

POLICY HANDBOOK
PUBLIC ACADEMY FOR
PERFORMING ARTS
November 1, 2024 UPDATE

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SECTION A: SCHOOL FOUNDATIONS AND GOVERNING COUNCIL GOVERNANCE

(Approved by Governing Council on 7/26/01 Amended 10/4/01, 12/18/01, 01-24-02, 03-07-02, 06-27-02; 05-01-03; 06-25-03, 9/26/11; 3/29/2012; 7/26/2016, 4/19/2022)

1. MISSION AND VISION STATEMENTS

Mission: The Public Academy for Performing Arts is a public charter school that integrates a rigorous college preparatory curriculum with the performing arts and prepares students to pursue their passions and talents.

Vision: The Public Academy for Performing Arts will be a small, supportive community where all students pursue both high academic achievement and excellence in the performing arts.

2. NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

(Updated July 27, 2021)

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)

3. GOVERNING LAWS

PAPA must comply with all applicable federal, state, and local laws and regulations. As a public charter school, PAPA is governed by, without limitation:

- the New Mexico 1999 Charter School Act (NMSA 1978, Sections 22-8B-1 to 22-8B-15),
- the New Mexico School Personnel Act (NMSA 1978, Chapter 22, Article 10),
- the New Mexico Procurement Code (NMSA 1978, Sections 13-1-1 et. seq.),
- the Open Meetings Act (NMSA 1978, Sections 10-15-1 et seq.)
- the applicable rules and regulations issued by the New Mexico State Department of Education (contained in Title 6 of the New Mexico Administrative Code),
- PAPA's charter with the Albuquerque Public Schools (APS), including the applicable APS school policies not waived in PAPA's charter.
- Governmental Conduct Act (NMSA 10-16-1 et. seq.)
- Inspection of Public Records Act (NMSA 14-2-1 et. seq.)
- NMAC
- Public Schools NMSA 22

The Governing Council of PAPA has a responsibility to ensure that PAPA operates in accordance with these laws and regulations, and meets its commitments to APS, or Charter School Authorizer, and the State Board of Education as reflected in its charter.

4. GOVERNING COUNCIL POWERS AND RESPONSIBILITIES

The primary powers and duties of the Governing Council are to:

- Hire, evaluate and terminate the Executive Director;
- review and approve the budget for PAPA, and any line-item changes to the budget through Budget Adjustment Requests (BARS);
- review and approve all policies for PAPA;
- review and approve facilities plans for PAPA;
- approve the strategic plan for PAPA; and

The Executive Director and other PAPA employees shall implement the policies and procedures, facilities plans, and budget adopted by the Council, under the direction and supervision of the Executive Director. The Council shall not be involved in the day-to-day operations of the school.

5. COUNCIL MEMBER AUTHORITY

Council members will have authority only when participating in Council deliberations during a regular or special Council meeting. Neither the Administration nor the Council will be bound in any way by any statement or action on the part of any individual Council member, unless the Council, by majority vote, delegates authority to speak for or represent the entire Council to a Council member.

Unless acting pursuant to express delegated authority from the Council, no Council member shall undertake any individual action to implement any plan or action approved by the Council and within the responsibility of the Executive Director except under the direction and supervision of the Executive Director. When acting under such direction and supervision of the Executive Director, a Council member shall be considered a volunteer and have no special authority beyond that of a volunteer.

Council members are bound by these Policies. Any violation of Policies and Procedures by a Council member may be grounds for removal of the member under the procedures in Section A.8.

6. PARLIAMENTARY AUTHORITY

Basic Roberts' Rules of Order procedures will govern the Council, except when 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 Council President or the person chairing the meeting in the President's absence.

Unless otherwise specified by Council policy, procedure or resolution, a quorum shall consist of a simple majority of voting Council members in office, and any action on the agenda may be

taken upon the approval of a majority of those voting members present, provided a quorum is present.

7. COUNCIL MEMBERSHIP

Council shall be constituted in accordance with the following:

7.1. Members:

(updated 4/19/2022)

The Governing Council is intended to be a collaborative body and members are not intended to represent particular constituencies but should recognize and pursue the best interests of the school as a whole. It is, however, recognized that diverse groups exist and it is advisable to draw membership from all areas. The Governing Council shall consist of not less than five (5) and not more than seven (7) voting members consisting of Parent Members and Community Members.

Non-voting members of the Governing Council shall include up to three faculty/staff members, and two student members.

Voting Member Restrictions:

1. Spouses/domestic partners are prohibited from serving on the Governing Council at the same time.
2. PAPA employees and contractors; or spouses/domestic partners of PAPA employees or contractors shall not constitute a majority of the voting members.
3. No member of the governing body shall serve on the governing body of another charter school. (NMSA 22-8B-4.B)
4. No member of a local school board shall be a member of the governing body of a locally chartered charter school located within the local school board's school district during the term of office for which the member was elected or appointed. (NMSA 22-8B-4.B)

7.1.1. Training New and Returning Governing Council Members:

(updated April 19, 2022)

With regards to New Mexico Administrative Code 6.80.5

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This is an amendment to 6.80.5 NMAC, Sections 1, 7, 8, 9, 10, 11, 12, and 13 effective 7/14/2020

Within the first fiscal year of service, new governing council members will complete a minimum of 10 hours of training in accordance with NM Public Education Department guidelines. These hours are comprised of the following: 2 hours of ethics, 2 hours of charter school fiscal requirements, one hour of academics and evaluating academic data, one hour of open

government legal and organizational performance requirements, one hour on equity and culturally linguistic practices, and three hours as identified by the governing council and may be the PAPA governing Council onboarding training.

Returning Governing Council members must complete a minimum of 8 hours of annual training as prescribed by the NM Public Education Department. These hours are comprised of the following: 1 hours of ethics, 3 hours of charter school fiscal requirements, 2 hours of academics and evaluating academic data, one hour of open government legal and organizational performance requirements, one hour on equity and culturally linguistic practices.

7.2. Selection/Election

a)**Faculty/Staff Members** will be selected by the Faculty/Staff in accordance with procedures agreed to by a majority of faculty/staff members. The faculty/staff membership should reflect performing arts and academic areas as well as from high school and middle school. Ideally, representation should be by one academic middle school teacher, one academic high school teacher and one performing arts teacher. The faculty/staff is requested to take this into consideration when selecting/electing faculty members. The Faculty/Staff members are non- voting members, acting as advisors to the Governing Council. Faculty/staff members serve for one year and are not term limited.

b)Parent/Community Member Election Process:

i)On or before the first Governing Council meeting in February (or as needed throughout the year due to resignations), the Council shall appoint a Nominating Committee, which shall consist of:

- (a)at least one voting member of the Governing Council who is not eligible to serve on the Council the following year; if available.
- (b)two members of the faculty/staff who will not serve on the Council the following year (one of the faculty/staff members will chair the committee and report to the Governing Council);
- (c)at least one parent or community member who is not currently on the Governing Council, not employed by PAPA in any capacity (including a spouse/domestic partner) and will not serve on the Governing Council the following year.

The Governing Council shall provide to the nominating committee the minimum number of Parent and Community members the nominating committee should recommend.

Incumbent Governing Council members whose term(s) are expiring are required to submit an application to the nominating committee if they wish to remain on the Governing Council.

ii)The Nominating Committee shall meet thereafter and solicit applications, recruit potential candidates, and screen applicants and recruits for each of the Parent Member and Community Member positions on the Council to be filled.

iii) The Nominating Committee shall generally recommend a slate of candidates based upon their professional skills, demonstrated collaborative and problem-solving skills and attitudes, their ability and willingness to devote substantial time and energy to serving on the Governing Council and their willingness and ability to devote their time and energy to acting for the best interests of PAPA as a whole, rather than the interests of any particular interest group.

iv) The Nominating Committee will submit all applicants and their slate of recommended candidates to the Governing Council during the March Governing Council Meeting.

v) The Executive Committee may interview selected candidates from the list of all applicants.

vi) During the April meeting the Governing Council will decide on a preliminary slate of candidates to fill each open or opening voting member positions.

The preliminary slate of candidates will be provided to all PAPA parents via e-mail and web posting.

If there is more than one candidate for any Parent Member or Community Member Position, either by the Governing Council not deciding on a preliminary slate or because a nominating petition has been submitted in accordance with vi) below, the Governing Council shall arrange for an election to be held with respect to the contested position(s) Before the Governing Council meeting in May.

vii) Any person who desires to be considered for one of the Parent Member or Community Member Positions on the Governing Council, and who has not been included on the Governing Council's preliminary slate of candidates may initiate a ballot petition. The ballot petition must be signed by at least 50 (fifty) PAPA families and is to be presented to the Executive Director no later than one week after the Council meeting in April where the preliminary slate was made. The chair of the nominating committee will examine and verify all ballot petitions for compliance with this policy.

viii) If a ballot petition is successful, a general election ballot containing the names of all persons with successful ballot petitions and the name(s) of the preliminary slate of Governing Council members will be prepared for the general election. With respect to each of the voting member positions, each student's family shall be entitled to complete one (1) ballot. A general election will be held the week before the May meeting with voting to occur over two (2) school days. If the scheduled May meeting is after the school year, the election will be held two weeks prior to the end of the school year. The election will be facilitated by the nominating committee chair. It will consist of a secret, written ballot. Voters must be present and sign in in order for their ballot to be counted. The ballot results will be presented to the Governing Council at the May meeting.

ix) During the May Governing Council meeting, the Governing Council shall vote to approve or disapprove, as a whole, the slate of candidates or the candidates elected (if any). Upon

approval, all such candidates shall be immediately seated as members of the Council for the relevant terms. If such candidates are disapproved by the Council as a whole, the Council shall reconvene the Nominating Committee to develop a new slate of candidates for the uncontested positions.

x)The Governing Council members who will end their terms may remain through the August meeting to assist the new members in transition. During the May to August period, the Governing Council voting membership automatically expands to accommodate the outgoing and incoming members.

c. The High School and Middle School Student Council Presidents will be included on the Governing Council as a non-voting members acting in advisory roles.

This process can be used at any time to fill an unexpected governing council vacancy.

7.3. Terms.

Parent and Community Member terms are for three years. Members elected to an unexpired term will serve until the completion of that term. Parent and Community members are not term limited.

At the Governing Council meeting in February, the Governing Council will identify those Council members who are in their first, second and third term years and who will apply for reappointment on the council. The Council will also determine whether the make-up of the Council shall be increased or otherwise changed in subsequent years. This will determine the positions that are to be filled for the following year.

Facility/staff members serve for one year and are not term limited.

The Student members serve for their term in Student Council office and takes his/her position on the Governing Council upon installation as the High School or Middle School Student Council President.

7.4. Automatic Removal of Certain Council Members.

(1)Termination of PAPA Relationship. A Council member who occupies a Council position by virtue of his or her relationship to PAPA (e.g., administrator, faculty or adjunct faculty member, parent of PAPA student, etc.) will be deemed to have automatically resigned from his or her position on the Council upon the termination, for any reason whatsoever, of the circumstances which initially made such person eligible for the Council position. Parent members of spring graduating students may serve through the August meeting.

(2)Termination of Independent Contractor Status. If a Council member is an independent contractor to PAPA (in addition to any other qualifications for membership on the Council),

PAPA's cancellation or termination of the contract prior to its normal expiration date shall result in the Council member being deemed to have automatically resigned from his or her position upon the termination of the contract. In such circumstances, the Council may elect in its discretion to reappoint such person to the Council for the remainder of the term for which he or she was initially elected or appointed, by majority vote of the Council.

(3) Student Qualifications. A student member of the Council shall be deemed to have resigned his/her position on the Council immediately upon: (i) withdrawal from PAPA for any reason whatsoever; (ii) disciplinary action resulting in short or long-term suspension; or (iii) his/her GPA falling below 3.0 (measured at the end of the regular grading period). In this event, a Student Council officer will complete the term of the student member.

7.5. Recall of Elective Council Members.

If at any time the Council shall receive a recall petition with respect to any member serving in a Faculty/Staff Member, Parent Member or Community Member Position, signed by the following constituents: at least fifty percent (50%) of the faculty/staff (in the case of a Faculty/Staff member) or 100 PAPA Families (in the case of a Parent Member or Community Member), the Council shall arrange for a recall election to be held within thirty (30) days thereafter. Constituents eligible to vote for such position shall vote by secret ballot in such recall election, and such member shall be recalled and removed from office if more than fifty percent (50%) of the votes cast in such election are cast for removal.

7.6. Vacancies.

All vacancies on the Council caused by the resignation, deemed resignation, removal by vote of the Council, recall, death, refusal to serve, or incapacity of a member, or by the failure to fill all available positions, or other reasons, will be filled by majority vote of the remaining Council members, unless the Council elects to convene a Nominating Committee to fill the vacancy in accordance with the procedure above.

8. Removal of Council Members for Breach of Responsibilities

A. Governing Council members are expected to regularly attend Council meetings. If a Council member anticipates that he or she will not be able to attend a meeting, the Council member shall notify the President of the Council and/or the Executive Director of his or her impending absence in advance of the meeting. If a Council member, as a result of an emergency or illness, is unable to notify the President of the Council and/or the Executive Director in advance that he or she will be unable to attend a meeting, the Council member shall notify the Council President and the Executive Director within 24 hours following the meeting of the reason for his or her absence.

B. If a member of the Governing Council misses four consecutive monthly meetings or four out of eight consecutive monthly meetings, the office of such member may be declared vacant by a vote of majority plus one member of the voting Council members.

C.If a member of the Governing Council knowingly violates any policy or procedure adopted by the Governing Council, the office of such member may be declared vacant by a vote of majority plus one member of the voting Council members.

D.Any vacancy of an office on the Governing Council created pursuant to this section shall be filled in accordance with section A.7.6. Any member of the Governing Council who has his or her office declared vacant or vacated pursuant to this section A.8 shall not be eligible for appointment or election to the Governing Council until the term for which he or she was originally elected or appointed has expired.

E.No office of a member of the Governing Council shall be declared vacant under this section for any absence or other event that occurred prior to the date of adoption of this section.

9. NO MISUSE OF POSITION

As a common policy, no Council member or PAPA employee shall use his or her position at PAPA to attempt to influence the decision of any employee of PAPA to grant special treatment to (a) the child or ward of such Council member or employee (including independent contractors), (b) any relative of such Governing Council member or employee, or (c) any “Related Entity”.

For purposes of this Section, a “Related Entity” is a business enterprise, nonprofit organization or other entity with respect to which such Governing Council member, employee, or a relative of such Governing Council member or employee (i) has a direct or indirect financial interest; (ii) is an officer or director; or (iii) is otherwise in a position to control the management or decision- making of such entity.

Every Council member and every PAPA employee who is a parent or ward of a PAPA student shall inform his or her child that he or she is required to follow all rules, policies and procedures applicable to PAPA students, that he or she is not entitled to special treatment by virtue of the relationship with a Council member or employee, and that any attempt to seek such special treatment may result in disciplinary action.

Council members are prohibited from using confidential information acquired by virtue of their associations with PAPA for their individual or another’s private gain. Council members must, in all instances, maintain their conduct at the highest standards. Council members must not engage in activities which violate federal, state, or local laws or which, in any way, diminish the integrity, efficiency, or discipline of the Council or PAPA. Council members’ actions are constrained by the intent and the letter of these Policies and Procedures. Those constraints include but are not limited to the following:

a)No Council member will by their individual actions circumvent the authority of the Executive Director.

b) No Council member will act as advocate before the Governing Council for any individual or group of individuals unless they are appointed to that role through an action of the Governing Council.

10. General Conflict of Interest

1. General Principles:

As a common policy, it is the responsibility of all employees (including for this purpose independent contractors providing services to PAPA) of PAPA, all volunteers at PAPA, and all Governing Council members to conduct themselves in accordance with the highest standards of integrity, honesty, and fair dealing to preclude conflict between the interest of PAPA and the personal interests of the employee, volunteer or Governing Council member. Likewise, it is the responsibility of PAPA to conduct all its business and operations impartially in accordance with all laws and in conformity with the highest ethical standards.

All hiring and other transactions imposing financial and/or legal obligations on PAPA shall be made with the best interests of PAPA as the foremost consideration.

PAPA also recognizes that the ultimate success of PAPA depends upon the active participation, cooperation and collaboration of parents, volunteers, employees, Governing Council members and students. Sometimes, the best interests of PAPA may involve the creation of relationships that might create an appearance of impropriety or potential for abuse of position, if not carefully evaluated by disinterested parties. PAPA therefore has established this policy to guide all PAPA employees, volunteers and Governing Council members in their actions or relationships, so that they will avoid the appearance of having their judgment or the performance of their duties compromised.

2. Conflict of Interest Definition:

A conflict of interest occurs whenever an employee, volunteer, or Governing Council member permits the prospect of direct or indirect personal gain (or gain to a relative or Related Entity) to influence improperly his judgment or actions in the conduct of PAPA business. While it is not practical to specify every action by an employee, Governing Council member or volunteer that might create a conflict of interest, the following situations are considered to have that potential and MUST be avoided unless the situation has first been approved by the PAPA Ethics Committee.

1. Hiring of a Governing Council member or a relative of a Governing Council member as an employee, whether full-time or part-time;

2. Acquisition, leasing or sale of any property, facilities, materials, or contract services (e.g., financial, legal, public relations, computer) by PAPA under circumstances in which there is direct or indirect compensation (other than the regular salary received from PAPA by full or part-time employees) to an employee, volunteer, or Governing Council member, or a relative of

an employee, volunteer, or Governing Council member or to a Related Entity (as such term is defined in Section A.9);

3. Acceptance by an employee, volunteer, or Governing Council member or a relative of the employee, volunteer, or Governing Council member from any individual or company seeking to do business with PAPA, any loan, service, excessive entertainment, travel, or gift of more than nominal value. This does not preclude exchange of token gifts or entertainment that conforms to customary industry practices, provided such exchange does not obligate or appear to obligate the employee, PAPA, or any associated third party.

11. Avoiding Conflicts of Interest

In order to avoid conflicts of interest and the appearance of impropriety, the following restrictions on participation in Council deliberations and voting shall apply to certain members of the Council:

A. Faculty, staff, and student members of the Council (whether employed as employees or as independent contractors) shall not participate in Closed Session (as defined in subparagraph (C) below) deliberations relating to the compensation, evaluation, or discipline of any individual paid staff member, including independent contractor staff members, unless the particular staff member is supervised (directly or indirectly) by that Council member or invited to participate in the Closed Session at the express invitation of the Council;

B. Council members shall not participate in open meeting or Closed Session deliberations or votes relating to:

- (i) the hiring, compensation, evaluation, or discipline of (A) himself or herself; (B) any relative of the Council member; or
- (ii) any transaction between PAPA and any Related Entity (as such term is defined in Section A.9);

C. As used in this section, "Closed Session" shall mean any portion of a Governing Council meeting which is properly closed to the public in accordance with the provisions of the state Open Meetings Act.

12. Council Organizational Meeting

(Updated October 29, 2019)

The Council will hold its annual organizational meeting during the first regular Council meeting in July, unless no incumbent officers remain on the Council at the time a new Council takes office. In this instance, the Council will hold its annual organizational meeting during the first regular Council meeting after the new Council assumes office. The offices of the Council to be elected include President, Vice-President, and Secretary. The new officers will take office at the meeting following the July organizational meeting.

12.1. Council Officer Elections and Duties, General Council Member Duties

The officers of the PAPA Governing Council are comprised of a President, Vice-President, and Secretary. Additional officers may be added to the Council, should the Governing Council deem it necessary. All officers are elected annually. There is no term of office limit. The duties of certain officers are set forth herein. When the incumbent of an office is unable to perform the duties thereof or when there is no incumbent of an office (both such situations referred to hereafter as the “absence” of the Officer), the duties of the office shall, unless otherwise provided by the Governing Council or these policies, be performed by the next Officer set forth in the following sequence: President, Vice-President and Secretary.

1. President. The responsibilities of the President include but are not limited to the following

- a. Preside at all meetings
- b. Appoint committee members with approval of the Governing Council.
- c. Sign legal documents as required by law
- d. Develop the agenda for the Governing Council meetings in collaboration with all committee chairs and the Executive Director.
- e. Act for, or on behalf of, the Governing Council with prior specific authority from a majority of the Governing Council.
- f. Consider all communication addressed to the President for appropriate action, which may include consulting with legal counsel and /or the Governing Council.
- g. Attend school events, to the greatest extent possible, as a representative of Governing Council.
- h. Work with the business manager and school finance department as a check signer which requires a review of invoices to be paid which ensures consistency with policies and procedures.
- i. Chair at least one committee. May not be a finance committee member.
- g. Perform such other duties as may be prescribed by the Governing Council.

2. Vice President The responsibilities of the Vice- President include but are not limited to the following:

- a. Perform the duties of the President in the absence of the President or at the request of the President.
- b. Attend school events, to the greatest extent possible, as a representative of Governing Council.
- c. Work with the business manager and school finance department as a check signer which requires a review of invoices to be paid which ensures consistency with policies and procedures.

- d. Chair at least one committee. May not be a finance committee member.
- e. In the event a vacancy occurs in the Presidency, the Vice-President will act in the capacity of the President until the office has been filled by a vote of the Governing Council.

3. Secretary: The responsibilities of the Secretary include but are not limited to the following:

- a. Keep the minutes of the Governing Council meetings.
- b. Be responsible for sending out the Governing Council minutes for review within 10 days of meeting.
- c. Assure that all notices are given in accordance with the provisions of the Charter, Governing Council policies, and as required by law.
- d. Countersign, when required, all authorized bonds, contracts, deeds, leases, or other legal instruments.
- e. Ensuring the draft minutes and final minutes are shared with the Executive Director so they can be posted appropriately on the PAPA website.
- f. Other duties as from time to time may be assigned to the Secretary by the Governing Council.
- g. Attend school events, to the greatest extent possible, as a representative of Governing Council.
- h. Chair and/or be a member of at least one committee.
- i. The Council may appoint a designee to assist with the responsibilities of the Secretary.

4. General Members: The responsibilities of the general Governing Council members include but are not limited to the following:

- a. Ensuring PAPA exercises due diligence with all public monies by reviewing budgeting and spending practices regularly
- b. Attending all regularly scheduled governing council meetings to the greatest extent possible. Lack of attendance can be considered vacating the office.
- c. Supporting PAPA and its mission by attending at least one event or performance annually.
- d. Participate and/ or chair at least one committee.

13. Council Committees

(4/19/2022 update)

Committee power is limited and does not substitute as judgement for the Governing Council except for limited situations with the Executive Committee as defined below.

The Governing Council has established standing committees and may form ad-hoc committees, which may consist of Governing Council members and non-Council members.

Committee assignments and chairmanships will be determined by action of the entire Governing Council, provided that at least one Council member shall serve on each committee. No committee will include a majority of the voting members of the Governing Council.

Members for committees that include parents or community (non-Council members) will be solicited at least annually.

The time and place of all Committee meetings shall be announced to the Governing Council.

With proper notice of quorum, all Governing Council members may attend any committee meeting but only the appointed members are active, participatory members. The Council has established the following standing committees: an Executive Committee, a Finance Committee, an Audit Committee, a Long-Range Planning Committee, an Arts Committee, a Policy Committee, and an Ethics Committee.

The function of the standing committees, other than the Executive Committee, will be fact-finding, deliberative, and advisory, rather than legislative or administrative.

Committee recommendations will be made directly to the Governing Council, which alone may take action.

The responsibility of each ad hoc committee shall be planned by the Governing Council or directed by state/federal regulations and will be reflected in the Council minutes.

13.1. Executive Committee

(4/19/2022 update)

The Executive Committee is composed of the Council officers as active, participatory members, with the Executive Director and Business Manager as advisors.

The Executive Committee shall have authority to make decisions which (i) are, in the judgment of the Executive Director and/or the Council President, required to be made before the next regular or special meeting of the Council, or (ii) are delegated to the Executive Committee by the Council.

The Executive Committee, upon request, shall also work with the Executive Director and Council President to set the agenda for Governing Council meetings.

A report of decisions made by the Executive Committee shall be made at the next regular or special Governing Council meeting.

13.2. Finance Committee

(4/19/2022 update)

The Finance Committee is composed of up to five members and will include two voting Governing Council members and may include a member (not on the Governing Council or a school employee) who are the active, participatory members. The non-Governing Council member is recommended to have a financial, accounting, or management background. The Business Manager and the Executive Director shall be advisory members.

In accord with Section D.5 of this Policy Handbook, Governing Council check signatories may not be members of the Finance Committee.

The Finance Committee shall review the financial records of PAPA monthly to ensure compliance with the record-keeping and separation of duties requirements of this Policy Handbook, and to ensure that revenues and expenditures are in reasonable compliance with the annual budget approved by the Governing Council.

The Finance Committee shall report to the Governing Council at least monthly on the financial status of PAPA, compliance with the approved budget, and compliance with all financial procedures mandated by this Policy Handbook.

The Finance Committee shall have the authority to make recommendations to the Governing Council about any matter that comes to its attention affecting the financial affairs of PAPA.

13.3. Audit Committee

(4/19/2022 update)

Audit Committee is composed of a minimum of six members. The active, participatory members are a minimum of two voting Governing Council members, one parent or community member who has accounting experience, and one parent. The Executive Director and the Business Manager are advisory members. The Audit Committee meets as required to review the annual audit findings and shall review the finance and personnel practices of the business office at least once per semester.

13.4. Long-Range Planning Committee

(4/19/2022 update)

The Long-Range Planning Committee composition is open and will consist of a minimum of one Council member, members from the parents, community, and faculty/staff. All members of the Long-Range Planning Committee are active, participatory members in this committee. The object is to recommend goals for improvements in facilities and arts/academic programs.

