matters within the scope of the employee's professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity).
3. The employee shall not communicate directly with any student between the hours of 10:00 p.m. and 6:00 a.m.
4. The employee remains subject to applicable state and federal laws, School regulations and policies, and the Code of Ethics and Standard Practices for New Mexico Educators, including:
  - a. Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records.
  - b. Copyright law.
5. The employee shall not solicit or engage in sexual conduct or a romantic relationship with a student.
6. Upon request from the School, the employee shall provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any currently enrolled student(s).

7. Upon written request from a parent or student, the employee shall discontinue communicating with the student through email, text messaging, instant messaging, or any other form of one-to-one communication.
8. Employees may not utilize the student's personal social media page or the employee's personal social page for school-related communications. ASE strongly discourages "friending" students or parents or allowing students access to your personal social media page(s). When students gain access into a teacher's network of friends, the student-teacher dynamic is altered and results in providing more personal information than should be shared in an educational setting. Maintaining a professional relationship with students is important in helping to avoid the appearance of relationships that could cause bias or favoritism in the classroom. In addition, legal liabilities may arise.
9. Remember that laws governing conduct and responsibilities of public employees, and rules of professional and ethical conduct applies to social media and electronic communications, regardless of where and when such communications take place.

For the protection of your professional reputation, the School recommends the following practices:

"Friends" and "Friending":

1. Do not accept students or parents as friends on personal social networking sites. Decline any student- or parent- initiated friend requests. Friend requests from former students who no longer attend the School or who have reached the age of 18 may be accepted.
2. Do not initiate online friendships with students.

If you wish to use networking protocols as part of the educational process, please work with School administrators and technology staff to identify and use a restricted, School-endorsed networking platform.

Content:

1. Your on-line behavior should reflect the highest professional standards of honesty, respect, and consideration that are used in face-to-face communications.
2. Do not post content that is defamatory or obscene. Exercise caution with regards to exaggeration, colorful language, obscenity, legal conclusions, and derogatory remarks or characterizations.
3. Be mindful of copyright protections, and avoid posting proprietary materials without proper authorization.
4. Do not discuss students or coworkers, or publicly criticize School policies or personnel.
5. Do not post images that include students.

Security:

1. Be cautious when installing external applications that work with the social networking site, e.g., calendar programs and games. These add-ons often pose security risks.
2. Run updated malware protection to avoid infections of spyware and adware that may be placed on your computer.
3. Visit your profile's security and privacy settings. At a minimum, educators are encouraged to have all privacy settings set to "only friends." "Friends of friends" and "Networks and Friends" open your content to a large group of unknown individuals, and may place your privacy at risk.

## **Telephone Usage at the School**

Professional staff members are expected to use reasonable judgment regarding the use of the school phone. When there is an emergency call for a teacher, the teacher will be called to the phone immediately; otherwise, the party will be requested to give a return number and advised that the teacher will return the call outside of assigned duty time. The school phone is for school use only; its use for personal business matters is discouraged.

If a personal long distance call must be made on a school phone, the staff member should charge the call to his/her/their home number. The Business Office will not honor calls unless authorized and approved by the Principal as school related business.

Utilization of cell phones and a regular phone for personal use must not occur during student instructional time and/or assigned duty time with students.

Sanctions for violations of this policy may include, but are not limited to, one or more of the following:

- Temporary or permanent revocation of access to some or all cellular or wireless telephone resources.
- Disciplinary action, up to and including termination.
- Legal action according to applicable laws and contractual agreements.

## **Conflicts of Interest**

No person shall sell or use student, faculty or staff lists with personal identifying information obtained from a local school for the purpose of marketing goods or services directly to students, faculty or staff or their families by means of telephone or mail. The provisions of this section shall not apply until the students, parent(s) have consented in writing or it is for a legitimate educational purpose as determined by PED regulations.

1. Employees of the school shall not directly or indirectly, sell or be a party to any transaction to sell or receive any commission or profit from any contract for sale of any instructional material, furniture, equipment, insurance, school supplies to ASE. This provision shall not apply in cases in which school employee contracts to perform special services with the school with which they are associated or employed during time periods wherein service is not required under a contract for instruction, administration or other employment.
2. No employee of the school shall solicit or sell or be the party to a transaction to solicit or sell insurance or investment securities to any employee of the school.
3. Violation of these conflict of interest provisions may constitute a fourth degree felony. In addition, the PED may suspend or revoke the licensure of a licensed school employee for acting in a manner that constitutes a conflict of interest.

