



Digital Arts & Technology Academy

GOVERNING BOARD MANUAL

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Section A: Foundations and Basic Commitments

A.01 Mission and Vision Statements

The mission of the Digital Arts & Technology Academy (DATA) is to provide a dynamic learning environment through the use of innovative direct instruction, online learning opportunities, authentic project-based opportunities, and dual credit options.

The vision of DATA is to create a culturally relevant 6-12 school that is committed to developing insightful, strong, empathetic, adaptive, creative citizens who will thrive in and transform our great state. New Mexico becomes our classroom, the place where our students synthesize academic content and 21st century skills. DATA has a deep commitment to equity; we welcome all students and provide our students with the tools they need to be successful in an ever-changing world.

Through a long-term commitment to this mission and vision, we are known as a school that can offer quality alternative learning opportunities for all students. Students, parents and the community view the school as offering challenging and creative learning environments for students.

A.02 Non-Discrimination

The Digital Arts & Technology Academy affirms its commitment to non-discrimination regarding students, parents, employees, and community members. This includes compliance with Section 504 of the Rehabilitation Act of 1973, the New Mexico Human Rights Act (NMHRA), the Americans with Disabilities Act (ADA) and other laws regarding non-discrimination.

The Digital Arts & Technology Academy also affirms its commitment to the rights of students, parents, and employees with regard to privacy where it is protected by law.

This commitment shall be implemented by the Administration through the adoption of appropriate procedural directives.

A.03 Tobacco Free School

Use of tobacco by any persons on school grounds is prohibited.

Section B: Governance and Operations

B.01 Board Powers and Responsibilities

The Governing Board of the Digital Arts & Technology Academy retains and reserves unto itself all powers and duties conferred upon and vested in it by New Mexico State Statutes (including those prescribed in Section 22-5-4). The primary powers and duties of the Board

are to set school policy, review and approve the budget, ensure that district funds are appropriately managed and disbursed, hire/evaluate the Director, be responsible for the property belonging to the school, serve as the final authority for the management and success of the school, and ensure that Public Education Department requirements are met. The Board is subject to New Mexico Public Education Department regulations and state/federal statute.

B.02 Board Member Authority

Board members will have authority only when acting as a Board in regular or special session. The Board will not be bound in any way by any statement or action on the part of any individual Board member. No Board member will speak for or represent the entire Board unless so authorized by a majority of the Board.

B.03 Suspending or Revoking Policies and Directives

Any policies of the Governing Board not specifically prescribed by statute may be suspended or revoked by a majority vote of the Board.

The Director or Principal of the school may, in the case of emergency, suspend any parts of policies and directives as they pertain to the administration of the school, provided that the Director reports the facts and reasons for such suspension to the Board and provided that the suspension shall expire at the time of said report unless continued in effect by the Board.

B.04 Board Membership

The Board shall consist of a minimum of five (5) members.

Board President

1. Is a member of the Governing Board.
2. Works in close collaboration with the Director in achieving the school's mission.
3. Provides leadership to the Board.
4. Chairs meetings of the Governing Board after developing the agenda with the Director.
5. Encourages the Board's role in strategic planning.
6. Helps guide and mediate Board actions with respect to the school's priorities and governance concerns.
7. Reviews with the Director any issues of concern to the Board.
8. Monitors financial planning and financial reports.
9. Leads the formal evaluation of the Director
10. Participates annually in the PED required board training.
11. Performs other responsibilities as assigned by the Board.
12. Serves as the school's ambassador to the community.

Board Member

1. Is an active participant in the Governing Board.
2. Regularly attends board meetings and important school-related meetings.
3. Monitors financial planning and financial reports.
4. Volunteers and willingly accepts assignments and completes them on time.
5. Prepares well for meetings, reviews and comments on minutes and committee reports.
6. Gets to know other members and builds a collegial working relationship that contributes to consensus.
7. Participates in the formal evaluation of the Director.
8. Participates annually in the required PED board training.
9. Performs other responsibilities as assigned by the Board President.
10. Serves as the school's ambassador to the community.
11. Serves a minimum of 3 years.

B.05 Board Vacancies

A vacancy on the Board caused by resignation, death, refusal to serve, incapacity, removal from the Board for cause, or the expiration of a term shall be filled using the following procedures:

1. If by resignation, member will submit a letter to the Board President with a minimum of 60 days notice, if possible. If the President is resigning, letter will be submitted to the Secretary.
2. Any member of the school, community, or existing Board may nominate a person to fill the position by writing a letter or email of support to the Director of the school; and/or the Director can advertise the position for the members of the public to apply.
3. The Director shall review all submissions, screen qualified nominees, and present potential members for Board review.
4. The nominee shall be approved by a majority vote of the Board members present.

B.06 Board Selection of the Director

Upon notification from the Director of the intent to vacate the position, the Governing Board of the Digital Arts & Technology Academy will advertise the Director position in various media venues. Advertisement will continue for a minimum of 30 days, unless circumstances require more immediate action.

The partial list of selection criteria for the vacancy of Director are as follows:

1. Advanced degree in education.
2. Successful prior senior administrative experience in charter or public school.
3. A demonstrated understanding of progressive charter school education through his/her own experience as a teacher and/or administrator.

4. A belief in charter school philosophy and core values, and the ability to effectively and compellingly communicate the school's mission both internally and externally.
5. Demonstrated leadership of a successful marketing and enrollment campaign.
6. The ability to inspire, develop and retain an outstanding teaching and administrative staff.
7. Demonstrated success with budget management and oversight.
8. Excellent communication and interpersonal skills.