13.5. Arts Committee

(4/19/2022 update)

The Arts Committee composition is open and will include the Performing Arts Director and volunteers from the Council, parents, community, and faculty/staff. All members of the Arts Committee are active, participatory members in this committee. The objective is to recommend goals for promoting the arts.

13.6. Policy Committee

(4/19/2022 update)

The Policy Committee composition is open and will include the Executive Director, a minimum of one voting Council member, parents, community, and faculty/staff. All members of the Policy Committee are active, participatory members. The objective is to continually review policy and make policy recommendations to the Governing Council.

A.13.7. Ethics Committee:

(4/19/2022 update)

The PAPA Ethics Committee shall be composed of three active, participatory members, one of whom shall be a Governing Council member appointed by the Governing Council as the chair, and two other members (who may be parents, staff members, or disinterested community members) who the Council believes will be able to evaluate potential conflicts of interest objectively and in the best interests of PAPA. The Ethics Committee is not a standing Committee.

If a transaction or situation described above in Section A.10 is proposed, or any other situation arises which any employee, Governing Council member, volunteer, student or parent believes may present an improper conflict of interest or potential for abuse of position, the matter may be presented to the Ethics Committee for evaluation. Anyone (including a member of the Ethics Committee) may initiate an evaluation by the Ethics Committee by notifying any member of the Governing Council or the Executive Director that he or she would like the Ethics Committee to consider the issue presented. The Ethics Committee shall promptly be formed by the Governing Council and shall convene after any such request and shall render a decision or recommendation within two (2) weeks following their formation, or such additional reasonable period of time as may be necessary to obtain any additional information deemed necessary by the Committee.

A. Ethics Committee Authority:

i) Proposed Transactions. The Executive Director shall not authorize (by approval of a Purchase Order or otherwise) or enter into any proposed transaction on behalf of PAPA described in Paragraph B unless and until the transaction has first been evaluated and approved by the Ethics Committee.

The Ethics Committee may, but shall not be obligated to, approve a proposed transaction (including the hiring of a Governing Council member, a parent, a relative of an employee, volunteer or Governing Council member, or any Related Entity) if the Committee concludes, after review of all pertinent data, that:

- (i) the transaction is financially no less favorable to PAPA than would be available in an arm's length transaction between unrelated parties;
- (ii) no employee or Governing Council member will be in a position to individually make decisions relating to the employment, supervision, compensation or discipline of a relative;

- (iii) no employee or Governing Council member will be in a position to individually make decisions relating to any transaction between PAPA and any Related Entity (as defined in Section A.9); and
- (iv) the benefits to PAPA outweigh any appearance of a conflict of interest. The Ethics Committee shall report its decision regarding any such proposed transactions to the Governing Council at the next meeting following its decision.

ii) Violation of Conflict of Interest Rules. In the event the Ethics Committee decides that a PAPA employee, Governing Council member, or volunteer has violated the conflict of interest rules or otherwise abused or attempted to abuse his or her position at PAPA, the Ethics Committee shall make a recommendation to the Governing Council regarding appropriate action, and the disinterested members of the Governing Council shall decide what action shall be taken in response to such violation.

iii) Deliberations and Voting of Ethics Committee. All decisions made by the Ethics Committee shall require the affirmative decision of at least two out of the three members, after discussion and deliberation by all three members.

In the event a matter is presented to the Ethics Committee which involves a potential or alleged conflict of interest with respect to a member of the Ethics Committee, that member shall disqualify himself or herself from all deliberations relating to that matter and the Governing Council shall appoint a disinterested member to the Ethics Committee to consider the particular matter at issue.

B. Disclosure statement required.

Each Council member shall be responsible for disclosing to the Council the existence of any such direct or indirect interest. Failure to make such disclosure shall be grounds for voiding the transaction, at the discretion of the Council.

The High School and Middle School Student Council Presidents are invited to serve on any committee.

The Council may appoint ad hoc advisory committees when and as determined to be necessary or advisable by the Council. Ultimate authority to make decisions will continue to reside in the Council.

All committees shall keep written minutes of their meetings and shall periodically present reports to the Council containing committee recommendations.

14. Executive Committee Procedures

If a Council member, desires to refer a matter to the Executive Committee because he or she believes a decision must be made before the next regular Council meeting or before a Special

meeting can be held; the Council member shall contact the Governing Council President to discuss the need for an Executive Committee Meeting.

No decision shall be made by the Executive Committee without the approval of at least two (2) voting members thereof, and no decision shall be made by the Executive Committee unless an effort has first been made to contact all members of the Executive Committee. If a member of the Committee is not available for consultation within two (2) hours after the first contact (or such shorter time as is appropriate in the context of an emergency), the decision of the other members of the Committee shall be binding, provided it is approved by at least two (2) members. The Executive Committee shall report the facts and reasons for such emergency decision at the next meeting of the Council.

Non-emergency decisions delegated to the Executive Committee by the Council shall be made by majority vote at a meeting of the Executive Committee held at a time and place established upon at least 48 hours' notice to all members of the Executive Committee, provided that shorter notice is acceptable if all members of the Committee are present at the meeting.

15. Council Meetings

Notice of all meetings of the Governing Council will be made in accordance with the Open Meetings Act. Draft and final agendas will be provided to the Council members and public in accordance with the Open Meetings Act.

Regular meetings of the Council will be held monthly, but not on school holidays. The Council will establish the calendar of regular meetings for each Council year at the first Council meeting in July. The date or time of the regular monthly meeting may be changed by action of the Council, provided that notice of the change has been properly published as required by the Open Meetings Act and a good faith effort has been made to inform the PAPA community.

Council meetings will be held on school premises, or such other location as may be determined by the Council.

A special Council meeting may be called by the Council President, or by a quorum of voting Council members.

A15.1 Public Hearings

(Initial adoption July 27, 2021)

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.

16. Council Agenda

(Updated July 27, 2021)

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 36 hours prior to the meeting.

17. Council and Committee Deliberations

All Governing Council members (voting and non-voting) shall work collaboratively with each other, with the sole goal of achieving PAPA's educational mission. The Governing Council has been constituted so as to include a broad spectrum of experience and perspectives, and every Governing Council member shall be afforded the opportunity to express his or her opinion, in a professional manner, about matters before the Governing Council. Governing Council members shall refrain from non-constructive or personality-based comments that do not advance PAPA's mission. Because the Council makes decisions as a deliberative body, it is expected that, except in extraordinary circumstances, Governing Council members will voice their opinions to other Governing Council members about Council matters in the context of Governing Council and/or committee meetings, rather than in private communications among Council members.

Governing Council members shall be expected to keep confidential any deliberations or discussions that take place in the closed session meetings. It is expected that Council members will raise concerns or share information about closed session meetings within the context of Council and/or other committee meetings with other members of the Council and appropriate staff members only. Until such decisions are ready for public comment, such information will not be shared with the PAPA community at large.

18. Addressing the Council

An individual may speak during the “Open Forum from the Public” agenda item after identifying themselves by signing in with the Council Secretary and being recognized by the presiding officer of the Council. All presentations should be brief and each individual speaking on an agenda item should limit his or her remarks to three (3) minutes.

The Open Forum in regular Council meetings will be limited to a total of 10 minutes unless extended by majority vote of the Council. People speaking at the Open Forum may present information to the Governing Council, but the Open Forum will include no Council actions or discussions. Individuals who wish to speak for longer than three minutes or who require Council discussion or action must use the procedure in A.15 to be placed on the Council agenda.

Complaints about individual employees will not be heard at Council meetings.

19. Council Minutes

(Updated 4/19/2022)

A record of all actions of the Council will be set forth in the official minutes of the Council.

The minutes will be kept on file as the permanent official records of PAPA. Recordings of all open meetings will be on file for one year.

19.1. Procedure: Council Minutes And Records

(Updated 4/19/2022)

The Governing Council Secretary shall take the minutes of all Council meetings and provide a written copy thereof for approval at the next Council meeting. In accordance with the Open Meetings Act, draft minutes will be posted no later than 10 days after the meeting. Both draft and final minutes will be posted by the Executive Director on the PAPA website with final minutes having access for at least one year. The Executive Director shall maintain the handbook of resolutions passed by the Council and the indexed record of action.

20. Quarterly Community Meetings

PAPA is a community endeavor, and its success depends upon the active participation of students, parents, employees, Council members, and interested citizens from the community at large. To facilitate this process, the Council will sponsor a community meeting to discuss matters of interest to the PAPA community. The meeting will be scheduled quarterly, thirty (30)

minutes before a regular Governing Council meeting. The meeting will be advertised through the regular meeting agenda and school web site.

21. Suspending or Revoking Policies And Procedures

Any policies of the Council, not specifically prescribed by applicable law or the charter, may be suspended or revoked by a majority vote of the Council. The Executive Director may, in case of emergency, suspend any parts of policies and procedures as they pertain to the administration of the school, provided that the Executive Director first attempts to obtain Executive Committee approval for such suspension, unless the emergency is such that the Executive Director must act immediately. The Executive Director will report the facts and reasons for such suspension at the next meeting of the Council, and the suspension will expire at the time of said report unless continued in effect by the Council.

22. Policy Adoption

Adoption of new policies or the revision or repeal of existing policies is solely the responsibility of the Council. Proposals regarding policies may only originate with a Council member, Executive Director, or the Policy Committee. Staff members, students, civic groups, parents or other interested citizens may request that a Council member or the Executive Director sponsor a proposed policy.

The Council will adhere to the following procedure in considering and adopting policy proposals to ensure that such proposals are thoroughly examined before final action: The Policy Committee will draft and review new policies or revisions to existing policies. After such review, the Policy Committee will make such proposed policies available for public comment by staff members, students, civic groups, parents or other interested citizens, for a period of at least ten (10) days and notice of such proposed policies shall be included in PAPA's newsletter or web site and posted in a prominent location at the school. Upon request, the Executive Director shall make copies of the proposed policies available to interested parties. Comments on the proposed policies must be submitted in writing to the Executive Director by the deadline specified by the Policy Committee. Following such public comment period, the Policy Committee shall consider any comments received and determine whether changes to the initial draft policies should be recommended. After such consideration by the Policy Committee, and adoption of any recommended changes, the Policy Committee shall present to the Council for consideration its final recommended policies or revisions.

The Policy Committee shall also submit to the Governing Council a summary of all comments submitted. The public comment process shall apply to all policies proposed by the Policy Committee after the date this amended policy is adopted by the Governing Council.

SECTION B GENERAL SCHOOL ADMINISTRATION

(Approved by Governing Council on 7/26/01 and Amended 10/4/01, 06-27-02) (Amended by the Governing Council 3/29/2016)

B.1.Executive Director's Authority and Responsibility

The Council delegates to the Executive Director the authority and responsibility for the day-to- day operations of the school and the development of operational procedures to implement each policy and governing procedure of the Council.

Without limited the general delegation of authority for day-to-day operations, the Council delegates to the Executive Director the following specific responsibilities:

- the authority and responsibility to employ appropriate personnel that is not hired directly by the Council;
- the authority and responsibility to implement the facilities plan approved by the Council; and
- the authority and responsibility to make all expenditures consistent with the annual budget approved by the Council, provided that the Executive Director shall not incur any single liability or authorize any single expenditure not already specifically authorized in the approved budget or approved facilities plan, in excess of \$15,000 without express Council approval.

B.1.2 PAPA Executive Director Advisory Council

(Updated 4/19/2022)

In accordance with NM Stat § 22-5-16 (2020), PAPA will maintain an Advisory Council.

Membership: Membership of the Advisory Council will include at a minimum the Executive Director, one high school teacher, one middle school teacher, one Arts teacher, one middle school student representative, one high school student representative and one parent. Ideally, this council will include: 1 teacher from each department both academic and arts, the Executive Director, one middle school student representative, one high school student representative, and up to 3 parent or community representatives.

All staff members will serve for one year and must be elected by their colleagues. Parent and community members may be volunteers and their membership shall be approved by a simple majority of school elected council members.

Duties:

- (1)work with the executive director and give advice, consistent with state and school district rules and policies, on policies relating to instructional issues and curricula and on the public school's proposed and actual budgets;
- (2)develop creative ways to involve parents in the schools;

(3)where appropriate, coordinate with any existing work force development boards or vocational education advisory councils to connect students and school academic and arts programs to business resources and opportunities; and
(4)serve as the champion for students in building community support for schools and encouraging greater community participation in PAPA.
Meetings shall be advertised on the PAPA website and held on a basis: minimum of quarterly, suggested monthly.

This council may examine issues under the purview of the Governing Council, but its decisions do not supersede any Governing Council actions.

B.2.Purchasing

(July 31, 2018 update)

PAPA shall have a Chief Procurement Officer as defined in NMSA 13-1-21 *et. seq.* The Chief Procurement Officer is responsible for all purchases made by PAPA. All purchases which expend public money (including school activity funds, and grant funds) shall be in accordance with the State Procurement Code, this Procurement Policy, and PAPA regulations.

Public Academy for Performing Arts (PAPA) Procurement Policy (new July 31, 2018)

Purchasing Rules and Regulations

NMSA 1978, Sections 13-1-21 and 13-1-22; 13-1-28 through 13-1-47; 13-1-48 through 13-1-

1. ; 13-1-102 through 13-199; 13-1C-1 through 13-1C-7; 13-4-1 through 13-4-11; 13-4-12

through 13-4-24; 13-4-31 through 13-4-43; 13-4A-1 through 13-4A-11; 13-4B-1 through 13-4C- 3; 13-4C-1 through 13-4C-11; 13-4D-1 through 13-4D-8; 13-5-3 through 13-5-3.1; 13-6-1

through 13-6-8; with the below changes and clarifications are hereby incorporated by reference as part of the PAPA Procurement Policy.

This policy supersedes and rescinds all previous policies on this subject matter.

The procurement flow chart included with this resolution provides the basis of procurement decision making.

§ 13-1-37. Definition; central purchasing office

For this Policy, the “Central purchasing office” is the PAPA Business Office.

The Chief Procurement Officer is that person within the central purchasing office who is responsible for the control of procurement of items of tangible personal property, services or construction.

§ 13-1-62. Definition; immediate family

For this Policy, the “immediate family” includes parents, grandparents, spouse, children and siblings.

husband, wife, domestic partner, mother, father, brother, sister, children, step-children, or any relative or person living in the employee's household

§ 13-1-67. Definition; local public body

For this Policy, the “local public body” is PAPA.

§ 13-1-75. Definition; procurement officer

For this Policy, the “Procurement officer” is the Chief Procurement Officer.

§ 13-1-94. Definition; using agency

For this Policy, except for Section 13-1-100 the “Using agency” is PAPA.

§ 13-1-100. Construction contracts; central purchasing office

For this policy, “governing authority of the using agency” is the PAPA Governing Council.

§ 13-1-117.1. Procurement of professional services; local public bodies; legislative branch; selection and award

For this Policy, the regulations for the selection and award of professional services are:

1. The Chief Procurement Officer will make a threshold determination as to whether each proposal is responsive or non-responsive. Non-responsive proposals will be disqualified and eliminated from further consideration. A written determination in the form of a letter must be promptly sent to the disqualified offeror setting forth the grounds for the disqualification and made a part of the procurement file.
2. An evaluation committee of a minimum of three individuals will evaluate and score the proposals against the published evaluation criteria. The evaluation committee members will be assigned by the Chief Procurement Officer. Governing Council members may not be members of the evaluation committee as they are the contract awarding authority.
3. The Chief Procurement Officer will collect and tabulate the evaluation scores. Any individual score that differs from the average score by more than 25% of the total points in those evaluation criteria will be questioned and evaluated for possible change by the evaluator.
4. The Chief Procurement Officer will prepare the total scores and ranking of the firms for the Governing Council’s consideration, and will make a recommendation regarding whether interviews should be conducted with the top ranked firms, if negotiations should begin with the top ranked firm, or if the solicitation should be cancelled.
5. If interviews are conducted, additional members of the evaluation committee may be added. The evaluation committee will make a recommendation to the Governing Council of the ranking of the proposers following the interviews.
6. The Governing Council will consider the evaluation committee’s ranking and may authorize the Chief Procurement Officer to initiate negotiations with the top ranked offeror on scope and fee.

- a. Upon reaching an agreement on scope and fee, the contract will be presented to the Governing Council for approval.
 - b. If agreement cannot be reached with the top ranked firm on scope and fee, negotiations will begin with the second ranked firm. This process can continue through the remaining ranked firms.
 - c. In these cases, the authority to terminate negotiations and move to the next ranked offeror is assigned to the Chief Procurement Officer.
7. The Chief Procurement Officer can recommend to the Governing Council that the procurement be terminated at any time during the process.
8. The names of all businesses submitting proposals and the names of all businesses, if any, selected for interview shall be public information. After an award has been made, the evaluation committee's final ranking and evaluation scores for all proposals shall become public information. Businesses which have not been selected for contract award shall be so notified in writing within fifteen days after an award is made. (13-1- 120(D)).

§ 13-1-123. Architectural, engineering, landscape architectural and surveying contracts

For this policy, in 13-1-123(A) change “state agency” to “local public body”.

§ 13-1-124. Architect rate schedule

For this policy, in 13-1-124 change “state agency” to “local public body”.

§ 13-1-125. Small Purchases

For this Policy, the rules for small purchases are:

A. Purchases for services (except professional services), items of tangible personal property, or construction involving the expenditure of two thousand five hundred dollars (\$2,500) or less, can be made by issuing a direct purchase order to a contractor based upon the best obtainable price. Best practice is to obtain a minimum of two price quotes. The documentation of contractors contacted will be a part of the procurement files. Quotes must be obtained from contractors capable of providing the required service, construction, or item of tangible personal property.

B. Purchases for services (except professional services), items of tangible personal property, or construction involving the expenditure of more than two thousand five hundred dollars (\$2,500.01), but less than twenty thousand dollars (\$20,000.00), can be made by issuing a direct purchase order to a contractor based upon the best obtainable price from a minimum of two written quotes. A written “no quote” or “no bid” response can be considered as part of the two required quotes, however, efforts will be made to obtain two priced quotes. The documentation of contractors contacted will be a part of the procurement files. Quotes must be obtained from contractors capable of providing the required service, construction, or item of tangible personal property.

C. Purchases for services, (except professional services), construction, and items of tangible personal property involving the expenditure of more than twenty thousand dollars (\$20,000.01) but not more than sixty thousand dollars (\$60,000.00) shall be made only after sending notices to prospective bidders and after the expiration of the time specified in the notice or after the receipt of responses from all persons to whom notices were sent and attempting otherwise to secure at least three bona fide written responsible bids. If less than three responsible bids are secured, a purchase of more than twenty thousand dollars (\$20,000.01) but not more than sixty thousand dollars (\$60,000.00) may be made without three written bids, but such purchase must be made at the best obtainable price, which documentation is to be recorded for the procurement files.

D. Small purchase procurement of professional services:

1. Limited to a maximum of \$60,000 for professional services, except landscape architects and surveyors which are limited to a maximum of \$10,000.
2. A request for proposals will be developed and a minimum of three businesses will be contacted and requested to provide a proposal. The request for proposals will contain the evaluation criteria. The evaluation of the proposals will be by a minimum of two persons appointed by the Chief Procurement Officer.
3. Negotiations will be conducted with the highest rates proposal.
4. For a multi-term on call or indefinite quantity small purchase professional service solicitation, the anticipated maximum amount for the maximum four-year term shall not exceed the paragraph D.1 limits.

E. Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section.

F. Multi-term on-call or indefinite quantity contracts for services (except professional services), items of tangible personal property, or construction that fall under the small purchase procedures shall have an expected aggregate total over the maximum four year life of the contract of no more than \$60,000. Multi-term on-call or indefinite quantity contracts regardless of the anticipated total cost will follow the notice and written bid process of paragraph C.

§ 13-1-154.1. Multiple source contracts; architectural and engineering services contracts; indefinite quantity construction contracts

For this policy, in 13-1-124 change “state agency” to “local public body”.

§ 13-1-174. Authority to resolve protests

For this policy, the rules for resolving protests are:

1. Any bidder or offeror who is aggrieved in connection with a solicitation or award of a contract may protest to the Chief Procurement Officer. The protest shall be submitted in writing within fifteen calendar days after knowledge of the facts or occurrences giving rise to the protest.
2. The protestor shall set forth in detail all reasons for the protest. The protest shall:
 - a. Include the name and address of the protestor;

- b. Identify the contracting activity and the number of the solicitation, if any, and if a contract has been awarded the contract number, if any;
 - c. Contain a statement of the grounds for protest;
 - d. Include supporting exhibits, evidence affidavits or documents to substantiate any claim unless not available within the filing time, in which case the expected availability date shall be indicated; and
 - e. Specify the ruling requested from the Chief Procurement Officer.
- 3. Upon receipt of any protest filed in accordance with paragraph 1 of this section, the Chief Procurement Officer shall notify the Governing Council. The Chief Procurement Officer will review the facts giving rise to the protest and within 15 working days mail to the protestor and all other bidders, a written determination concerning the validity of the protest. The determination shall set forth the factual and legal basis of the determination. The determination will also provide the action proposed to be taken by the Chief Procurement Officer and shall inform the protestor and other bidders of their right to appeal the Chief Procurement Officer's determination in accordance with the appeal procedures set forth in paragraph 4 of this section.
- 4. Any protestor or other bidder aggrieved by the Chief Procurement Officer's determination is authorized for judicial review filed pursuant to the provisions of Section 39-3-1.1 NMSA 1978.
- 5. Failure to timely appeal the Chief Procurement Officer's determination shall bar further recourse by the protestor or any other bidder, and the Chief Procurement Officer's determination and proposed action shall be final.
- 6. In the event of a timely protest under paragraph 1 of this section, the central purchasing office shall not proceed further with the procurement unless the Chief Procurement Officer makes a determination that the award of the contract is necessary to protect substantial interests of the local public body.

§ 13-1-177. Authority to suspend or debar

For this policy, the rules for debarment are:

- 1. When debarment is contemplated under Sections 13-1-177 through 13-1-180, the Chief Procurement Officer and PAPA Attorney will meet to discuss the circumstances leading to the possible debarment. If sufficient evidence is found that debarment should be pursued, the Chief Procurement Officer will make a written summary of the findings and legal basis of the debarment and a hearing will be scheduled before the Governing Council. Under the Open Meetings Act, this will be an open hearing, with possible discussions in executive session as an administrative adjudicatory proceeding.
- 2. Notice of the hearing to the contractor will be made by certified mail, return receipt requested, or by hand delivery and delivery receipt requested.
- 3. In the hearing, the Governing Council will hear from the Chief Procurement Officer on the reasons for the debarment and from the contractor. The Governing Council will make a determination on the debarment request.
- 4. The written determination will be provided to the contractor by certified mail, return receipt requested, to the contractor, or by hand delivery and delivery receipt requested.

5. The contractor aggrieved by the Governing Council's determination is authorized for judicial review filed pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

§ 13-1-191.1(G)(1). "Applicable Public Official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

For this Policy, the "applicable public officials" are: the Governing Council and the Chief Procurement Officer.

Centralization of Procurement Authority

All procurement for PAPA shall be performed by a central purchasing office designated by the Governing Council except as otherwise provided in the Procurement Code. PAPA shall identify their designated central purchasing office to the state purchasing agent and shall report their chief procurement officers to the state purchasing agent. On or before January 1 of each year, and every time a new Chief Procurement Officer is hired, each local public body shall provide to the state purchasing agent the name of the Chief Procurement Officer and information identifying the central purchasing office. Only a state certified Chief Procurement Officer may make determinations, including determination regarding exemptions, pursuant to the procurement code; issue purchase orders and authorize small purchases pursuant to the procurement code; and approve procurement pursuant to the procurement code.

Indemnification And Insurance

Except as provided for in the Tort Claims Act, Sections 41-4-1 through 41-4-27 NMSA 1978, no contract governed by this policy shall contain a provision whereby PAPA agrees to indemnify or provide tort liability insurance for any contractor. No contract governed by this policy shall contain any provision whereby PAPA agrees to indemnify or provide a contractor with insurance for non-tort risks unless the provision has been approved in writing by PAPA legal counsel or risk manager. Any indemnification or insurance provision in any contract executed in violation of this section shall be void and of no effect.

Summary Of Contract Values

Maximum Contract Values for various procurement methods:

13-1-119.1 (C) Two Phase Design-Build project delivery system –

no limit 13-1-119.1(F) Design-Build project delivery system

\$400,000.

13-1-125 Small Purchases

Services/Professional Services \$60,000

Except Landscape Architects \$10,000 (13-1-

66.1) Except Surveyor \$10,000 (13-1-66.1)

Construction \$60,000
Tangible Personal Property \$60,000

13-1-125(C) Small Purchases - Direct Purchase Order Based on Best
Obtainable Price Services \$20,000
 Except Professional Services
Construction \$20,000
Tangible Personal Property \$20,000

Signature Authority

The Governing Council executes all contracts, except as delegated by this or separate resolution.

The Executive Director has the authority to execute service (except professional service), construction and items of tangible personal property contracts under \$60,000.

The Executive Director has the authority to execute professional service contracts under \$20,000.

The Executive Director has the authority to execute construction contract modifications or change orders necessary to continue the construction without delay under \$60,000.

The Chief Procurement Officer has the authority to execute service (except professional service), construction and items of tangible personal property contracts under \$20,000.

All contracts of \$5,000 or more approved by the Executive Director and Chief Procurement Officer will be presented to the Governing Council for information.

Compliance with 22-21-1 NMSA 1978. Prohibiting sales to the department, to school districts and to school personnel; exception; penalty and the Governmental Conduct Act (NMSA 1978, Chapter 10, Article 16).

PAPA shall not purchase, directly or indirectly, anything from a member of the Governing Body or a school employee.