## **Conflict of Interest/Non-School Related Activities**

Employees sponsoring non-school-related student travel or other activities in the summer or during vacation times will not take advantage of their access to students to advertise or promote student-focused activities. Employees may post information about these student opportunities on the ASE bulletin board and/or website, upon prior approval by the Principal.

## **Conflict of Interest/Outside Employment**

A regular, full-time employee's position in the ASE shall be given precedence over any type of outside work or self employment. Employees are free to carry on individual work or self-employment projects as long as no school facilities, equipment, or materials are used, except as specifically allowed by policy, and the outside work or self-employment does not interfere with or detract from the ability to function in his/her/their employment with ASE. Therefore, an employee may not perform any duties related to outside work or self-employment during regular school working hours or during the additional time that is needed to fulfill the responsibilities of the school position. Employees who violate this policy are subject to reprimand, suspension, or termination.

## **Conflict of Interest/Gift**

No employee of the School will accept gifts from any person, group, or entity doing or desiring to do business with the School. The acceptance of any business-related gratuity is specifically prohibited.

## **Public Appearances**

Staff members appearing before the public or professional groups may not speak for or on behalf of the school unless specifically authorized by the Principal or Governing Council to do so.

## **Parking**

You are required to use the parking areas designated for employees according to your assigned building. Do not park in Visitor or Handicapped parking. Remember to lock your car every day and park within the specified areas. Courtesy and common sense in parking will help eliminate accidents, personal injuries, and damage to your vehicle and to the vehicles of other employees. If you should damage another car while parking or leaving, immediately report the incident, along with the license numbers of both vehicles and any other pertinent information you may

have, to your supervisor. ASE is not responsible for any loss, theft or damage to your private vehicle or any personal property left in your vehicle.

## **Copyrighted Materials**

Employees are expected to comply with the provisions of copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data, web material, and programs, etc.). Federal copyright law protects “original works of authorship fixed in any tangible medium of expression...” The types of works that are protected include but are not limited to:

- Literary works;
- Musical works, including any lyrics;
- Dramatic works, including any musical accompaniment;
- Pantomimes and choreographic works;
- Motion pictures and other audiovisual works;
- Sound recording; and
- Architectural works.

If employees use a protected work in an inappropriate manner, the action constitutes an “infringement” of the [Copyright Act](#). Infringement is similar to theft, and there are both civil and criminal penalties for such action. Under what is called the Fair Use Doctrine, School employees may use portions of copyrighted works without the owner’s permission if the use “serves a public purpose.” Factors to be considered in determining fair use are found at <http://www.copyright.gov/fls/fl102.html>. Questions about use of copyrighted materials should be brought to the Principal’s attention before using copyright protected materials.

## **Non-Disclosure**

The protection of confidential business information and trade secrets is vital to the interests and the success of ASE. Such confidential information includes, but is not limited to, the following examples:

- Curriculum systems;
- Instructional programs;
- Curriculum solutions;
- Student course work;
- Compensation data;
- Computer processes;
- Computer programs and codes;
- New materials research;
- Pending projects and proposals;
- Proprietary production processes;
- Research and development strategies;
- Technological data; and
- Technological prototypes.

All employees may be required to sign a non-disclosure agreement as a condition of employment. An employee who improperly uses or discloses trade secrets or confidential business information belonging to ASE s will be subject to disciplinary action, up to and including termination of employment and legal action, even if the employee does not actually benefit from the disclosed information. This does not include any disclosure of otherwise confidential business information or trade secrets in accordance with the [New Mexico Inspection of Public Records Act](#) or other applicable federal or state law. If you receive a request for school-related records, immediately forward that request to the Principal for handling.

## **Use of Personal Vehicles**

ASE has a strict policy prohibiting any member of its staff from transporting a student in the employee’s personal automobile, except in potentially life threatening or other emergency situations.

Employees conducting ASE-related business in their personal vehicles must comply with all state laws related to vehicle insurance coverage requirements. If involved in an accident while on ASE -related business, personal vehicle insurance takes precedence. If applicable, Workers' Compensation Insurance covers only physical injuries to the employee.