Should there be circumstances that prevent the Director from performing required duties, the Board may appoint an interim Director.

B.07 Board Member Conflict of Interest

A Board member cannot use information obtained as a member for personal gain, but must act in the best interest of the school. Board members will make known their connections with suppliers or groups doing business with the school. In compliance with state regulations, Board members will complete and submit conflict of interest forms annually.

Board members are not permitted to act in any way that is inconsistent with the school's vision and mission. Any member of the Board with an actual or potential conflict of interest shall not be involved in decision-making affecting such issues.

B.08 Board Officers and Committees

The Board officers will be the President and the Secretary; and in compliance with state law, the two standing committees will be the Finance and Audit Committees. Committee assignments will be determined by action of the entire Board, and any Board member may attend any committee meeting. Terms for Board Officers and Committee Members will be a minimum of two years.

The purpose of the committees is to ensure that the school's public accountability is maintained; and their function will be fact-finding, deliberative, and advisory, rather than legislative or administrative. Both of these committees meet at times required by their function and are subject to the provisions of the Open Meetings Act, if a quorum is present. Officer/committee recommendations will be made by the Administration to the whole Board, which alone may take action, at the May or June meeting.

B.09 Board Meetings

Regular meetings of the Board will be held at a time and place designated by the Board. A special meeting may be called by the Board President or by a quorum of Board members. The date of a regular or special meeting may be changed by action of the Board as provided by law, provided that every member and the public are notified.

Annually, the Board will approve a resolution that defines reasonable notice for public meetings and demonstrates compliance with the Open Meetings Act.

A quorum is defined as a majority of the Board members present at the start of a meeting. A member of the board may participate in a Board meeting by means of a conference telephone or other electronic means when it is otherwise difficult or impossible for the member to attend the meeting in person.

B.10 Board Meeting Agenda

The Governing Board agenda is set by the Board President and the Director. The Board reserves the right to delete items at the meeting that are from persons other than Board members. A written request that an item be included on the Board agenda must be filed in the office of the Director or Human Resources at least seven (7) calendar days prior to the publication of the agenda. Such requests must include all items and materials the person anticipates presenting.

B.11 Addressing the Board

Any person may formally address the Board during the “public forum” portion of a regularly scheduled Board meeting, provided that “public forum” is included on the Board agenda and a brief form from Human Resources is completed and submitted at least 1 day prior to the meeting, if possible. Public forum presentations are limited to three minutes per person. The Board President reserves the right to amend the public forum period. Public comments shall not be personal attacks against students, parents, staff, administration, or Board members.

B.12 Board Minutes

A record of all actions of the Governing Board will be set forth in the official minutes of the Board. The minutes shall be kept on file at the school. The most recent, approved meeting minutes will also be made available to the public on the school’s web site, along with who to contact if someone would like to see minutes from meetings prior to what is listed.

B.13 Parliamentary Authority

Roberts’ Rules of Order will govern Board meetings, except where state regulations prevail. Although most items are handled by appropriate motion procedures, consensus action is also used. Actual procedures will be left to the discretion of the Board President or Committee chairs.

B.14 Complaint / Grievance Procedure

The Governing Board treats concerns with respect and works to develop solutions. Any student, parent/guardian, or employee who believes they have been aggrieved by a member of the school’s staff or community should address their concerns with the Director. If the issue cannot be resolved at this level and the aggrieved party wants to pursue the matter

further, they may file a written complaint with the Governing Board within 14 calendar days after the discussion with the Director. If the concern is about the Director, the aggrieved party can file the written complaint with the Principal or the Board by contacting Human Resources. Written complaints shall be addressed to the Board President and include the name and contact information of the aggrieved party, the nature of the concern and when it happened, and notes on any supporting evidence.

Upon receipt of the complaint, the Board President will ensure that the alleged incident is investigated. The Board President may choose to conduct a closed hearing at a subsequent, regularly scheduled Board meeting. At this hearing, the grievant shall have the opportunity to present their case and the school shall present its' rationale for the decision. The Board, in closed session, shall then rule to either uphold the Administration's decision or remand the decision back to the Administration for reconsideration. All decisions of the Board are final. If the situation involves a clear, legal matter, the grievant may contact the school's authorizer or the local court.