ATTACHMENT

Procurement Flow Chart
(Revised April 2022)



B.3.Fiscal Integrity

(Updated October 29, 2019)

In the event the Council and/or the Executive Director determines additional personnel, programs or initiatives are warranted, no such additions will be made without a corresponding identifiable source of funding. The distribution schedule of funding shall also be taken into consideration in incurring any obligation or commitment.

B.4. Media Contacts

All communications with the media shall be handled by or under the express direction of the Executive Director.

B.5. Communications With Students, Staff and/or Parents.

PAPA shall develop a process of approved communications with students, staff, parents, and the community.

The communications process may include: a web site, e-mail lists, mailings, telephone calls, etc.

The Executive Director shall approve all releases of information not specific to courses of instruction or performances.

Faculty may freely communicate to students and parent's information regarding their classes or performances.

Communications from the Governing Council, committees, recognized organizations, and others requesting information be distributed to the PAPA community shall be sent to the Executive Director for review and release. The generating organizations shall be clear in the communication.

B.6. Confidentiality Of Parent, Student And Staff Data

No one who has access to information regarding PAPA students, parents, staff, Governing Council members, or volunteers as a consequence of their employment by PAPA or volunteer work on behalf of PAPA shall use such information for personal purposes or for the benefit of any person or entity other than PAPA. All such information shall be considered confidential and shall not be disclosed to anyone who is not otherwise authorized to have access to such information.

SECTION C PERSONNEL

(Approved by Governing Council on 8/23/01, amended 06-27-02, 09-26-02, 06-20-12)
(Amended by the Governing Council 3/29/2016)

C.1. Equal Employment

Employment at PAPA shall be governed by applicable state and federal laws, including without limitation the New Mexico School Personnel Act, and the policies and procedures adopted by the Council. PAPA is an equal opportunity employer. PAPA prohibits discrimination and sexual or other harassment in all facets of employment, compensation, promotion, transfer, demotion, layoff, termination or selection for PAPA-sponsored training programs.

Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Age Discrimination in Employment Act of 1967, Equal Pay Act of 1963, New Mexico Human Rights Act, 1969, and PAPA Governing Council policies prohibit discrimination in the workplace. The PAPA Title IX Coordinator is the Executive Director.

C.1.1.504/ADA EMPLOYMENT PRACTICES

1. Notice of the Governing Council's policy on non-discrimination in employment practices will be posted through annual newspaper notices and posted throughout the PAPA campus..

2. Information regarding PAPA's policy on non-discrimination in employment practices will be provided to potential employees in recruitment and interview settings.

3. In the planning of training sessions for employees, availability of training sessions (including physical access to the training site) will not be limited so as to discriminate against employees with disabilities.

4. In determining hiring, transfer or promotion of employees, placement will not be determined or influenced by any employee's disabling condition. It is the prerogative of the employer, however, to determine office, classroom, or other area of work based on already accessible work areas.

5. Each job description will be written to:

1. Identify any environmental factors that could create a barrier for a person with a disability;
2. Ensure that all essential physical, mental, and intellectual qualifications have been defined and justified;
3. Identify the types of abilities which would qualify a person to fulfill the essential functions of a job.

6. "Reasonable accommodation" may include for employees, where such would not impose "undue hardship,"

1. Making facilities used by employees readily accessible to and usable by persons with disabilities;
2. Job restructuring and part-time or modified work schedules;
3. Acquisition or modification of equipment or devices;
4. The provision of readers or interpreters and other similar actions. This is not an all-inclusive list of possible accommodations.

7. PAPA will not use employment tests or other selection criteria that tend to screen out persons with disabilities unless those criteria are demonstrably job related.

A. Reasonable Accommodation

1. The employee must initiate a written request for reasonable accommodation accompanied by documentation of the condition that may qualify as a disability. The type of documentation required will depend on the disability and can be, among others, medical, psychological or diagnostic.

2. When "1" above is complete and submitted to the Executive Director, options will be explored and a determination made of what occurs next.

1. At no time prior to this determination should any PAPA employee or agent agree to a specific accommodation or make a financial commitment to the employee. Many accommodations can be accomplished on site with no need for modification and at no cost.

2.Options may include, but are not limited to, the development of an employee accommodation plan, physical access request, further medical clarification, job restructuring and/or transfer.

3.When the necessary accommodation is complicated or requires PAPA funding, the Governing Council will need to be involved to approve the financial expenditures. Any consideration of job restructuring or transfer must include the involvement of the Executive Director. When necessary, the Governing Council will assist the administration in determining the most cost-effective accommodations that meet the need, considering also the employee's suggestions on his/her Accommodation Request.

3.All accommodations agreed upon and initiated are documented by the employee's supervisor and/or the Executive Director. A copy of this is filed as confidential records on disability accommodations separate from the personnel files. No disability records will be kept in the personnel files.

B.Grievance Procedure

A complaint regarding a violation of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the New Mexico Human Rights Act, in an employment decision will be subject to a grievance procedure that provides for the prompt and equitable resolution of the dispute. The grievance procedure is detailed in section C.3 EMPLOYEE GRIEVANCE RESOLUTION PROCEDURE.

C.1.2.Gender Discrimination and Sexual Harassment

PAPA is an equal opportunity employer and prohibits discrimination/harassment in all facets of employment to include but not limited to recruitment, job advertisement, employment, compensation, promotions, transfers, demotions, layoffs, termination's, or selection for PAPA- sponsored training programs.

A.Discrimination and Harassment

Discriminatory and harassing behavior violates PAPA policies which are supported by State and Federal civil rights laws/regulations and denies access to equitable employment opportunities. This behavior includes, but is not limited to, comments, name-calling, conduct of a physical nature, or other expressive behavior directed at an individual or group on the basis of race, color, national origin, ethnic background, religion, sex, sexual orientation, age, political affiliation or marital status. Discriminatory and harassing behavior creates a demeaning, intimidating and hostile working environment.

It is the policy of the PAPA Governing Council to provide a working environment free of discrimination based on gender. Sexual harassment in employment is prohibited.

Sexual harassment is unwelcome sexual advances which request sexual favors and written or verbal conduct of a sexual nature. If the following conditions exist, those actions constitute harassment: (1) submission to such conduct is made either explicitly or implicitly a term or

condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

If the behavior toward another employee makes them feel intimidated, uncomfortable or if the employee feels threatened, it may be considered sexual harassment even if the harasser did not intend for his or her action(s) to be offensive.

Sexual harassment is also illegal under state human rights statutes and may be considered a criminal offense under state and local assault and child abuse laws.

Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Age Discrimination in Employment Act of 1967, Equal Pay Act of 1963, New Mexico Human Rights Act, 1969, PAPA Governing Council policies prohibit discrimination in the workplace. The PAPA Title IX Coordinator is the Executive Director.

Individuals or groups are in violation of this policy if they engage in the following behaviors (not all inclusive) toward a student/fellow employee or any other individual on PAPA grounds, in the work place, at PAPA work-sanctioned activities or in vehicles owned or dispatched by PAPA:

1. Making demeaning remarks directly or indirectly to an individual or group;
2. Displaying suggestive visual or written material or defacing PAPA property or materials;
3. Staring, glaring, obscene gestures, suggestive gestures (touching your private/intimate parts in front of others);
4. Repeatedly asking someone out when he/she is not interested, or;
5. Damaging, defacing, or destroying private property of any person.

B. Sexual Misconduct Definition

Sexual misconduct may include, but is not limited to, physical act(s) of aggression, force or threat against another employee of the same or opposite sex, threatening to force or coerce sexual acts, including the touching of private/intimate parts, and coercing, forcing or attempting to coerce or force sexual intercourse.

Although sexual misconduct may be considered sexual harassment, these acts need to be reported to the PAPA Executive Director.

C.Reporting and Complaint Procedure

The procedure for filing complaints is described in section C.3 EMPLOYEE GRIEVANCE RESOLUTION PROCEDURE.

C.2.Hiring Process

(updated 11/29/2016)

PAPA shall endeavor to hire the best possible employees and contract personnel to carry out PAPA's mission, consistent with budget constraints, applicable legal requirements, and time constraints. The hiring process shall be conducted in a fair, objective and consistent manner.

No member of a local school board shall be employed in any capacity by a locally chartered charter school located within the local school board's school district during the term of office for which the member was elected or appointed. (NMSA 22-8B-4.B)

C.2.1.Advertising of Positions

(May 23, 2017 update)

All full-time and part-time employee positions at PAPA (including adjunct teaching positions) shall initially be advertised/posted on at least one of the following: the PAPA website, APS website, PED website websites or the Albuquerque Journal. The Executive Director may advertise in other publications. If an applicant for a newly created or vacant position has already been employed by PAPA as an independent contractor or part-time employee in a related capacity with similar duties and responsibilities, and the Council or Executive Committee determines that advertising the newly created or vacant position would, because of the associated time delays, jeopardize the ability of PAPA to carry out its mission, the Council or Executive Committee may waive the necessity of advertising.

C.2.2.Employee Interview and Hiring Process

A.Executive Director

The Governing Council hires the Executive Director. The form of the Executive Director's contract, and any renewal of that contract, shall be subject to Council approval. Should a vacancy or prospective vacancy in the position of Executive Director occur, the Council shall follow this policy regarding the advertising, interview, and hiring process associated with filling that vacancy. If any Council member feels that he or she cannot be fair and objective in connection with any hiring decision, such member shall excuse himself or herself from the deliberations.

B.Teachers and Support Staff

The Executive Director makes hiring decisions for all teachers and other staff members. The Executive Director, possibly with the assistance of a committee appointed by the Executive Director, shall screen all resumes and applications submitted for any staff positions, including teachers, the senior administrator(s) and the support staff. The Executive Director or the appointed committee will interview potential candidates who appear to meet the minimum qualifications for the position.

C.2.3.Contracting Support Services

The Executive Director shall be responsible for engaging all other personnel contracted to provide support services to PAPA on a non-employee basis, provided that such engagement is consistent with the Procurement Code, other PAPA policies, and applicable New Mexico law and regulations governing certified school personnel.

C.2.4.Salary Schedules, Approval of Hiring And Written Contracts

The Governing Council shall approve annual salary schedules for all employment positions at PAPA, including substitute teachers and other temporary employees. The salary schedule for teachers will be based on the State's 3-tier rate structure.

All PAPA employees other than substitute teachers and other short-term, non-certified temporary employees shall execute written employment contracts with PAPA, which shall be signed by the employee and the Executive Director. The Executive Director shall approve the form of all employment contracts with PAPA employees with the exception of the Executive Director's contract created by the Governing Council. The contracts will comply with the School Personnel Act, NMSA 1978, Sections 22- 10-1 et seq. and expressly set forth the salary, period of employment and, for non-certified employees, the job description/work objectives. Employment shall not begin until such employment contracts have been executed, unless emergency circumstances require emergency hiring actions. Copies of each employee's employment contract shall be maintained in the employee's individual personnel file maintained by the business office.

C.2.5.At Will Employment

(July 31, 2018 update)

All non-certified employees of PAPA shall be hired on an "at will" basis, and can be dismissed at any time with or without cause, provided that, pursuant to 22-10A-24 NMSA 1978, any non- certified employee who has been employed by PAPA for three consecutive years may be terminated with a statement of cause following all due process procedure safeguards as stated by Federal Law and the statutes of the State of New Mexico. The employment contract for an "at will" employee shall reflect such employee's at will status.

Certified employees will be hired on an at-will basis for the first two years. After the third contract is signed, a certified employee can be terminated or discharged with just cause following the due process procedures established by the Federal and State law.

The Executive Director is hired on an at-will basis with no cause for discharge at the end of the employment contract.

C.2.6.Termination of Employment

PAPA will comply with the provisions of the School Personnel Act and other applicable law in relation to termination of the employment of school employees.

Termination by PAPA of the employment of any PAPA employee, either unilaterally by PAPA or by mutual consent, will be recorded in writing and a copy given to the employee. Written resignation shall be requested from an employee resigning their employment with PAPA.

An employee or contractor whose employment or contract is terminated by PAPA other than by mutual agreement shall be deemed forthwith upon such termination to have relinquished membership on the PAPA Governing Council, any Council committee and any PAPA committee or group directed by or under the supervision of any PAPA staff or Council member. The spouse or family member of any employee or contractor whose employment or contract is terminated as aforesaid shall likewise be deemed forthwith upon such termination to have relinquished membership of any such committee or group.

Immediately after cessation of employment for any reason whatsoever, no employee shall have unsupervised access to any material (comprising books, records, computer data and other property of whatsoever nature) on PAPA premises. The Executive Director or designee shall accompany the employee to secure removal of personal items only. If there is any doubt as to whether any material constitutes personal items of the employee, the material shall remain with PAPA pending resolution save that photocopies of disputed documentation may be made at the employee's expense and the copies may be removed by the employee.

All employees that resign must give notice of resignation as stated in the employment contract. The Executive Director may release the employee earlier than the contract specifies if a suitable replacement is found or program assessment warrants the early release.

Employees who resign their employment will be requested to attend an exit interview. The exit interview will be conducted by the Executive Director, and will take place as soon as possible after notice of resignation is received. The purposes of the exit interview will be to establish details of the circumstances leading to the employee's decision to resign and to obtain information that would enable PAPA to assess any future relationship with the employee. The Executive Director will keep and maintain written reports regarding the content of each interview.

C.3. Employee Grievance Resolution Procedure

PAPA encourages employees to report incident(s) of discrimination/ harassment and resolve their complaints at the lowest level. If further assistance is needed, contact your immediate supervisor or his/her supervisor.

No employee will suffer retaliation or intimidation for participating in the internal complaint process.

Retaliation against any employee seeking assistance at PAPA, filing a complaint, or participating in the investigative process is grounds for a subsequent retaliation/harassment complaint.

PAPA will respect the privacy of the complainant, the individual(s) against whom the complaint is filed and the witnesses as much as possible, consistent with our legal obligations to

investigate, take appropriate action, and conform with any discovery or disclosure obligations. PAPA will make all reasonable efforts to maintain the confidentiality of the reporting of and investigation of discrimination and harassment.

1. Purpose.

The purpose of this policy is to provide a procedure for the reporting and resolution of certain types of legitimate employment-related concerns of the employees of PAPA at the earliest possible time and with the least possible expense and disruption. The Governing Council recognizes that most personnel difficulties encountered by employees arise from a lack of communication. This procedure is designed to provide a formal mechanism for promoting or restoring such communication so that problems may be resolved before far more serious difficulties result. This policy is not designed to deal with issues that must be considered within the context of personnel management decisions, including employee evaluation and discipline, as more particularly described in part C below.

2. Definitions.

Grievant: An employee or group adversely affected by an employment condition and seeking resolution.

Grievance:

- An allegation of unfair or improper treatment by a supervisor.

OR

- An allegation of violation, misinterpretation, or inequitable

application of: Provisions of PAPA's charter

Governing Council policy or procedures

Applicable laws and regulations

Resolution(s): The proposed written decision by the appropriate administrator(s) or the Governing Council in response to the grievance.

Parties in Interest: The grievant and the supervisor or other employee(s) of PAPA involved in the grievance.

3. Limitations

The following situations are NOT covered by this grievance procedure and therefore are NOT grievable under this policy:

1.A discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by the supervisor(s) charged with evaluation;

2.Any personnel decision made by the Governing Council or Executive Director, including but not limited to, a refusal to re-employ, a discharge, a demotion, a modification or elimination of an employment position, establishment of salaries or salary schedules, or any other action directly affecting the employment of an employee;

3.Situations in which the Executive Director and the Governing Council are without authority to act;

4. Situations in which resolution resides in some person, agency or authority other than the Governing Council;

5. Situations in which a different procedure or resolution has been provided by the Governing Council;

6. Situations in which state and/or federal law or authority takes precedence;

7. Situations involving a grievance by a contractor with PAPA, including any faculty member engaged as an "independent contractor" rather than an "employee;"

8. Grievances filed by a former employee after the effective date of termination or discharge from employment.

4. General Procedural Requirements:

1. A grievance must be initiated at Level 1, as provided in Section C.3.5.5.1, within ten (10) working days of the date upon which the grievant became aware of the circumstances which gave rise to the grievance.

2. No employee shall suffer retaliation, recrimination, discrimination, harassment, or be otherwise adversely affected because of this grievance procedure.

3. Whenever possible, any grievance conference or hearing at any level shall be scheduled during a mutually convenient time that does not conflict with the regularly scheduled school program.

4. A grievant requiring the attendance and testimony of other employees shall have the right to bring such witnesses as are willing to testify on his or her behalf, and any necessary substitutes or released time shall be provided and the expense borne by PAPA when hearing must be scheduled during the school day.

5. A separate file shall be maintained by PAPA's administration for grievances. All documents produced during the processing of a grievance shall be maintained in this file. All parties shall maintain confidentiality with regard to the proceedings, and the resolution of the grievance shall not be made public unless (1) agreed to by the grievant and the Executive Director, or if the grievance is ultimately decided by the Governing Council, the Governing Council, (2) the grievant pursues the matter beyond this policy, or (3) disclosure is otherwise required by applicable law or court order.

6. Nothing contained in this policy shall be construed to limit in any way the ability of PAPA and the grievant to resolve any grievance by formal means, and nothing in this policy shall be construed as requiring resort to such formal means, if any, when grievable problems arise.

7. A grievant may terminate the process at any level by indicating in writing a desire to do so, by accepting the resolution at that level, or by failing to pursue the grievance by filing at the next level within the specified time limit.

8. All grievances shall be filed and processed on grievance forms prepared by PAPA and available in the office of the Executive Director.

9. The time limits at any level may be extended by mutual agreement between the grievant, and the supervisor, Executive Director and/or Governing Council, as applicable. If no extension is allowed by mutual agreement, and the next applicable step is not initiated by the grievant within the time limits established, the grievance shall terminate at the last level accomplished and the resolution at that level shall be deemed final and non-appealable.

10. Any decision rendered by the Governing Council shall be final and non-appealable.

5. Procedural Steps.

1. Level 1 (Informal Conference)

The grievant shall first discuss the grievance with the immediate supervisor in a good faith attempt to resolve the grievance. In the case of a claim of sexual harassment in which the grievant's supervisor is the subject of the claim, the grievant may initiate the grievance at the next level, which is that of the subject's supervisor.

2. Level 2 (Supervisor)

If the grievant is not satisfied with the Level 1 Informal Conference discussion and disposition of the grievance, a written grievance may be filed with the immediate supervisor within ten (10) working days of the Level 1 disposition. The immediate supervisor shall communicate the proposed grievance resolution in writing to the grievant within five (5) working days from the filing of the formal grievance.

Although no hearing or conference is required at this level, the immediate supervisor shall have the discretion to require a hearing or conference and gather evidence prior to the preparation of the decision.

The hearing or conference, if any, shall be as informal as possible and shall be conducted as the immediate supervisor, using discretion, feels is appropriate for a full understanding of the grievance, the position of the grievant and the evidence supporting that position.

If the grievant's immediate supervisor for the Level 2 step is the Executive Director, and the grievant is not satisfied with the resolution of the grievance at Level 2, or if the Executive Director fails to issue a proposed resolution within the time limit set forth for a Level 2 phase, the grievant may proceed directly to Level 4.

C.5.3.3.3 Level 3 (Executive Director)

If the grievant is not satisfied with the resolution of the grievance at Level 2, or if the supervisor fails to issue a proposed resolution within the time limit set forth above, the grievant may file the grievance with the Executive Director (if the Executive Director was not the grievant's immediate supervisor for purposes of the Level 2 step), within five (5) working days after the resolution was rendered or was due, if none was received. The Executive Director shall conduct a closed informal hearing with the parties to the grievance within five (5) working days after receipt of the grievance. The hearing by the Executive Director shall be as informal as possible and shall be conducted as is appropriate for a full understanding of the grievance. The Executive Director shall have the right to ask any questions of the interested parties deemed necessary. Within five (5) working days following the hearing, the Executive Director shall render a written proposed resolution to the grievant.

C.5.3.3.4 Level 4 (Governing Council)

(July 31, 2018 update)

If the grievant is not satisfied with the resolution of the grievance at Level 3 (or Level 2 if the grievant's immediate supervisor for purposes of Level 2 was the Executive Director), the grievant may make a written request, within five (5) working days after the Executive Director's resolution was rendered or was due, if none was received, to the President of the Governing Council for a hearing before the Governing Council.

The holding of a hearing by the Governing Council is discretionary, and such decision shall be made by the Governing Council at its next regularly scheduled meeting after receipt of the written request for a hearing. If the Governing Council rules that it is appropriate to hear the grievance, it shall set the date for such hearing, which shall be held not more than 10 days following the decision to hold a hearing, and the Secretary of the Governing Council shall notify the interested parties. The parties in interest shall submit written statements of position which shall be delivered to the Governing Council members at least five (5) working days prior to the hearing. In addition, any other documentary evidence desired to be reviewed by the Governing Council shall be submitted at this time.

The hearing shall be conducted as follows:

1. Each party in interest to the grievance shall have the opportunity to present oral statements limited to 30 minutes each. The presentation shall be limited to a review of evidence previously presented, unless the Governing Council, in its discretion, allows new evidence to be presented during the hearing. Cross-examination shall not be allowed.

2. Since grievances are considered as "limited personnel matters" as defined in the Open Meetings Act, the hearing will be conducted in a closed session unless the grievant demands that the hearing be held in open session, in which case the hearing must be open. However, if the grievance includes personally identifiable information about any individual student the hearing will be in closed session unless the student, parent or guardian requests otherwise.

3.The Governing Council may make such inquiries of any party in interest as it deems necessary or appropriate.

4.The Governing Council shall render a written decision within ten (10) working days. In arriving at its decision, the Governing Council has complete discretion in fashioning such relief, if any, as it believes is appropriate, regardless of the relief requested.

C.4.Employee Conflict of Interest

Employees are subject to PAPA's Conflict of Interest policy.

Employees are prohibited from using confidential information acquired by virtue of their associations with PAPA for their individual or another's private gain.

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 the discharge of their duties as employees.

Business with suppliers to PAPA will not be influenced or appear to be influenced by an employee's financial interest.

Employees must not engage in activities which violate federal, state, or local laws or which, in any way, diminish the integrity, efficiency, or discipline of PAPA.

C.4.1.Outside Employment

In accordance with the Governmental Conduct Act (NMSA 10-16-4.2) all employees shall disclose in writing, to the Executive Director, all employment engaged in by the employee other than the employment with or service to PAPA.

The Executive Director will make a written determination if the outside employment is prohibited or interferes with employee's performance with PAPA.

C.4.2.Conflict of Interest

"...a certified school instructor or a certified school administrator shall not, directly or indirectly, sell or be a party to any transaction to sell any instructional materials, furniture, equipment, insurance, school supplies or work under contract to the Department of Education, school district or public schools with which he/she is associated or employed. Nor shall any such person receive any commission or profit from the sale or any transaction to sell..." (22-21-1.A NMSA 1978)

"...The provisions of this section shall not apply... in cases in which certified school instructors or certified school administrators contract to perform special services...during time periods where in service is not required under a contract for instruction or administration." (This paragraph covers hiring athletic officials.) (22-21-1.B NMSA 1978)

No violation of this section would result where the contract is truly with a spouse only, in the regular course of his or her business, and the employee has no personal interest, pecuniary or otherwise, in the contract.

Administrative measures for any PAPA employee who is found to be in a position of Conflict of Interest as defined above includes transfer to a position so he or she cannot conduct business with the outside agency in question.

The Executive Director may at the request of any staff member conduct an investigation and report the findings to the Governing Council.

All employees will be required to complete a "Conflict of Interest" form annually. New hires will be notified of the policy prior to assuming job duties. Employees must notify the Executive Director if conditions change.

C.4.3. Supervision of

Relatives Definitions:

Relative: includes the spouse, child, grandchild, parent, sister, brother, aunt, uncle, niece, nephew, grandparent, son-in-law, daughter-in-law, sister-in-law, brother-in-law, mother-in-law, father-in-law, or a person in loco parentis.

Administrator and supervisor: include all staff members who direct, supervise or evaluate the work of any subordinate employee.

The relative of a PAPA administrator or supervisor may not be assigned to any position in which the administrator may be able to directly or indirectly supervise, evaluate, or control the work of the relative except with the specific written approval of the Executive Director.

C.5. Drug-Free Workplace

(Updated July 27, 2021)

In accordance with federal and state law, PAPA has adopted a 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.

C.6.Staff Conduct with Students

(Updated July 27, 2021)

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.

C.7.Staff Participation in Political Activities

Employees of PAPA may hold public offices regardless of the relationship between the public office and the interests of PAPA. PAPA seeks to assist employees/public officials in avoiding conflicts between the interests of the PAPA and the interests of the public official's constituents. An employee of PAPA who is a public official, acting in his or her capacity, may speak, act, debate and vote according to his or her convictions, without undue influence by the Governing Council or by the Executive Director. PAPA and employees who hold public office will observe compliance with laws, especially those relating to Article Nine, Section Fourteen (the anti-donation clause) of the Constitution of the State of New Mexico. The employee must use leave for political/elected office activities that occur during the school day.

C.8.Employee Insurance

PAPA strives to provide quality insurance and fringe benefit for its employees. Information regarding the programs may be obtained from the Business Manager. PAPA will participate in Workers' Compensation benefit programs as specified in the New Mexico Workers' Compensation Law.

C.9.Leave and Holidays

1.Definitions:

Sick leave: Leave taken to be used when sick, have a doctor's appointment or must accompany an immediate family member in case of emergency. Sick leave may be carried over from year to year provided that the total accrued sick leave at any time shall not exceed 200 hours. Immediate family includes parents, grandparents, spouse, children and siblings.

Personal leave: Leave taken for personal reasons. Personal leave may not be carried over from year to year.

