



**LAS MONTAÑAS CHARTER HIGH SCHOOL
GOVERNANCE COUNCIL MEETING**

for August 2020

Tuesday, August 18, 2020 at 5:30 PM

Online / Virtual Meeting

Join Zoom Meeting

<https://us04web.zoom.us/j/78123789235?pwd=NnlYVjRXTXR4b2RzWmdCM0VwRncrZz09>

Meeting ID: 781 2378 9235

Passcode: v8NP74

1405 S. Solano, Las Cruces, NM 88001

Officers:

Laura Carrion, President
Dr. Blanca E. Martinez-Rolle, Vice President
Michael Davis, Secretary

Members:

Kevin Freitas
Patricia S. Gonzales

AGENDA

- | | |
|---|---------------------------------|
| 1. Call to Order | Laura Carrion, President |
| Roll Call | |
| Pledge of Allegiance | |
| 2. Approval of Agenda and Previous Minutes | Laura Carrion, President |
| Agenda – August 18, 2020 | |
| Minutes – July 21, 2020 (Exhibit "A") | |
| 3. Open Forum | Laura Carrion, President |

Public comments and observations regarding education policy and governance issues, as well as the strategic plan for education, are heard at this time.

There is a three minute time limit per presenter. Persons from the same group and having similar viewpoints are asked to select a spokesperson to speak on

their behalf. Multiple and repetitious presentations of the same view will be discouraged and may be ruled out of order by the LMCJHS Governance Council President.

4. Discussion and/or Action: Fiscal (Exhibit "B") Geri Bennett, Business Manager

- A. July Disbursements: \$94,754.23
- B. July Revenue: \$239,928.25
- C. Title V Initial Budget
- D. Operational SEG Decrease per NM Special Session

5. Superintendent's Report/Action Items

Caz Martinez, Director

- A. School reentry/Distance Learning
- B. Enrollment
- C. Continuous Learning Plan/Assurances
- D. Discussion/Approval of Policies: (Exhibits "C")
 - a. Title IX Grievance Complaint
 - b. Title IX Notice of Policy & Procedure
 - c. COVID-19 Reentry: School Policies/Procedures Guidebook
 - d. Emergency Paid Sick Leave and Expanded Family Medical Leave Policy

10. Adjourn

Laura Carrion, President

The LMCJHS Governance Council attempts to follow the order of items as listed, however the order of specific items may vary from the printed agenda. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the meeting, please contact the principal at Las Montañas Charter High School at 575-636-2100 at least one week prior to the meeting or as soon as possible.



**LAS MONTAÑAS CHARTER HIGH SCHOOL
GOVERNANCE COUNCIL MEETING MINUTES
Tuesday, July 21, 2020 at 5:30 PM
(ONLINE MEETING)
1405 S. Solano Dr.
Las Cruces, NM 88001**

Officers:

Laura Carrion, President
Dr. Blanca Martinez-Rolle, Vice President
Michael Davis, Secretary

Members:

Kevin Freitas - **Absent**
Patricia S. Gonzales-**Absent**

1. Call to Order

The meeting was called to order by President Laura Carrion at 5:32pm. All board members were present except Kevin Freitas and Patricia Gonzales.

Also, in attendance: Caz Martinez (Superintendent), Geri Bennett (Business Manager),

Rollcall

Call to order by Ms. Carrion at 5:46 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Ms. Laura Carrion

2. Approval of July 21, 2020 Agenda and June 16, 2020 Minutes

Governance Council President Laura Carrion asked the members of the Governance Council to review the agenda and April GC meeting minutes.

Motion to approve the agenda and minutes as presented:

Dr. Martinez-Rolle

2nd: Kevin Freitas

Rollcall Taken: **Passed unanimously**

3. LMCHS Annual Resolution

Review and Approval (Exhibit "B")

Laura Carrion, President

Governing Council President Laura Carrion asked board members to review annual resolution for approval the changes made from previous year to include virtual meetings.

Motion to approve the GC Bylaws as amended and presented:

1st Mike Davis

2nd: Dr. Martinez-Rolle

Rollcall Taken: **Passed unanimously**

4. Open Forum

No individuals were present from outside of the school.

5. Discussion and/or Action: Fiscal

Geri Bennett, SWREC

A. June Disbursements: \$388,274.98 (with check listing) (Exhibit "C")

B. June Revenue: \$305,042.43 (Exhibit "D")

C. Title IV Carryover \$9,209.57(Exhibit "E")

D. Title II Carryover \$5,597.96 (Exhibit "F")

E. Revised Salary Schedule per NM Special Session decrease to 1% raise (Exhibit "G")

Ms. Bennett went over June revenues and disbursements , along with the Title IV and II carryover and the salary decrease for staff.

Motion to approve the June disbursements and revenues report as present, the title IV and title II carryover and the NM Special Session salary decrease

1st Dr. Martinez-Rolle

2nd: Mike Davis

Rollcall Taken: **Passed unanimously**

6. EOY Inventory With Certification Letter (Exhibit "H")

Geri Bennett, SWREC

Ms. Bennett went over the letter about the current inventory on campus and that there were No additions or deletions from the inventory list for the 2019-2020 SY

7. Audit Required-Related Party Questionnaire (Exhibit "I")

Geri Bennett, SWREC

Letter on file that states no board member has a conflict of interest or financial gain with LMCHS each board member is required to sign the letter Mr. Martinez asked for board members to come in and sign form

8. Discussion and/or Action: Approval of LMCHS School Reentry Task Force/ Reentry Plan (Exhibit "J")

Caz Martinez, Superintendent

Mr. Martinez explained LMCHS has in place both a remote and hybrid plan prepared. And they have contacted all their students and more than half want to return to school. Mr. Martinez they are using CARES Act monies to help support funding for sanitizing the school and purchasing

supplies needed including computers. Mr. Martinez also explained four current staff members have medical conditions that may prevent them returning to campus.

Dr. Martinez-Rolle made a motion to approve reentry plan submitted to NMPED

1st Dr. Martinez-Rolle

2nd: Mike Davis

Rollcall Taken: Passed unanimously

9. Superintendent's Report

Caz Martinez, Superintendent

A. New Student Enrollment

Mr. Martinez explained that currently they have registered about a dozen new students they have 15 new freshman to date. Mr. Martinez is confident the school will meet the enrollment numbers needed for the 2020-2021 SY

10. Adjourn

Laura Carrion, President

Dr. Martinez-Rolle

2nd: Mike Davis

Rollcall taken: Passed Unanimously

The meeting was adjourned at 6:13 PM.