### **Employees' Children**

ASE's campuses are intended to be safe and professional environments at all times. Therefore, while on any ASE property, children of ASE employees should abide by the same guidelines as other students before, during, and after normal hours of operation. Additionally, ASE employees are expected to monitor their children in such a way as to ensure minimal disruption to the work environment. Children who are not ASE students should not be brought onto campus during the school day when students are present.

### **Solicitation and Distribution**

Solicitation for any cause during working time and in working areas is not permitted unless prior approval is obtained in writing from the Principal. This includes selling and delivery of merchandise (e.g., Girl Scout cookies, Tupperware, or tickets to fundraising events) and/or the distribution of literature, petitions, etc. Soliciting may not interfere with the educational process or the work day. Persons not employed by the School are prohibited from soliciting or distributing literature on ASE property.

### **Associations and Political Activities**

ASE s will not directly or indirectly encourage or discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association. Employees may join or refuse to join any professional association or organization.

An individual's employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Use of School resources, including work time, for political activities, is prohibited.

## **GENERAL PROCEDURES**

### **Workplace Safety and Occupational Safety and Health Administration (OSHA) Compliance and General Employee Safety:**

ASE is committed to the safety and health of all employees and recognizes the need to comply with regulations governing injury and accident prevention and employee safety. Maintaining a safe work environment, however, requires the continuous cooperation of all employees. ASE will maintain safety and health practices consistent with the needs of our profession. If you are ever in doubt about how to safely perform a job, it is your responsibility to ask the Principal for assistance. Any suspected unsafe conditions and all injuries that occur on the job must be reported immediately. Compliance with these safety rules is considered a condition of employment. We strongly encourage employee participation and your input on health and safety matters.

### **SAFETY COMMON SENSE**

#### **Lifting**

Ask for assistance when lifting heavy objects or moving heavy furniture. Bend your knees, get a firm grip on the object, hold it close to your body and space your feet for good balance. Lift using your stronger leg muscles, not your weaker back muscles.

## **Materials Handling**

Do not throw objects. Always carry or pass them. Use flammable items, such as cleaning fluids, with caution. Also, stack materials only to safe heights.

## **Trash Disposal**

Keep sharp objects and dangerous substances out of the trash can. Items that require special handling should be disposed of in approved containers.

## **Cleaning Up**

To prevent slips and tripping, clean up spills and pick up debris immediately.

## **Preventing Falls**

Keep aisles, workplaces and stairways clean, clear and well lighted. Walk, don't run. Watch your step.

## **Handling Tools**

Exercise caution when handling objects and tools. Do not use broken, defective or greasy tools. Use tools for their intended purpose only. Wear safety glasses or goggles whenever using a power tool.

## **Falling Object**

Store objects and tools where they won't fall. Do not store heavy objects or glass on high shelves.

## **Work Areas**

Keep cabinet doors and file and desk drawers closed when not in use. Remove or pad torn, sharp corners and edges. Keep drawers closed. Open only one drawer at a time.

## **Using Ladders**

Place ladders securely. Do not stand on boxes, chairs or other devices not intended to be used as ladders.

## **Machines**

Do not clean machinery while it is running. Lock all disconnect switches while making repairs or cleaning.

## **Electrical Hazards**

Do not stand on a wet floor while using any electrical apparatus. Keep extension cords in good repair. Don't make unauthorized connections or repairs. Do not overload outlets.

## **Fire Prevention**

Know the location of the fire extinguisher(s) in your area and make sure they are kept clear at all times. Notify your supervisor if an extinguisher is used or if the seal is broken. Make sure all flammable liquids, such as alcohol, are stored in approved and appropriately labeled safety cans and are not exposed to any ignition source. Evacuation exits should be posted. Be familiar with fire drill procedures and plans for evacuating students.

## **Eye Protection**

Employees who are working with hazardous chemicals should check the MSDS for the proper personal protective equipment. Safety glasses and goggles should be worn when the possibility of a splash is present.

## **First Aid Treatment**

School Health Assistants can provide first aid during normal school hours. School Health Assistants are trained in Cardiopulmonary Resuscitation and the use of Automated External Defibrillators (CPR/AED). They can provide

assistance with minor everyday emergencies and how to initiate treatment for chemical contaminations of the skin and eyes or those that occur by ingestion. If the school Health Assistant is not available, the employee(s) should refer to the MSDS for specific first aid treatment or call Poison Control at 800-222-1222, or if it is life threatening, call 911.