Professional leave – Leave taken for professional development, i.e., seminars or conferences intended for the benefit of PAPA. Employees do not need to request professional leave when attending mandatory training or events, i.e. All-State Festival, student performances, etc. in the course of the school day.

2.All staff employed for 32 or more hours will receive the following types of leave per annum (Part-time employee personal leave will be prorated):

- 1.day of sick leave for every contracted month
- 2.days of personal leave

3.The Executive Director will receive the following types of leave per annum: 1 day of sick leave for every contracted month

25 days of annual leave

4.Substitutes, temporary employees, and 1099 Vendors are not eligible for leave benefits.

5.Under normal circumstances, all personal leave and sick leave will be requested on reasonable notice to and approved in advance by the Executive Director. The Executive Director's leave will be approved by the Governing Council. In the case of emergency sick leave, notification should be made to the Executive Director as soon as possible. Employees will be required to produce a doctor's certificate if sick leave is requested or taken for more than 3 (three) consecutive days. A leave form will be completed by all employees when they will be off campus.

6.The Executive Director shall notify the Governing Council President of their planned leave

7.The Family and Medical Leave Act addresses parental leave, illness in the immediate family, and personal illness leave are applicable. The provisions are as follows:

7.1.Unpaid leave must be granted for any of the following reasons:

7.1.1.To care for the employee's child after birth, or placement for adoption or foster care;

7.1.2.To care for the employee's spouse, son or daughter, or parent, who has a serious health

condition; or

7.1.3.For a serious health condition that makes the employee unable to perform the employee's job.

7.2.Paid leave may be granted for any of the following reasons:

7.2.1.To an employee who is suffering from a serious health condition when the employee has accrued sufficient leave;

7.2.2.To an employee (for a maximum allowed under FMLA) who has become a new parent through the birth or adoption of a child when the employee has accrued sufficient leave.

C.9.1.Return to Work from Extended Illness or Injury

Employees returning to work following a potentially disabling injury, major surgical procedure, or after an absence of ten (10) or more consecutive days due to illness should be aware of the following procedures.

A. Definitions

Potentially disabling: A potentially disabling injury is one which prevents an employee from performing the essential functions of his or her job.

Major surgical procedure: A major surgical procedure is a medical procedure which prevents an employee from performing the essential functions of his or her job.

Limited Duty: Limited duty is a temporary assigned responsibility within the current medically documented physical limitations of the employee. A limited duty assignment

will not extend past 90 calendar days. PAPA will make limited duty assignments wherever a need exists within PAPA.

B. Return to work

- The Executive Director will not allow an employee to return to work until written medical clearance is obtained from the employee's health provider.
- The employee will provide the Executive Director with a verifiable medical release to return to work.
- If requesting any type of accommodation based on possible disability, the employee will be required to provide pertinent medical records from the treating physician.
- In determining eligibility of an employee to return to work, PAPA reserves the right to refer to other physicians for an independent medical evaluation.
- In the event of conflicting medical recommendations, the PAPA health professional will make the final decision regarding an employee's return to work.

All return to work decisions will be based on a review by the Executive Director of the employee's job description and his/her ability to perform essential job functions, with or without reasonable accommodations.

C.9.2. Catastrophic Leave Bank Policy

1. Eligibility and Limitations
 - a. Catastrophic injury or illness is defined as a life threatening condition or combination of conditions affecting the mental or physical health of the employee or immediate family member or household. The catastrophic illness or injury must require the services of a physician.
 - b. Immediate family or household is defined as, husband, wife, domestic partner, mother, father, brother, sister, children, step-children, or any relative or person living in the employee's household for whom the employee has custodial responsibility or where such person is financially and emotionally dependent on the employee and where the presence of the employee is needed.
 - c. The Catastrophic Leave Bank is available to those employees who have completely exhausted all accumulated leave time (accrued sick leave and accrued leave) and who are not otherwise receiving any related compensable benefits such as disability, workers' compensation, or unemployment.
 - d. Eligibility for participation in the Bank begins upon the employee's original donation of at least 2 days, as defined by the employee's work day, of accumulated leave time to the bank. New full-time employees with a minimum of six (6) months of service and a minimum of five (5) days of accumulated leave time on the books can enroll voluntarily in the Catastrophic Leave Bank after their employment of 6 months. Except for new employees who sign up immediately after their probation period, there will be a 60 day waiting period for delayed entry into the Catastrophic Leave Bank program. Eligibility will continue, provided the employee donates at least one day of accumulated leave time each subsequent fiscal year; however, additional accumulated sick leave or

accrued leave days may be donated up to a maximum of five days per fiscal year. To enroll, an employee must complete an application, and submit it to the

Executive Director or the Executive Director's designee(s).

- e. Donated accumulated leave time contributed to the pool becomes the property of Public Academy for Performing Arts and may not be withdrawn, targeted for specific individuals, returned to an employee upon separation, retirement, or become part of the employee's estate upon his/her death.
 - f. Use of benefits from the Catastrophic Leave Bank is considered under the provisions of the Family and Medical Leave Act (FMLA), and any use is calculated in the twelve weeks of leave provided under the Act.
 - g. An employee requesting use of the Catastrophic Leave Bank may have his or her leave usage audited; both accrued leave and previously awarded Catastrophic Leave Bank leave. The audit may cover two years prior to the current year. Patterns of absence indicating abuse will result in the employee having to pay the school back for fraudulently used leave at the employee's daily rate of pay. Fraudulent abuse of leave is most often indicated by frequency, duration and time of absences.
2. Donations
- a. Any employee who wishes to transfer a portion of his/her accumulated leave time must sign a statement indicating the number of days to be transferred. Employees will be given an opportunity to donate accumulated leave time to the Bank annually. Donation forms shall be approved by the Executive Director or the Executive Director's designee.
 - b. Donations to the Bank must be made by September 20 of the current year.
 - c. The minimum amount of accumulated leave time an employee may contribute after the initial 2 days is 1 day (as defined by the employee's work schedule). The donating employee must retain a minimum of five (5) accumulated leave days in their personal account at the time of the donation process.
3. Catastrophic Leave Bank Committee
- a. A committee will be formed consisting of one person from administration, one from support staff, and one from the teaching staff.
 - b. The support staff and teaching staff will each select their representative to the committee at the beginning of the school year.
 - c. The support and teaching staff members will serve for one school year and will be required to not serve for a minimum of one school year between assignments to the committee.
 - d. The Catastrophic Leave Bank Committee will have access to the employee's submitted medical information and must complete a HIPAA confidentiality form.
4. Withdrawal Requests
- a. In order to request leave from the Bank, the employee must have contributed to the Bank at the beginning of the current year.
 - b. An employee or his/her designee must request leave from the Bank by completing an application and submitting it to the Executive Director or the

Executive Director's designee(s). An employee may apply for up to 25 days of leave from the Bank in a twelve-month period.

- c. All requests must be accompanied by a physician's statement which includes the beginning date of the condition, and a description of the illness or injury. All requests must indicate the number of leave days requested and information supporting the request. The employee must complete a release of medical information form to allow administration and committee access to the medical information the employee submits with their request.
- d. The Catastrophic Leave Bank Committee will render a decision to the employee within ten (10) business days after receipt of the request.
- e. The amount, if any, of leave granted for each request will be determined by the Catastrophic Leave Bank Committee, but cannot exceed one-third of the balance in the Bank or a maximum of 25 working days, whichever is less.
- f. Any unused sick leave granted from the Catastrophic Leave Bank Committee returns to the pool.

5. Appeal Process

- a. In the event an employee is denied entry into the Bank or is denied benefits from the Bank, the employee may appeal the decision to the Governing Council within ten (10) business days of the decision. Formal written letters of appeal should be submitted directly to the President of the Governing Council. A formal response to such an appeal shall be issued by the Governing Council within ten (10) business days following the Governing Council meeting at which the appeal was heard.
- b. In the event it is determined an employee has fraudulently used accrued or Bank leave, the employee may appeal the decision to the Governing Council. A formal written letter of appeal must be submitted directly to the President of the Governing Council within ten (10) business days of the decision. A formal response to such an appeal shall be issued by the Governing Council within ten (10) business days following the Governing Council meeting at which the appeal was heard.
- c. Appeals will be heard in executive session and each Governing Council member must complete a HIPAA confidentiality form prior to the appeal.

C.10. Duty Day

The normal duty day will be in accordance with their contract and includes a 30-minute lunch break. Teaching staff are expected to be at school at least fifteen minutes before and after the school day. The Governing Council will announce annually the school day-time schedule.

C.11. Staff Development

All personnel are encouraged to pursue a program of continued growth. To assist employees in assuming this responsibility, PAPA will provide PAPA employees with staff development

opportunities. All professional development leave days are subject to advance approval by the Executive Director.

C.12. Personnel Evaluations

The Executive Director or the Executive Director's designee will maintain a system of evaluation for all personnel in compliance with the laws of New Mexico and the standards and procedures adopted by the State Board of Education and the PAPA Governing Council. The Governing Council shall evaluate the Executive Director.

C.12.1. Executive Director's Evaluation

(Updated 4/19/2022)

An effective working relationship between the Executive Director and the Council is essential to the successful operation of PAPA. In order to facilitate clear expectations and communication in this relationship an annual review of the Executive Director's diverse responsibilities accompanied by an appraisal of the Executive Director's performance will be conducted.

Based on criteria set forth by the New Mexico Public Education Department to include the domains of Fiscal Responsibility, Building Maintenance, Staff/ Community Relationships, Instructional Leadership and Leadership. These domains will be evaluated, using the Governing Council Created Rubric, as Innovating, Applying, Developing, and Not Demonstrating in alignment with the NMPED Elevate NM Criteria. At the beginning of the Contract year, the Governing Council and Executive Director will also develop mutually agreed upon Professional Development goals for the year which may align with the previous categories. The Executive Director will provide the Governing Council with a written reflection on goals by the meeting before Winter Break. The Governing Council will provide the Director feedback by the first meeting after Winter Break. The final reflection is due to the Council in March. The Governing Council will survey and solicit feedback from the staff on the performance of the Executive Director prior to the March meeting. Using all available data, the Governing Council will evaluate the Executive Director's performance, effectiveness, and progress towards the previous year's goals. The Governing Council will provide the Executive Director with a written Evaluation prior to the end of the school year and the following contract year.

This three-pronged approach to evaluation of the Executive Director is designed to supplement and strengthen any guidance provided by NMPED on the Evaluation of Administrators.

C.13. Tutoring or Advising for Pay

Except for PAPA personnel receiving stipends for extra- or co-curricular activities and adjunct faculty, PAPA personnel are not permitted to receive private pay for tutoring or advising any students assigned to them for classroom teaching or other PAPA functions.

C.14. Background Investigations

(Updated October 29, 2019)

An applicant who has been offered employment or a school volunteer, contractor or contractor's employee shall provide two fingerprint cards or the equivalent electronic fingerprints to the Executive Director to obtain the applicant's, school volunteer's, contractor's or contractor's employee's federal bureau of investigation record. The school shall pay for an applicant's background check. A school volunteer, contractor or contractor's employee is required to pay for the cost of obtaining a background check. *(reference 2019 HB 431, Section 3. 22-10A-5, paragraph D)*

Background investigations shall be repeated not to exceed every five years. The school will pay for these repeat background checks.

C.15. Employee Standards of Conduct

Employees of PAPA shall serve as positive role models for students and set good examples in conduct, manners, dress and grooming. All personnel are expected to be neat, clean and appropriately dressed while representing PAPA. Professional personnel are expected to dress in a manner that projects a professional image for the employee and PAPA. Extremes in personal appearance or dress are not considered to be in good taste. In no case shall the standard for employees be less than that prescribed for students as published annually in the PAPA Student Handbook. The Executive Director is expected to counsel staff on appearance and conduct, if necessary. Failure to comply with the obligations set forth in this section may result in disciplinary action against the employee.

Licensed employees are bound by the New Mexico code of ethics of the education profession

C.16. Policy and Procedures for Calculating Licensed Employee Training and Experience

(updated 5/28/2019)

This policy identifies how Training and Experience of licensed employees will be collected for the State Equalization Guarantee, and for Certified Salary Schedule purposes.

Training and Education (T&E) Process

Data for all licensed employees and contracted personnel will be collected by the Executive Director as follows:

- Copy of Licensure
- Proof of Education, Degree(s), and additional credit hours (as described below)
- Verification of years' experience as a licensed provider will be collected via written verification.
- Part time licensed employees who work 550 hours or more in a school year will be counted as one (1) year full experience.

All documentation will be kept in employment files Maintained by the Business

Office. Training and Experience Reporting

Training and Experience will be reported to the Public Education Department on annual Basis as required by the School Budget and Finance Analysis Bureau.

Proof of Education for Training and Experience reporting and placement on the Salary Schedule. The PAPA Certified Salary Schedule is divided into six categories across the three levels of licenses:

1. Bachelor's Degree (Levels I, II, and III)
2. Bachelor's Degree+ 15 credit hours (Levels I, II, and III)
3. Bachelor's Degree + 45 credit hours or Master's Degree (Levels I, II, and III)
4. Master's Degree + 15 credit hours (Levels I, II, and III)
5. Master's Degree + 45 credit hours (Levels I, II, and III)
6. National Board Certified or Master's Degree (Level III only)

The credit hours for Bachelor's-plus or Master's-plus salary categories must be from an accredited college or university, accreditation recognized by the US Department of Education or the Council for Higher Education Accreditation. Official transcripts will be provided by the employee to the Executive Director.

Credit hours shall be in coursework that meets a curricular need identified by administration that supports the vision/mission of PAPA or lead to degree(s) above a Bachelor's associated with education or an endorsement area. All courses for existing employees need to be pre- approved by the Executive Director (using the appropriate form). New employee education will be evaluated upon hiring.

Bachelor's-plus or Master's-plus hours are credit hours of course work completed after the date of the Bachelor's or Master's degree. "Plus" hours are reset upon award of a higher degree.

Current and new employee will provide official transcripts to the Executive Director who will determine the number of credit hours that meet these criteria. Semester hours from repeated classes or with a GPA of under 3.0 will not be counted as "plus" hours for pay purposes.

If an employee plans to move to the next level in the salary schedule for the following school year, this must be indicated on the annual Intent to Return Form by April 1st. Official transcripts and/or updated license, and/or appropriate endorsement must be provided to the Executive Director by October 1st of the same year. The Executive Director will evaluate the transcripts and determine the appropriate salary schedule placement. Any salary increase begins once the transcripts, degrees, and/or new certifications are submitted, verified, and approved.

No salary increases will occur after the October 1st submission deadline.

A licensed employee whose credit hours were denied for the Training and Education/Salary Schedule purposes may appeal the Executive Director's decision to the Governing Council through a written request to the Governing Council President. The appeal shall be submitted within 10 calendar days of the Executive Director's decision. The Governing Council will hear

the appeal at the next regularly scheduled meeting (subject to the Open Meetings Act requirements) and will decide the appeal as soon as practical. The Governing Council's decision is final.

This policy is effective beginning with the 2019-2020 School Year.

C.17. Prohibition on Aiding and Abetting Sexual Abuse
(adopted 2/26/2019)

In accordance with 20 U.S. Code § 7926, the school, any of its employees, contractors or agents shall not assist a school employee, contractor, or agent in obtaining a new job if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

The routine transmission of administrative and personnel files is exempt from this

prohibition. This prohibition does not apply if:

- (1) the alleged misconduct has been properly reported to law enforcement and any other authorities required by Federal, State, or local law; and
- (2) the matter has been officially closed; the employee, contractor, or agent has been exonerated; or the relevant case or the investigation remains open without an indictment or other charges having been brought within four years of the date on which the information was provided to law enforcement.

C.18. Right to Organize and Collectively Bargain
(adopted October 29, 2019)

PAPA employees, as public employees, other than management employees and confidential employees, may form, join or assist a labor organization for the purpose of collective bargaining through representatives chosen by public employees without interference, restraint or coercion and shall have the right to refuse any such activities.

The provisions of the Public Employee Bargaining Act (NMSA 1978 10-7E-1 *et. seq.*) will be followed for collective bargaining.

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, 12/20/2021)

1. Budget Process

PAPA will prepare and adopt an annual budget in accordance with statutory requirements. The budget is prepared under the direction of the Executive Director and must be approved by the Governing Council. An open forum for the budget will be held in first quarter of the calendar year, prior to the development of the budget. The Governing Council approves the budget in phases. Phase 1 is based upon SEG (State Equalization Guarantee) funding. Phase 1 of the budget will be submitted to the Charter authorizer for approval. Once approved, proposed increases, decreases and adjustments to the finalized budget must be approved by the Governing Council. Upon such approval, the proposed budget changes must be presented to the State Department of Education pursuant to the Public School Finance Act and the 1999 Charter Schools Act.

Once all approvals are in place, the change is recorded in PAPA's Financial Management System and the adjustment is made to the original budget. Upon completion of the final close for each fiscal year, PAPA determines the actual cash balances for all funds and reports them to the authorizer by the designated deadline.

2. Segregation of Duties

The assignment of duties to staff members and/or contractors who have access to the PAPA financial management system is done with the intent of limiting the ability of any one person to cause or conceal errors or irregularities. Working within certain limitations, including staff size, incompatible functions are not assigned to any one person. Added administrative review and oversight procedures will act as a mitigating control. Notwithstanding that any particular financial management function is assigned to the Business Manager or other senior administrative staff in terms of this policy, the Executive Director retains overall control and authority and the Business Manager and/or senior administrator/s at all times act under the direction and supervision of the Executive Director and subject to any limitations (particularly in relation to authority to contract for goods or services) as the Executive Director deems appropriate.

3. Payroll

Payroll is processed on a Bi-monthly basis. Exempt employees are paid by exception and Non- exempt employees are processed from timesheets. Each employee is responsible for reporting absences. In the case of pre-approved leave (other than sick time) an approved Leave Request Form (LRF) should be submitted to the business office (or for Non-exempt employees, attached

to the timesheet) to verify that the leave was authorized by the Executive Director. All insurance and other deductions are submitted to the Business Manager on the proper forms. Records of these deductions are kept with employee files.

Payroll for PAPA employees shall be handled as described in this paragraph. The Business Manager shall prepare a regular bi-monthly payroll schedule for all PAPA employees, which shall be approved by the Executive Director and the Business Manager and forwarded to the Business Assistant. The Business Assistant shall process payroll payments (either through preparation of checks, or if authorized by the employee, automatic deposit) according to the approved bi-monthly schedule. No payroll deviations from the bi-monthly payroll schedule shall be made unless the Business Assistant receives authorization by both the Business Manager and the Executive Director. Payments to independent contractors shall be processed by PO and invoice in accordance with PAPA's normal purchasing policy, and may include the use of blanket PO's for regular payments (to adjunct instructors, for example).

4. Purchasing and Encumbrances

The Business Office is responsible for assuring that all purchases against designated budgets are appropriate and necessary. The requestor initiates purchase by requesting that the Business Manager issue a Purchase Order (PO) provided that the Executive Director has approved the request. The Business Manager is responsible for ensuring the requested purchase is appropriate and necessary and that funds are available. Upon such preliminary approval, the Business Manager will prepare a PO, which must be coded and classified appropriately according to the State Department of Education budget codes and categories. The Executive Director must sign all PO's. Once the PO has been signed by the Executive Director, the Business Office will place the order. Blanket PO's may be prepared for recurring expenses, such as rent payments and purchases under blanket contracts, but it shall be the responsibility of the Business Manager to ensure that the Business Assistant prepares the necessary monthly (or other periodic) checks to avoid late charges and/or other late payment consequences. Any such blanket PO shall specify (a) the amount and date of any regular payment, if applicable; or (b) the maximum annual contract amount if there is no specific regular payment. The Business Assistant shall not issue any check for amounts under a blanket PO without verifying that the current payment amount will not cause the total payments under the blanket PO to exceed the maximum amount specified.

Upon completion of the order, the PO is forwarded to the Business Assistant to be recorded as an encumbrance. A copy of the PO is kept by the Business Office until the order is received in its entirety and ready for payment. The Business Manager is responsible for verifying that all shipments meet PO requirements. Upon payment, the PO is cleared by the Business Assistant from the encumbrance list and is recorded as an expenditure.

PAPA will not operate any credit card, or debit card (VISA, MasterCard, American Express, Discover and the like). PAPA will not enter into any agreements for provision of any other type of retail credit facility (for example, store credit accounts) without the specific resolution of the PAPA Governing Council.

5. Accounts Payable

(2/27/2018 update)

All vendor invoices are received in the business office. The vendor invoice is matched to the purchase order and to the receiving advice. The Business Manager shall approve such matching items for payment and forward them to the Business Assistant for preparation of checks. The Business Manager shall manually initial and date the invoice (or other payment instrument in the event invoices are not issued for recurring expenses, such as rent payments) to indicate such approval for payment and designate on the invoice the correct State Department of Education account and category classifications for payment.

The Business Assistant is required to verify that the invoice is correct by checking extensions, footing, discounts, and Freight terms and to ensure that appropriate approvals are clearly indicated on all documents. After all items are reviewed and deemed appropriate, the Business Assistant will ensure that the invoices are batched for the next check run. Checks will be printed twice a month, except in extraordinary cases authorized by the Business Manager.

All checks and the related invoices are forwarded to the Business Manager for purposes of obtaining two required signatures. The Executive Director and another designated person will verify the amount on the check with the approved requisition, PO, and invoice. If all correctly match, they will process the check for signature. Checks of \$7,500.00 or more, for a person with check signature authority, or checks of \$100.00 or more payable to employees (except payroll checks) will be signed by at least one member of the Governing Council. Generally, the Governing Council President and Vice President will be the Governing Council signatories.

Generally, the Governing Council signatories will not be on the Finance or Audit Committees. The Executive Director will establish the other check signatories. The finance committee will review all expenditures monthly at the Finance Committee Meeting. The Business Manager will mail or deliver the signed checks to the vendor, and the related PO, invoice or other payment advice and check stub and/or a copy of the check will be filed in the onsite business office.

All unused checks must be retained by the Business Assistant. After processing by the Business Assistant, the Business Manager shall retain all cancelled checks, voided checks, and original bank statements at PAPA's onsite business office.

The Business Manager shall reconcile all bank accounts on a monthly basis. The Business Manager is responsible for preparing the bank reconciliation and will present it to the finance committee for review and approval.

6. Travel and Other Reimbursements

(2/27/2018 update)

Employees and Governing Council Members of the school may be entitled to reimbursement of registration fees, mileage, per diem and other costs associated with authorized trips for official school business. Governing Council member travel where reimbursement is requested must be approved in advance by the Governing Council.

All employee school funded in-state travel must be approved in advance by the Executive Director for reimbursement to be authorized. All employee school funded out of state travel must be approved in advance by the Governing Council. The approved Travel Request Form (TRF) will serve as formal authorization for the trip. A copy of the approved TRF should be attached to the employee timesheet.

All reimbursements are processed in accordance with the Per Diem and Mileage Act, as outlined in the DFA regulations. The Business Manager shall keep on file a copy of the current schedule of such allowable reimbursement rates and procedures. All receipts for out of pocket expenditures for transportation, lodging, registration, and miscellaneous expenditures are required for reimbursement. Any meals and/or lodging costs included in the registration fee are deducted from the per diem reimbursement.

Where any person requests reimbursement for monies expended on PAPA's behalf, the procedure set out in D.5 above will apply. The actual vendor invoice must be produced and matched to a properly authorized purchase order in order to obtain reimbursement.

7. Cash Receipts

PAPA shall issue receipts pursuant to the following procedure for money received from all sources, except wire transfers of funds from Albuquerque Public Schools or the State Department of Education. Electronic receipts of funds from Albuquerque Public Schools or the State Department of Education shall be receipted for using the procedure designated by the sender.

A. Cash Receipts:

PAPA shall issue a factory pre-numbered receipt for all money received by PAPA. Pre-numbered receipts need to be controlled and secured. The receipt shall be in triplicate and shall contain at least the information mandated by PSAB Supplement 7. Daily receipts for student lunches shall be processed using the special receipt procedure outlined below.

The disposition of the receipts in triplicate shall be as follows: original to payer; duplicate attached to PAPA's copy of the deposit slip or transmittal and forwarded to the Business Assistant for recording in the financial management system; triplicate remains in the receipt book and retained in the business office.

If a receipt is voided, all copies shall be "VOID" and retained in the receipt book. They shall be available to the auditor during the audit.

Receipts by PAPA for student lunches shall be handled as follows: (a) a log of daily receipts, reflecting student payments and other information required by PSAB Supplement 7 shall be maintained; (b) a "bulk receipt" (using the standard pre-numbered triplicate receipt forms) shall be issued for the total of the total student lunch receipts for the day, with one copy attached to the daily log, one copy attached to the deposit slip or transmittal and forwarded to the Business Assistant for recording in the financial management system, and the triplicate copy retained in the receipt book; and (c) the daily receipts shall be deposited in accordance with Paragraph B (Depositing) below.

B. Depositing:

Money received and receipted shall be deposited in the bank within 24 hours or one banking day. Money received during events that take place after 3:00 pm on Friday or on Saturday or Sunday shall be deposited the following Monday. The cash must be secured over the weekend as the employee in possession is responsible for the cash until the deposit is made. The deposit slip should have the numbers from applicable receipts entered on it or attached as a reference. All funds held overnight pending deposit shall be kept in a safe or other secured locked location.

Cash receipts shall be counted and deposit slip totals verified by at least the person making the deposit and the Business Assistant or other staff member designated by the Executive Director and a third staff member or independent contractor shall take the funds to the bank for deposit. At the beginning of each school year, the Executive Director shall designate the staff members/independent contractors responsible for handling cash receipts and deposits. A copy of such annual designation shall be appended to this policy.