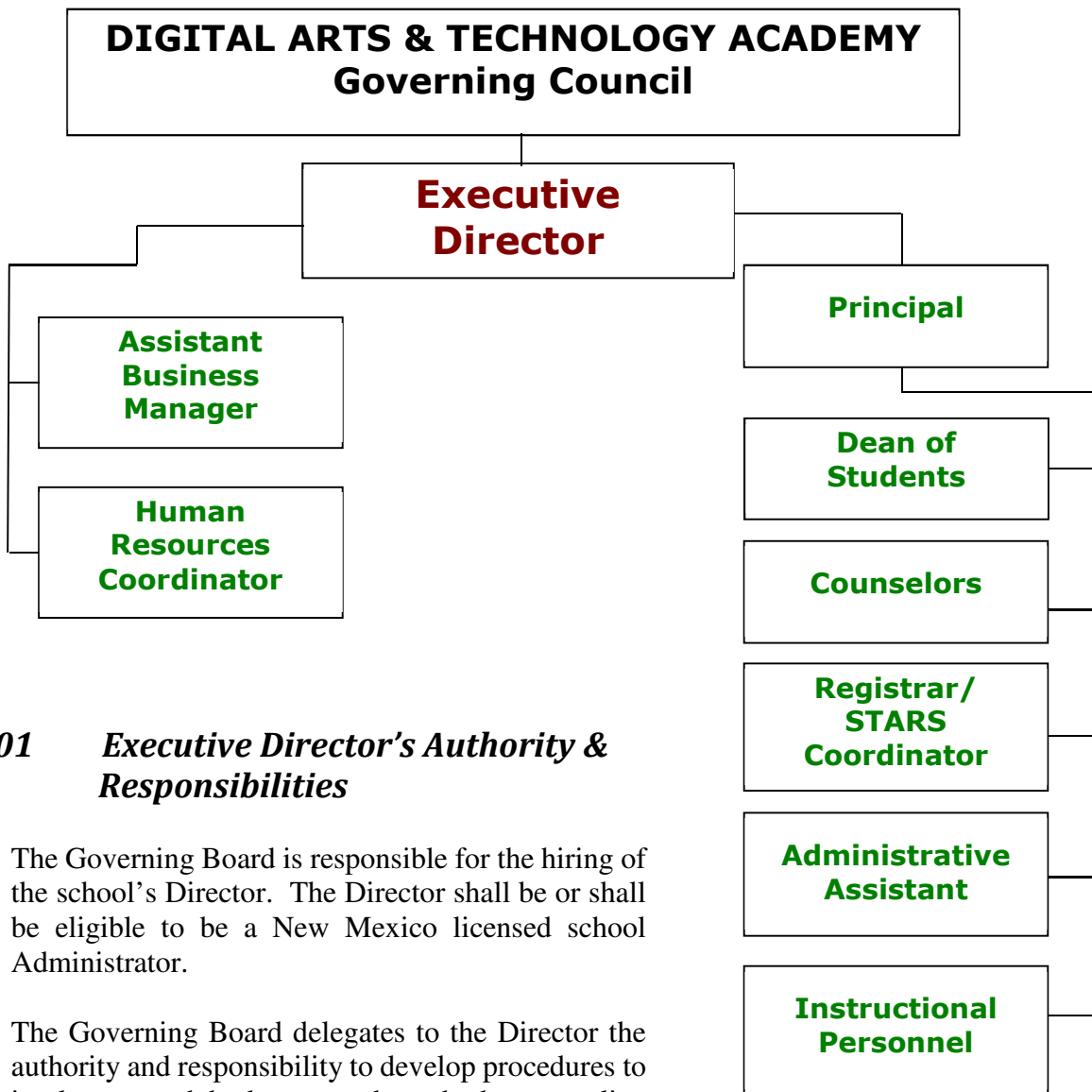
B.15 Policy Adoption

Adoption of new policies, the revision or repeal of existing policies, or the delegation of policy making appropriate for the school and its requirements to the Director is the responsibility of the Board. Staff members, students, civic groups, or individual citizens may request that the Director or the Principal propose a policy, provided the request is submitted according to the instructions in the Board Agenda section above.

B.16 Documents Accepted As Policy

The Board hereby adopts and makes part of this policy manual the following documents: the Curriculum and Standards Alignment, the current school improvement plan; the CNM, UNM, and New Mexico Tech Dual Credit Agreements; the Parent and Community Plan; the Safe School Plan; the Wellness Plan; the Student and Parent Handbook, the Acceptable Use Policy, and the Student Code of Conduct; Accounting Policies and Procedures; the Mentorship Plan; the Educational Technology Plan; the Special Education Manual and the Student Intervention Plan; and the Employee Handbook.

Section C: General School Administration



C.01 Executive Director's Authority & Responsibilities

The Governing Board is responsible for the hiring of the school's Director. The Director shall be or shall be eligible to be a New Mexico licensed school Administrator.

The Governing Board delegates to the Director the authority and responsibility to develop procedures to implement each budgetary and non-budgetary policy of the Board.

The Board delegates to the Director the authority and responsibility to employ appropriate personnel, according to New Mexico State Statutes. The Director of the school makes all decisions related to the employment and/or discharge of all employees of the school as per section 22-5-6 NMSA and section 22-8B-10 of the Charter Schools Act.

C.02 Executive Director Job Description

Develop and implement a mission-driven, equitable, and transparent process for the allocation of core organizational resources within the school - human, financial, and physical - and decisions about their allocation.

1. Prepare the annual budget and present to the Board for its review and eventual approval.
2. Manage accounting and auditing functions, ensuring proper financial management to meet the annual goals outlined in the Board-approved budget.
3. Work in collaboration with the Principal to ensure that:
 - the educational program adheres to the charter
 - adequate and appropriate assessment systems are in place to evaluate the success of the program and to use data to drive instructional improvement
4. Enhance the school's credibility with parents, students, and the broader community by leading the school with professionalism, integrity and enthusiasm.
5. Develop job descriptions for faculty and staff that reflect the most efficient use of resources.
6. Ensure all school staff are evaluated annually.
7. Work closely with the President of the Governing Board to meet the school's mission.
8. Fulfill other duties as needed for the effective day-to-day operation of the school.

C.03 Administrative Evaluations

An effective working relationship between the Governing Board, the Director and the Administrative Team is essential to the successful operation of the school. The development and maintenance of such relationship will be assisted by annual performance reviews.

As required under NMSA 22-10A-11(G) the Board has the Director evaluate members of the Administrative team in compliance and in accordance with the New Mexico Highly Objective Statewide Standard of Evaluation for Principals and Assistant Principals (HOUSSE). The Board shall annually evaluate the job performance of the Director during a closed meeting of the Board. The Board may evaluate the Director on the achievement of school goals, student learning, parent satisfaction, and the financial well-being of the school.

All members of the school's administration shall conduct themselves in an ethical manner as outlined in the New Mexico Code of Ethics for the Education Profession (6.60.9.8 NMAC).