_____/_____
Laura Carrion / **Date Approved**
Governance Council President

_____/_____
Mike Davis / **Date Approved**
Governance Council Secretary

_____/_____
Governance Council Minutes Prepared By: / **July 24, 2020**
Date Prepared

Las Montanas Charter High School- BUDGET REPORTS FISCAL YEAR 2020/2021

Reporting Period Ending July 2020

Revenue	FUND NAME	FUND #	BUDGET	Adjustment	GL BUDGET	EXPENDITURE TO DATE	ENCUMBRANCE	BUDGET BALANCE	PERCENTAGE
*	Operational	11000	2,229,413.00	-	2,229,413.00	94,754.23	1,586,622.84	548,035.93	24.58%
>	Student Nutrition	21000	50,000.00	-	50,000.00	-	50,000.00	-	0.00%
>	Title I	24101	68,535.00	-	68,535.00	-	68,535.00	-	0.00%
>	Entitlement	24106	73,195.00	-	73,195.00	-	44,000.00	29,195.00	39.89%
>	Title II	24154	10,571.00	-	10,571.00	-	10,571.00	-	0.00%
>	IT-CS Pathways	24171	-	-	-	-	-	-	0.00%
>	Student Enrichment	24189	13,214.00	-	13,214.00	-	13,214.00	-	0.00%
>	CSI	24190	21,250.00	-	21,250.00	-	21,250.00	-	0.00%
>	High School Redesign	24191	100,000.00	-	100,000.00	-	100,000.00	-	0.00%
>	CARES Act	24301	69,930.00	-	69,930.00	-	69,930.00	-	0.00%
*	Medicaid	25153	7,471.00	-	7,471.00	-	3,000.00	4,471.00	59.84%
>	DUAL Credit	27103	-	-	-	-	-	-	0.00%
>	GO Library	27107	2,522.00	-	2,522.00	-	-	2,522.00	100.00%
>	Feminine Hygiene Product	27130	500.00	-	500.00	-	-	500.00	100.00%
>	Lease Assistance	31200	-	-	-	-	-	-	0.00%
*	HB-33	31600	104,770.00	-	104,770.00	-	16,150.00	88,620.00	84.59%
>	SB-9	31700	8,079.00	-	8,079.00	-	8,079.00	-	0.00%
>	SB-9 Special	31703	5,771.00	-	5,771.00	-	5,771.00	-	0.00%
	TOTAL		2,765,221.00	-	2,765,221.00	94,754.23	1,997,122.84	673,343.93	

**=guarantee revenue*

>=RfR process, have expend first then ask for reimbursement. This is done monthly.

Las Montanas Charter School

Disbursement Detail Listing

Bank Name: Citizens Bank
Bank Account: 119159401

Date Range: 07/01/2020 - 07/31/2020
Voucher Range: -

Sort By: Check
Dollar Limit: \$0.00

Fiscal Year: 2020-2021

Print Employee Vendor Names Exclude Voided Checks Exclude Manual Checks Include Non Check Batches

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
Bank Name: Citizens Bank			Bank Account: 119159401				
NCB	07/02/2020	1000	NMPSIA	21-00372	11000.1000.52710.0000.567001.0000	Work comp premium	\$15,141.00
NCB	07/02/2020	1000	NMPSIA	21-00372	11000.2300.52710.0000.567001.0000	Work comp benefit	\$3,000.00
NCB	07/02/2020	1000	NMPSIA	21-00372	11000.2600.55200.0000.567001.0000	General Liability insurance property/vehicles	\$16,590.00
NCB	07/15/2020	1003	Citizens Bank-LC	V158239	11000.0000.21013.0000.000000.0000	Liability payable FICA, SS, Fed Tax	\$197.28
NCB	07/30/2020	1013	NMPSIA	V201316	11000.0000.21016.0000.000000.0000	Liability payable Dental	\$42.90
NCB	07/30/2020	1010	Citizens Bank-LC	V243978	11000.0000.21013.0000.000000.0000	Liability payable FICA, SS, Fed Tax	\$197.28
NCB	07/30/2020	1013	NMPSIA	V254035	11000.0000.21016.0000.000000.0000	Liability payable Dental	\$42.90
NCB	07/30/2020	1012	New Mexico Taxation & Revenue	V254047	11000.0000.21012.0000.000000.0000	Liability Payable Deferred Comp	\$226.57
NCB	07/30/2020	1010	Citizens Bank-LC	V324060	11000.0000.21013.0000.000000.0000	Liability payable FICA, SS, Fed Tax	\$843.58
NCB	07/15/2020	1002	Citizens Bank	V43370	11000.0000.21022.0000.000000.0000	Liability-DD	\$4,285.30
NCB	07/30/2020	1013	NMPSIA	V463573	11000.0000.21015.0000.000000.0000	Liability payable Medical	\$943.39
NCB	07/30/2020	1013	NMPSIA	V5352	11000.0000.21019.0000.000000.0000	Liability payable Bacis Life	\$7.05
NCB	07/30/2020	1010	Citizens Bank-LC	V608466	11000.0000.21012.0000.000000.0000	Liability Payable Deferred Comp	\$610.71
NCB	07/15/2020	1003	Citizens Bank-LC	V674540	11000.0000.21013.0000.000000.0000	Liability payable FICA, SS, Fed Tax	\$843.58
NCB	07/30/2020	1013	NMPSIA	V689598	11000.0000.21017.0000.000000.0000	Liability payable Life	\$9.39
NCB	07/30/2020	1014	NMRHCA	V729269	11000.0000.21024.0000.000000.0000	Liability payable RHC	\$204.09
NCB	07/30/2020	1013	NMPSIA	V811123	11000.0000.21015.0000.000000.0000	Liability payable Medical	\$943.39
NCB	07/30/2020	1011	Educational Retirement Board	V835918	11000.0000.21023.0000.000000.0000	Liability payable ERB	\$1,669.39
NCB	07/30/2020	1009	Citizens Bank	V838033	11000.0000.21022.0000.000000.0000	Liability-DD	\$4,285.30

Las Montanas Charter School

Disbursement Detail Listing

Bank Name: Citizens Bank
Bank Account: 119159401

Date Range: 07/01/2020 - 07/31/2020
Voucher Range: -

Sort By: Check
Dollar Limit: \$0.00

Fiscal Year: 2020-2021

Print Employee Vendor Names Exclude Voided Checks Exclude Manual Checks Include Non Check Batches