## Foot Protection

No open-toed shoes will be allowed in the area where hazardous chemicals are stored or used.

## Gloves

Gloves must be worn when the potential for contact with toxic materials exists. Before gloves are used, they should be inspected for discoloration, punctures, and tears. Any gloves that show wear or defects should be disposed of and not used.

## Reporting Safety Issues

All accidents, injuries, potential safety hazards, safety suggestions and health and safety related issues must be reported immediately to the Principal or his/her/their designee. If you or another employee is injured, you should contact outside emergency response agencies, if needed. The Employee's Claim for Worker's Compensation Benefits Form must be completed for any instance of employee injury, even if no medical attention is sought at the time of injury. If you fail to report your injury timely, you may jeopardize your right to collect workers' compensation benefits.

## Labels

Effective hazard communication is essential in any safety program. Labels are the primary source of information concerning the hazards associated with chemicals used in the workplace. Employees will not be required to work with hazardous chemicals from unlabeled containers. Portable containers, of which the contents are known by the user, are exempt if the product will be used within a standard work shift. HAZCOM requires that all containers of hazardous chemicals entering the workplace be properly labeled. A label must show the identity of the hazardous chemical, the name and address of the manufacturers, and the appropriate warning such as toxic or corrosive. Warnings relate whether a chemical is a health or physical hazard, or both.

Physical hazards are flammable, corrosive or reactive; flammable chemicals can cause chemical burns; and reactive chemicals can cause explosions or release toxic fumes. Chemicals that are health hazards are toxic chemicals that are poisonous. Overexposure can cause acute or chronic health effects.

When a facility receives a new chemical product, a copy of the MSDS should be forwarded to the Principal or Operations Manager.

## Material Safety Data Sheets (MSDS)

The MSDS is written information that can help protect you from overexposure to chemicals in the workplace. The following steps are a general format for interpreting an MSDS.

1. **Chemical Name** – Identifies the name of the substance, what is on the label, the date the MSDS was prepared, and the name/address/phone number of an emergency contact with the manufacturer.
2. **Hazardous Ingredients** – Identifies the name of the substances in the chemical product that might be dangerous, and the safe exposure limits, such as the Permissible Exposure Limit (PEL) or the Threshold Limit Value (TLV). The common name(s) of the chemical product are also listed.
3. **Physical Characteristics** – Identifies the physical qualities of the chemical.
4. **Fire/Explosion Information** – Identifies the lowest temperatures in which the chemical could ignite. This is often called the flashpoint. It identifies if the chemical is flammable (catches fire at or below 100 degrees F) or if the chemical is combustible (catches fire above 100 degrees F).
5. **Reactivity** – Explains what happens when the chemical comes in contact with water, air, or other chemicals.
6. **Health Hazards** – Explains how chemicals may enter the body by ingestion, inhalation, and absorption. It will identify if the chemical will make a preexisting condition worse.

7. **Usage, Handling, and Storage** – Lists the proper way to clean up spills, leaks, or releases.

8. **Special Protection and Precautions** – Explains what personal protective equipment is recommended when using a particular chemical. Each workplace should have an MSDS master copy of the chemicals located at that workplace.

## **Personal Protective Equipment (PPE)**

ASE should provide PPE for all employees so they are able to work safely with chemicals. If a product or chemical MSDS recommends the use of PPE – such as gloves, safety glasses, or face shield – the employee should follow the PPE recommendation. If an employee feels that they do not have the proper equipment necessary, the employee should contact their Principal immediately to obtain the proper equipment.

## **HIPAA**

The [Health Insurance Portability and Accountability Act](#) of 1996 (HIPAA) established rules for protecting individual Personal Health Information (PHI). HIPAA provides individuals certain rights regarding their PHI, and requires employers and other individuals to adhere to restrictions on how PHI is disclosed. Every employee should respect the rights of others and only disclose PHI about themselves and others to those with a need to know. Disclosure of PHI without the written approval of the individual is a violation of federal law. ASE complies with HIPAA requirements at all times.