C. The Revenue Ledger

The duplicate receipt portion of the receipt form should be used as the source from which to make entries to the Revenue Ledger, and the triplicate form remaining in the receipt book shall be used to verify entries to the Revenue Ledger no less frequently than quarterly.

A revenue ledger is required for each receipt code as approved in the finalized budget. If PAPA receives revenue from sources other than those budgeted, it will be necessary to prepare additional revenue ledgers. The ledger shall include, at a minimum, the items mandated by PSAB Supplement 7.

The revenue ledger is the source from which to obtain the data required by the Receipts Section of the financial reports required by the State Department of Education.

A Cash Receipts Journal should be used for each fiscal year. It shall begin July 1 and be closed as of June 30. This journal shall be presented to the auditor during the annual audit.

8. Accounts Receivable

The Business Assistant is responsible for billing and monitoring the collection of all amounts due from outside agencies under the direction of the Business Manager. The Business Manager

is responsible for tracking and verifying the cash balances for all Federal, State, and other grants and contracts awarded to PAPA. The Business Assistant, under the direction of the Business Manager, prepares requests for Cash, Reimbursement Reports and Invoices necessary for collection of amounts due for various programs.

9. Petty Cash

Petty Cash Funds are issued upon authorization of the Business Manager. A petty cash custodian is assigned the responsibility for maintaining and reconciling the fund. The reconciliation will show the appropriate codes and classifications for items paid and the balance remaining. All items added together should equal the total of the petty cash fund. The petty cash fund is kept separate from any other cash at all times.

The petty cash fund is intended for individual purchases of \$100 or less, with a total fund value of not greater than \$500. A petty cash voucher is required for all payments made from the fund. The petty cash receipts documenting all purchases are submitted to the Business Assistant with the reconciliation to replenish the fund.

The petty cash fund must be returned to the Business Assistant in cash or in receipts before the end of each fiscal year. Another petty cash fund may be requested in the new fiscal year.

10. Investments and Property

PAPA will account for all monies placed in interest-bearing accounts. Excess cash balances in the interest-bearing bank account generate interest, which is credited by the bank on a monthly basis. The amount of interest earned is recorded in the financial management system upon preparation of the monthly bank reconciliation.

Fixed Asset Inventory records are maintained by the business office. The inventory database includes asset number, a description of the item, a serial number or other identifying label, the purchase order number, the acquisition date, the fund (as reflected in the State Department of Education budget and accounting system), and the location. The Business Manager shall establish a procedure for ensuring that all PAPA fixed assets are properly entered into the system upon acquisition.

An annual inventory will be taken at the school and a certification will be signed by the Business Manager. In no case should property be removed or discarded without appropriate approval. Section 13-6-2, NMSA 1978, provides that a school district is empowered to sell or otherwise dispose of real or personal property belonging to the school district. A disposition is any sale, lease, trade, exchange, and/or gift. In essence, this means to remove the item from the primary control of the school district. In accordance with Section 13-6, NMSA 1978, PAPA must obtain permission from either the Public Education Department (PED), Department of Finance and Administration (DFA), or State Auditor's Office (SAO) on any and all dispositions of property (Lease, Sell, Exchange, or other disposition) depending on the value or terms of the lease. Approval is needed from the appropriate entity as listed below:

SAO

- If the real or personal property is valued at or less than \$5,000 and obsolete or unusable, or the district desires to demolish a building, approval is only needed from the SAO. Please contact the SAO for specific procedures. Disposition may be made by:
 - Negotiated sale to any governmental unit of an Indian nation, tribe or pueblo in New Mexico, or by negotiated sale or donation to other state agencies, local public bodies, school districts, state educational institutions or municipalities,
 - Sale at public auction,
 - Destruction,
 - Disposal of hazardous materials in compliance with environmental regulations, and
 - Sale through solicitation of written bids through the state purchasing division.

DFA

- State statute provides that any sale, trade or lease of real property for a period of more than five years or
- Any sale trade or lease for a consideration of more than \$25,000 shall not be valid unless it is approved prior to its effective date by the DFA.

PED

- Approval is needed from PED for all personal property or demolition with a value of more than \$5,000 or

•any sale, trade or lease of real property for a period of less than five years and when consideration is between \$5,000 and \$25,000.

11. Audit

PAPA will comply with the follow regulations regarding audits:

- Public School Finance Act, Sections 22-8-1 through 22-8-42
- NMSA 1978 Budget Preparation and Maintenance Standards
- SBE Regulation 6 NMAC 2.2 Public School Accounting and Budgeting Supplement
- Manual Procedures New Mexico State Auditor Rules and Regulations pertaining to audits of state and local government divisions
- The Business Manager will coordinate the engagement of personnel to conduct the required audit.

12. Record Keeping and Backup

The Business Manager shall retain at PAPA's onsite business office, for PAPA's permanent records, all original hard copy records relating to financial matters. The Business Manager shall also retain at PAPA's onsite business office a current electronic copy of all PAPA's electronic financial and accounting records, which shall be created and managed by the Business Assistant under the Business Manager's supervision. The Business Manager shall develop a procedure, in coordination with the Business Assistant and the Finance Committee, to ensure that adequate backup systems (both hard copy and electronic format) exist for all PAPA's financial and accounting records.

13. Albuquerque Public Schools or Current Charter Authorizer's policies and procedures as default

In the absence of a specific financial policy or procedure adopted by the Governing Council to address financial and accounting requirements with respect to a particular subject, PAPA shall follow the corresponding policies and procedures adopted by Albuquerque Public Schools (APS), or the current Charter Authorizer, modified as appropriate to reflect that PAPA manages and controls its own financial and accounting matters (subject to applicable legal requirements). The Executive Director is responsible for seeing that such APS or Authorizer policies and procedures are followed in appropriate cases. In the event of any question about how such an APS policy or procedure or Authorizer policy and procedure should be implemented at PAPA, the Executive Director shall request that such matter be considered by the Finance Committee and/or Policy Committee and a specific PAPA policy or procedure adopted by the Governing Council.

1. Grant Funds

(Updated October 29, 2019)

1. All grants proposed to be applied for on behalf of the school, school employees, or students; or grants that will impact the school, must be approved prior to submission by the Executive Director. This includes grants to be applied for using a 501c(3) organization. The school sponsor of the proposed grant will provide the grant application, the grant conditions, expenditure requirements, and other grant requirements as a part of the evaluation/approval process. Grants applications of \$40,000 or greater will be approved by the Governing Council prior to application.

a. "On behalf of the school" and "impact the school" is a grant which includes the uses of the school name, facilities, assets, employees, or students.

b. Grants for school employees only that are not on behalf of or will not impact the school do not require pre-approval.

c. Grants which require matching funds must also be approved by the Governing Council for budgeting purposes.

2. Grants received on behalf of the school, school employees, or students will be placed into a separate financial sub-account. A copy of the grant including grant conditions and requirements will be provided to the Business Office.

3. The Executive Director will approve all expenditures from the grants. The person wanting to utilize grant funds will provide the Executive Director with the proposed expenditure, how this expenditure is related and/or authorized by the grant and any other documentation required by the Executive Director.

4. Records related to the grant will be maintained as required by the grant and for audit.

2. Student Activity Funds

(4/19/2022 update)

Student Activity Funds are used to account for those resources owned, operated and managed by the student body, under guidance of a staff member or another adult, for educational, recreational or cultural purposes. These funds are used for a wide range of activities that can include the school yearbook, the student athletics or various student clubs. Student Activity Funds may include staff expenses as part of a fund use involving students.

The appropriate fund classification for student activity funds is determined by their legal status. If resources accounted for in student activity funds are legally owned by students or student groups, these funds should be classified as Agency Funds.

However, if PAPA legally owns the resources accounted for in student activity funds, they should be accounted for in the General or Special Revenue Fund type.

Agency Funds

An Agency Fund is used to account for assets held for other funds, governments, or individuals. Agency Funds are custodial in nature (i.e., assets equal liabilities) and do not involve measurement of operations. While PAPA provides a bookkeeping and accounting service for these funds, these functions are considered strictly fiduciary in nature. These monies are not considered public money for purposes of the Procurement Code, Governmental Gross Receipts and formal, budgetary integration. They are, however, subject to Governmental Gross Receipts Taxes in all other respects and to regulations adopted by the Governing Council.

PAPA is holding these funds in a fiduciary capacity. Therefore, the PAPA will be held responsible to safeguard the funds and demonstrate prudent judgment in accounting for and disbursing these funds.

Examples of such activity funds which would be designated as Agency Funds are:

1. Money collected for student fund raising activities whose expenditures are determined by the student/class sponsors (Theatre, Band, Orchestra, Fencing, French, Dance etc.).
2. Money collected as deposits which are subject to return in whole or in part (lab, technical equipment deposits etc.).
3. Money collected which will be transmitted to other governmental units, agencies and associations (NMSAA receipts etc.).
4. Money collected that will be transmitted to a budgeted account for loss or damage to school property, tuition, rent and fees.
5. Money collected for activities not supported by public monies for submission to vendors (class rings, school pictures, yearbooks).
6. Monies collected for other funds, governments or individuals (e.g. payroll clearing, COBRA insurance, taxes, etc.)

Regardless of the method used to finance school activities, PAPA is ultimately responsible for the funds, even though the actual control and operation of these funds are delegated to individual staff members.

Accurate records shall be kept of all monies collected and disbursed, in accordance with Section 6-10-2 NMSA, 1978 Compilation, as amended:

"Cash Books for Public Money; Daily Balance; Public Record" It shall be the duty of every public official or agency of this state who receives or disburses public monies, to keep in his office a cash book wherein shall be entered daily, in detail, all items of receipts and disbursements of public monies, and which shall be balanced daily so as to show the balance of public monies on hand at the close of each day's business; and such cash book shall be a public record and shall be open to public inspection."

No activity fund account shall ever be permitted to incur a deficit. Financial records of student activity funds must be in accordance with generally accepted accounting principles and an adequate internal control structure established and maintained, as well as audit trails, in the same manner as the PAPA's regular funds. (Refer to PSAB Supplements 2, 3, 5 and 6).

The club sponsor or treasurer shall bring all monies collected and balanced to the receipts, to the Business Manager for deposit by the end of the day of collection.

Student activity funds shall never be used for any purpose which represents accommodating, loan or credit to any individual (Section 6-10-40 NMSA, 1978 Compilation.)

The following policies governing student activity expenditures apply, regardless of the method of making payment, whether by check or from a petty cash fund. Evidence supporting all expenditures must be kept on file and must be in the form of a signed receipt or invoice.

Statements or cancelled checks do not completely meet this requirement; however, in certain circumstances, it may not be possible to obtain an invoice (e.g., telephone bills, etc.). In these instances, payment from a statement is acceptable; however, the club sponsor will be held responsible for verifying the validity of making such payments. The business office may develop a voucher or requisition system for disbursements.

General Fund Activity Accounts

Fund raising monies which are legally owned and under the discretionary control of school districts are considered public monies and are subject to all applicable laws and regulations relating to the Procurement Code, Governmental Gross Receipts, Charitable Contributions and formal budgetary integration.

PAPA is required to budget for activity revenue and for the corresponding activity expenditures. This budget shall project the anticipated revenue and expenditures for all activity funds required to be budgeted. Budgetary integration may be accomplished at the account and fund level. The total revenues and expenditures for these accounts shall be incorporated as part of the general fund for financial reporting purposes.

Examples of these funds are athletics, coke vending machines, concession and stores operated for general activity purposes.

Compliance Matters

Club Sponsors, and other organizations conducting fund raising, must notify the Business Manager of the organization's existence in order to place the organization on the schedule of activities ledger. Each activity should show opening balance, beginning of the period, receipts, and disbursements and end of period balances. The business office is responsible for:

- 1) Maintaining adequate collateral pledged for monies in Activity Funds.
- 2) Assisting club sponsors and treasurers in order to assure:
 - a. timely deposits within 24 hours or one banking day
 - b. appropriate approvals are obtained for disbursements
 - c. an internal control structure is in place to safeguard the assets and promote reliability of the activity financial reports
 - d. accurate bank or cash reconciliations are prepared timely
 - e. records are retained for review by business office and auditor

As with all other PAPA fund checks, activity fund checks should indicate "void six (6) months from date on the face of the check."

D.15 Student Fund Raising Activities

Introduction

PAPA allows student fundraising activities aimed at improving the overall academic/arts environment for all students within the school. General cash receipts and disbursement policies will apply to all fundraising activities.

This policy is intended to:

- a. Provide administration, sponsors, parents, and students reasonable assurance that all student fundraising activities are properly accounted for;
- b. Ensure that the accounting system captures relevant and accurate data; and
- c. Ensure that all of PAPA's student fundraising activities are accounted for in a consistent and competent manner.

PAPA

- reserves the right to stop payment on all student fundraising activities in which the sponsor/vendor neglected to follow PAPA policy. In these cases, a contract exists solely between the vendor and sponsor.
- will not be liable for any unapproved student fundraising activities.
- will exclude vendors from any "Approved List" for non-compliance with PAPA policy.
 - will transfer dormant account balances to PAPA's Activity Fund at year's end. If clubs/organizations are no longer active, balances in those accounts need to be transferred prior to the end of the fiscal year.
- will ensure that funds generated through student fundraising activities be spent on students only.

Sponsor's Responsibilities

It is the sponsor's responsibility to understand and ensure compliance with all PAPA policies and procedures. Failure to follow or lack of knowledge of procedures does not preclude sponsors from full responsibility and possible disciplinary action as a result of this failure or lack of knowledge. Failure to adhere to policies and procedures may adversely affect the school or organization's ability to continue having fundraising activities. All non-compliance issues will be presented to administration for corrective action.

Student fundraising activities and supporting documentation are subject to unannounced audit(s).

The sponsor is fiscally responsible for all facets of the student fundraising activity. He/she may be held liable for all unapproved student fundraising activities and for any shortages identified if PAPA policy has not been followed.

Sponsor's responsibilities include but may not be limited to:

- a.Planning the activity with club members/students;
- b.Selecting the vendor;
- c.Scheduling the activity with the Executive Director. Each and every student fundraising activity must be approved by the Executive Director. No 'blanket' approvals will be permitted. The granting of approval for any specific activity does not guarantee that approval will be given in the future for the same or a similar activity (example – operating a concession stand at Open House). The Executive Director may develop a system for assuring that competing clubs/organizations receive fair access to events.

d. Securing the approval of the Executive Director prior to entering into any agreement with and/or receiving any product from a vendor. Failure to comply with PAPA policies and procedures will render the sponsor personally liable for the product delivered and/or the amount due.

e. Maintaining the appropriate controls to ensure that all monies are collected on a timely basis and students are held accountable for outstanding product and amounts.

f. Ensuring that data is available to prepare a perpetual inventory of all products including incentive products, funds received, a list of delinquent accounts and outstanding product.

g. Obtaining the Executive Director's approval for the disposal of all surplus/damaged products. The Executive Director and not the sponsor has the authority to give surplus products away.

h. Once a student fails to return product or pay for the product, then the sponsor should not issue any additional product (regardless of student's classification) until said student clears his/her record.

The sponsor must ensure that all receipts and disbursements are processed in accordance with PAPA policies and procedures. See below for the guidelines that govern these activities.

In general, product should be distributed after school or during a time when class is not unduly disrupted. Students are encouraged to sell the product to his/her immediate family or to known individuals. PAPA does not encourage activities that require and/or encourage students to sell "door to door."

The sponsor must immediately report all thefts to the Executive Director. The sponsor may be liable for not reporting losses in a timely manner. The sponsor should make a concerted effort to collect 100% of the total outstanding balance. Consistent losses, uncollectable balances, thefts, and/or unaccounted for balances will restrict a sponsor's ability to participate in future fundraising activities.

Activity Funds

There are two types of activity funds:

1. Student Activity Funds:

a. Generate revenue for the campus general fund;

b. Are administered by the Executive Director;

c. Are accounted for by the treasurer of the Student Body and sponsor; and

d. Generally can be taken by PAPA into its general fund.

Student Activity Funds are used to account for those resources owned, operated, and managed by the student body, under guidance of a staff member or another adult, for educational, recreational or cultural purposes. These funds are used for a wide range of activities that can include the school yearbook or various student clubs. The appropriate fund classification for student activity funds is determined by their legal status. When resources accounted for in student activity funds or student groups legally own funds, these funds should be classified as Agency Funds or Student Activity Funds. However, if the school legally owns the resources accounted for in student activity funds, they should be accounted for in the General or Special Revenue Fund type.

2. Student Fundraiser Activity Funds:

Student Fundraising Activities Must Be:

- a. Approved by the Executive Director for a specific purpose:
- b. Administered and accounted for by the sponsor
- c. Processed by the Business Manager

A campus fundraising activity must consist of the following:

- a. An anticipated profit
- b. Student involvement in the activity
- c. Sponsorship by the school or a school organization.

A. Application for New Student Activity Account

If a new Student Activity Fund is required an Application for New Student Activity Account is filled out and forwarded to the Business Manager for new number.

B. Student Fundraising Application Form

An application for all student fundraising activities generating over \$1000 in revenue AND/OR being conducted off-campus must be submitted to the Business Manager in order to allow time for Governing Council approval (no later than 15 days prior to a scheduled Governing Council meeting). The Governing Council considers these fundraisers at their monthly meetings.

- a. Sponsor must complete a Student Fundraising Application;
- b. Form must be approved by the Executive Director;
- c. Form submitted to Business Manager for approval;

- d.New number assigned by Business Manager;
- e.Copy of approved form returned to sponsor.

All fundraisers must be approved prior to ordering or receiving of product/services.

- a.Sponsor must complete a Student Fundraising Application for each individual fundraiser;
- b.Student fundraiser must be reviewed and approved by Executive Director;
- c.Periodically scheduled bake sales, car washes, burrito sales, etc., require a one-time approval per month designating the dates for that month.

Form Completion:

- a.All portions of the form must be completed.
- b.All activities will be assigned a fundraising number by the Business Manager and must be entered on the monthly campus activities log. Include this number on all correspondence, DPR's, DPO's, Deposit Recaps, etc.
- c.The sponsor's signature indicates that he/she understands and agrees to abide by the guidelines as set forth in this policy.
- d.The activity's beginning, ending and anticipated delivery date information allows the Executive Director to determine the appropriate timeline for anticipated receipts and disbursements.
- e.Specify the purpose of the activity i.e., purchasing uniforms, funding trips, buying materials, purchasing equipment, etc. to ensure that this activity supports school goals. The funds generated may only be used for the purpose designated on the student fundraising form.
- f.If a purchase order will be issued to a specific company, indicate the vendor ID# and vendor name.
- g.An organization may have no more than two (2) on-going fundraising activities at the same time. One or more activities must be closed before applying for another fundraiser approval.

C.Closing of a Fundraising Project

All student fundraisers should be closed within sixty (60) days of the "Ending Sale Date" noted on the application. An activity is considered closed when:

- a.All collectable funds have been deposited;
- b.All disbursements have been made to vendors;

Exception: Bake sales, one-day food sales/dinners, dances, performances, concerts, car washes, a-thons. book fairs and similar activities not involving controllable merchandise must be recapped within five (5) working days after the activity is held.

- The sponsor is accountable/liable for safeguarding all items not sold. Future fundraising activities may be affected if the fundraising activity has not been properly closed.

D. Raffles. Proms. Plays, Concerts., Concessions. Etc.

Raffles are allowed only through the completion of a fundraising application. Sponsors must use pre-numbered tickets and must be accounted for whenever monies are submitted on the Tally. The miscellaneous receipt number should indicate the number of tickets sold. The number of tickets sold multiplied by cost per ticket should equal the amount of funds deposited. The Executive Director should ensure that all raffles are conducted fairly.

E. Concession Stand Sales

Vending machines are encouraged instead of concession stands due to the nature of collections and handling of the concession. However, if a concession stand is determined to be the most beneficial for the campus, the following must be in place:

- a.A Student Fundraising Application must be filled out at the beginning of the semester. This form must be submitted to the Business Manager for approval.
- b.The Executive Director or designee will perform a beginning of the semester inventory and submit a report indicating quantity, cost, and a brief description of the product with the application. Accuracy of the inventory report will be witnessed by at least two individuals.
- c.Concession activities are expected to generate a profit margin of approximately 40- 45%.
- d.All receipts should be cash; no checks should be accepted at the concession stand. No checks of any kind should be cashed with concession stand monies.
- e.All concession stands should use a cash register tape to support the sales for each day of sales. All deposits must be reconciled with the register tape. Any large variances should be noted on a; tally sheet. The tally sheet must be completed and the balance should agree with balances noted on the tapes. Once the deposit is reconciled, the deposit is submitted daily to the site Business Manager for deposit.

f. A periodic review of the revenue and expenses should be conducted to ensure that the concession stand is making a profit.

g. The Business Manager will also review the accounts on a periodic basis to ensure the profitability of the concession stand.

h. The decision to continue the activity will be made on a semester basis.

F. Cash Receipts

When collecting money from students, the sponsor should either issue a miscellaneous receipt or maintain a system of accountability of all monies received. Receipt books and Collection Logs are available from the Business Manager.

To maintain compliance with PSAB Supplement the sponsor must submit all cash to the Business Manager for deposit within 24 hours. The sponsor is liable for funds lost or stolen.

Remittances to the Business Manager must include:

- The miscellaneous receipts or Collection Log;
- The Tally Sheet;
- Cash register tapes.

The Business Manager must verify agreement between the total cash remitted and the amount indicated on the Collection Log. The Collection Log should be stapled to the Business Manager's copy of the office receipt.

The Business Manager will issue an office receipt to the sponsor for all monies remitted for deposit. The sponsor should remain in the office until the cash and log are reconciled and a receipt issued.

Cash receipts may not be borrowed, used to cash checks, used for purchases or used to issue cash refunds. Cash refunds must be issued via purchase requisition/check request.

G. Recap Guidelines

- All monies collected shall be receipted and deposited within 24 hours. The "How Paid" section

must be marked cash, check, or money order.

- No money shall be left on school premises over weekends, holidays, or summer breaks.
- Distribution of receipt copies will be determined by the Business Manager:

- A receipt may only be voided when all copies of the receipt are available. "Void" should be written across the receipt and the complete set kept in the receipt book. The receipt number should be referenced as a void on the Deposit Recap.
- Whenever the receipt book is completed it must be stored at PAPA for a period of at least seven years before being discarded.

H. DEPOSIT PROCEDURES

- A Deposit Recap shall be completed by the sponsor for each daily deposit and delivered to Business Manager immediately.
- Receipts, Bank Deposit Slip and Deposit Recap amounts must balance. The only exception would be a returned Insufficient Fund Check (NSF) when it is collected and re-deposited.
- When checks are returned for insufficient funds (NSF), the Business Manager will contact the issuing bank to determine if funds are now available for cashing. If so, redeposit immediately. If funds are not available, contact the party issuing the check to inform them that they may only collect the NSF by remitting cash payment. The NSF will serve as their receipt for this transaction. A "redeposit of NSF" notation should be made on the bank deposit copy. This notation should also be made on the Deposit Recap, in the description column.

Cash Transfers

A Cash Transfer is utilized to request a transfer of monies within the same fund account in fund 98000.

I. Disbursements

CASH DISBURSEMENTS ARE PROHIBITED!

The required purchase order must be issued prior to ordering student fundraiser products. This should follow the normal procedure. A purchase order is not approved until signed by the Executive Director.

Vendors will be paid once sufficient funds have been generated and deposited by the activity to cover the cost. Payment cannot be processed without an original company invoice that provides unit description, unit cost, free product, other charges, credits, returns, etc.

If a problem occurs with a vendor, the Business Manager shall be contacted immediately. Payment will not be authorized to the vendor until all problems are resolved.

J. Fundraising Prizes/Donations

Vendors may award prizes to students participating in the fundraising activity. Vendors are not authorized to provide prizes or gifts to the Executive Director, to any other PAPA employee or to sponsors.

A vendor may make a donation to the campus general fund. In such case, the donation must benefit the entire student population (as opposed to benefiting only those students who participated in the activity).

K. Outside Organizations

Without prior express approval of the Governing Council with reference to each specific event, outside organizations conducting fundraising activities are PROHIBITED from:

- a. Conducting activities on PAPA property;
- b. Using PAPA's name;
- c. Advertising on PAPA property;
- d. Distributing or returning a product from PAPA;
- e. Conducting fundraising activities to benefit outside organizations on PAPA property.

PAPA requires that fundraising activities earn a profit. Sale of tickets, for any external organization, wherefrom PAPA does not directly earn any profit are prohibited without the prior express approval of the Governing Council with reference to each specific event.

L. Collection Jars

Penny drives/collection jars are permitted only when approved by the Executive Director.

M. Approved Vendor List

An approved vendor list is maintained by the Business Manager who must approve a new vendor.

N. Restricted Fundraising Activities

Student Fundraising activities, which include the sale of the following products or services, are restricted:

- Cosmetics
- Hygiene items
- Body care products
- Long distance telephone services
- Chemicals

- Scratch and donate cards
- Referral-type activities, and
- Programs that require the participants to solicit personal information from the community or family.

PAPA requires that fundraising activities earn a profit. Sale of tickets, for any external organization, wherefrom PAPA does not directly earn any profit are prohibited without the prior express approval of the Governing Council with reference to each specific event.

O. Vendor Promotions

Vendor promotions (flyers, discounts, coupons) must be approved by the Executive Director prior to distribution.

P. Restricted Vendors

Sponsors are prohibited from buying products/services from PAPA employees unless they have been accepted as an approved vendor. Refer PAPA employee policies for employee conflict of interest provisions.

D.15 Internal Audit

PAPA Governing Council considers the internal audit function to be a critical ingredient in providing a comprehensive evaluation of the level of control in PAPA's operating and accounting systems.