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
NCB	07/15/2020	1003	Citizens Bank-LC	V86509	11000.0000.21012.0000.000000.0000	Liability Payable Deferred Comp	\$610.71
NCB	07/30/2020	1014	NMRHCA	V883185	11000.0000.21024.0000.000000.0000	Liability payable RHC	\$204.09
NCB	07/30/2020	1013	NMPSIA	V899822	11000.0000.21019.0000.000000.0000	Liability payable Bacis Life	\$7.05
NCB	07/30/2020	1013	NMPSIA	V971901	11000.0000.21017.0000.000000.0000	Liability payable Life	\$9.39
NCB	07/30/2020	1012	New Mexico Taxation & Revenue	V975498	11000.0000.21012.0000.000000.0000	Liability Payable Deferred Comp	\$226.57
NCB	07/30/2020	1011	Educational Retirement Board	V983974	11000.0000.21023.0000.000000.0000	Liability payable ERB	\$1,669.39
Check Total:							\$52,810.30
8001	07/02/2020	1001	Instructure Canvas	351508	11000.1000.56113.0000.567001.0000	Annual software renewal	\$4,322.00
Check Total:							\$4,322.00
8002	07/02/2020	1001	NM Activities Association	218835	11000.2300.53711.0000.567001.0000	Annual Affiliate Membership fee	\$100.00
Check Total:							\$100.00
8003	07/07/2020	1004	ACES	5635	11000.2600.55915.0000.567001.0000	Annual cstustodian contract	\$1,772.21
Check Total:							\$1,772.21
8004	07/07/2020	1004	Las Cruces Public Schools	July 2020	11000.2600.54610.0000.567001.0000	Annual Lease	\$25,653.00
Check Total:							\$25,653.00
8005	07/07/2020	1004	NMCO	1411	11000.2300.55400.0000.567001.0000	Annual content	\$2,707.83
Check Total:							\$2,707.83
8006	07/07/2020	1005	MDC Computers	11422	11000.1000.53414.0000.567001.0000	Annual IT support	\$500.00
8006	07/07/2020	1005	MDC Computers	11422	11000.2400.55915.0000.567001.0000	Annual IT support	\$1,500.00
Check Total:							\$2,000.00
8007	07/14/2020	1006	City of Las Cruces	V905986	11000.2600.54311.0000.567001.0000	Annual Alarm fee	\$0.00
8007	07/14/2020	1006	City of Las Cruces	V905986	11000.2600.54412.0000.567001.0000	Annual Utilites gas	\$326.68
8007	07/14/2020	1006	City of Las Cruces	V905986	11000.2600.54415.0000.567001.0000	Annual Utilities Water/Sewage	\$30.97
Check Total:							\$357.65

Las Montanas Charter School

Disbursement Detail Listing

Bank Name: Citizens Bank

Date Range: 07/01/2020 - 07/31/2020

Sort By: Check

Bank Account: 119159401

Voucher Range: -

Dollar Limit: \$0.00

Fiscal Year: 2020-2021

Print Employee Vendor Names

Exclude Voided Checks

Exclude Manual Checks

Include Non Check Batches

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount	
8008	07/20/2020	1007	Brady	6517956	11000.2600.56118.0000.567001.0000	Annual custodial supplies/materials	\$1,214.37	
							Check Total:	\$1,214.37
8009	07/20/2020	1007	DeLage Landen	68652561	11000.2600.54630.0000.567001.0000	Annual Copier Lease	\$125.67	
							Check Total:	\$125.67
8010	07/20/2020	1007	El Paso Electric	V81003	11000.2600.54411.0000.567001.0000	Annual utilities/electric	\$2,149.87	
							Check Total:	\$2,149.87
8011	07/20/2020	1007	Wright Express Fleet Services	66188079	11000.2700.56211.0000.567001.0000	Annual fuel	\$66.52	
							Check Total:	\$66.52
8012	07/27/2020	1008	Comcast Cable	V977398	11000.2600.54416.0000.567001.0000	Annual communication/internet	\$289.47	
							Check Total:	\$289.47
8013	07/27/2020	1008	DeLage Landen	68830392	11000.2600.54630.0000.567001.0000	Annual Copier Lease	\$458.87	
							Check Total:	\$458.87
8014	07/27/2020	1008	New Mexico Enviroment Department	10006048	11000.2300.53711.0000.567001.0000	Annual Permit renewal	\$200.00	
							Check Total:	\$200.00
8015	07/27/2020	1008	NMASBO	300000433	11000.2300.53330.0000.567001.0000	Registration for Caz Martinez to attend NMPED	\$0.00	
8015	07/27/2020	1008	NMASBO	300000433	11000.2300.53711.0000.567001.0000	Annual membership	\$350.00	
							Check Total:	\$350.00
8016	07/27/2020	1008	Verizon	9858742252	11000.2600.54416.0000.567001.0000	Annual communication	\$123.43	
							Check Total:	\$123.43
8017	07/30/2020	1015	Aflac	V837143	11000.0000.21012.0000.000000.0000	Liability Payable Deferred Comp	\$26.52	
8017	07/30/2020	1015	Aflac	V866425	11000.0000.21012.0000.000000.0000	Liability Payable Deferred Comp	\$26.52	
							Check Total:	\$53.04
							Bank Total:	\$94,754.23

Las Montanas Charter School

Disbursement Detail Listing

Bank Name: Citizens Bank

Date Range: 07/01/2020 - 07/31/2020

Sort By: Check

Bank Account: 119159401

Voucher Range: -

Dollar Limit: \$0.00

Fiscal Year: 2020-2021

Print Employee Vendor Names

Exclude Voided Checks

Exclude Manual Checks

Include Non Check Batches

Check Number	Date	Voucher	Payee	Invoice	Account	Description	Amount
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<u>Fund</u>	<u>Amount</u>
11000	\$94,754.23

Fund Totals:	\$94,754.23
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End of Report

Disbursements Grand Total:	\$94,754.23
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**Las Montanas Charter High Sch Revenue Listing
July 1 thru July 31, 2020**

Account	Date	Line Memo	Credit	Memo
24101.0000.44500.0000.567001.0000	7/13/2020	Revenue	-(11,042.61)	Title I
24154.0000.44500.0000.567001.0000	7/13/2020	Revenue	-(1,575.65)	Title II
24190.0000.44500.0000.567001.0000	7/13/2020	Revenue	-(4,082.41)	Title I CSI
24190.0000.44500.0000.567001.0000	7/13/2020	Revenue	-(4,028.41)	Title I CSI
11000.0000.43101.0000.567001.0000	7/20/2020	Revenue	-(166,379.00)	Operational SEG
27502.0000.43202.0000.567001.0000	7/20/2020	Revenue	-(20,178.71)	Career Technical Education
26204.0000.41921.0000.567001.0000	7/15/2020	Revenue	-(0.24)	General Activity field trip support
71000.0000.41701.0000.000000.0000	7/15/2020	Revenue	-(183.80)	General Activity field trip support
31600.0000.41110.0000.567001.0000	7/27/2020	Revenue	-(796.44)	HB 33
24171.0000.44500.0000.567001.0000	7/27/2020	Revenue	-(824.45)	Carl Perkins
24191.0000.44500.0000.567001.0000	7/24/2020	Revenue	-(16,647.26)	Title I HSRD
24171.0000.44500.0000.567001.0000	7/27/2020	Revenue	-(771.28)	Carl Perkins
24176.0000.44500.0000.567001.0000	7/27/2020	Revenue	-(53.17)	Carl Perkins
25153.0000.44301.0000.567001.0000	7/29/2020	Revenue	-(1,923.46)	Medicaid
24101.0000.44500.0000.567001.0000	7/13/2020	Revenue	-(11,402.61)	Title I
21000.0000.44500.0000.567001.0000	7/29/2020	Revenue	-(38.75)	Student Nutrition
		Total	-(239,928.25)	

[TO BE PUBLISHED at www.lasmontanashigh.com ON WEBSITE AND HANDBOOKS, OTHER APPLICABLE PUBLICATIONS. A LINK TO THIS NOTICE SHOULD BE INCLUDED ON JOB APPLICATIONS, ENROLLMENT FORMS]

NOTICE OF [LAS MONTANAS CHARTER HIGH SCHOOL] TITLE IX POLICY AND GRIEVANCE AND COMPLAINT PROCEDURES PROHIBITING SEX-BASED DISCRIMINATION

TO: Students, employees, families, others who volunteer, or work with [name of school]

WHAT IS TITLE IX?