## **FERPA**

The [Federal Educational Rights and Privacy Act](#) (FERPA) is the federal law that sets forth basic privacy requirements for personally identifiable information contained in educational records maintained by schools. Employees with access to student information and/or performance data will consistently and uniformly maintain the privacy and confidentiality of this information in accordance with FERPA. All requests for student or school records should be immediately directed to the Principal or Assistant Principals.

## **Purchasing and Reimbursements**

### **Purchasing Procedures**

All purchase requests must be submitted to the Operations Manager on an official order (PO) form with the appropriate approval signatures. No purchases, charges, or commitments to buy goods or services on behalf of ASE can be made without a PO number. ASE will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the ASE Business Office. Contact the Operations Manager for additional information on purchasing procedures.

### **Reimbursement for Travel and Travel Expenses**

Albuquerque School of Excellence will honor reimbursement requests only for preapproved, school-business related travel and travel-related expenses, in accordance with the New Mexico Per Diem and Mileage Act and in accordance with Internal Revenue Service regulations. The expenditure must receive prior approval from the Assistant Principal/Principal and have been requested according to established procedures. All requests of this nature must have original receipts attached. Before any travel expenses are incurred by an employee, the employee's supervisor must give approval. Employees must submit original receipts to be reimbursed for expenses other than mileage.

### **Key/ID Card Security**

Key/ID Card security is important because of the nature and value of property on each campus. Each employee is responsible for keys and ID cards issued and losses **MUST BE REPORTED IMMEDIATELY**. Keys may not be loaned or duplicated without approval from the Principal. ID Cards are \$5 to replace. Employees are required to take all reasonable precautions with the keys/ID cards issued, and all keys/ID Cards must be accounted for at all times.

### **Personal Property**

ASE recognizes that employees may desire to display mementos pertaining to their families or bring other personal items to work. ASE takes no responsibility for the safekeeping of these items and will not be responsible for the loss,



damage to, or destruction of personal property brought onto campus. However, should any such personal property be stolen, employees should report the incident to the Assistant Principal. The following guidelines should be observed:

- Safety comes first. No object can interfere with job safety as determined by the Administration
- Nothing can be displayed that is derogatory (in the opinion of the Administration to any person or system of beliefs, or that is considered offensive under the reasonable person standard).
- Objects that are inappropriate (in the opinion of the Administration, that are inflammatory, or that hinder work efforts or interfere with the educational process) will not be allowed and must be removed upon request.

### **Visitors in the Workplace**

ASE requires all visitors who enter upon its premises to report to the main office to display his/her/their driver's license or other form of photo identification. This applies to family members of employees, friends, parents, social service workers, invited speakers, maintenance and repair persons not employed by ASE, vendors, representatives of news media, former students, and any other visitors.

ASE may establish an electronic database for the purpose of storing information concerning campus visitors. Such databases may only be used for purposes of ASE's security, and may not be sold or otherwise disseminated to a third party for any purpose. ASE may also verify whether any visitor to a campus is a sex offender, registered with the computerized central database maintained by the Department of Public Safety, or any other database accessible by ASE.

Personal visitors, except on school business, are discouraged during duty time. It is the immediate supervisor's responsibility to ensure that no disruption of duties is taking place. Employees shall ensure that appropriate child care arrangements are made for periods of duty. Employees will not bring their children to their duty location.

### **Bad Weather Closings or Delays**

ASE may close because of bad weather or emergency conditions. When such conditions exist, the Executive Director and Principal will make the official decision concerning the closing of ASE and any resulting make-up days. Staff will be notified by email, School Messenger (text), and local television stations of school delays and closures.

### **Emergencies**

All employees should be familiar with the evacuation diagrams posted in their work areas. Fire, tornado, and other emergency drills will be conducted to familiarize employees and students with evacuation procedures. Fire extinguishers are located throughout all campus buildings. Employees should know the location of the extinguishers nearest their place of work and how to use them.

## **STUDENT WELFARE**

### **Protection for Reporting Child Abuse and/or Neglect**

All employees are required by state law to immediately report any suspected child abuse or neglect to a local law enforcement agency or to the New Mexico Children, Youth and Families Department. Reports to the New Mexico Children, Youth and Families Department may be made to a local office (505-841-6100) or to the New Mexico Abuse Hotline (1- 800 797-3260). Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent.

Please note: Any person who violates the provision of reporting a suspected child abuse or neglect is guilty of a misdemeanor under the law (NMSA 1978 32A-4-3).