C.04 Administrative Support

It is the policy of the Governing Board to provide the Director and the administrative team with the support and tools necessary to effectively carry out the educational program of the school, to meet the school's vision and mission and to create a safe learning environment for the students, staff members and community.

Section D: Fiscal Management

D.01 Budget Process

The adoption of the annual operational budget is the responsibility of the Governing Board. The administration shall present to the Board for adoption a specific budget. The Board shall identify priorities and give general instructions to the administration to prepare a balanced budget based upon the Board's priorities. Finally, the Board shall debate and vote upon budgetary matters following a minimum of one public meeting.

D.02 Investments

The Governing Board authorizes the Administration to research investment programs for the purpose of securing a maximum yield of investment earnings to supplement other revenues for the support of the school. Governing Board will give final approval.

D.03 Contracts

The Governing Board recognizes that in order to accomplish the specific mission, goals, and objectives of the school, the administration must enter into contracts for specific purposes. Furthermore, the Board recognizes that it is in the school's best financial interest to secure services on an as-needed basis rather than employ full-time personnel to fulfill short-term needs or requirements – as allowed by the State Procurement Code.

The Board authorizes the administration to seek contractual services wherever it is deemed appropriate.

The Board authorizes the Director and Principal to enter into professional service contracts up to current State Procurement Code limits. The Board must approve each negotiated contract in excess of the current limit. The Board shall be notified at the next Board meeting of any professional service contract entered into on behalf of the school in excess of \$20,000.00.

D.04 Central Purchasing

The Governing Board assigns the Business Officer, pursuant to sections 22-5-4 and 13-1-97 NMSA 1978, as the central purchasing agent.

The Director will purchase, rent, lease, or otherwise acquire on behalf of the school all items of tangible personal property, services, or construction. All purchases will be strictly in accordance with the laws of the State of New Mexico and federal law, in addition to applicable policies and procedures of the Board and the State Public Education Department. The Director shall establish and maintain a manual of purchasing policies and procedures which shall be reviewed and approved by the Board as part of the school's financial policies and procedures.

D.05 Audit

The Governing Board considers the audit function to be a critical ingredient in providing comprehensive evaluation of the level of control in the school's operating and accounting systems. The audit function shall be independent from school administration in carrying out the responsibilities outlined in this policy.

The auditor shall independently review, evaluate, and report through audits and management studies the status of the school's financial condition; accuracy of financial and property record keeping; compliance with applicable laws, policies, guidelines, and procedures; and effectiveness and economy of operations.

D.06 Fiscal Integrity

In the event that the Director determines additional personnel, programs, or initiatives are warranted, no such additions shall be made without a corresponding identifiable source of funding.

Section E: Support Services

E.01 Safety

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

E.02 Transportation

Transportation to and from school is the sole responsibility of the parents, guardians, or their designees. The Board directs the Director to contract with state approved transportation providers and/or utilize school-owned vehicles on an as-needed basis for school related activities.

E.03 School-Owned Vehicles

The school reserves the right to refuse an employee authorization to operate a school vehicle or be reimbursed for mileage if the employee is deemed to be a negligent operator or fails to maintain a valid New Mexico driver's license.

A school Administrator will review the driving records of any employees prior to operating school vehicles.

Section F: Facilities Development

F.01 Building Accommodations

The Board desires to maintain the quality of the educational environment regardless of size and location. In an effort to accomplish the mission, vision, goals, and objectives of the school as set forth in the charter, the Board directs the Director to secure appropriate facilities through the use of lease-to-purchase arrangements, leases, gifts, and donations as provided by statute.

The Director, in collaboration with the Principal, will develop criteria outlining building and facility site safety, number, use, and location for the school. The Director, in collaboration with the Principal, shall also negotiate all facility acquisition arrangements on behalf of the school. The Board will have final approval of all facility acquisitions and major renovation costs, in accordance with statute.

Section G: Personnel

G.01 Equal Employment

The Digital Arts & Technology Academy is an equal opportunity employer. The school prohibits discrimination and sexual or other harassment in all facets of employment, compensation, promotion, transfer, demotion, layoff, termination or selection for school-sponsored training programs. Discriminatory behavior violates state and federal laws and regulations and erodes the moral authority granted to schools.

G.02 Employee Conflict of Interest

Employees are prohibited from requesting or receiving and accepting a gift or loan for themselves or another that tends to influence them or appear to influence them in their discharge of their duties as employees. Each Administrator is required to disclose any related party transactions – listing potential conflicts of interest annually.

G.03 Sexual Harassment

It is the policy of the Board to provide a working environment free of discrimination based on sex. Sexual harassment is prohibited.

G.04 Drug Free Workplace

In accordance with federal law, the Digital Arts & Technology Academy has adopted a drug free workplace policy. The unlawful possession, dispensing, distribution manufacture, sale, or use of controlled substances and alcohol in the workplace by an employee is prohibited.

Since the school may be a recipient of federal funding, as a condition of employment, individual employees are required to notify their supervisor within five days if they are convicted of a criminal controlled-drug statute violation. Failure by an employee to report such a conviction may be grounds for disciplinary action – including termination.

Violation of this policy shall be considered a serious matter and inconsistent with the school's employment practices which will result in disciplinary action, which may include termination of employment and referral to law enforcement.

The Board directs the CEO and to only utilize transportation contractors who have implemented drug-testing programs for all persons responsible for driving or maintaining school transportation vehicles consistent with U.S. Department of Transportation guidelines.

G.05 Staff Conduct with Students

Staff members shall maintain appropriate professional behavior while working with students and refrain from harassment, malicious or prejudicial treatment, and abridgement of student rights.