- Title IX of the Education Amendments of 1972 ("Title IX") is a federal law that prohibits sexual discrimination in all educational programs and activities, such as athletic programs and extra-curricular activities. The law's intent is to ensure that people are not sexually harassed or discriminated against based on gender in any educational program or activity operated by the School. Title IX protects all participants in the School's educational programs and activities including students, employees and job applicants.

THE SCHOOL'S POLICIES PROHIBIT AND PROVIDE FOR GRIEVANCE COMPLAINT PROCEDURES.

- The School does not discriminate on the basis of sex and prohibits discrimination, which includes sexual harassment and sexual violence in all of the programs or activities that it operates. The School's governing body has adopted a formal policy addressing the requirements of Title IX (Title IX Sexual Nondiscrimination/Sexual Harassment Policy as well as a Title IX Grievance Complaint Procedure that can be found www.lasmontanashigh.com. These policies procedures apply to students as well as employees.

WHO SHOULD I CONTACT TO FILE A COMPLAINT OR TO KNOW MORE ABOUT MY RIGHTS?

- Employees or students who believe they have been discriminated against or sexually harassed should contact the School's Title IX Coordinator who can be reached at:
 - Name of Title IX Coordinator
 - Title (e.g. School Director, Title IX Coordinator)
 - Email address
 - Phone number(s)
 - School physical and mailing address
 - [If filing online report is available, include link]
- Student Complaints may also be filed with the United States Department – Office for Civil Rights:
 - Office for Civil Rights <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> .
 - Denver Office
 - Office for Civil Rights
 - U.S. Department of Education
 - Cesar E. Chavez Memorial Building
 - 1244 Speer Boulevard, Suite 310
 - Denver, CO 80204-3582
- Employees Complaints may also be filed with the New Mexico Human Rights Bureau or the United States Equal Opportunity Commission:
 - New Mexico Human Rights Division
 - 1595 Pacheco St., Suite 103
 - Santa Fe, NM 87505

<https://www.dws.state.nm.us/Filing-a-Charge-of-Discrimination>

U.S. Equal Employment Opportunity Commission

505 Marquette Avenue, NW

Albuquerque, NM 87102

<https://www.eeoc.gov/filing-charge-discrimination>

HOW TO FILE A TITLE IX SEXUAL DISCRIMINATION OR SEXUAL HARASSMENT COMPLAINT

- First, contact the Title IX Coordinator, see above.
- The Title IX Coordinator will provide you with the information you need to file a written complaint or will be available for you to talk about your concerns even if you only want to make a report about yourself or someone else.
- Your report or complaint will be written down and if you want to proceed in a formal manner you will be asked to sign and file a Formal Complaint and to follow the School's Title IX Grievance and Complaint Procedure.

WHAT DOES THE SCHOOL DO WITH YOUR COMPLAINT?

- The School will process the Formal Complaint according to its School's Title IX Grievance Complaint Procedures.
- You will be kept informed by the Title IX Coordinator of the progress of the Investigation.
- You will be contacted by the Title IX Coordinator to discuss your complaint and to discuss Supportive Measures to help you continue your school programs and/or activities without further sexual discrimination or sexual harassment.
- Once the Investigator has finished collecting the evidence another person will review that evidence and decide whether a violation of the Title IX Policy occurred.
- If there has been a violation, consequences for the behaviors will be imposed and that information will be made known to you and the other person or people found in violation of the Title IX policy.
- Either you or the person who was found in violation of the School's Title IX Policy does not agree with the decision, an appeal may be filed.

CAN I REPORT CONDUCT THAT OCCURRED DURING A SCHOOL'S EDUCATIONAL PROGRAM OR ACTIVITY TO LAW ENFORCEMENT?

- Yes. If you believe you have been a victim of criminal conduct, you should **immediately** contact law enforcement and not wait to speak to School officials.
- You can and should report any such incident to School Officials, even if you do not intend to file a Title IX complaint.

Las Montañas Charter High School

TITLE IX GRIEVANCE COMPLAINT PROCEDURES

The Las Montañas Charter High School Grievance Complaint Procedures is followed when processing all Formal Complaints of discrimination based on sex as defined herein, or retaliation for making complaints about sex discrimination in violation of Title IX. Every effort to ensure impartiality and non-biased decision making has been employed when appointing those individuals who will implement these Procedures. If at any time a participant believes an administrator of this procedure cannot be impartial, he/she should immediately notify the Title IX Coordinator or the School’s Head Administrator.

NOTE: Students and employees may address alleged violations of other School policies including the School’s anti-bullying and anti-harassment/discrimination rules, using those procedures as described in the School’s handbooks or related procedures. These procedures will not be used to address complaints of discrimination or harassment based on other classifications (race, ethnicity, age, physical or mental disability) This Grievance Process and these Procedures are specifically limited to address complaints of discrimination, sexual harassment and retaliation based on sex and according to Title IX of the Education Amendments of 1972.

I. PURPOSE OF THESE PROCEDURES

- These Grievance Complaint Procedures (“Procedures”) are intended to implement the requirements of 34 CFR Part 106 and apply only to complaints raised to address discrimination prohibited by Title IX.
- These Procedures provide students and employees a process to bring formal grievance complaints about conduct that may constitute sex discrimination as defined in these Procedures and to ensure that all parties to a complaint are given fair, even-handed opportunities to present their side of the case before a final determination is reached and before disciplinary actions are imposed, except in emergency situations.

