

June 2021 Draft Policies

A.2 NONDISCRIMINATION ~~ON THE BASIS OF HANDICAP/DISABILITY~~

(date)

As a common policy, PAPA affirms its commitment to the rights of students, parents and employees with disabilities as set forth in Section 504 of the Rehabilitation Act of 1973, the New Mexico Human Rights Act (NMHRA) and the Americans with Disabilities Act (ADA).

Federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, physical or mental handicap, serious medical condition, race, creed, color, sex, gender identity, sexual orientation, spousal affiliation, national origin, religion, ancestry or need for special education services and shall not allow for the imposition of discipline, discrimination or disparate treatment against a student based on the student's race, religion or culture or because of the student's use of protective hairstyles or cultural or religious headdresses. (HB-29 2021)

A15.1 Public Hearings

(date)

Statutes require a Public Hearing prior to adoption of the school's operating budget (NMSA 22-8-10) and policies (NMSA 1978, 22-5-4.3).

The process for required Public Hearing is as follows:

1. In a properly noticed Governing Council Meeting, the Public Hearing will be opened, the item requiring a Public Hearing will be introduced, material presented, the Governing Council will discuss the item.
 - a. The meeting will then be open to public comment and questions, following the public comment and questions, any questions will be answered, if they can be at that time. The Public Hearing will be closed after the public comment.
 - b. The Governing Council may then discuss the item, make any changes based on the public comment/discussion, and may take action at that time if listed on the agenda or defer the item until a future meeting.
2. Materials that will be made available to the Governing Council as a part of the item will be posted on the school's web site at the same time as the final meeting agenda.
3. The agenda for the meeting with the Public Hearing will be annotated as "PUBLIC HEARING" and may also include an annotation of an ACTION ITEM.
4. The public comment in a Public Hearing is in addition to the "Open Forum from the Public" standing agenda item.
5. A Public Hearing will not be a part of an Emergency Meeting.

A.16 COUNCIL AGENDA

(date)

A request from any other Council member that an item be included on the agenda must be submitted to the Executive Director at least four (4) calendar days prior to the meeting. A written request by non-Council members that an item be included on the agenda must be filed with the Executive Director at

least seven (7) calendar days before the meeting. Such requests must include, in writing, all statements and materials the person anticipates presenting.

“Open Forum from the Public” shall be a standing agenda item.

Agenda items meeting the Open Meetings Act requirements to be held in closed session shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting.

The Executive Director shall provide a draft copy of the agenda to each Council member and make the draft agenda available to the public at least 72 hours prior to the meeting. The final agenda shall be provided to the Council members and the general public at least 24 36 hours prior to the meeting.

C.5 DRUG-FREE WORKPLACE

(date)

In accordance with federal and state law, PAPA has adopted a ~~common~~ Zero-Tolerance Drug Free workplace policy. The unlawful possession, dispensing, distribution, manufacture, sale or use of controlled substances and alcohol in the workplace by a PAPA employee is prohibited on PAPA premises or as part of any PAPA sponsored activity.

The State of New Mexico “Cannabis Regulation Act” of 2021 does not allow the use of cannabis products in a public place, which by definition includes schools (Section 26.A.(1)). Section 29 further states: “...a person shall not possess or intentionally distribute any amount of a cannabis product on the premises of a school...”

Section 34 allows disciplinary action against employees for the possession, use, or impairment of intoxicating substances at work or during work hours; does not allow for the employer to commit an act to cause the employer to be noncompliant with federal law or federal regulations; and allows the employer to implement a written zero-tolerance policy regarding the use of cannabis products.

Student medical cannabis policy is in section E.7.3.

Since PAPA is the recipient of federal funding, as a condition of employment individual employees are required to notify their respective supervisors within five (5) days if they are convicted of a criminal controlled-drug statute violation occurring in the workplace. Failure by an employee to report such a conviction may be grounds for disciplinary action. Supervisors who become aware of a conviction of an employee for a criminal controlled-drug statute violation occurring in the workplace should immediately notify the Executive Director, who is responsible for ensuring institutional compliance with the Drug-Free Workplace Act of 1988.

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

PAPA will implement and maintain drug-free awareness programs to inform employees about the dangers and risks of drug abuse in the workplace, about PAPA's drug-free policy, about available community counseling and referral services, and about the penalties involved for drug violation convictions.

PAPA transportation contractors will implement drug-testing programs for all persons responsible for driving or maintaining PAPA transportation vehicles consistent with the U.S. Department of Transportation guidelines.

E.7.4 Student Medicine Storage

(initial adoption 12/17/2019)

(date)

Storage of student medicine will be in accordance with Department of Health guidelines and as a minimum include double lock provision. The medicine will be in a locked container within another locked location controlled by school staff.

A locked cabinet within a normally locked room meets this criterion.

Refrigerated medicine will be stored in a locked refrigerator, non-medical items will not be stored in a refrigerator designated for medicine storage.

Medical cannabis will not be stored in the same container as other medicine.