G.06 Staff Participation in Political Activities

Staff members of the Digital Arts & Technology Academy may hold public office regardless of the relationship between the public office and the interests of the school. The school seeks to assist employees/public officials in avoiding conflicts between interests of the school and the interests of the public official's constituents. An employee of the school, acting in his/her capacity as an elected official, may speak, act, debate, and vote according to his/her convictions, without undue influence by the Board.

During the time a staff member is serving as a public servant and is unable to serve in the capacity in which he/she was hired at the school, the employee will be deemed to be on an unpaid leave of absence.

G.07 Grievance Adjustment Procedures

The school will strive to resolve conflict to ensure that all employees may bring to levels of authority legitimate grievances in order to secure equitable solutions.

G.08 Employee Insurance

The school strives to provide quality insurance and fringe benefits for employees through the New Mexico Public School Insurance Authority (NMPSIA). The school will participate in Workers' Compensation Benefit programs as specified in the New Mexico Workers' Compensation Law and as provided by the NMPSIA.

The Board grants the CEO the authority to enter into agreements for other fringe benefits as allowed by New Mexico statutes, federal law, and IRS regulations. These include but are not limited to employee access to 403B plans, deferred compensation plans, annuities, cafeteria plans, supplemental insurance, and other fringe benefits designed to make employment at the Digital Arts & Technology Academy competitive with other schools and businesses. The Board reserves the right to offer these fringe benefits to administration during the hiring of the CEO.

G.09 Annual Leave and Holidays

All 248-day employees shall be accrue up to ten (10) days of annual leave, (not to exceed 528 hours), and one (1) day of personal leave per annum. They may accrue up to 10 days of sick leave.per year and be paid for ten (10) observed holidays.

All other employees may accrue up to ten (10)days of sick leave per annum and one (1) personal leave day a year..

The Board of Directors shall annually identify the recognized paid holidays.

G.10 Transfer of Employees

The Board delegates to the CEO and the Principal the authority and responsibility for transferring employees based on programmatic, budgetary, or school need and/or the best interests of the students.

G.11 Duty Day

The Board delegates scheduling authority and responsibility to the CEO and the Principal. The normal duty day shall not exceed 7 hours exclusive of lunch.

G.12 Staff Development

The Board delegates to the CEO and the Principal the authority and responsibility to provide employees with staff development opportunities. The Board encourages the use of professional, contracted, staff developers from areas outside of the traditional school setting to ensure continued growth and diverse learning that challenges traditional school models.

G.13 Personnel Evaluations

The CEO shall maintain a system of evaluation for all personnel in compliance with the laws of New Mexico and the standards and procedures adopted by the Public Education Department.

G.14 Background Investigations

All school personnel must submit to a background investigation prior to employment at the school. The potential employee may be asked to pay for any costs associated with the background check. The Board directs the administration to utilize the services of state-recognized providers (including the PED) for the purpose of performing such checks.

A negative report on a background check will not necessarily disqualify a prospective employee from being offered a position with the school. However, the Board directs the administration to notify the full Board prior to offering a position to any person failing to maintain a “clean” background investigation. The CEO may use information obtained in the course of the background check to make an informed decision as to the suitability for employment – subject to State and Federal laws and regulations.

G.15 Employee Standards of Conduct

Employees of the school shall serve as positive role models for students and set good examples in conduct, manners, dress, and grooming. The Board confers upon the administration the authority and responsibility to interpret this policy in the best interest of the school and students.

G.16 Employee Discipline

All employee relations will be conducted in accordance with the School Personnel Act, codified at NMSA 1999 22-10-1 through 22-10-27. The CEO has authority over all employment matters including discipline. The Digital Arts & Technology Academy follows national and state laws regarding employee disciplinary action and termination procedures.

All employees are permitted due process procedure prior to termination, if such employee has a vested property or liberty interest in his or her employment. In the event of termination, the school’s administration shall provide the employee with written notice of the reasons why termination is recommended.

In accordance with the School Personnel Act, the Digital Arts & Technology Academy may terminate an employee with fewer than three years of consecutive service for any reason the school deems necessary (NMSA 22-10-14A). In accordance with state law, the employment of teachers who have been employed for three consecutive years at the Digital Arts & Technology Academy may be terminated only for a reason that is rationally related to the employee’s competence, turpitude, or proper performance of duty that is not in violation of the employee’s civil or constitutional rights (NMSA 22-14-10D). Employee behaviors that may result in disciplinary action or termination include but are not limited to:

- Excessive absences and/or tardiness – Excessive absences or tardiness will constitute valid grounds for disciplinary action (*School Board of the City of Norfolk*)

v. Wescott, 492 S.E.2d 146 VA, 1997). Written warning will be provided in advance of formal disciplinary action.

- Misconduct – School employees can be disciplined for conduct deemed inappropriate, conduct affecting the ability to teach, or conduct affecting the ability to be a good role model (*DeMichele v. Greenburgh Central School District, 167 F.3d 784 2d Cir.1999*) (*Montefusco v. Nassau County, 39Fsupp.2d231 E.D.N.Y.1999*).
- Inappropriate Language – Objectionable language used in the classroom that lacks a definite educational purpose will result in disciplinary action (*Lacks v. Ferguson Reorganized School District, R-2, 147F.3d 718 8th Cir.1998*).
- Drug or Alcohol Abuse – Disciplinary action will follow violations of the drug and alcohol abuse policy and will be viewed as conduct unbecoming a teacher (*Board of Education v. Wood, 717 S.W.2d 837 KY1986*).
- Incompetence – Failure to comply with a recommended corrective action plan designed to improve professional teaching performance may result in employee disciplinary action up to and including termination (*Newcomb V. Humansville R-IV School District, 908 S.W.2d 821 Mo.App.S.D.1995*).
- Insubordination – An employee’s contract may be terminated for cause and for failure to fulfill the Digital Arts & Technology Academy’s mission, expectations, or designated duties (*Board of Education of Jefferson County School District R-1 v. Wilder, 960 P.2d 695 CO1998*).