II. DEFINITIONS

- A. Complainant – means the individual who is alleged to be the victim of conduct that could be sexual harassment, discrimination or retaliation for complaining of sexual harassment or sex discrimination as meant by Title IX.
- B. Formal Complaint – is the document submitted by the Complainant or signed by the Title IX Coordinator alleging sexual harassment, discrimination or retaliation against a Respondent and requesting that the School investigate the stated allegations. If the Formal Complaint is signed by the Title IX Coordinator, the Coordinator does not become the Complainant, nor a party to the Grievance Process. The Title IX Coordinator may submit a Formal Complaint even if the Complainant does not wish to do so on his/her own behalf. If the Title IX Coordinator files the Formal Complaint, he/she must follow the processes stated herein. Additionally, a parent or legal guardian may act on behalf of a Complainant including signing and filing a Formal Complaint.
- C. Impartiality of administrators – Participants in the Grievance Process, to the greatest extent possible, are assured that the Title IX Coordinator, Investigator, Decision Maker and Appeal Officer as the terms are used in this Procedure shall not have a conflict of interest or bias for or against the Complainant or Respondent, and shall have received appropriate training for their respective roles in this process.
- D. Respondent – is the individual against whom the allegations of the Formal Complaint are made. A parent or legal guardian may act on behalf of the Respondent as a party to a Formal Complaint

- E. Sexual Discrimination – Excluding a person from participation in, denying the person the benefit of, or subjecting a person to unequal treatment under any academic, extracurricular, occupational training or other education program or activity provided by the School based on sex, e.g. disproportionate funding for athletic programs. Sexual Discrimination includes Sexual Harassment as defined in paragraph F. For purposes of these Procedures, “sexual discrimination” shall include “sexual harassment.”
- F. Sexual Harassment – A form of sexual discrimination recently defined by the U.S. Department of Education as conduct based on sex that satisfies one or more of the following:
 - 1. An employee who conditions the provision of assistance, benefits, or services offered by a School program or activity or unwelcome sexual conduct “quid pro quo” (e.g. sexual favors in exchange for good grades).
 - 2. Unwelcome conduct that a reasonable person would consider so severe, pervasive and objectively offensive that it denies a person the ability to access her or his educational program or activity; or
 - 3. “Sexual assault,” “dating violence,” “domestic violence,” or “stalking,” each as defined by federal law and collectively referred to in these Procedures as “sexual violence.”
- G. Education Program or Activity – An education program or activity of this School includes all locations, events, or circumstances where the School has the authority to exercise substantial control over both individuals implicated in a complaint of sexual harassment. Title IX applies to all School’s programs or activities whether such programs/activities are held on or off campus, but not outside the United States. Offending conduct covered by these Procedures can occur by e-mail, over the internet, or other technologies, such as social media, if the School has the requisite authority to control the students’ conduct on these technologies.
- H. Title IX Coordinator – an employee of the School who is *duly authorized* to coordinate the School’s efforts to enforce the provisions of Title IX.

III. TITLE IX COORDINATORS’ CONTACT INFORMATION

- 1. Title IX Coordinator
 - a. Caz Martinez, Title IX Coordinator
 - b. Executive Director
 - c. caz.martinez@lasmontanashigh.com
 - d. 575-527-5916
 - e. 1405 S. Solano: Las Cruces, NM 88002
 - f. [If filing online report is available, include link]
- 2. Alternative contact
 - a. Gabriel Estrada
 - b. Assistant Administrator
 - c. gabriel.estrada@lasmontanashigh.com
 - d. 575-527-5916

IV. WHO MAY REPORT A COMPLAINT?

- A. Any employee who believes a student has been the subject of sexual discrimination and/or retaliation by a student, employee, or third person (e.g. contractor, visitor, etc.) or who has reason to believe that said conduct has occurred, **must contact** the Title IX Coordinator or [Assistant Administrator] to initiate the filing of a complaint. **This report is in addition to any mandatory obligation to report child abuse or neglect.**
- B. Students are not required to file a Formal Complaint on their own behalf but are encouraged to do so.
- C. Any other person may report sex discrimination whether he/she is the alleged victim of the purported illegal conduct using the methods described in this Procedure.

- D. If Complainant is unwilling or unable to submit a Formal Complaint, the Title IX Coordinator or Alternate may ask for details of the incident in an oral interview. If the Complainant is a student with disabilities, the Title IX Coordinator shall review the reporting student's IEP or 504 Plan to determine the specific accommodations that might be necessary to aid the student in filing a Formal Complaint and/or participating in the Grievance Process.
- E. The School will promptly notify the parents of the Complainant and the Respondent of a complaint alleging sexual discrimination, unless the student is over eighteen (18).

V. GRIEVANCE COMPLAINT

- A. The Title IX Coordinator, upon learning of a complaint of sexual discrimination, sexual harassment or retaliation, shall contact the Complainant and explain the process for filing a Formal Complaint and of the availability of Support Measures as described in Section VI.
- B. The School has a Grievance Complaint form that may be obtained from the Title IX Coordinator and which is posted at [www.lasmontanashigh.com]. However, a complaint may be made orally or provided in a writing that contains the following information:
 - a. Name, address, telephone number, email address of Complainant
 - b. Name of person(s) directly responsible for the alleged discrimination or retaliation
 - c. Date(s), time(s), and places of alleged discrimination or retaliation
 - d. Nature of the alleged violation(s); i.e. discrimination, harassment, retaliation
 - e. Detailed description of the specific conduct that is the basis of the alleged violation(s)
 - f. Copies of any documents or items related to the alleged violation(s)
 - g. Names and contact information for witnesses
 - h. Any other important information
- C. If the Complainant does not wish to sign and file a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint, which triggers the Procedures stated herein, even over the objections of the Complainant. The Title IX Coordinator shall keep the Complainant informed of the process.
- D. A Formal Complaint can be submitted in person, by mail, or by electronic mail by using the contact information stated in Section III.

VI. INTERIM SUPPORT MEASURES DURING PROCESS

- A. Upon notice of a complaint, even if a Formal Complaint is not filed, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of Supportive Measures as described herein. The Title IX Coordinator shall consider the Complainant's wishes with respect to Supportive Measures. Supportive Measures shall remain confidential to the extent possible for the School to successfully implement the measure.
- B. The Title IX Coordinator will make sure the Complainant is aware of his/her Title IX rights and the right of the Complainant to report a crime to law enforcement.
- C. Once a Formal Complaint is filed, the Title IX Coordinator will take steps to ensure that both the Complainant and Respondent continue to have equal access to education programs including by providing Support Measures before for the Investigation is completed and the Written Decision is issued.
- D. Supportive Measures means non-disciplinary, non-punitive individualized services provided by the School before or after filing of a Formal Complaint, or even where no complaint has been filed. These measures are designed to preserve both Complainant's and Respondent's equal access to their education program or activity. Measures will be designed to protect the safety of all parties, the School's educational environment and to deter sexual harassment or discrimination.
- E. Supportive Measures may include steps such as counseling, extending deadlines or making other course-related adjustments, modifications of work or class schedules, on-campus escort services, mutual restrictions on contact between the parties, leaves of absences (employees), increased

security and monitoring, or other measures as appropriate and reasonably available, with no charge to the Complainant or Respondent.

- F. Interim measures afforded will depend on the situation. The Title IX Coordinator shall take into consideration: the specific needs expressed by the Complainant; the age of the students involved; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant; whether the Complainant and Respondent share classes, transportation, or extra-curricular activities; or whether there are judicial orders in place to protect the Complainant.
- G. A Respondent shall not be disciplined or have punitive measures imposed prior to the outcome of the Investigation and Written Decision.
- H. Emergency Removal. Respondent may be removed from the School or School activity immediately, provided that the School conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student, not just the Complainant, or other individual arising from the allegations of sexual harassment, discrimination or retaliation, justifies removal. If removal is warranted, the Respondent shall be afforded the opportunity to challenge the decision immediately following the removal. The extent of the challenge afforded will depend on the duration of the removal deemed warranted. An emergency removal cannot modify any rights a student may have under his/her IEP or 504 Plan.
- I. If the Respondent is an employee, he/she may be placed on administrative leave with pay during the pendency of the Grievance Process based on the allegations of the Formal Complaint.