The internal audit function will be independent from school administration in carrying out responsibilities outlined in this policy. The PAPA Finance Committee (members designated by the NMPED) acts as another layer of internal controls by reviewing PAPA financials on a monthly basis. The committee reviews all income and expenses as well as cancelled checks and any other financial documents requested by the committee and supplied by the business manager.

Section E Safety Policy

(Approved by Governing Council on September 19, 2001 and amended 12/18/01, 06/27/02, 01/17/12) (Amended by the Governing Council 3/29/2016)

1. Statement of Safety Policy

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

2. Compliance with Laws

It is the intent of PAPA to adopt and implement applicable provisions of the APS (or current Authorizer) School Safety Manual, with changes as are appropriate to PAPA. The manual discusses general procedures and includes sections that are designed to comply with specific laws and regulations. In addition, PAPA has implemented its own Safe Schools Plan that includes a Crisis Response Team. The Crisis Response Team also acts as the School Safety Team.

A variety of governmental regulations apply to safety and health. These laws are changed and modified periodically. Designated personnel will be responsible for monitoring these laws and assuring PAPA's facilities and operations come into compliance.

OSHA laws for particular hazards require periodic instruction. The Executive Director will schedule time for training, orientation and safety topics.

2.1. Safety Guidelines for School Site

- A) Drawing(s) clearly showing escape routes must be posted near the exit(s) of each room.
- B) Doors that are not exits, but may be mistaken for exits, must have a sign saying "Not a Fire Exit."
- C) The Executive Director or his/her designee is responsible for sounding the fire alarm. This procedure tests the alarm system also.
- D) Teachers, custodians and all other employees should have definite assigned responsibilities during a fire drill.
- E) Restrooms must be checked for stragglers.
- F) The last person to leave the room should close the door to the hall/room, if time allows.
- G) Employee(s) should be designated to turn off all fans, eliminate drafts and stand by to assist the Fire Department should there be a fire.
- H) The fire lanes must be clear and there must be access to the school.
- I) Students should exit in an orderly manner with the teacher following the class.

J) Students should not carry clothing or books.

K) Teachers should carry class attendance records or enrollment cards outside. Attendance should be checked to be sure no one is missing. Missing students should be reported to the Executive Director or designee immediately.

L) Students should assemble at a safe distance from the building and wait for the "return to the building" signal. Classes should evacuate at least 50 feet from the building in designated areas.

M) The fire alarm must be unique in sound and audible in all parts of the buildings/facility.

N) Exit signs must be illuminated constantly.

O) Exit doors must open out and be equipped with panic hardware.

P) Doors should never be locked or blocked during school hours or during an assembly after school hours.

Q) PAPA shall prepare an individualized evacuation plan to address the needs of any disabled students. The Students with Disabilities Evacuation Plan should include the individualized plan for hearing impaired, wheelchair confined, or otherwise disabled students.

R) No students should be left in a building during a drill or actual emergency. Students should not be allowed to return to a building to retrieve possessions.

S) It is the Executive Director's duty to inspect all exit facilities in order to ensure that all stairways, doors and other exits are in proper condition.

T) Substitute teachers should be informed of fire drill methods at the time of work assignment.

U) The School Safety Team will conduct occasional fire drills with the lights out (Black-Out- Drills) in buildings containing rooms without exterior windows.

V) The Executive Director or designee must notify the appropriate emergency responder if an emergency requires evacuation. All fires should be reported to the Fire Department. If dismissal is necessary, refer to the Emergency Dismissal procedure (Procedure E.1-15).

W) The APS Fire and Disaster Emergency Plan is a working synopsis of laws and regulations. It also discusses various types of emergencies and response procedures which must be implemented at all schools, including PAPA. The PAPA Safety Team has adopted a site-specific plan, taking into consideration those elements of the APS Plan which are appropriate to PAPA. This may be adjusted to reflect the Emergency plan of the current Charter Authorizer.

2.2. Safety Team and Accountabilities

The School Safety Team shall be chosen by the school faculty in collaboration with the Executive Director at the beginning of each school year. Responsibilities and membership of the Team shall be detailed in the Safe Schools Plan. PAPA may expand the School Safety Team to include parents, local law enforcement and emergency response personnel and other interested persons. The responsibilities of the School Safety Team shall include:

- Development of a long-range health and safety plan consistent with applicable State Board of Education rules, regulations and standards, including recognized school safety and OSHA directives.
- Assignment of authority and responsibility to employees who are the key individuals in the success of the safety program.
- Outlining the responsibilities of employees and students in the accident prevention scheme.
- Assignment of authority and responsibility to employees for safety training. All employees and students should be trained in all aspects of safety procedures and policies of PAPA, and should be trained to perform their duties in the safest and most efficient manner.
- Preparation of emergency response plans for emergencies such as Fire, Chemical Spill, Injury, Bomb Threat or Threat of Violence. The School Safety Team shall involve local emergency response agencies in such contingency planning.
- Development of the Safe Schools Plan, which shall include more detailed, site specific procedures for addressing general policies and procedures reflected in the Governing Council's policies and procedures.

2.3. Fire Prevention Plan and School Evacuation and Active Shooter Drills

(6/25/2019 update)

A. Emergency Drills

1. An emergency drill shall be conducted at least once each week during the first four weeks of the school year. During the first four weeks of the school year, the school will conduct one shelter in place drill that includes preparation to respond to an active shooter, one evacuation drill and two fire drills. During the rest of the school year, the school will conduct at least four more emergency drills, at least two of which shall be fire drills. It shall be the responsibility of the Executive Director to ensure the drills are conducted and documented.

2. School administration will request a member of the Albuquerque Fire and Rescue to be in attendance during the emergency drills for the purpose of giving instruction and constructive criticism.

3.The Executive Director will document completion of all school evacuation and active shooter drills, including date, time, rooms evacuated and time from initiation of drill to verification of building evacuation. The most recent three years of drill records should be maintained on site for review and older records permanently archived.

4.The results of the drills will be reviewed by the School Safety Team who shall recommend changes to the procedures based on the drill results.

5.An obstructed drill should be conducted at least once per school year. One or more exits are blocked prior to the drill. Students should not know in advance that an obstructed drill will occur.

6.There should be at least one (1) fire drill during each year when students are in the cafeteria or in the hallways during changes of classes. If the school contains an auditorium, there should be an emergency drill during the use of that facility.

B.Emergency Drill Records

1.Document completion of all emergency drills including date, time, rooms evacuated and time from initiation of drill to completion of the drill. The most recent three years of emergency drill records should be maintained on site for review and older records permanently archived.

2.Any fire safety equipment found to be inoperable during fire drills must be documented and repaired immediately.

C.Fire Marshal Inspection

The laws governing each jurisdiction apply to the specific location. The current Life Safety Code and the Uniform Fire Code are the current reference for all jurisdictions.

The inspectors will

report to the Executive Director's office, and the Executive Director or the designee will conduct the inspection around the campus.

If violations are found at the school, the Executive Director or designee will sign a violation form. A copy of the report will be available as required. After the time allowed by the inspector, the campus is subject to a re-inspection to determine if the situation has been corrected.

2.4. OSHA Injury Reports and Record Keeping

OSHA standard 29 CFR 1904 requires an employer to keep and maintain records of accidents. Record keeping may also assist in determining high-risk areas and the effectiveness of the accident prevention program. This duty must be assigned to a knowledgeable person before the start of operations.

2.5. On-The-Job Employee Injuries

A.General Reporting Requirements

The employee chosen to perform OSHA record keeping will complete the First Report of Accident form (NM WCA FORM E1.2) required by the Labor and Industrial Commission of New Mexico as soon as possible after the accident. By state law, an employee must declare the job-related injury within 15 calendar days of the injury, or knowledge of the injury, in order to receive compensation benefits. If these procedures are not followed, the claim for benefits may be denied. Employees are encouraged to use the Notice of Injury form to report the injury (or suspected injury) in order to protect their rights. An employee may use the form if he/she has a strain or non-traumatic injury that they feel may worsen. PAPA will keep these forms in a centralized location.

B. Procedures for Handling Employee Injuries Requiring Emergency Medical Attention

1. Those not injured
should: Render
first aid.
Call 911 if necessary.
2. If you are injured and able to drive yourself or be driven by another employee: Go to the nearest emergency room.
Advise the caregiver that you are an employee with a work-related injury.
3. Under all circumstances, notify the PAPA office and Executive Director as soon as possible
after receiving care to get the Workers' Compensation paperwork started.

C. For Non-Emergency Injuries:

1. Report injury to the Executive Director or designee and fill out Notice of Accident form.
2. Depending upon the nature of your injuries, you may be advised to seek medical treatment. PAPA may direct that you use a particular doctor for non-emergency care for the first 60 days of care (following emergency care), so check with the Executive Director or designee before seeking non-emergency medical care.
3. At the clinic, advise the caregiver that you are an employee with a work-related injury.
4. Notify PAPA staff as soon as possible after receiving care to get Worker' Compensation paperwork started

D. Worker's Compensation for On-the-Job Injuries.

1. General Information:

PAPA's worker's compensation insurance will pay authorized medical expenses that result from a work-related injury, provided that the employee obtains services from the doctor or other medical care provider(s) authorized by PAPA and/or its workers' compensation insurer to provide medical care for job-related injuries or illnesses.

If an employee loses more than seven working days, the employee is entitled to receive up to two-thirds of his or her regular pay up to a maximum determined by the New Mexico Department of Labor. This is called indemnity pay. The employee will start receiving indemnity pay within 14 days of the E1.2 form being filed (not necessarily the injury), which form is filled out by the PAPA office. If hospitalized, the employee may make an appropriate report by telephone to the PAPA office. The first seven calendar days lost are not compensated (under New Mexico Workers Compensation laws), unless the employee is disabled for more than four weeks from the date of the injury. The employee may use accrued sick leave (or Short Term Disability, if applicable) to make up the difference between indemnity pay and regular pay.

2. Notification process:

The employee must notify the Executive Director in writing within 15 days or the employee may lose Workers' Compensation benefits. The employee must fill out a Notice of Accident form, have his or her supervisor sign it, turn the original in to the PAPA office, and keep a copy. The Executive Director or designee has copies of the Notice of Accident form available for employees. If the employee later needs medical attention for this accident, the employee will be covered under Workers' Compensation for up to 12 months as long as the employee notified the Executive Director in writing within 15 days of the accident.

3. Non-compensable Injuries

Injuries due to intoxication, willfulness or intention of the worker are non-compensable under worker's compensation laws.

4. False Claims

Any employee who knowingly files a false claim can be criminally prosecuted.

2.6. Student Emergency Medical Care

A. Assessment of Need and Notice to Parents.

In the event of student injury or illness, priority must be given to the immediate care of the student, and the following actions will be taken (these actions also apply to suspected drug or alcohol overdose):

1. The school nurse (or designated first aid provider) if available, should evaluate the student's condition and provide first aid as necessary.

2. If the school nurse (or designated first aid provider) is not available, the health assistant or person designated by the Executive Director will provide first aid. First aid guidelines in the New Mexico School Health Manual will be followed by PAPA.

3. Every attempt should be made to notify the parents or guardian. PAPA shall keep the Student Emergency Information forms on file at the main PAPA office. If the parent/guardian cannot be contacted and the Executive Director believes the student can be released, a note will be sent

with the student notifying the parent/guardian of the injury/illness and the aid provided. Staff must document all care, calls and parental contacts associated with student medical care.

B. Medical Emergency Care and Procedures.

In any situation requiring medical care beyond minor first aid:

1. Telephone 911 for Emergency Medical Service or paramedics, for such conditions as profuse bleeding, cessation or obstruction of breathing, deep shock, head injury with deep unconsciousness, electric shock, and heart attack or any other life-threatening condition.

2. Parents are responsible for ambulance and emergency room fees.

3. Students can be transported by car if the medical condition is not life threatening, yet beyond simple first aid treatment. The vehicle owner must carry insurance in compliance with New Mexico state law.

4. Any emergency requiring medical care emergency services, or resulting from an accident, should be reported to the Executive Director and PAPA office on the Student Accident Report form. The report should be submitted in the event a medical referral is necessary or there are unusual circumstances surrounding the incident.

5. The Student Accident Report form should be submitted to the PAPA office, and a copy placed in the student's cumulative record. If applicable, a copy of the Student Accident Report should be attached to the Major Incident Report form and distributed to any required Authorizer and/or State Department of Education offices.

6. A student requiring additional medical care should not be sent home until a parent or guardian has been contacted and the student can be personally supervised by a responsible adult.

7. Staff must document all care, calls and parental contacts associated with student medical care.

8. It is the responsibility of the Executive Director to collect and analyze the data from student accident reports so that safety hazards can be identified and corrected.

2.7. Emergency Hazard Reporting

Examples of emergency situations include gas leaks, fires, structural failure, blocked plumbing, loss of electrical power, broken glass in doors and windows or any other situation that presents immediate danger to persons, has the potential for appreciable financial loss or otherwise seriously hampers the educational program. In the event of a hazard that threatens the well-being of staff, students or visitors, the Executive Director or designee shall take the following actions:

A. When there is a situation that requires immediate response to protect the safety of staff, students, or visitors the Executive Director or designee will call the emergency response phone number: 911.

B. Indicate if the situation has caused an injury, an accident, or has the potential to cause a serious injury.

C. The Executive Director or designee should take preventive action to minimize danger. The Executive Director or designee should warn the staff and students of the hazard and may have to set up special supervision until it can be corrected. Rooms may have to be closed or barricades placed around a dangerous area.

D. The Executive Director should monitor accident reports at the school location to determine if uncontrolled situations are leading to accidents. The Executive Director might use the School Safety Team to identify potential hazards.

2.8. Laboratory Safety Requirements

THE FOLLOWING SECTION ONLY APPLICABLE IF SCHOOL HAS SCIENCE LABS CONTAINING HAZARDOUS CHEMICALS

School laboratories containing any quantity of hazardous chemicals must comply with OSHA standard 1910.1450 "Occupational Exposure to Hazardous Chemicals in Laboratories."

A. Scope and Application of the Standard

The OSHA standard does not apply to uses of hazardous chemicals which do not meet the definition of laboratory use, and in such cases, PAPA must comply with the relevant standard even though use occurs in a laboratory. The OSHA standard does not apply for laboratory use of hazardous chemicals that provide no potential for employee exposure such as procedures using chemically impregnated test media and commercially prepared test kits.

B. Employee Exposure Determination

PAPA must measure the employee's exposure periodically to any substance regulated by a standard which requires monitoring if there is reason to believe that exposure levels for that substance routinely exceed the action level (or in the absence of an action level, the OSHA "permissible exposure level"). PAPA must notify the employee of the results within 15 working days after receipt of the monitoring results.

C. Chemical Hygiene Plan

Where hazardous chemicals are used in a laboratory covered by this standard, PAPA must develop and carry out the provisions of a written Chemical Hygiene Plan (CHP). The CHP must include the necessary work practices, procedures, and policies to ensure that employees and students are protected from all potentially hazardous chemicals in use in their work area.

The plan must be available to employees, to employee representatives, and to the Assistant Secretary for Occupational Safety and Health.

D. Employee and Student Training and Information

PAPA must provide employees and students with information and training to ensure that they are aware of the hazards of the chemicals present in their work area. This information must be provided at the time of an employee's or student's initial assignment to a work area where hazardous chemicals are present and prior to assignments involving new exposure situations.

1. Employees and students must be informed of:

- the contents of this standard and its appendices must be made available to them;
- the location and availability of PAPA's Chemical Hygiene Plan;
- the permissible exposure limits for OSHA
- signs and symptoms associated with exposures to hazardous chemicals used in the laboratory; and
- the location and availability of known reference material on the hazards, safe handling, storage and disposal of hazardous chemicals found in the laboratory including, but not limited to Material Safety Data Sheets (MSDS) received from chemical suppliers.

2. Employee training must include:

- methods and observations that may be used to detect the presence or release of a hazardous chemical;
- the physical and health hazards of chemicals in the work area;
- the measures they can take to protect themselves from these hazards, including specific procedures PAPA has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures and personal protective equipment to be used; and the applicable details of PAPA's written Chemical Hygiene Plan.

E. Medical Consultation and Examinations

All employees who work with hazardous chemicals must be given the opportunity to receive medical attention, including any follow-up examinations that the examining licensed physician determines to be necessary. Under certain circumstances, medical examinations and consultants must be provided without cost to the employee, without loss of pay and at a reasonable time and place. PAPA must provide certain information to the physician, including the identity of the hazardous chemicals, a description of the conditions under which the exposure occurred, and a description of the signs and symptoms of exposure that the employee is experiencing.

F. Hazard Labeling

Labels on incoming containers of hazardous chemicals must not be removed or defaced.

MSDS' on incoming hazardous chemicals must be retained and made available to lab employees.

G. Respirator Use

Where the use of respirators is necessary to maintain exposure below permissible exposure limits, PAPA must provide, at no cost to the employee, the proper respirator equipment.

H. Record Keeping

PAPA must establish and maintain for each employee an accurate record of any measurements taken to monitor employee exposure and any medical consultation and examination including tests or written opinions.

2.9. Accident Analysis

The PAPA Safe Schools Plan shall contain accident investigation procedures so that every accident may be investigated promptly and efficiently so that the cause may be determined.

2.10. Inspections

The PAPA Safe Schools Plan shall state who is responsible for self-inspections in each building, what to look for, methods of evaluation and frequency of inspections.

2.11. Hazard Identification

The PAPA Safe Schools Plan will provide the Executive Director with a tool for continuous monitoring and early detection of hazards.

2.12. Hazardous Materials

Employees are required to receive instruction about chemicals that they may use. New employees receive orientation. The Material Safety Data Sheets for chemicals used on site should be filed and maintained by a competent person assigned to that task. MSDS' must be available to employees, police and medical care providers on an as-needed basis.

PAPA should not have chemicals in sufficient quantity or toxicity that would endanger students. Schools also should have spill kits located in science laboratories and workrooms to handle problems locally.

PAPA should contact a licensed disposal company to dispose of science laboratory, photo laboratory and auto shop chemicals. The Executive Director or designee should contact a licensed recycler to dispose of waste oil.

The Science Safety Manual should be used as the standard for chemical use and handling in science laboratories.

APS Risk Management gathers, stores and inventories hazardous waste. Risk Management completes EPA required paper work, arranges for disposal, and pays to have chemicals disposed. Current EPA fines are \$20,000 a day for willful violations. All APS departments, schools and Facilities Planning and Operations Departments must contact Risk Management for proper disposal of hazardous waste. PAPA should utilize this option for waste disposal, if possible.

The Executive Director shall determine the most expeditious and cost-effective plan for addressing potential chemical or other hazardous material problems at PAPA. This may involve working with the APS Safety office (842-3767) and/or other local government agencies or commercial service providers. Any chemical exposure that may endanger or may have endangered the health and safety of any staff member, student, or visitor should be reported to the Executive Director or designee, who will take appropriate action.

Affected staff members will be referred to an Emergency Medical Clinic (as designated by the Executive Director and consistent with PAPA's insurance program) for evaluation.

Individuals complaining of headache, nausea, eye irritation, dizziness, burning, etc. should be referred for first aid and/or medical care as appropriate. All "tight building", "sick building syndrome," and similar air quality complaints should be referred to the Executive Director, who will take appropriate action.

2.13. Pesticide Use

A. General Requirements Regarding Use

PAPA shall comply with applicable State Board of Education regulations (set forth at 6.30.2.10E(4), NMAC). Without limiting the generality of the foregoing, no pesticide or pest control device may be used on school property except those pesticides and devices currently registered for legal use in the state by the New Mexico Department of Agriculture, and all applications administered must be applied by certified and licensed personnel. Pesticides (excluding outdoor herbicides) will only be applied on or on the outside of school buildings when a pest is present and will not be applied on a regular or "calendar" basis unless it is to treat an infestation and is part of a pest management system being implemented to address a particular target pest. Pesticides that are applied in a liquid, aerosolized, or gaseous form will not be applied on public school property when students, staff, or visitors are present or may reasonably be expected to be present within 6 hours of the application, except in emergency cases, in which event school occupants will be removed from the treatment area prior to the application. Immediately following the application of a pesticide in emergency cases, signs will be posted indicating an application was made.

B. Notice to Parents

At the beginning of each year, and when new students register, PAPA will develop a list of parents and guardians who wish to be notified prior to pesticide application during the school year. These parents/guardians will be notified in writing prior to pesticide application.

General notification of anticipated pesticide applications will occur by positing or dissemination of notices or oral communication or other means of communication. No pre-notification is required in emergency cases.

C. Record Keeping

Written records of pesticide applications will be kept for three (3) years at each PAPA site and be available upon request to parents, guardians, students, teachers, and staff.

2.14. PAPA Violence Prevention Plan

A. Violence Prevention and Security

1. Background Checks

(Updated October 29, 2019)

As required by law, all parties who will have unsupervised access to students shall have a full background check. All parties include employees, a volunteer, or who works for the school as a contractor or a contractor's employee.

2. Building Access by Employees

PAPA buildings will customarily be opened, closed and secured only by the Executive Director, assigned custodian or another PAPA employee specifically designated to perform those functions. The Executive Director may allow other employees to apply for access privileges and building keys under certain circumstances that are beneficial to PAPA and/or the operation of the building in question. Any employee granted access privileges is required to enforce and abide by all PAPA policies and procedures regarding the use of the building and any equipment therein. The Executive Director shall be responsible for establishing a procedure to keep accurate records of all persons to whom keys are issued and/or alarm codes are distributed, and to address the steps to be taken when a key is lost or stolen.

3. Executive Director Designation of Access Privileges

At the beginning of each academic year the Executive Director will prepare a written roster of any employee who is authorized access to that building site while the building is locked but during normal access hours. The Executive Director may amend this roster as circumstance demands during the academic year. The Executive Director must post the roster in a conspicuous place.

4. Normal Access Hours and Building Lock-Down

Normal access hours for PAPA facilities are defined as 5:00 a.m. to 11:30 p.m. seven days per week. Certain facilities may have special hours of access different than those listed, which will be explained to any affected employee assigned to such locations. The Executive Director will determine the building lock-down hours, which are likely to be different than the normal access hours defined above. Building lock-down hours may be stricter, but not more lenient than the defined normal access hours. Employees must follow call-in and sign-in procedures whenever the building is locked, regardless of whether other employees are in the building.

PAPA employees may not enter PAPA buildings outside of normal access hours, regardless of whether they hold keys for that building, without specific written permission from the Executive Director. Written permission must be carried on the employee's person while

accessing any building outside normal hours. In the case of maintenance or construction contractors, the job supervisor from PAPA will sign any special permission forms to enter the building.

5. Exceptions

The only exceptions to this procedural directive will be school security performing normal security checks or alarm response, PAPA employees responding to emergency call-outs and the Executive Director.

6. Call-In and Sign-In Procedures

An employee who is entering a building during access hours but after the building has been locked, or an employee with afterhours access permission, **MUST** follow the call-in/sign-in and sign-out procedure developed by the Executive Director. Such procedures shall be prominently posted for the information of staff.

7. Sanctions

The Executive Director may remove key holding privileges from any employee who violates this procedure. The Executive Director may take the building keys from any employee found in the building in violation of this procedural directive. An employee who abuses building access privileges or who repeatedly violates this procedure may be subject to other disciplinary actions as outlined in human resources policy. Unauthorized persons, including employees, found in buildings after access hours may be subject to arrest.

B. Releasing a Student from School to Someone Other Than a

Parent/Guardian Adherence to the following procedures will greatly minimize the chance of kidnapping, molestation, or release of a student to unauthorized persons. It is the responsibility of the Executive Director to acquaint the staff with the provisions of this procedure.

Before releasing a student during the school day to anyone except his/her parent or guardian, obtain permission from the parent or guardian by telephone if the person is not on the approved release form.

When a parent or guardian telephones a request that a student be released early from school, the person taking the call must confirm the identity of the caller. They can do this by both hanging up and calling the person back and/or by asking the student to confirm the voice as being that of the parent or guardian or a person authorized to have custody of the student. In the event the telephone call is not being made from the student's home, question the caller in order to obtain information such as the student's date of birth, his/her course offerings, or names of teachers and classmates, all of which should be known by an authorized parent or guardian.

In custody disputes, court orders are frequently presented as proof of guardianship. Be cautioned that the document presented may have been superseded by a more current court order or, as in the case of out of state documents, may not be valid within this jurisdiction.

The Executive Director or his/her designee should be satisfied that the release of the student has the approval of at least one parent or guardian. If there is any doubt, do not release the student.

C. Staff Personal Security and Safety

A staff member may use reasonable physical force to restrain or remove a person when it is essential for self-defense or for the protection of the individual, other persons or property, or if the person is unreasonably defiant or dangerous.

D. Workplace Violence / Sexual Harassment Issues

PAPA affords employees a working environment free from intimidation, threats or violent acts of other employees. This includes, but is not limited to: intimidation, threatening or hostile behaviors, physical abuse, vandalism, criminal damage, use of weapons, carrying weapons on to PAPA property, or any other action which puts an employee in fear of bodily harm or property damage. Employees who feel subjected to any of these behaviors should immediately contact their supervisor or the Executive Director.

E. Guidelines for Police Involvement

1. Conditions to Report to Local Police

The Executive Director or his or her designee shall report the following conditions to the local police office:

- Actual or suspected criminal activity, i.e. burglary, vandalism, assault, drugs, thefts, disorderly conduct, etc.
- Actual or suspected employee criminal misconduct.
- Threat of bodily harm to any student or employee of PAPA.
- Other campus disorders or outsiders creating problems.
- Parent/teacher problems interfering with the normal operation of the school.
- Use or distribution of suspected drugs, alcohol or weapons.
- If appropriate, students who are reported missing during school hours.

In an emergency, the Executive Director or other designated employee shall call 911.