G.17 Nepotism Policy

The Digital Arts & Technology Academy shall comply with all applicable state and federal statutes regarding nepotism. The Board of Directors and the CEO shall not engage in nepotism in any of its operations or hiring practices. The Digital Arts & Technology Academy shall not initially employ or approve initial employment in any capacity a person who is a family member of the Board of Directors or the CEO or Principal.

G.18 Personnel Reduction-In-Force

The purpose of the Digital Arts & Technology Academy Reduction-In-Force policy is to establish an orderly, non-discriminatory and equitable procedure to reduce the number of employees in the event that the Digital Arts & Technology Academy experiences insufficient or reduced revenues, and to preserve a sound balanced educational program that is consistent with the function and responsibilities of the Digital Arts & Technology Academy charter. The CEO shall be the final decision-maker on the content and scope of the Reduction-In-Force plan after giving due consideration to the recommendations of the Board of Directors.

Section H: Employee Relations

H.01 Employee Relations

Nothing in this policy manual shall be construed to limit or affect the right of any employee to express a view or opinion on any matter related to the condition or terms of employment, so long as the same does not interfere with the full, faithful, and proper performance of the employee's duties or interrupt the educational process for the students.

Section I: Instruction

I.01 Instructional Program

Instruction in the school will aim to provide maximum opportunity for learning for all students. Learning activities shall be appropriate to the individual needs and developmental levels of the students. Programs of study, aligned to the New Mexico Content Standards and Benchmarks, will be consistent with the policies of the Secretary of Education and the Public Education Department as outlined under NMAC 6.30.8.12. The CEO will make recommendations for improvement in the educational program, including revising, dropping, or adding courses or subjects of instruction.

I.02 School Year and Work Year

Annually, as part of the budget approval process, the Board of Directors will adopt an official calendar outlining the instructional school year. The Board reserves the right and authority to change the calendar as circumstances warrant.

I.03 Treatment of Religious Issues

The Board of Directors adopts a neutral stance in matters involving religion. Students and parents who object to a specific assignment on religious grounds shall make their concerns known to the teacher and the administration within 24 hours after the lesson. The teacher and administration shall design a lesson of equal difficulty and educational relevance to substitute for the original lesson. No student's grade shall be penalized for objecting to a specific lesson on religious grounds.

I.05 Instructional Materials

The board directs the CEO to secure and purchase instructional materials and textbooks that support the instructional program. These purchases will be based on projections for the upcoming year. Instructional material and textbook adoption will be completed in a manner to accomplish timely implementation for optimum student learning and financial efficiency. Each student will have access to instructional materials and textbooks for school and home use that conform to curriculum requirements and state standards.

1.06 School Volunteers

Volunteer services augment resources and effect stronger linkages among the school, parents, and other members of the community. The Board recognizes the need to identify and utilize volunteers. The Board directs the administration to conduct background checks on all persons wishing to serve as a regular volunteer at the school.

1.07 Student Travel: Field trips and senior trips

The Board of Directors authorizes the CEO and the CAO to approve field trips for students. A field trip is defined as a school-sponsored educational experience. Students who participate in field trips must have approval from the administration and prior written consent from the parent or guardian.

The school does not sponsor “Senior Trips”. Senior trips will neither be supported nor sponsored by the school. Companies that sponsor senior trips or their agents are not permitted to use school property and/or other resources to promote such trips. School employees may not use information obtained from the school or their position of authority to sell trips. School employees are prohibited from selling trips during work hours or at any time on the school campus. School employees working for companies that sell or promote senior trips are not working as agents of the school.

1.08 Reports to Parents on Student Progress

A periodic system of grading and reporting student progress to parents will be maintained by the school. Teachers are encouraged to experiment in an effort to discover more satisfactory methods for communicating student progress. Parents may access current student grades and effort in a class by logging on to DATA’s PASS system through the school’s website.

The school shall operate on a semester basis. Four report cards per year will be mailed to parents or handed out at the parent teacher conference after the first and third 9-week periods.

1.09 Teaching Controversial/Sensitive issues

The Board of Directors encourages the objective study of controversial issues. Provision will be made for review of student or parent objections to presentations or to print or multi-media instructional materials. The Digital Arts & Technology Academy Opt-Out Policy shall include, but is not limited to the process for parents to request an exemption from any part of a curriculum that is deemed objectionable to their religious or secular beliefs. Parents objecting to a sensitive or controversial issue may request an alternative assignment.

1.10 Student Internet Acceptable Use Policy

All students and parents must agree in writing to follow the school’s acceptable use policy (AUP) prior to using one of the school’s computer systems. Once signed, the AUP remains in effect throughout the student’s enrollment at the school.

The Board hereby adopts the school’s Acceptable Use Policy and the terms and conditions outlined within the AUP.

1.11 Distance Learning Policy

The Board of Directors strives to provide a high quality education for all students that use and develop 21st Century teaching and learning skills. The CEO is authorized to establish distance learning, a process used to provide instruction for credit when the student and primary instructor are not necessarily physically present at the same time and/or place. The Digital Arts & Technology Academy will assure that students enrolled in a distance learning program have the necessary access to technology for all courses.