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the Administration and counseling staff. Employees are not required to report their concern to the Administration before making a report to the appropriate agencies. In addition, employees must cooperate with child abuse and

neglect investigators. Reporting the concern to the Administration does not relieve the employee of the requirement to report to the appropriate state agency. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the investigator is prohibited.

## **General Student Issues**

### **Equal Educational Opportunities**

ASE does not discriminate on the basis of race, color, religion, sex, national origin, gender, gender identification, or disability in providing education services, activities, and programs, including vocational programs, in accordance with [Title VI of the Civil Rights Act of 1964](#), as amended; [Title IX of the Educational Amendments of 1972](#); and [Section 504 of the Rehabilitation Act of 1973](#), as amended. In accordance with state charter school law and regulations, ASE also does not discriminate against students based on academic, artistic or athletic ability or the school a student would otherwise attend.

Questions or concerns about discrimination of students based on any of the reasons listed above should be directed to the Principal or designee.

### **Lesson Plans**

Lesson plans are the most basic teaching tool, and are valuable because they tell where students are going academically, how they will get there, and when they will arrive.

All teachers are expected to submit weekly lesson plans to the Assistant Principal by 11:59pm Sunday. Lesson plans will be made available to the teacher's supervisor upon request. The weekly lesson plans will include a written outline of what will be taught during each class period, including concepts and objectives, time blocks, and the instructional materials needed.

Teachers are also expected to submit substitute lesson plans that are carefully planned and detailed in an easily accessible place.

Teachers should follow the lesson plan submission format requested by their Assistant Principal:

### **Parent and Student Complaints**

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the board has adopted orderly processes for handling complaints on different issues. Administration can provide parents and students with information on filing a complaint.

Parents are encouraged to discuss problems or complaints with the teacher or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved to their satisfaction should be directed to the Assistant Principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management; if they are dissatisfied with an Assistant Principal's response, they may speak with the Principal. The parent/student grievance policy is contained in the ASE Student Handbook, and students/parents with complaints should be referred to that policy and process.

### **Student Health Services**

ASE's school health services supplement the efforts of parents and personal health care providers to promote, improve, and maintain student health and well-being. These school health services are not intended to replace outside health care and should not be viewed as an alternative to seeking medical attention outside of the school.

Teachers should be alert for signs of illness in their students and immediately report such signs to the school Health Assistant.

The following procedure should be followed in case of serious accidents, injuries, or sudden illness:

- Administer first aid, if necessary and appropriate.
- Notify the student's parents.
- Contact the school Health Assistant or the student's family doctor if the student's parents or emergency contacts cannot be located.
- If necessary, call an ambulance.
- Complete an incident form, and return the completed form to the student file.

## **Student Conduct and Discipline**

Students are expected to follow classroom rules, campus rules, and the rules contained in the Student Code of Conduct and Student Handbook. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management procedures adopted by ASE. Non-instructional employees with concerns about student behavior should contact the student's classroom teacher or the Dean of Students & Culture.

Staff members must file a written incident report on serious infractions with the Dean of Students & Culture. The Dean will send a copy of this report to the student's parents within 24 hours. Concerns about a student's mental health or irrational behavior may be referred directly to the Counseling staff.

Discipline should be handled by professional staff members. The staff member should confer with the student, Dean, and parents in unusual circumstances. Cooperation and understanding between parents and the school can often eliminate problems.

## **Student Attendance**

Teachers and staff should be familiar with ASE's policies and procedures for attendance accounting. New Mexico "Attendance for Success Act" requires that each school district and charter schools shall maintain class attendance records by class period for every instructional day for each student in each school or school program in the school district or charter school in a manner verifiable by the public education department. Therefore ASE, under NM law, is required to record class attendance every school day. Attendance must be taken each class time by teachers. Contact the Dean and/or consult the Student Handbook for additional information.

## **Disciplinary Actions Toward Students**

Classroom teachers will develop expectations for behavior for the students whom they supervise. These expectations will be within the guidelines established by each site and by the school. Teachers and other instructional staff will use appropriate instructional strategies and interventions to assist students in meeting these expectations.

Students who do not meet these expectations should be subject to disciplinary actions and/or referrals that are developed at each site and meet ASE guidelines as well as state and federal laws and regulations. The use of corporal punishment in any form is prohibited. This includes prohibiting the direction or suggestion of physical mistreatment of a student by another student. Consult the Student Handbook.