2. Criminal Trespass

Any student who has been suspended and told to stay off campus, but does not do so, may be in violation of City of Albuquerque ordinances and/or state statutes pertaining to criminal trespass. If a student persists, call the police and ask for assistance with this problem. The Executive Director or designee should also contact the local police in the event of problems with outsiders.

3. Reporting Lost, Stolen or Missing PAPA Property

Information on stolen property must be forwarded to law enforcement agencies immediately to enhance the possibility of recovering the stolen property.

4. Unauthorized Persons on School Property

The school staff should be alerted to challenge suspicious persons who loiter in and around the school building. If there is no logical explanation for their presence, notify the local police office or contract security provider immediately, and provide the following information, if obtainable:

- A description and identity of such unauthorized persons.
- Mode of travel

When it appears that someone is using or occupying school property contrary to its intended use, the Executive Director or his/her designee will:

- Determine the nature of the business;
- Inform the person that he/she is interfering with the educational process and ask the person to leave;
- Call the police if he/she refuses to leave.

F. Banning Individuals from School Campus

(new July 31, 2018)

While schools make every reasonable effort to welcome parents and other community members to participate in school activities, an individual may be banned from the school campus or school sponsored activities if:

- He/she presents a threat to the safety of students and/or employees of the school, or other individuals appropriately participating in a school activity, or
- He/she creates a disruption to the educational process.

Banning a parent from campus or school sponsored activities is a serious action that the school wishes to avoid if at all possible. The Executive Director is urged to attempt other interventions, such as a warning letter, before turning to banning a parent. However, safety concerns for the school community must take priority.

Immediate Situations

In situations in which there is an immediate threat to safety or immediate interference in the educational process, the Executive Director proceeds as follows:

- Ask the individual to leave the campus or school sponsored activity.
- If the individual does not comply, the Executive Director contacts law enforcement to request assistance in removing the individual from the campus or school sponsored activity. Off-campus venues should follow their own policy for removal of individuals from their venues.
- If the Executive Director has reason to extend the ban beyond the single incident, he/she follows the steps in the Non-Immediate Situations section below.

Non-Immediate Situations

Prior to taking any such action, the Executive Director should discuss the issue with the Governing Council and request permission to issue a ban letter.

If a ban letter is approved, the Executive Director then issues a letter notifying an individual that he/she has been banned from a school campus and/or school sponsored activities, with appropriate details included.

The Executive Director sends the letter by Certified Mail to the individual being banned.

Every ban situation must be reviewed at least annually, or earlier at the Executive Director discretion. Bans will not carry over from one year to the next, unless with the permission of the Governing Council.

3. Emergency Dismissal Plan

Utility failures, fires, weather conditions and chemical spills are examples of situations which may necessitate early school dismissal. In the event that such an emergency should occur, the Executive Director or designee is responsible for taking actions outlined below. The Executive Director or designee's response to an emergency should be based on known facts and experience.

The Executive Director and Crisis Response Team should be familiar with the Safe Schools Plan which outlines evacuation procedures, protect in place procedures, securing emergency help, and response procedure for specific emergencies.

The Executive Director or designee shall contact appropriate repair personnel to repair the school problem.

The Executive Director or designee, after consulting with authorities, police and fire services, will make the decision whether or not school will be dismissed. The Executive Director or designee will also notify, as appropriate, other emergency personnel regarding the situation. The Executive Director or designee will notify the media of an early dismissal due to an emergency.

The Executive Director and staff will make a concerted effort to notify parents by phone of an early dismissal.

If the emergency situation cannot be resolved promptly, the Executive Director, will determine if school can be opened the following day. The media, staff, and parents should be notified of the decision.

In the event of an emergency or disaster, the Executive Director or designee has the authority to ask staff to help with the situation. The Executive Director or designee can arrange to have

staff care for children, make phone calls, provide first aid, or other procedures necessary to protect students, public, and co-workers.

4. PAPA Follows APS in Inclement Weather

The APS web site and local radio and television stations post APS delays and school closings. PAPA will close if APS closes all APS schools.

PAPA will close if APS delays all school openings. However, if APS only closes or delays East Mountain Schools, PAPA will be on a normal class schedule.

5. Weather-Related Closure in Outlying Districts

Due to the fact that many of our students travel to PAPA from school districts outside of APS, weather-related late arrival, early dismissal, or absence will be excused according to the following policy. When districts outside of APS announce weather-related schedule changes, parents of students living in those outlying districts will be allowed to decide at their own discretion when or if it is safe to transport their children to PAPA. In the event that a student living in one of these outlying districts is late, absent, or needs to leave school early due to weather-related schedule changes, PAPA will excuse the absence, late arrival, or early dismissal of that student provided that the parent or guardian calls the office to inform the staff of their district's weather-related schedule change.

6. Make-Up of Time Missed Due to Emergency

If PAPA is closed, or follows a reduced schedule, due to inclement weather or other emergency situation, the Governing Council shall determine whether and when such lost time shall be made up.

7. Medical Policies

7.1. Immunizations

(New material approved October 29, 2019)

Each student must provide an immunization/shot record showing current immunizations as required by Department of Health and Public Education Department at registration each year. An annual Public Education Department issued immunization exemption is acceptable for registration purposes. Students without a current immunization record or PED issued immunization exemption shall be disenrolled.

School administration does not have the authority to waive immunization requirements.

In the event of infectious disease outbreak, PAPA will notify the Infectious Disease Epidemiology Bureau at the New Mexico Department of Health and follow their recommendations. This may include students with vaccination exemptions being excluded from school and school activities for a period of time.

7.2. Student Diabetes Management

(New material approved November 19, 2019)

References:

NMAC 6.12.11

Sections 9-24-8, 22-2-1, 22-2-2, and 22-34-1 through 22-34-9 NMSA 1978.

Definitions used in this Student Diabetes Management policy are those found in NMAC 6.12.11.7

1. The Executive Director is responsible for the implementation and administration of the Student Diabetes Management program.
2. The Executive Director will ensure the annual diabetes training for the school designated diabetes care personnel will be provided by a licensed school nurse or licensed health care practitioner with expertise in diabetes.
3. The Executive Director will ensure that the annual training outlined in NMAC 6.12.8.F will be provided to all school personnel with a primary responsibility for supervising a student with diabetes during some portion of the school day, including activity drivers responsible for transporting a student with diabetes.
4. A minimum of two school designated diabetes care personnel are required. A school designated diabetes care person is required if a student with diabetes is attending a school sponsored activity, trip, extended offsite excursion, or extracurricular activity in which the student with diabetes is participating.
 - a. Volunteers from the staff to serve as the school designated diabetes care personnel will be solicited and trained annually and additional volunteers will be solicited and trained if less than two school designated diabetes care personnel are available.
 - b. Participation is voluntary and no school or governing body will take action against any staff member who does not volunteer to be designated.
 - c. The parent or guardian of the student with diabetes may volunteer to assume the official responsibility of diabetes care for a student diagnosed with diabetes should the parent or guardian be attending a school sponsored activity, trip, extended offsite excursion, or extracurricular activity in which the student with diabetes is participating.
5. The Diabetes Medical Management Plan is required to be submitted to the school annually if the parent or legal guardian of the student with diabetes who seeks diabetes care while at school (either utilizing the schools diabetes care personnel or by student self-administration). The school shall review and implement the plan.
 - a. Upon written request of a parent or guardian of a student with diabetes and authorization by the student's diabetes medical management plan, and upon demonstrated proficiency as certified by the parent, guardian, or medical professional, a student shall be permitted to perform diabetes self-management.
 - i. A student with diabetes and a diabetes medical management plan shall be permitted to self-manage in any area of the school or school grounds

- so long as it does not disrupt the education environment of other students.
 - ii. A student with diabetes and a diabetes medical management plan shall be permitted to possess on the student's person at all times all necessary supplies and equipment to perform these monitoring and treatment functions.
 - iii. If a student's parent or guardian or the student requests, the student shall have access to a private area for performing diabetes care tasks.
6. Students diagnosed with diabetes shall not be restricted from attending any school on the basis that the student is diagnosed with diabetes, the school does not have a full- time school nurse, or the school does not have trained diabetes care personnel.
- a. The school shall not require nor compel parents or guardians to provide diabetes care for a student with diabetes at school or school-related activities.
7. Reports regarding student diabetes management required by PED and/or the Charter Authorizer will be prepared and submitted to the Governing Body for approval prior to submitting to the PED and/or the Charter Authorizer.

7.3. Medical Cannabis in Schools

(New material approved November 19, 2019)

This policy was developed in accordance with NMSA 22-33-5 and NMAC 6.12.10

This policy is to provide guidance and requirements for the possession, storage, and administration of medical cannabis to qualified students for use in school settings. NMSA 22-33-5 and NMAC 6.12.10 and this policy shall be the subject of appropriate training to all school personnel on medical cannabis policies.

This policies of outside organizations in which PAPA students participate will be followed with regard to medical cannabis.

Definitions (from NMAC 6.12.10.7):

A. "Cannabis" means all parts of the plant cannabis, including any and all varieties, species, and subspecies of the genus cannabis, and excludes the plant cannabis sativa L. and any party of the plant, whether growing or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent on a dry weight basis.

B. "Cannabis producer" means a person or entity licensed by the Department of Health to possess, produce, dispense, distribute, and manufacture cannabis and cannabis products and sell wholesale or by direct sale to qualified patients and primary caregivers.

C. "Certifying practitioner" means a health care practitioner who is licensed in New Mexico to diagnose a qualified patient and recommend medical cannabis as a course of treatment.

D. “Designated school personnel” means a school employee whom the Executive Director authorizes to possess, store, and administer medical cannabis to a qualified student in accordance with the provisions of Section 22-33-5 NMSA 1978, NMAC 6.12.10, the Lynn and Erin Compassionate Use Act, and New Mexico Department of Health rules regarding the Lynn and Erin Compassionate Use Act.

E. “Hemp” means the plant *cannabis sativa* L. and any part of the plant, whether growing, or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent on a dry weight basis, and is exempt from the New Mexico Controlled Substances Act.

F. “License” means written authorization to licensees issued by the New Mexico Department of Health to implement the provisions of Section 22-33-5 NMSA 1978, NMAC 6.12.10, the Lynn and Erin Compassionate Use Act, and New Mexico Department of Health rules regarding the Lynn and Erin Compassionate Use Act.

G. “Licensee” means a person or entity issued a license by the New Mexico Department of Health pursuant to the Lynn and Erin Compassionate Use Act and includes school districts, local school boards, locally-chartered charter schools, state-chartered charter schools, and governing bodies of state-chartered charter schools.

H. “Licensee representative” means designated school personnel who work for a licensee and possess, store, or administer medical cannabis to a qualified student in a school setting.

I. “Medical Cannabis” means cannabis:

- (1) Recommended for treatment of a debilitating medical condition as defined in the Lynn and Erin Compassionate Use Act, in a written certification by a certified practitioner;
- (2) Dispensed by a cannabis producer that has received approval from the New Mexico Department of Health to conduct sales of medical cannabis;
- (3) Is in the form of a capsule, extract, or concentrate to be ingested through the mouth that:
 - (a) May be safely divided into measurable doses;
 - (b) is not an aerosol product consumable through smoking or in particulate form as a vapor or by burning;
 - (c) is not a food or beverage product;
 - (d) is not a salve, balm, or other topical product;
 - (e) Does not require refrigerated storage; and
- (4) Is provided to the school in package or container clearly labeled with:
 - (a) The student’s name and date of birth; and
 - (b) The dosage allotment.

J. “Primary caregiver” means a parent or legal guardian.

K. "Qualified patient" means a person who has:

- (1) Been diagnosed by a certifying practitioner;
- (2) Received written certification from a certifying practitioner; and
- (3) Is currently enrolled in the New Mexico Department of Health's medical cannabis program and has received a current and valid registry identification card pursuant to the Lynn and Erin Compassionate Use Act.

L. "Qualified student" means a student who demonstrates evidence to the school that the student is authorized as a qualified patient pursuant to the Lynn and Erin Compassionate Use Act to carry and use medical cannabis.

M. "Self-administering" means the ingestion of medical cannabis by a qualified student without the presence of a primary caregiver or designated school personnel in a school setting.

N. "School" means the Public Academy for Performing Arts.

O. "School setting" means any of the following locations during a school day:

- (1) A school building;
- (2) A school bus used within the state during, in transit to, or in transit from a school-sponsored activity;
- (3) A public vehicle used within the state during, in transit to, or in transit from a school-sponsored activity in the state; or
- (4) A public site in the state where a school-sponsored activity takes place.

P. "Written certification" means a statement written by a qualified student's certifying practitioner:

- (1) In a qualified student's medical rec or in the written treatment plan statement;
- (2) Certifying that the qualified student has a debilitating medical condition pursuant to the Lynn and Erin Compassionate Use Act;
- (3) Certifying that the certifying practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the qualified student; and
- (4) Signed by the certifying practitioner.

Q. "Written treatment plan" means a document developed by the primary caregiver in collaboration with the certifying practitioner that:

- (1) Includes the certifying practitioner's diagnosis and description the qualified student's debilitating medical condition per the Lynn and Erin Compassionate Use Act;
- (2) Describes the plan for recommended treatment with medical cannabis, including:
 - (a) The recommended dosage allotment;
 - (b) The recommended frequency of administration of medical cannabis in a school setting; and
 - (c) Is signed by the primary caregiver and the certifying practitioner.

Administration, Possession, and Storage

Administration:

1. The Executive Director shall solicit for staff volunteers to be identified as designated school personnel who will be responsible for the possession, storage, security, and administration of medical cannabis to a qualified student. The designated school personnel will be identified in writing by the Executive Director.
 - a. The school shall not require any employee to store or administer medical cannabis.
 - b. If no school employees volunteer to be designated school personnel or no designated school personnel are available, the primary caregiver will transport, store, and administer the medical cannabis.
 - c. Designated school personnel duties are not considered a part of the duties of any licensed health assistant.
2. The primary caregiver will provide to the school
 - a. Demonstrate evidence to the school that the student is authorized as a qualified patient pursuant to the Lynn and Erin Compassionate Use Act. (i.e. a copy of the written certification from the New Mexico Department of Health.)
 - b. Provide a written certification.
 - c. Provide a written treatment plan, using the written treatment form posted on the Public Education Department's website.
 - d. Submit to the school a written release of liability that:
 - i. Releases from civil liability the following persons and entities for acting in accordance with the provisions of Section 22-33-5 NMSA 1978 and NMAC 6.12.10, as well as the Lynn and Erin Compassionate Use Act and applicable Department of Health rules:
 1. The Albuquerque Public School (APS) district or other current Charter School Authorizer, APS school district personnel and volunteers or Charter School Authorizer personnel, APS schools other Charter School Authorizer schools, APS or Charter school authorizer school personnel and volunteers, APS or Charter School Authorizer school boards, and APS or Charter School Authorizer school board members; and
 2. The Public Academy for Performing Arts (PAPA) charter school, PAPA school personnel and volunteers, PAPA governing council, and PAPA governing council members;
 - ii. Releases the persons and entities listed in the paragraph above, from any liability and reimbursement claims for costs associated with accidental spillage or waste of medical cannabis; and
 - iii. Acknowledge that the qualified student shall not be entitled to the implementation of the provisions of Section 22-33-5 NMSA 1978 and NMAC 6.12.10, as well as the Lynn and Erin Compassionate Use Act and applicable Department of Health rules, outside of this state.
 - e. Submit to the school a signed Health Insurance Portability and Accountability Act (HIPAA) authorization, using the HIPAA authorization form posted on the New

Mexico Department of Health's website, that permits the school to obtain current information from the Department of Health regarding the enrollment status of the qualified student in the Department of Health's medical cannabis program. The HIPAA authorization form shall be retained as a medical record.

- f. Indicate that a written certification and a written treatment plan shall be valid for no more than one year from the date of issuance and a new written certification and plan shall be valid for one school year only.
 - g. The written certification shall be presented to the school at time of diagnosis, enrollment, or prior to, the beginning of the school year for which the written certification and written treatment plan shall apply.
 - h. Pick up from the designated school personnel any unused medical cannabis at the end of each school year or upon disenrollment, withdrawal, transfer, or graduation of the qualified student, whichever occurs first.
 - i. The written certification and a written treatment plan, a new release from liability, and a new package or container with clearly labeled identifiers including the qualified student's name, date of birth, and dosage allotment, is required upon enrollment in a new public school following disenrollment, withdrawal, transfer, or graduation from another school.
3. The primary caregiver must work with the Executive Director to create an administration plan for administration on the school campus. The administration plan outlines time, place, and manner of administration for the student.
 - a. Administration of medical cannabis will be in accordance with the written treatment plan.
 - b. Administration of medical cannabis shall not be conducted in a manner that creates disruption to the education environment or causes other students to be exposed to medical cannabis.
 - c. The administration of medical cannabis in school settings during the school day will be by the primary caregiver or designated school personnel if a designated school personnel is available.
 - d. Administration of medical cannabis after school hours for on campus school activities will be by the primary caregiver or designated school personnel if a designated school personnel is available.
 - e. Students will not possess, store, or self-administer medical cannabis in a school setting.
4. The administration of medical cannabis during outside venues used for off-campus school activities will not be conducted by the school as the Lynn and Erin Compassionate Use Act does not prohibit criminal prosecution for use of cannabis in public places.
5. Student participation in outside organization's activities is not considered a school setting or school-sponsored activity. Examples include: all state choirs.
6. The school will not transport student medical cannabis through Federal check points, such as Border Patrol check points, or airport security.
7. The school will not store, transport, or administer medical cannabis outside of the State of New Mexico.

Possession:

1. Students are banned from possession, use, distribution, sale or being under the influence of a cannabis product in any manner that is inconsistent with the provisions of this policy for qualified use for medical cannabis or the Lynn and Erin Compassionate Use Act.
2. The primary caregiver will bring to the school and provide to the designated school personnel the qualified student's medical cannabis. A receipt will be provided to the primary caregiver.
 - a. The medical cannabis will be provided in a new package or container with clearly labeled identifiers including the qualified student's name, date of birth, and dosage allotment.
3. The designated school personnel will return to the primary caregiver all unused medical cannabis no later than the end of each school year, disenrollment, withdrawal, transfer, or graduation. This return shall be at the school and a receipt will be provided to the designated school personnel,
 - a. Medical cannabis not picked up by the primary caregiver will be delivered to law enforcement for disposal.
4. In the event of spillage or waste of medical cannabis, the clean-up and destruction will be witnessed and notification will be provided to the primary

Storage:

1. The Executive Director will establish a secure location, accessible only by designated school personnel, with a locked storage container for the storage of medical cannabis.
2. A maximum of one month's supply of medical cannabis will be maintained by the school.

Students:

1. The school shall not discipline a student who is a qualified student on the basis that the student requires medical cannabis as necessary for the student to attend school.
2. The school shall not deny eligibility to attend school to a qualified student on the basis that the qualified student requires medical cannabis as a reasonable accommodation necessary for the student to attend school or an in-state school-sponsored activity.

Restrictions, Limitations, and Liability

Students are banned from possession, use, distribution, sale or being under the influence of a cannabis product in any manner that is inconsistent with the provisions of this procedural directive for qualified use for medical cannabis or the Lynn and Erin Compassionate Use Act. A student who makes a fraudulent representation to a school or law enforcement officer about the person's participation in a medical use of cannabis program may be denied permission for future access to medical cannabis in a school setting. Participation in the use of medical cannabis does not relieve the qualified student from disciplinary action for activities not authorized in the Lynn and Erin Compassionate Use Act.

A school or the district may not discipline a student who is a qualified student solely on the basis that the student requires medical cannabis as a reasonable accommodation necessary for the student to attend school.

The school shall not require any employee to store or administer medical cannabis.

7.4. Student Medicine Storage

(Updated July 27, 2021)

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)

4. Student Medicine Storage

(initial adoption 12/17/2019)

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.

8. Vehicle Use Policy

(New material approved November 19, 2019)

General

For the purposes of this policy, a "PAPA vehicle" means any motorized vehicle that will be operated on public streets/property, that is owned, leased, or otherwise operated by PAPA.

PAPA vehicles are for official use only, vehicles will not be used for personal business.

Drivers' Licenses

A valid New Mexico driver's license is required to operate all PAPA vehicles.

School administration will conduct a Motor Vehicle Department query to determine the validity of the operator's driver's license.

These determinations shall be conducted:

1. Upon initial assignment of, or authorization to use a PAPA vehicle;
2. Upon notice or suspicion that a license has been suspended or revoked.

No driver will be allowed to operate a PAPA vehicle if:

1. The person's driving license is currently suspended, revoked, or otherwise disqualified;
2. The person has pled or been found guilty (including pleas of nolo contendere) of any of the following:
 - a. Any DUI/DWI conviction within the past 5 years;
 - b. Any conviction for reckless or careless driving within the past 5 years;
 - c. Any conviction for homicide resulting from the operation of a motor vehicle; or
 - d. Causing a fatal accident as the result of operating a motor vehicle;
 - e. There has been a judicial finding or decree of juvenile delinquency in the past 5 years as a result of any of the conduct described in the paragraph above; or
3. The person has more than three (3) tickets for moving violations in the last two (2) years.

Driver's License Suspension

Should an employee have his/her driver's license suspended or revoked for whatever reason they shall not operate a PAPA vehicle. The employee shall notify the Executive Director of the license suspension or revocation.

Authorization to Operate PAPA-Owned Vehicle Minimum Requirements

All drivers of PAPA vehicles shall complete a Defensive Driver Course upon initial application of authorization to drive a PAPA and shall complete a bi-annual (every 2 years) training thereafter. Failure to attend the Defensive Driver Course shall result in suspension of PAPA vehicle driving privileges until the training is completed.

The driver shall obey all applicable traffic laws, including seat belt requirements and all applicable laws related to alcohol and drug use and possession.

Smoking shall be prohibited in PAPA vehicles.

All vehicle accidents shall be immediately reported to the Executive Director.

Drivers shall report to the Executive Director any citations or tickets received while in a PAPA vehicle. Drivers are responsible to pay any fines associated with citations or tickets while in a PAPA vehicle – school funds shall not be used to pay fines.

Vehicle maintenance needs shall be reported to the Executive

Director. Vehicle Utilization

The Executive Director will develop procedures for the assignment, use, and sign-out/sign-in of PAPA vehicles.

PAPA vehicles will not be assigned to individuals or used as take-home vehicles.

A vehicle fund will be established and each user will pay a per mile fee into the account for the vehicle maintenance and upkeep. The per mile fee will be the IRS standard mileage business rate.

Grant or Activity funds will be used for vehicle use related to activities or grant authorized activities.

9. Animals in School

(initial adoption 12/17/2019)

General Provisions

Subject to guidelines below, animals may be brought to classrooms only if they serve a direct instructional purpose and if the animal can be cared for in a humane manner.

No individual shall be permitted mistreat an animal.

If any child is allergic to specific animals present in an assigned classroom, the school shall accommodate the child's need to learn in a safe environment. Alternatives may include transfer to another classroom, removal of the animal causing the allergy or other effective alternatives.

The classroom teacher and Executive Director shall know the source and history of any animal brought into the classroom and school.

1. Domestic rodents, if entirely cage raised, may be used in schools. This group includes: gerbils, guinea pigs, tame mice, tame rabbits, and white rats.

2. Mammals obtained from the wild shall not be brought into schools for any purpose. Note: Skunks, bats, and raccoons are particularly dangerous because they are frequent carriers of rabies.
3. Monkeys shall not be brought into school. Monkeys can carry human diseases (e.g., tuberculosis, infectious hepatitis) and infect human beings.
4. Turtles shall not be brought into the classroom unless they were previously certified to be free of salmonella infection.

Experienced speakers, using reasonable precautions, may be allowed to make presentations with their animals.

Pets shall not be brought in by teachers, administrators, other staff members or students.

Horses/pony rides are not permitted on school grounds.

The Executive Director shall make the final determination on the animals being brought to the school.

Cage or Appropriate Enclosure

An animal shall be humanely treated. When animals which have met the above criteria are kept at school, the following procedures shall be followed:

1. The size of the cage or enclosure shall correspond to the animal's habits and ensure enough space to exercise and have proper ventilation.
2. The cage or enclosure shall be free of unnecessary objects that could cause injury to the animal.
3. The cage or enclosure shall be secure in order to prevent escape or unsupervised handling.
4. A responsible adult shall monitor the feeding of animals.
5. Regardless of the type of food that is fed, it shall be fresh. Uneaten food spoils rapidly and shall be removed daily.

The size, type, and location of the water container shall be carefully considered. A sufficient, fresh supply of water shall be available at all times.

Service Animals

Qualified Service Animals may be used in school environments and for off-campus school activities.

NMSA 28-11-2.B defines a "qualified service animal" means any qualified service dog or qualified service miniature horse that has been or is being trained to provide assistance to an individual with a disability; but "qualified service animal" does not include a pet, an emotional support animal, a comfort animal or a therapy animal.

Employees and students seeking to use qualified service animals should develop a Section 504 Plan or Individual Education Plan, as appropriate, to identify needed reasonable accommodations and other issues relating to use of a qualified service animal.

School staff shall adhere to the following guidelines when interacting with service animals of any individual on school property:

1. A service animal shall not be required to be wearing any type of identifying clothing or tags.
2. Staff shall require verification that the immunization records are up to date.
3. Staff shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. Those inquiries shall be limited to the following questions:
 - a. Is the animal required because of a disability?
 - b. What work or task is the animal trained to perform? (A "yes" to the 1st and a simple explanation to the 2nd is enough.)
4. Staff shall not require documentation or proof that the animal is a service animal. The U.S. Dept. of Justice Office for Civil Rights has published guidelines that prohibit staff from asking any additional questions or requiring proof of training.