Section J: Students

J.01 Selection of Students

Students will be selected to attend the Digital Arts & Technology Academy by lottery. If more students apply to the school than the school has seats available, remaining students will be placed onto a waiting list.

Siblings of students enrolled at the school will receive “priority placement” for the following school year. Priority placement shall occur prior to the lottery.

J.02 Enrollment Requirements

Upon enrolling at the Digital Arts & Technology Academy, a student/parent must present satisfactory evidence of age, evidence that they are in compliance with all immunization requirements under New Mexico State Statutes and Administrative Code, complete the Code of Conduct, the “Next Step Plan”, the federal program eligibility form, and sign and return the school’s acceptable use policy.

Each year the administration shall identify the maximum number of openings the school shall have for the following school year. This shall be accomplished by identifying the number of graduates the school expects; querying students/parents on their intent to re-enroll for the following school year; and setting the maximum number of students who shall be admitted via the lottery process. Parents who fail to respond to the query shall be deemed “not returning” and the student’s position shall be made available to a new student.

J.03 Student Attendance, Absence, and Excuses

In accordance with State law, all children over the age of five (5) and students under the age of eighteen (18) and who have not yet graduated from high school are required to attend school unless they are officially excused. Compliance is the responsibility of the parent.

Daily school attendance is necessary for students to benefit from the instructional program. The school does recognize that there are situations that dictate a student's absence. However, students and their families must recognize that excessive absenteeism, regardless of the reason, will negatively affect the student's achievement.

The Board authorizes the administration to develop a strict attendance policy and procedures to follow that utilize all available means and resources within the community.

J.04 Release of Students

No class may be dismissed before the regular hour for dismissal except with the approval of the CEO, the Principal, or their designee.

Except in appropriate circumstances, custody of a student shall not be relinquished by school personnel to any person without the approval of the parent having legal custody.

J.05 Hazing

Hazing will not be permitted as a condition of membership in any group or organization connected with the school. Hazing and bullying are not permitted. The Board of Directors hereby adopts the school's Bullying Prevention Policy as outlined in the school's Student Behavior Handbook.

J.06 Student Interrogations

School authorities have a responsibility to cooperate with law enforcement agencies and/or child abuse investigators who are seeking to interview students at the school. Individual students should not be interrogated on campus without the knowledge of the CEO or the Principal.

There is no requirement to notify the parents of the student prior to questioning by school personnel. Every attempt shall be made by the school's administration to notify parents prior to a student being questioned by law enforcement personnel. A commissioned law enforcement official must place a student under arrest or into protective custody before the student may be removed from the campus for either further questioning or to be held at a detention facility. School authorities must immediately make a good faith effort to notify the parents of a student if the student has been removed from campus by law enforcement authorities.

J.07 Student Discipline

The primary goal of discipline at the Digital Arts & Technology Academy is to provide and maintain a safe, just, affirmative, and appropriately challenging environment that promotes learning and positive personal growth. Disciplinary measures will be aimed toward assisting each student in the development of self-control, social responsibility, and the acceptance of appropriate consequences for his/her actions. Administrators will utilize the progressive discipline procedures and options specified in the *Student Parent Handbook* as outlined in the Student Code of Conduct.

Corporal punishment, which is defined as “any disciplinary action taken by school personnel with the intention of producing pain” is strictly forbidden.

J.08 Extracurricular Activities

Extracurricular activities are an integral part of the educational process, providing students with opportunities beyond the classroom to further develop their unique capabilities, interests, and needs. Participation in these activities is a privilege offered to and earned by students. Participation is not a right.

J.09 Student Records

Student records kept by the school shall be open to review by parents and/or students and will be treated as prescribed by the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, New Mexico Public Education Department regulations, and other existing law. If there are apparent conflicts among the statutes and guidelines, the provisions of FERPA shall prevail.

The Board authorizes the CEO to make provisions to store student records of students no longer attending the school in electronic format.

J.10 Student Grade Change

It is the policy of the Board of Directors for the Digital Arts & Technology Academy to provide students and parents with an accurate assessment of the student's work at the completion of the grading term.

Parents and students who disagree with a reported grade shall first attempt to meet with the teacher to discuss the situation. Following this meeting, parents and students who still disagree with the grade assigned by the instructor may ask for a formal administrative review of the earned grade. The process to initiate a review of the grade is as follows:

1. Within 10 days of receipt of the report card a parent may ask for a review by contacting the school's Principal stating the reason the parent believes the grade to be in error.
2. Within 14 days of receipt of the parent's letter, a school administrator shall conduct an investigation into the reported earned grade, specifically focused on the reason stated in the parent's letter. The investigation may include looking at the grade book, re-computing the grade based upon the teacher's syllabus, and speaking to the teacher.
3. If the administrator believes that there is sufficient evidence to support the parent's claim, the administrator shall convene a committee of no less than three people (one of whom shall be a licensed teacher) to review the findings.
4. The committee shall then issue a written response to the parent and affected teacher notifying them of the decision to change or leave the grade as reported.

J.11 Dual Enrollment Textbook Policy

It shall be the policy of the Digital Arts & Technology Academy's Board of Directors to reimburse dual enrollment students for their textbook purchases, if funded by the Public Education Department and upon successful completion of the dual enrollment course(s) each semester in accordance with *Section H.15* of the NMAC HED Rules and Senate Bill 31 section D, 2007. Students will then return the used textbooks to the Digital Arts & Technology Academy for redistribution.

J.12 Release of Student Lists or Directories

The Board, in compliance with FERPA, will allow the release of directory information about students only to those persons or organizations having a legal right to know.