## **Corporal Punishment**

**Corporal punishment of students is prohibited. Corporal punishment is defined as:**

- Spanking, paddling, striking, squeezing, or pinching any part of the body or forcefully grabbing the body or clothing of a student, or pushing a student
- Requiring a student to assume uncomfortable positions (e.g. hands over head, holding books, etc.);
- Restraining or restricting physical movement through binding or tying;
- Enclosing a student in a confined space such as a closet, locker, or similar cubical; and
- Using exercise as punishment (e.g. pushups, laps); exceptions for PE and Athletics where activity is appropriate to the physical and emotional condition of each student.

## Corporal Punishment Penalty for Violations

Employees found in violation of the policy shall be subject to discipline, which may include suspension, termination, or discharge. Instances of physical mistreatment will be referred to law enforcement or child protective agencies as required by law.

## Grades

Assistant Principals are expected to oversee the teachers grading process. Grades should be aligned with the Common Core State Standards and short cycle assessment results. They should be appropriately entered into an online database. Teachers must follow the state-mandated MLSS interventions and /or the SAT process when a student is in danger of failing a class. Parents should be notified by the teacher if their student is failing a class at the mid-point of each quarter.

Teachers are required to enter grades in the PowerSchool Database every week. The number of grades required depends on the subject. Elective classes and Elementary Social Studies are required to have a minimum 1 (one grade) entered weekly. ELA, Math and Elementary Science are required to have a minimum of 3 (three) grades entered weekly. Science and Secondary Social Studies are required to have a minimum of 2 (two) grades entered per week.

## Grade Change Policy

**Teachers must diligently maintain records that justify the final course grade awarded a student. Assuming due diligence on the part of the teacher, and that no mistake or clerical error has been made in the tabulation of grades, every student is ultimately responsible for the grade that he/she/they is awarded.**

1. Changes to a test grade or a class assignment grade: Once issued by the teacher, changes to a test grade or a class assignment may occur only where there has been a clear mistake, clerical error or misidentification of the student by the teacher. The teacher who issued the test or assignment grade may change or direct the changing of the grade due to a clear mistake, clerical error, or misidentification. Requests for grade changes on tests or class assignments shall be handled between the student and the teacher, with the teacher being the final determinant of the decision. The teacher shall document the justification for the test grade or class assignment grade change. Nothing in this policy is intended to apply to grade changes for statewide tests used to determine adequate yearly progress or graduation from high school. If there is a need to change a grade or result on such state-mandated testing due to a clearly clerical mistake where a student has been misidentified, the Testing Coordinator shall promptly notify the assessment and accountability division of the Public Education Department for guidance.
2. Changes to course grades: Changes to course grades may be made by a teacher where there has been a clear mistake or clerical error in the tabulation or misidentification of the student. Such course grade changes must be brought to the attention of, and approved by, the Assistant Principal, upon authorization and proper documentation by the teacher.

A student of legal age or parent/guardian who requests a course grade change shall utilize the following procedure:

1. The student/parent must complete and submit to the Assistant Principal a written Grade Change Request stating reasons for the course grade change request, within **five (5) days** of receipt of the course grade.
2. Upon request, the student/parent will be permitted to review any available records and documents belonging to the student related to the determination of how the grade was awarded.
3. The Assistant Principal will consult with the teacher to determine if there has been any clear mistake or clerical error, or if there has been any misidentification of the student.
4. In further consultation with the teacher, the Assistant Principal will determine if a change in final course grade is merited for any other justifiable reason, such as extenuating circumstances articulated and demonstrated by the student/parent, additional graded work submitted by the student, additional or make up testing, or other meaningful criteria that can be verified.
5. The teacher who issued the course grade shall provide to the Assistant Principal his/her reasons to support or oppose the requested grade change and shall not be pressured into or retaliated against for making a certain recommendation.
6. As part of fact-finding, the Assistant Principal will meet with the student/parent and the teacher, together

or separately, to determine the validity of the student's/parent's request.