Students may carry and self-administer prescribed asthma medication and emergency anaphylaxis medication provided that the student has been instructed by the health care provider on the use of the medication, the student has demonstrated to the health care provider and school the skill necessary to administer the medication, and there is a written treatment plan for use of the medication. (HB-29 2021)

H.2. REGULATIONS

(date)

Violations of the following regulations or of any other PAPA policy may result in the full range of disciplinary measures up to and including expulsion. These regulations apply to students both on campus as well as while participating in off-campus school-sponsored activities. Violations of the local, state or federal law, even if committed off campus, may result in disciplinary action at the school. Likewise, disciplinary action by the school shall not preclude reporting of the incident to the police or local or other authorities for any action by them.

H.2.1. All forms of dishonesty, including but not limited to academic dishonesty such as cheating and plagiarism, knowingly furnishing false information, forgery, or alteration of documentation;

H.2.2. Any act of violence towards any person, including but not limited to physical or emotional abuse, intimidation and harassment, or threat thereof, and acting with reckless disregard for the safety of others;

H.2.3. Theft or unauthorized possession of school, personal or public property;

H.2.4. Any criminal or delinquent act, gang related activity, sexual harassment or disruptive conduct;

H.2.5. Damage to or misuse or destruction of any school, personal or public property;

H.2.6. Any action disruptive or potentially disruptive to school activities, including teaching, administration, disciplinary actions, school sponsored events and public functions and the rights of other students to participate freely therein (which shall include, but not be limited to, use of foul language and backtalk);

H.2.7. Repeated or willful failure to obey the reasonable directions of a teacher or staff member, refusal to identify self or refusal to cooperate with school personnel;

H.2.8. Possession, use or distribution of alcohol or any controlled substance, (including any legal drug that is not prescribed for use by that student), being under the influence thereof, or advocating the use of drugs or other controlled substances;

H.2.9. (July 31, 2018 update) Possession or use of tobacco, including e-cigarettes, or other vaping products unless under direct adult supervision while being used as a prop for a dramatic performance;

H.2.10. Possession or use of a weapon of any kind at PAPA facilities or in connection with PAPA-sponsored activities, unless used exclusively as required equipment in a martial arts, fencing or similar class or extracurricular activity at or sponsored by PAPA, or as a prop for a dramatic performance, provided that such possession and use is under the direct supervision of an adult instructor;

H.2.11 As required by Section 22-5-4.7 NMSA 1978 and 6.11.2.9(B) NMAC, a student who is determined to have knowingly brought a weapon (defined for purposes of this paragraph H2.11 only to be (i) any firearm that is designed to, may readily be converted to or will expel a projectile by the action of an explosion, or (ii) any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device) to school shall be suspended for a period of not less than one year;

H.2.12 Unexcused tardiness or absence;

H.2.13 Sharing or posting to social media of photographs/video/audio recordings taken during the school day or during school sponsored events that are considered inappropriate by school administration.

H.2.14. Violation of any other published policy or regulation of the school or engaging in any activity prohibited by federal, state or local law pertaining to schools.

H.2.15 There will be no imposition of discipline, discrimination or disparate treatment against a student based on the student's race, religion, or culture or because of the student's use of protective hairstyles or cultural or religious headdresses. (HB-29 2021)

H.7. STUDENT DRESS CODE

(Renumbered 4/25/2017)

(date)

PAPA expects student dress and grooming to reflect high standards of personal conduct so that each student's attire promotes a positive, safe and healthy atmosphere within the school. Student dress may not present a health or safety hazard, violate municipal or state law or present a potential for disruption to the instructional program. **PAPA's charter focuses on college readiness and excellence in arts.**

Thus, PAPA dress code promotes professional work and college/career readiness where student and staff dress/clothing reflect individuality and creativity in an atmosphere of professionalism and workplace readiness. Undergarments should not be exposed. Unacceptable clothing and accessories include, but are not limited to, attire or accessories which advertise, display or promote any drug, including alcohol or tobacco, sexual activity, violence, disrespect and/or bigotry towards any group are not acceptable. ~~Gang-related attire, excessively tight or revealing clothes, short shorts, bare midriff, low-cut blouses, spiked jewelry, chains, belts with more than 2 inches excess (strike through).~~ "Sagging", or the wearing of pants below the waist and/or in a manner that allows underwear or bare skin to show, and "bagging", or the wearing of excessively baggy pants with low hanging crotches are prohibited. (Adopted August 30, 2001)

SECTION D FINANCIAL MANAGEMENT POLICIES (Adopted by Governing Council 8/9/01, amended 06-27-02, 09-05-02, 05-08-03, 12/11/13) (Amended by the Governing Council 3/29/2016, 2/27/2018)

C.6 STAFF CONDUCT WITH STUDENTS

(date)

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

The teaching and discussion of controversial issues are managed by PAPA staff as follows: school is a neutral place for rational discourse and objective study. Discussion of controversial issues should allow students to explore a range of viewpoints and not advance the interest of any one particular individual or group. Material presented to students as a part of school programs and activities should be age appropriate, sensitive to student needs, and relevant to the curriculum and PAPA's mission. The study of controversial issues should not be discriminatory or harassing or have the potential to deny access to equitable educational opportunities.

Failure to comply with the obligations specified in this section may result in disciplinary action against the staff member.