J.13 Student Possession of a Firearm

Any student found to be in possession of a firearm while at school, at any school-related event, or at any time when the *Student Behavior Handbook* is in force, shall be expelled

from the school for a minimum of one calendar year and the offender shall be referred to law enforcement.

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

J.14 Release Time for Religious Instruction

Any student may be excused for religious instruction with the written consent of the parent. The Digital Arts & Technology Academy assumes no responsibility for the student from the time he/she leaves the campus until after they have returned.

J.15 Do Not Resuscitate Orders

The policy of the Board of Directors for the Digital Arts & Technology Academy is to provide all students with immediate first aid and emergency rescue services when a medical crisis or life-threatening episode occurs at school. However, if the attending physician of a student has a written *Do Not Resuscitate Order (DNR)* on the authorization of the child’s parent(s)/guardian(s), school personnel must act in accordance with the order and refrain from medical interventions that are not consistent with the order.

J.16 Students and Off-Campus Violent Acts

Any student identified to the school as having been formally charged with committing a violent act or having illegally possessed a firearm in the community, may be assessed by the school administration as to whether the student 1) may reasonably present a danger to him or herself or others, and/or 2) would likely significantly disrupt the school environment by returning to the school campus. As a result of such an assessment process, the school administration may require the student to be placed into an alternative program for the safety of the student and others. The school administration may also require that the student be placed into an alternative program during the assessment process.

J.17 Home Language Determination

All students enrolled at the school shall participate in a home language survey prior to the first day of class to identify students whose primary or home language is something other than English (PHLOTE) and to identify students as English Language Learners (ELL). Once a student is identified, the school shall administer a State-approved placement test in order to initiate an appropriate language development program with the student’s teachers.

J.18 McKinney-Vento Homeless Children and Youth Act

In accordance with federal law, the Digital Arts & Technology Academy has adopted the following policy regarding resolving complaints brought pursuant to the McKinney-Vento Homeless Children and Youth Act (42 USC Section 11432(g)(1)(c)).

If a family of a student, in completing the Digital Arts & Technology Academy *Student Registration Information*, indicates they are homeless, the student should be considered

homeless. Each homeless student shall be provided services comparable to the services offered to other students. Such services may include:

1. Access to the available transportation services.
2. Educational services for which the student meets the relevant eligibility criteria, such as services provided under Title I, special education services and programs for students with limited English proficiency.

For each homeless student, any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, shall be maintained so that they are available in a timely fashion.

The Digital Arts & Technology Academy administration shall ensure that:

1. Homeless students drawn in the lottery and who choose to enroll will have a full and equal opportunity to succeed in school.
2. The parents of homeless students are informed of the educational and related opportunities available to them and are provided with meaningful opportunities to participate in the education of their children.

Disputes regarding services and assistance provided by the Digital Arts & Technology Academy shall be addressed as follows:

1. Upon receipt of a written complaint from the parent of a homeless student, or an unaccompanied homeless student, the administration shall resolve the complaint within ten (10) calendar days.
2. If the final decision of the Digital Arts & Technology Academy is adverse to the parent, guardian or student, the decision along with the New Mexico Public Education Department's dispute resolution process form will be forwarded to the Public Education Department's homeless liaison within five (5) calendar days of the date of issuance of the final decision.

Section K: School Relations

K.01 Community Involvement

The Board recognizes that constructive study, discussion, and active participation by citizens are necessary to promote the best program of education in the community.

Parents are encouraged to visit the school throughout the school year. Conferences between such visitors and employees should not interfere with the employee's assigned duties. Visitors should verify their identity and the purpose of their visit.

At the discretion of the school's administration, the school may create Parent-Teacher Organizations, Booster Clubs, Parent Advisory Committees, Parent Budget Committees, or other committees deemed necessary for receiving parental input on particular issues.

K.02 Use of Community Resources

The Board approves of and encourages the use of community resources to assist in making learning experiences more realistic.

K.03 Community Use of Buildings, Grounds, and Equipment

The Board assigns to the CEO and Principal the authority to allow or disallow community groups the use of the school's facilities. The use of a school facility does not constitute an endorsement of any project, service, or organization by the Board.

K.04 Advertising in School

The Board supports advertising initiatives that enhance the school's goals and objectives. The CEO or Principal shall approve agreements on behalf of the school. Advertising requests that promote alcohol, tobacco, gaming, firearms, controversial products or services shall not be permitted. The school will maintain compliance with all federal and state statutes, rules, and regulations.

K.05 Political Solicitations in School

The school's primary mission is to properly educate students; all else must be secondary. For this reason, appearances of candidates or their representatives will be limited to time outside of the standard school hours except in those instances where teachers invite candidates to visit classes as part of the educational program.

School facilities may be used by any candidates provided expenses incurred as a result of the candidates use are reimbursed to the school and that the candidate does not interfere with the educational process.

K.06 Relations with Community Organizations

The CEO or Principal may cooperate in furthering the work of non-profit, community-wide service, civic, or governmental agencies or organizations that support the mission, goals, and policies of the school.

K.07 Custodian of Public Records

The official custodian of public records for the school will be the CEO. As required in the Inspection of Public Records Act, this office will be responsible for (1) receiving and responding to requests to inspect public records; (2) providing proper and reasonable opportunities to inspect the records; and (3) providing reasonable facilities to make or

furnish copies of the public records during usual business hours – any costs associated with the providing of public records shall be born by the individual making the request.

It is the policy of the Board to make available personnel to photocopy record requests at the rate of \$1.00 per page. This rate covers the cost of supplies and materials and employee time. This fee may be waived by the CEO if deemed appropriate.