7. A written response which includes the Assistant Principal's findings and decision will be provided to the student/parent within five (5) days of the meeting. The response shall include whether the request is denied or allowed and the grade entered if allowed. If a grade change is allowed, the Assistant Principal's response shall articulate the reasons and basis for the grade change.
8. The Principal will be the final determinant of the decision.
9. If the Principal decides that a grade change is merited, in addition to the student or parent, the Principal shall comply with any NMPED notification requirements.
10. If the Principal decides that a course grade change is merited for a particular student, the grade change must be equally available and applied to all students who are similarly situated.
11. The written Grade Change Request and a copy of the Principal's decision shall be placed in the student's permanent cumulative record file. The student/parent may request of the Principal that the documents be removed and destroyed upon the student transferring or graduating from the school. The Principal has full discretion in complying with the student's/parent's request.

Due to the urgent nature of determining whether a grade change is merited, the timelines established herein shall be considered maximums.

ASE shall strictly adhere to FERPA in administering this Grade Change Policy. Under no circumstances will the identity of the student involved in the grade change request be made known publicly, and confidentiality involving the request and the identity of the student will be maintained among those personnel involved in addressing and processing the grade change request. Additionally, the identity of any other students whose grades may be used for comparison purposes shall not be disclosed publicly, or to the student/parent making the grade change request. Adherence to FERPA requirements and regulations regarding student records and information shall be required of all school personnel.

This Grade Change Policy in no way limits or eliminates 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.

## **MLSS and SAT**

Principals and Assistant Principals are expected to participate in the MLSS intervention process and the SAT process so that they are aware of the specific interventions that teachers should be implementing. Participating in the MLSS intervention process and the SAT process may also provide an opportunity to identify excellent teachers as well as teachers in need of improvement and support. Principals and Assistant Principals should oversee this process for accountability purposes.

## EMPLOYEE ACKNOWLEDGEMENT

I have received a copy of and have read the foregoing ALBUQUERQUE SCHOOL OF EXCELLENCE Employee Handbook and am familiar with its terms. I understand that it is not a binding contract, but rather is a source of information and a set of guidelines for implementation of personnel policies. I understand that ALBUQUERQUE SCHOOL OF EXCELLENCE can unilaterally rescind, modify, or make exceptions to any of these policies, or adopt new policies, at any time.

I expressly authorize the School to withhold funds from my final paycheck upon my resignation or dismissal for debts owed and unpaid to the School and any School equipment I lose or fail to return undamaged.

I understand and acknowledge that all property purchased with public funds, including, but not limited to, computers, telephone systems, furniture, and lockers, are public property held in trust by the School for the benefit of students and that I shall not have any expectation of privacy in my use of such property including, but not limited to, email communications and telephone messages.

I have been given the opportunity to ask any questions I have regarding the information in this Handbook.

EMPLOYEE'S SIGNATURE

PRINTED NAME

DATE:

Please sign this page and return it to the Human Resources Coordinator immediately. A copy of this acknowledgement will be retained in your personnel file.

# **ALBUQUERQUE SCHOOL OF EXCELLENCE**

## **EMPLOYEE AGREEMENT FORM**

### **FOR TECHNOLOGY USAGE**

By signing below, I acknowledge my receipt of the following policies:

- ASE's Acceptable Use of Computer policy;
- ASE's Telephone Usage at School policy;
- ASE's Use of Social Media policy; and
- ASE's Email and Voicemail System policy.

I acknowledge that I have read and understand these policies. I further acknowledge that the use of any part of ASE's electronic communications systems is a privilege and not a right. I understand that any electronic communication devices provided to me by ASE are not private property. I hereby agree to follow the standards set by ASE for the use of ASE's electronic communications systems, and acknowledge that violations of these standards may lead to disciplinary action up to and including termination.

Electronic mail transmissions and other uses of the ASE electronic communications system are not private, and may be monitored at any time by Internet service providers, operators of system file servers, and designated ASE staff to ensure appropriate use. I understand that my School computer is not private and that ASE, Internet service providers, and system file server operators will monitor my activity on the computer system. I understand that I am allowed to use the Internet for educational purposes during school hours. However, proper ethics shall be applied at all times.

In consideration for the privilege of using ASE's electronic communication system(s), I hereby release ASE, its operators, and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my use of, or inability to use, the system.

EMPLOYEE'S SIGNATURE

PRINTED NAME

DATE:

Please sign this page and return it to the Human Resources Manager immediately. A copy of this acknowledgement will be retained in your personnel file.