VII. FORMAL COMPLAINT PROCESS

- A. Timelines and due dates.
 - 1. A Formal Complaint under this Procedure should be filed as soon as possible but not later than ninety (90) days after the incident or last incident giving rise to the allegations. Failure to file a Formal Complaint within these timelines may result in dismissal of the Formal Complaint. Dismissal, however, shall not preclude an individual from pursuing his/her complaint through external enforcement agencies. *See Section XVI below.*
 - 2. The Title IX Coordinator and other administrators of this procedure will make every reasonable attempt to adhere to the time limits applicable to each stage of the process. Requests by the parties for extension of time should be made to the Title IX Coordinator who will decide whether there is good cause for an extension under the circumstances.
- B. Notice of Formal Complaint. Upon receipt of a Formal Complaint, the School shall provide a written notice that contains the following information to the Complainant and Respondent:
 - 1. A copy of these Grievance Procedures.
 - 2. A statement of allegations of the Formal Complaint with sufficient details for the Respondent to prepare a response including, the name of the Complainant and other individuals involved in the incident (if known), the conduct allegedly constituting sexual discrimination, sexual harassment or retaliation, and the date and location of the incident. The Respondent shall be notified of any amendments to the allegations during the Investigation and a fair opportunity to respond.
 - 3. A statement that the Respondent is presumed not to be responsible for the alleged conduct and that a determination of responsibility shall not be made until the Grievance Process is completed including any final decision on appeal.
 - 4. Inform the parties that they may have a representative of their choice, who may be, but is not required to be an attorney. If represented by an attorney, the attorney's name and contact information must be provided to the Title IX Coordinator within five (5) business days of the notice of the complaint or no later than three (3) days prior to any interview or meeting on behalf of the represented party.
 - 5. The right to inspect and review evidence presented to the Investigator.

6. An explanation that an Informal Resolution Process is available, but only if both parties agree in writing to the process as described in these Procedures.
 7. A statement that the making of false statements or knowingly submitting false information during the Grievance Process may result in closure of the Formal Complaint as described in Section XI, or greater weight given to evidence presented by the other party during the Investigation and/or the final determination process.
- C. Confidentiality.
1. Limitations. The School shall maintain confidentiality to the extent possible. The School cannot assure complete confidentiality but will treat sensitive information as not to be shared with others except in limited circumstances. Exemptions may include but are not limited to the following examples: information required by law to be reported; information imparted to others in supervisory positions to further an Investigation or to stop a discriminatory or harassing practice; information given to the Respondent that is necessary for Respondent to have a fair opportunity to provide a response to the allegations of the Formal Complaint.
 2. Considerations before Disclosure. The School will evaluate a confidentiality request in the context of whether it can maintain a safe and nondiscriminatory environment for all students, and will weigh the request against other factors it deems relevant, including without limitation:
 - a. The Complainant's age;
 - b. Circumstances that suggest there is an increased risk of future acts of harassment and/or sexual violence under similar circumstances; and
 - c. Whether the School possesses other means to obtain relevant evidence (e.g. security cameras or personnel, physical evidence).
 3. All parties to a Formal Complaint under this Procedure, including Complainant, Respondent, and witnesses, are cautioned to not divulge or publicize the nature of the proceedings or the identity of those involved outside the scope of the Investigation.
- D. Formal Investigation Process
1. The School, through its Investigator, shall be responsible for gathering evidence sufficient to reach a determination. The burden of supporting the final determination is on the School, not the Complainant or the Respondent. The School shall establish a violation of Title IX by a preponderance of the evidence obtained through Investigation Process.
 2. The parties will be provided the opportunity to present witnesses and documents to support their positions within the timeframes set forth by the Investigator.
 3. The Investigation shall be completed within thirty (30) calendar days unless scheduling conflicts or other circumstances necessitate a delay as approved by the Title IX Coordinator.
 4. The parties will be provided no less than three (3) business days' notice of the time, date, location, participants and purpose of all meetings, interviews, or other meetings.
 5. After the Investigator has completed the investigation, and prior to completing the Investigation Report, the Investigator shall send each party and their representatives, if any, the evidence the Investigator has collected and which is subject to inspection (and not otherwise confidential) by email or print copy. Each party shall have ten (10) business days to prepare a response to the evidence, which the Investigator shall consider before completing the Investigation Report.
 6. The Investigator shall issue a written Investigation Report summarizing the information collected during the Investigation and provided by the parties within ten (10) business days from the date the Responses are due and provide a copy simultaneously by email to the parties and their representatives, if any.

7. Before the Decision Maker renders a decision and after receipt of the Investigation Report, each party shall have five (5) calendar days to submit written questions to the Decision Maker that any party wants asked of any party or witness. The Decision Maker shall provide each party with answers within ten (10) business days. Each party shall have three (3) calendar days to submit any follow up questions. The Decision Maker must provide a reason for not responding to questions presented by the parties.
- E. Decision Maker's Written Determination
1. The Decision Maker, who shall not be the Title IX Coordinator or the Investigator and shall render a Written Determination within thirty (30) days from the date of the Investigation Report.
 2. The Written Determination shall include:
 - a. Identification of the allegations that potentially constitute sexual discrimination.
 - b. Procedural history from the date the Formal Complaint was received by the Title IX Coordinator through the date of the Written Determination, including notices to parties, interviews with parties and witnesses site visits, methods used to gather other evidence and meetings held.
 - c. Findings of facts supporting the determination and if a violation is found that it is supported by the preponderance of the evidence.
 - d. Conclusions regarding the application of the School's code of conduct to the facts, if any.
 - e. Statement of and rationale for determination as to each allegation, any finding of responsibility, any discipline imposed and whether any actions taken are designed to ensure that equal access to educational opportunities are preserved or restored on behalf of Complainant.
 - f. Statement of the discipline to be imposed on Respondent and, if the discipline includes a long-term suspension or expulsion, Respondent's rights to a due process hearing pursuant to 6.11.2 NMAC.
 - g. Statement of the appeal rights with deadline for filing an appeal.
 3. A copy of the Written Determination shall be provided to the Complainant and Respondent, and their representatives, if any, simultaneously via email.

VIII. INFORMAL RESOLUTION PROCESS

- A. After the Formal Complaint has been filed, and at any time prior to issuance of the Investigator's Report, the parties may agree in writing to engage in an informal resolution process, unless the Formal Complaint alleges sexual violence, or when the complaint is against an employee of the School, which must be investigated and finally processed as described above.
- B. An Informal Resolution Process may include:
 - Informal inquiry and discussion
 - Mediation
 - Or other dispute resolution processes agreed to by the parties
- C. Any evidence or information shared during the Informal Resolution Process may be used during the Formal Complaint Investigation if either party terminates the Informal Resolution Process prior to reaching a final agreement.
- D. Either party may withdraw their consent to the Informal Resolution Process at any time and proceed with the Formal Complaint procedures described herein. The party choosing to end the Informal Resolution Process must provide written notice to the other party and to the Title IX Coordinator.
- E. If a resolution is reached it shall be documented, and signed by both parties, their representatives and the Title IX Coordinator. A resolution through this process ends the Formal Complaint process, which may not be resubmitted or appealed.

IX. POTENTIAL DISCIPLINARY ACTIONS

- A. Employees and students may be disciplined, but only if it is determined through these Procedures that discriminatory action, treatment, harassment or retaliation for complaining has occurred in violation of Title IX or School policies. The Title IX Coordinator shall refer imposition of discipline to the School's Head Administrator.
- B. Discipline may include counseling, restrictions on contact between the parties, modifications of work or class schedules, other course-related adjustments, suspension, expulsion, restorative justice participation, or other forms of discipline deemed appropriate under the School's discipline policies. If a student is expelled or long term suspended, he/she shall be entitled to a due process hearing as afforded pursuant to 6.11.2 NMAC.
- C. Employees will be placed on administrative leave with pay pending the outcome of the Investigation. If the Decision Maker determines there has been a violation of Title IX policies, the employee will be disciplined up to termination or discharge from employment in accordance with the requirements of the New Mexico School Personnel Act.

X. APPEALS

- A. Respondent. If there is a finding that Respondent's conduct resulted in sexual discrimination as the term is defined by Title IX and these Procedures, and disciplinary action is imposed, the Respondent may request an appeal within five (5) calendar days of the Written Determination.
- B. Complainant. If Complainant believes that a finding that the Respondent's conduct did not constitute sex discrimination as the term is defined by Title IX was wrong or that the discipline was inadequate, the Complainant may request an appeal within five (5) calendar days of the date Written Determination.
- C. Request for Appeal. A request for appeal must be in writing, signed by the party initiating the appeal and state why that party disagrees with the Written Determination. The request for appeal must be submitted to the Title IX Coordinator who will provide a copy indicating receipt to all parties, and notifying the parties that each shall have the option to submit a written statement in support or opposition to the request for appeal. The statement must be submitted within five (5) calendar days of receipt from this notice and delivered to the Title IX Coordinator.
- D. The Appeal Officer who may not be the Title IX Coordinator, Investigator or the Decision Maker, will review the request for appeal, the investigation documents, statements in response to the request for appeal and may interview the Complainant and Respondent if necessary, to make a determination. An Appeal Determination will be made within fifteen (15) working days from the date the request for appeal was made.
- E. The Appeal Determination shall be a written decision and include the Appeal Officer's rationale for the decision.
- F. The Appeal Determination shall be sent to both parties simultaneously and the Appeal Officer's decision is final at the School level. *See Section XVI below for further redress.*

XI. DISMISSAL OF FORMAL COMPLAINT

- A. A Formal Complaint may be dismissed and not processed if:
 - 1. The Complainant, even after contact and follow up with the Investigator, fails to describe in sufficient detail the conduct that is the basis of the complaint and it is determined that the complaint does not provide sufficient facts to support a potential Title IX violation.
 - 2. The conduct alleged in the Formal Complaint does not state a claim, even if true under Title IX.
 - 3. The Complainant refuses to cooperate with the Investigation.
- B. The School may dismiss the Formal Complaint, or any allegations therein, if at any time during the Investigation the Complainant notifies the Title IX Coordinator in writing that the Complainant wants to withdraw the Formal Complaint, the Respondent is no longer enrolled or employed by the School, or the School is prevented from gathering evidence to make a determination.

- C. The parties to the Formal Complaint will be promptly notified in writing with an explanation of the School's decision to dismiss the Complaint. This decision may be appealed by the Complainant within seven (7) calendar days of notice of a decision not to proceed. The request for appeal must include a written explanation for why the Complainant believes the decision not to process the Formal Complaint was wrong. An Appeal officer will review the decision to not proceed as well as the Complainant's written appeal statement and render a decision within seven (7) calendar days.
- D. An Appeal Officer's decision to uphold the decision not to proceed with investigating the Complaint shall be final at the School level.
- E. If the Appeal Officer overturns the decision not to proceed, the Formal Complaint will be sent back for investigation according to the Procedures described above.

XII. ABUSE OF GRIEVANCE PROCESS

If the preponderance of the evidence supports a finding that the Complainant submitted a false or misleading Formal Complaint alleging harassment, discrimination or retaliation, the Formal Complaint will be dismissed, the student or employee who submitted the complaint will be recommended for discipline according to School policies.

XIII. RETALIATION

- A. Students, employees or parents who make a complaint of discrimination in good faith, shall be free from retaliation, coercion, and reprisal in seeking resolution to a complaint, whether filed as a Formal Complaint under this policy or otherwise. Prohibition against retaliation applies to witnesses and others who cooperate in the Grievance Process at any level.
- B. Complainants, Respondents and others participating in the Grievance Process are hereby notified that retaliation is a separate violation distinct from the underlying discrimination or harassment allegation. Claims of retaliation, submitted in good faith and in writing to the Title IX Coordinator, shall be investigated pursuant to these Procedures. Individuals who engage in retaliation shall be subject to discipline, regardless of whether there has been a finding of cause for the underlying complaint.

XIV. COMPLAINTS TO LAW ENFORCEMENT/EFFECTS ON PROCESS

- A. If a person believes he or she is a victim of sexual violence, the School recommends that the incident be reported to law enforcement immediately. The School has a mandatory reporting requirement under said circumstances.
- B. The Title IX Coordinator will not postpone processing of a Formal Grievance if a criminal complaint has been filed. However, the School may be required to delay the Investigation while local law enforcement officials are gathering evidence. During any delay caused by law enforcement efforts, the Title IX Coordinator will ensure that interim Supportive Measures will be implemented, continued and revised, if necessary. The Title IX Coordinator will make every effort, contingent on receipt of timely information from law enforcement, to update the parties on the status of the investigation.

XV. MAINTENANCE OF RECORDS

- A. Records relating to a Formal Complaint pursuant to this Procedure must be maintained by the School for seven (7) years.
- B. Records to be preserved include all documents, audio or audio-visual recordings, or transcripts that were received, produced or kept by the School or its designees related to a Formal Complaint process, any Informal Complaint Resolution process, all interim supportive measures provided, or documentation of why such measures were not provided, evidence to support that the School's response in this matter was not deliberately indifferent and that measures were taken to preserve or restore equal access to the educational program or activity.
- C. All material used to train Title IX Coordinators, Investigators, Decision Makers and any person who facilitates an informal resolution process, must be retained for seven (7) years.

XVI. REPORTS TO STATE AND FEDERAL AGENCIES/ADDITIONAL INFORMATION

Individuals may pursue claims with the agencies listed below as well as obtain additional information about their rights and the obligations of the School.

- A. Employment discrimination complaints may be filed with the New Mexico Human Rights Bureau or the United States Equal Opportunity Commission.

New Mexico Human Rights Division
1595 Pacheco St., Suite 103
Santa Fe, NM 87505
<https://www.dws.state.nm.us/Filing-a-Charge-of-Discrimination>

U.S. Equal Employment Opportunity Commission
505 Marquette Avenue, NW
Albuquerque, NM 87102
<https://www.eeoc.gov/filing-charge-discrimination>

[Las Cruces – EL Paso Office]
100 Stanton Towers
100 N. Stanton Street, Suite 600
El Paso, TX 79901-1433

- B. Students may file discrimination complaints through the United States Department of Education – Office for Civil Rights <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> .

Denver Office
Office for Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582

NOTE: This guidebook requires the user to enter school-specific information. Please complete the document accordingly.

COVID-19 REENTRY: SCHOOL POLICIES/PROCEDURES GUIDEBOOK

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

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

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

Re: HEALTH SCREENING, MASKING AND SELF-ISOLATION PROCEDURES

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

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

The School shall maintain a daily log of all persons entering the School who is not a student at the School, or a School employee. The name, telephone number, and date of entry shall be logged for each School visitor, contractor, volunteer, parent, or any person other than a currently-enrolled student at the School, or a School employee. The daily log shall be retained for four (4) weeks and shall be maintained, monitored and secured by our receptionist.

Masking. Any person entering the School premises or who is participating in or attending a School-related activity must wear a mask or similar protective face covering, covering the nose and mouth, at

all times, except while eating or drinking or during PE or other activities involving exercise (i.e. recess). This does not apply to any person who provides written proof from a health care provider that the person has been advised by a health care provider not to wear a face covering. The use of a mask/face covering is not required by a School employee when in that person's private office with no one else present.

Las Montañas Charter High School will provide masks to staff and students who cannot bring their own face coverings for use at School. Staff or students should notify the receptionist or administration who will arrange for face coverings to be provided prior to entry into the building.

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

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

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

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

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

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

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

Re: IF YOU FEEL SICK AT SCHOOL

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

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

- Parts of the School facility used by a possible COVID-19 positive sick person shall be closed and remain unused for 24 hours, and shall not be used thereafter until thorough cleaning and disinfection has occurred.
- DOH/health officials will work with the School to identify individuals exposed to the infected person and test them for COVID-19.
- School shall immediately contact DOH to activate contact tracing. Students/staff who are notified by DOH via contact tracing must follow all directives of DOH.
- Students/staff with suspected or confirmed cases of COVID-19 may not return to campus/in-person activities until they demonstrate to the School that they have met DOH criteria to discontinue home isolation.

Re: TRAVEL

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

Re: SCHOOL FACILITY CLEANING

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

Re: SOCIAL DISTANCING ENFORCEMENT

Social Distancing. All large group gatherings shall be avoided on School premises or during School-related events. Outside of class, students/staff/visitors shall not congregate in groups larger than 5, or

the maximum number of people allowed to congregate as defined by then-current DOH or Executive Order applicable to the School's area.

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

Las Montañas will have staggered transitions between classes and one-way traffic in the hallways. Las Montañas has three lunches and will practice social distancing that will be monitored by staff. Restroom breaks will be staggered and closely monitored so that number of students in the bathroom limited.

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

Staff shall closely monitor and enforce social distancing requirements.

Re: TRANSPORTATION

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

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

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

Re: POPULATIONS WITH UNDERLYING MEDICAL CONDITIONS

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

and OSHA requirements. *See also Emergency Paid Sick Leave and Extended Family Medical Leave Policy.* The School aims to be as flexible as possible in making alternative arrangements.

Re: FIELD TRIPS

Until further notice, School field trips necessitating vehicular transportation to indoor or outdoor locations will be curtailed. Walking field trips to outdoor locations where social distancing can be maintained may occur, subject to prior scheduling and approval by School administration and parents/guardians.

Re: MEALS/FOOD ON CAMPUS

During remote learning days, meals will continue to be provided to eligible students through the School's designated food distribution site: Las Montañas Charter High School. Please contact school personnel (575-527-5916) for further information. Masks must be worn, and social distancing must be maintained, during meal distribution.

During mealtimes on campus, students and staff are required to maintain social distancing requirements and to wear masks when finished with their meal. Cleaning/disinfection of tables, high-touch surfaces and school meal sites will be conducted throughout the day. Las Montañas Charter High School will offer pre-packaged meals for students throughout three lunch periods, students will maintain social distancing while eating lunch.

Re: EXTRACURRICULAR ACTIVITIES

School shall follow the current NMAA guidelines regarding extracurricular activities, including school sports, as updated periodically by NMAA: <https://www.nmact.org/2020/07/nmaa-guidance-for-return-to-play-phase-1-updated-to-include-use-of-weight-rooms/> All members of the coaching staff will be tested for COVID-19 shortly before the start of the season for any sport or activity that they coach, and the coaching staff members will provide the results to a school official named by the School. Each student participating in an NMAA sport or activity will be tested for COVID-19 shortly before each competitive season in which the student participates and will provide the results to a school official named by the charter school. Coaching staff will self-monitor and screen students prior to all workouts, practices, and competitions.

Re: RECESS

Time for recess shall not be reduced or eliminated, and withholding of recess shall not be used as a student disciplinary measure. Students engaged in exercise during recess need not utilize face coverings, but must maintain social distancing requirements. Students not engaged in exercise during recess must use their face covering. Playground equipment shall be regularly cleaned and disinfected.

While during lunch students will maintain social distancing protocols that will be monitored by staff.

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Re: ATTENDANCE FOR SUCCESS

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

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

Las Montañas will operate on an asynchronous schedule. Instructure Canvas Learning Management System and Google Classrooms will be the platforms used to deliver instruction and assessments. Attendance will be tracked by teachers based on daily progress on assigned work or through student communication with teachers via call-ins, email, or Zoom meetings.

Google Chromebooks will be assigned to all students at no cost. Those students who do not have internet will be referred to community agencies, the school's IT department, and/or internet service providers assistance. Please contact school personnel at 575-527-5916 if you/your student requires assistance with remote participation/engagement methods.

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

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

Medical and other excused absences: Absences due to medical conditions may be excused absences if the status of the student is disclosed to appropriate school personnel and if relevant documentation is provided as per the existing School attendance policies. Students will be allowed to make up schoolwork missed due to excused medical absences. Excused medical absences, including medical absences for students on 504 plans and students who are expectant or parenting, are included when determining students' attendance intervention tiers. However, for students who are excessively absent (students missing 20 percent or more of class periods or school days), additional excused medical

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absences need not be considered when determining whether a student must be referred to the probation services office.

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