The school may disallow access to a service animal on campus if, and only if:

1. The animal is out of control and the animal's handler does not take effective action to control it; or
2. The animal is not housebroken.

The animal shall be under the control of its handler. In most cases this means harness, leash, or other tether, but there are some exceptions.

The handler of the qualified service animal is responsible for feeding the animal and shall be allowed additional time between class periods to allow the animal to void the bladder and evacuate the bowels. These activities will occur outdoors and the handler will clean and dispose of the animal's waste.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using qualified service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

The revised "Service Animal Act" prohibits a person from misrepresenting an animal as a Service Animal and provides penalties.

SECTION F Facility Use Policy

(Adopted by Governing Council on August 16, 2001, amended 06-27-02, 08-22-02) (Amended by the Governing Council 3/29/2016)

PAPA will allow the use of its school buildings, facilities and equipment by local citizen groups, private individuals and businesses for educational, cultural, civic, and recreational purposes when such use will not conflict or interfere with the school program.

F.1. Charges for Use

1. Annually, the Governing Council shall determine a schedule of approximate rental rates to be charged for use of the facilities at PAPA.
2. The Executive Director shall determine the actual rental to be charged in each case and may, in addition to rental, include reimbursement for utilities, custodial costs and other costs directly related to use.
3. Non-political, non-sectarian, and non-commercial activities may be granted use of school facilities free of charge, at the discretion of the Executive Director. The Executive Director may allow use of school facilities free of charge or at a reduced rate to applicants who commit to providing services or fund-raising opportunities to the school (examples, offering master classes to performing arts students, fund-raising concert).

F.2. Priority of Use

- 2.1. Category 1: PAPA Educational Programs: School activity programs including rehearsals, performances and any extra-curricular activity provided by PAPA for its students.
- 2.2. Category 2: School Related Groups: This includes PAPA parent or teacher groups, PAPA Governing Council and sub-committees, school clubs, and recognized organizations.
- 2.3. Category 3: Non-Profit Groups Whose Activities Directly Serve School-Age Children: This category includes groups such as Scouts, Boys and Girls Clubs, YMCA, YWCA, non-profit children's theater program, etc., which sponsor activities at PAPA. A group in Category 3 must be qualified as a non-profit group with 501(C) status from the IRS, their activities at PAPA must be educational or recreational in nature, and must directly serve school-age children (which may include PAPA students and/or non-PAPA students).
- 2.4. Category 4: Non-Profit Groups Whose Activities Do Not Directly Serve School-Age Children: This category includes non-profit organizations, with 501(c) status from the IRS, whose activities at PAPA do not directly serve school-age children.
- 2.5. Category 5: Commercial (for profit) Arts-Related Individuals and Groups: This category includes for profit arts-related individuals and groups, (examples, arts teachers, dramatic groups), whose purpose is direct or indirect financial gain and

whose use of school facilities will result in their direct or indirect financial gain.

- 2.5.1. Category 5a: This sub-category refers to those commercial (for profit) individuals and groups whose request is for occasional use of the facility.
- 2.5.2. Category 5b: This sub-category refers to those commercial (for profit) individuals and groups proposing to use the facilities at least twice a week or more for the duration of the school calendar year.

F.3. Denial of Use

- 1. Permission to use PAPA facilities will not be authorized in the case of individuals or groups whose use of the facilities, in the judgment of the Executive Director, is inappropriate at the location.
- 2. PAPA reserves the right to deny the use of school facilities to any individual or group without having to furnish reasons therefor.

F.4. Initiating a Request for Use of a School Facility

- 4.1. The representative of the requesting group should contact the Business Manager regarding proposed usage. The Business Manager will, in consultation with the Executive Director, determine the most appropriate Priority of Use category for the applicant.
- 4.2. Use of facilities should be requested at least ten days in advance of the proposed use. Agreements for facility use will not be made during one school year for the following year.
- 4.3. A Rental Agreement Form should be requested, completed, and returned to the Business Manager by the applicant. Non-profit groups should provide proof of their 501(C) status at this time.
- 4.4. All applicants, (profit and non-profit), must also provide proof of public liability insurance,
 - 4.4.1. identifying the PAPA site as a covered location,
 - 4.4.2. with a combined single limit of at least \$1,000,000 (one million dollars),
 - 4.4.3. naming PAPA, and PAPA's landlord as an additional insured, and
 - 4.4.4. covering any employees or representatives of PAPA who will be conducting or assisting in or participating in the individual's or group's activities in PAPA's facilities in an official capacity.

5. Approval for Use of School Facilities

- 1. The Business Manager will determine the availability of the requested facility based on previous commitment, priority, and propriety of proposed use.
- 2. After receiving the completed Rental Agreement Form and required documentation from the applicant, the Business Manager will forward the form to the Executive Director for approval.

The signature of the Business Manager indicates a recommendation for approval, although the form may be submitted without a signature.

3. Approval and notification is the responsibility of the Executive Director and will occur within a reasonable time after receipt of the Rental Agreement Form. The rental agreement is not binding until it has been approved by the Executive Director. In unusual circumstances, (example, in the absence of the Executive Director) the Executive Committee of the Governing Council may be consulted and may approve a rental agreement.
4. Once the Rental Agreement Form has been completed and signed by the Executive Director and the applicant, a copy is given to the applicant and the original retained by PAPA.

6. Mandatory Provisions

1. All applicants will:
 - 1.1. agree to the provision that PAPA is not liable for injury to participants or to participants' property or for property loss that results from their participation in the activities;
 - 1.2. provide written information to their participants indicating that PAPA is not liable in the above-mentioned situations and is not sponsoring the activity; and
 - 1.3. on request by the Executive Director, furnish PAPA with a copy thereof.
2. All rental agreements entered into more than 30 (thirty) days prior to the date of use will provide that:
 - 2.1. should the facility be required for use by individuals or groups in Category 1 or Category 2 at the time specified in the agreement, PAPA will be entitled, on not less than 10 (ten) days' notice, to cancel the agreement or portion of the agreement relating to that facility and time of use.
 - 2.2. in such event, PAPA shall refund the rental or portion thereof relating to the cancelled time but shall incur no further obligation whatsoever in respect of the cancellation.
3. Projectors, special stage lighting, and other types of sensitive equipment will not be used unless operated by qualified PAPA personnel.
4. Smoking and alcohol is prohibited in all PAPA facilities and on all PAPA property.

7. Other Provisions

- 7.1. Restrictions on proposed facility use, to ensure adequate protection of facilities, may be included in writing as part of the Rental Agreement Form and may include use of protective coverings on dance floors, security provisions, hours of use and others. The Executive Director may also request proof of current CPR certification for instructors if he or she deems it appropriate to the activity.
- 7.2. The Executive Director may also require approval of all proposed advertising that includes mention of the PAPA facility in question.

8. Deposits

1. A rental deposit shall be required from all groups in Categories 3-5 at the time the completed Rental Agreement Form is submitted to the Business Manager in instances where the total amount of the rental fee exceeds \$200, and may be required at the discretion of the Executive Director if the total fee is less than \$200.
2. The rental deposit for applicants in Categories 3-5, when required, shall be fifty percent (50%) of the total rental or 50% of the first month's rent, whichever is less.
3. The Executive Director may also require an applicant to make a cleaning/damage deposit if he or she deems it appropriate under the circumstances. Such cleaning/damage deposit, less any amount held to cover repairs or cleaning required as a result of the applicant's usage, shall be refunded within 10 (ten) days following termination of the rental agreement.
4. Deposits (rental and damage), will be accepted as checks or money orders only, made payable to PAPA. No cash will be accepted. If the request is denied, the deposit will be returned to the Business Manager who will return it to the applicant.

9. Billing and Collecting

1. The rental shall be received by PAPA in full and in advance not less than 5 (five) days prior to use. Payment for individuals or groups who have an on-going facility use agreement is due in advance on the 25th of each month for the following month's facility use.
2. Individuals or groups with past due accounts will not be allowed to rent school facilities until all past due accounts are current.
3. If special services are required, such as setting up tables and chairs or setting up projectors and other sensitive equipment, there will be additional charges. Charges for these special services will be billed to the user unless they are specifically included in the Rental Agreement.
4. Abnormal wear and tear on the facility used may require an additional charge to the user to restore the facility to its normal condition. Extraordinary cleaning required as a result of the use by renters in Categories 3 –5 may result in additional charges.

10. Safeguarding School Property

1. The user of the facility is responsible for reasonable care of the facility and for proper conduct of all persons associated with it. The user will be billed for any damage resulting from improper or careless use of the facility.
2. The Executive Director or designee will be present during proposed use to open the facility, safeguard it during use, and to secure the facility at the end of its use.

SECTION H Student Conduct

(Adopted by Governing Council on August 9, 2001 and amended August 30, 2001, November 1,

2001 and February 7, 2002))

(Amended by Governing Council on 06/20/11)

(Amended by the Governing Council 3/29/2016)

(Amended by the Governing Council 7/26/2016)

1. Student Discipline Policy

(updated 9/28/2021)

- 1.1. PAPA seeks to develop and maintain a safe and respectful learning community, fostering personal integrity, responsibility, creativity, productivity, and academic excellence. The staff at PAPA strives to uphold highest levels of positive behavior. Our goal is to have all students and staff exhibit respect for each other in all aspects of the education process including behavior, dress, and communication. Disciplinary measures shall be aimed toward assisting each student in the development of self-control, social responsibility, and the acceptance of appropriate consequences for his or her actions. However, no local school board shall 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 hairstyles or cultural or religious headdresses. Racialized aggression, defined as any aggressive act that can be characterized, categorized or that appears as such to be racial in nature, is prohibited. Every school district and every charter school shall provide links to the statewide hotline to report racially charged incidents or racialized aggression.
- 1.2. PAPA administration will implement open, fair and just procedures for student discipline. Each year, all school personnel shall successfully complete an online or in-person antiracism, racial awareness and sensitivity training or professional development approved by the department that addresses race, racism and racialized aggression and demonstrates how to create and foster an equitable and culturally responsive learning environment for racial minority students. PAPA will seek to involve students in learning and developing mechanisms for taking responsibility for actions, displaying respectful behavior, and developing skills in dispute resolution. The goal of the discipline process is to change students' negative behaviors. Therefore, investigation, communication, and/or parent involvement will be used to evaluate misbehavior and assign consequences.
- 1.3. Each teacher has a set of classroom rules and policies that will be reviewed at the beginning of the year with their students. When a student fails to follow the rules set forth by his/her teacher, it becomes a distraction to the teacher and to the class as a whole and disrupts the education process. Failure to follow classroom rules and regulations will be treated as insubordination and will result in disciplinary action.

1.4. Student and school property shall be subject to search by certified school personnel, when there is reasonable cause or suspicion that a breach of rules or a crime is occurring or has occurred or the search is necessary to maintain school discipline or for safety. School property, as well as student vehicles on campus may be searched with or without students present. Physical searches must be by persons of the same sex and must not be excessively intrusive in light of the student's age, sex and the nature of the infraction. Illegal items or legal items that may threaten safety or disrupt or interfere with the educational process may be seized. Seized items may be released to appropriate authorities or a student's parent or returned to the student when and if the Executive Director deems appropriate.

1.5. Minor disciplinary situations involving classroom misbehavior will be handled by individual teachers who may determine reasonable consequences and the necessity of parental involvement. When a teacher's attempts to resolve behavior issues are not effective, students may be referred to the Executive Director for further intervention.

H.1. 6 Any staff member may refer a student to the Executive Director for discipline. The Executive Director or designee will evaluate the situation and assign consequences accordingly. Each situation will be evaluated for cause and severity, while considering past behavior. Repetitive misbehavior may result in the student being put on a behavior contract and/or long- term suspension or expulsion.

2. Regulations

(Updated July 27, 2021)

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.

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;

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;

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

- 2.4. Any criminal or delinquent act, gang related activity, sexual harassment or disruptive conduct;
- 2.5. Damage to or misuse or destruction of any school, personal or public property;
- 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);
- 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;
- 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;
- 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;
- 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;
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;
12. Unexcused tardiness or absence;
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)

3. Sanctions

3.1. In all cases, the sanction imposed should be proportional to the severity of the offense and may take into account the student's disciplinary history. Corporal punishment shall be prohibited. Outlined below are the most serious sanctions but any number of other consequences may ensue, including but not limited to curtailment of student privileges and appropriate counseling.

Restitution: A student may be required to pay for financial losses in a case of damaged property or injury or to otherwise perform activities designed to provide restitution for a violation.

Detention: A student may be restricted at times when other students are free for lunch or after normal class hours.

Probation: A student may be placed on probation for a specific period of time during which the student is expected to make restitution, demonstrate improved behavior or other requirements. Failure to comply with the terms of probation may result in summary imposition of a pre-determined sanction.

Temporary Suspension: A student is separated from the school for a pre-determined period not to exceed ten (10) school days. The student may be required to make up the academic work that is missed during the period of suspension.

3.2. Suspended or expelled students are not allowed entry to the school campus without the express permission of the Executive Director.

3.3. Probation is not a necessary pre-condition for any other sanction.

3.4. Since PAPA is a school chartered by Albuquerque Public Schools, suspension or expulsion from PAPA constitutes suspension or expulsion from APS.

3.5. A student who has been suspended or expelled is not entitled to receive any educational services from PAPA or from APS during the period of exclusion from school.

3.6. Long-Term Suspension and Expulsion Procedure and Appeal.

(Updated September 26, 2017)

"Long-term suspension" means the removal of a student from school for a specified period of time exceeding ten (10) consecutive school days. Both temporary and long-term suspension may be used where appropriate. Where the need for suspension is immediate, temporary suspension may be invoked while complying with the mechanics for activating long-term suspension. Regardless of what other disciplinary action may also be considered appropriate, where the administrative authority assigns long-term suspension or expulsion, the administrative authority shall within two (2) days after such recommendation:

1. Mail the parent of the student written notice, by certified mail, at least five (5) school days before the commencement of that contemplated disciplinary action, that such action is pending;

2. The notice of disciplinary action must include a copy of this rule, and must advise the student, through his parent, of the following;

a) Subject to the procedure set forth herein, if satisfactory evidence to refute the alleged reasons for the contemplated disciplinary action, or a request for hearing, is not submitted to the Executive Director within ten (10) school days from the date of the school's notice of contemplated disciplinary action, the disciplinary action will be effected;

b) The right to a hearing, the time and place of the hearing, not to exceed fifteen (15) school days from the date of mailing of the parent request for a hearing, and the right of the student to be represented by legal counsel

3. Students may waive the hearing.

4. Subject to the procedure set forth herein, if satisfactory evidence to refute the recommendation of disciplinary action is not submitted to the Executive Director within ten (10) days from the date of mailing and if no hearing is requested, the disciplinary action will be effected.

5. If a written request for hearing is timely received, the student shall be afforded a hearing following due process.

6. The Hearing Officer, retained by the Governing Council, shall impose the requested sanction or other appropriate measure if he/she finds by a preponderance of the evidence that the allegations are correct.

7. A tape recording or minutes of the proceedings shall be retained by the Executive Director, but a verbatim transcript or transcript setting forth the substance of the evidence presented is not required.

8. Within five (5) school days after the hearing, the Executive Director shall prepare and mail to the student, through his parent, a written decision by the Hearing Officer and the reasons therefore.

9. If the Hearing Officer decides in favor of the student, the matter shall be closed. If the Hearing Officer decides against the student, the assigned consequence stands.

10. Notices in paragraphs 1 and 2 above will be sent directly to the students age 18 and over who have invoked their revocation of parental rights

4. Anti-Bullying

(revised 10/30/2018)

Any display of bullying behavior (as determined by an investigation of school administration) at PAPA is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. "Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age, gender identity, or sexual orientation that a reasonable person under the circumstances should know will have the effect of:

- Placing a student in reasonable fear of physical harm or damage to the student's property; or
- Physically harming a student or damaging a student's property; or
- Insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student.

Bullying must not be confused with student disagreements or mutual harassment.

H.4.1 Complaints concerning suspected bullying behavior should be reported immediately to school personnel. Any report of suspected bullying behavior will be reviewed. If acts of bullying are verified, prompt disciplinary action may be taken against the perpetrator, up to and including suspension and/or expulsion.

5. Grievance Policy

(approved 4/25/2017)

The Public Academy for Performing Arts strives to provide students with a positive, productive, safe, healthy, orderly environment in which they can thrive in academics and the arts. To this

end, issues may arise that cannot be resolved at the classroom or administrative level, resulting in the need for intervention by the PAPA Governing Council. Thus, PAPA has instituted the following chain of procedure in regard to parent grievances:

1. If there is an academic or behavioral concern involving a student in the classroom, the first step is for a parent to contact the teacher.
2. If the concern cannot be resolved with the teacher, the parent may choose to present the concern to PAPA administration – the Director of Special Services for Special Education Concerns; the Assistant Director for discipline concerns; or the Executive Director for academic and other concerns.
3. If the concern was brought to the Director of Special Services or the Assistant Director and could not be resolved, the next step is to present the concern to the Executive Director.
4. If the concern cannot be resolved with the Executive Director, the parent may choose to appeal to the Governing Council for intervention through the following:
 - a. Present a written grievance statement to the Governing Council President detailing the situation and the resolution efforts within 5 work days after meeting with the Executive Director.
 - b. The Governing Council President, via the Executive Director, shall provide the written grievance to the person(s) that are the subject of the grievance. The person(s) that are the subject of the grievance may submit to the Governing Council President a written response to the grievance.
 - c. Within 10 work days of receipt of the written concern, the voting members of the Governing Council will meet..
 - d. The grievance proceeding will be held in Executive/Closed Session. At the beginning of the Executive/Closes session of the meeting the President will read the grievance and allow the parent to make a statement providing any additional information. Written response(s) from the person(s) that are the subject of the grievance will also be read and will be allowed to make a statement providing any additional information. The parent and his/her representatives along with the person(s) that are the subject of the grievance will then be excused from the meeting to allow the Governing Council to discuss the grievance.
 - e. The parent and Governing Council may choose to bring legal representation to the meeting. The parent must notify the Governing Council President at least 72 hours in advance of the meeting if the parent will bring legal representation.
 - f. The Governing Council's decision on the grievance will be made in open session and a written response to the grievance will be made within 5 work days of the Executive Session. The Governing Council's open session action shall not be specific enough to violate the privacy of employees, students, or other protected acts.
 - g. The Governing Council's response is final.

6. COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES AND THE SCHOOL (Renumbered 4/25/2017)

The following policy shall be observed in connection with all contacts by law enforcement with students. A copy of this policy shall be provided to all licensed school personnel, who shall be responsible for observing it. A copy of this policy also shall be provided to all local law enforcement and social services agencies so that mutual cooperation may be promoted.

The following provisions govern school personnel's cooperation with law enforcement and social services agencies in regard to criminal law enforcement and child abuse investigations, and are not in derogation of the customary authority of school administrators to conduct interviews and investigations, or otherwise to take action as part of the enforcement of school discipline and order.

6.1. Official Contact With Students In Schools

(Renumbered 4/25/2017)

- A. Administrative Authorization Required: Law enforcement officers, including investigators employed by public agencies authorized to investigate child abuse, may not be permitted contact with any student except by the Executive Director or his or her designee, and pursuant to the procedures and requirements set forth in this policy.
- B. Verification, Documentation, and Parental Notification Procedures: Prior to any student being produced by the Executive Director for any contact with officers, the Executive Director or his or her designee shall:
 - 1. Write down the name, badge number, and agency of the officer(s), together with the date and time of appearance,
 - 2. Confirm by telephone with the agency that employs the officer(s) their identity and authorization in seeking contact with the student, and record the name and position of the person confirming such information and the time of such confirmation; and
 - a. in instances in which the officer(s) have appeared at the school to interview or make an arrest of a student for suspected criminal activity, the Executive Director shall also determine and write down the agency's justification for conducting an interview or arrest of a student at school when such criminal activity has not been:
 - (i) committed at the school,
 - (ii) committed during school-sponsored activities,
 - (iii) committed on school grounds, or
 - (iv) when such criminal activity involves crimes committed at the school for which assistance has not been requested by the Executive Director;

b. in instances in which the officer(s) is acting pursuant to an arrest warrant, a search warrant, or other court document, the Executive Director shall obtain a copy of such document.

3. Contact the student's parent(s) or guardian, notify them of the contact, and record the time of notification and the name of the person notified;

a. If upon the initial request for contact by the officer(s) or agency, the Executive Director is directed by either not to attempt to notify the student's parent(s) or guardian or to obtain the attendance of the student's parent(s) or guardian,

(i) that direction should be added to the information recorded by the Executive Director pursuant to this section, and

(ii) the officer should be asked to sign the statement; and

(iii) if the officer refuses to sign the statement, the Executive Director should note on the statement that the officer refused to sign.

C. Administrative Monitoring of Contact with Students

1. After completion of the Verification, Documentation, and Parental Notification Procedures, and upon Administrative Authorization, as described in this policy, a law enforcement officer may conduct an investigation within the school building and upon school grounds and interview students as possible witnesses in the Executive Director's office or other administrative office.
2. The Executive Director should consider whether the Executive Director or his or her designee should be present during the interview on the basis of the age and special needs of the child, and in light of the provision of the Children's Code that such interviews shall be conducted "in a manner and place that protects the child . . . from trauma and embarrassment." NMSA 32A-4-5 (D).
3. Reasonable attempts shall be made to keep the identity of those interviewed confidential.
4. Neither the Executive Director nor his or her designee shall disclose any written statements made or the content of statements given during the interview, except he or she may disclose statements made or the content of statements given during the interview to
 - a. the student interviewed and to his or her attorney or parents,
 - b. to the district attorney, or other law enforcement agencies; and

- c. if the Executive Director deems it appropriate to legitimate disciplinary goals, to other school officials.
- 5. If the investigation focuses on a particular student as a suspect of a crime, the Executive Director and the police officer shall follow the general guidelines set forth in this policy with respect to interrogation, search, and arrest. In addition, the Executive Director shall follow the advice of rights provisions of Section II.B, below.
- 6. The Executive Director shall keep a record of the procedural steps followed by the police in conducting interrogations, and any instance in which the Executive Director acts to preclude or terminate an interrogation.
- 7. All writings and records created pursuant to these procedures shall be retained as part of the school's records.

6.2. Police Contacts

(Renumbered 4/25/2017)

A. Investigation and Assistance

1. **Police Investigations at the Request of School Authorities:** A Executive Director may exercise his or her discretion in determining whether to request assistance of police in investigating any crime contrary to the laws of the State of New Mexico or of the United States, or any allegation of such crimes, including crimes committed at school or on school grounds during school hours, or during school-sponsored activities.

2. **Police Investigation Without Request of School Authorities:** It should not ordinarily be necessary for police officers to interview students at school during school hours for criminal activity not committed at the school, during school-sponsored activities, or on school grounds, or for crimes committed at the school for which assistance has not been requested by the Executive Director.

a. If the police have determined that exigent circumstances exist to interview students at school regarding such crimes, the law enforcement agency shall first contact the Executive Director regarding the planned visit and shall give the Executive Director the reason for conducting the investigation during school hours, school-sponsored activities, or on school property and shall obtain his or her approval;

b. The Executive Director shall approve and cooperate with the police during the investigation unless the Executive Director determines that the investigation is being conducted for the purpose of harassment or for reasons not related to a criminal investigation. In the event that the Executive Director declines to approve the interview he shall immediately

notify and discuss the opposition with the appropriate police supervisor. Approval shall not be unreasonably withheld.

c. The Executive Director shall not, in any event, prevent the appropriate law enforcement agency from serving or executing court process (i.e. summonses, warrants, subpoenas) or court orders upon school grounds during school time, provided that the procedures set forth in section I are first observed.

d. The Executive Director may also designate a reasonable time and place for law enforcement contact with students, including for service of process upon students under his control, in order to ensure that the educational process is not disrupted.

3. Requests for Police Assistance

a. The Executive Director is authorized to summon and seek assistance from law enforcement authorities in any case in which the activities of students or others is creating a threat to the health or safety of students or of others, or is disrupting or threatening to disrupt the educational program, normal operation, or lawful functions of the school.

b. Such requests shall be directed to the law enforcement agency (State Police, Sheriff's Department or local police) having jurisdiction over the geographical area in which the school is located.

B. Interrogation of Student Suspects in School

1. By or for Police: If law enforcement officers deem it necessary to interrogate student suspects in school during school hours or school-sponsored activities, and if criminal prosecution is anticipated by the law enforcement officers or the Executive Director, no interrogation shall commence unless

a. A parent or guardian is present to counsel the student; or

b. The student suspect is at least 15 years old has been advised of his basic rights and, understanding those rights, has knowingly and voluntarily waived those rights as follows:

(i) Before interrogation, the police officer shall

-- advise the student of the nature of the crime for which he or she is a suspect,

-- advise the student that he or she has the right to remain silent, that anything he or she says may be used against him or her in criminal or juvenile court

and that he or she has the right to have an attorney present, or a court-appointed attorney if the parents are indigent, and the student or parent may stop the interrogation at any time, in order to obtain an attorney and have him or her present at further interrogations.

c. The Executive Director or designee cannot waive these rights on behalf of the student, nor may he or she compel the student to submit to an interview or interrogation.

d. The Executive Director shall use his or her discretion and his or her knowledge of a student's age and mental or physical condition and shall not permit interrogation in an instance in which a parent is not present and the Executive Director does not believe that the student can knowingly, intelligently, and voluntarily waive his or her rights.

e. It is not the responsibility of the Executive Director to advise the student suspect of his basic rights as set forth in the Children's Code, NMSA 1978, 32A-1-16 and 32A-2-14.

f. The Executive Director shall not permit a student suspect age thirteen or under to be photographed or fingerprinted at school unless the law enforcement officer presents a court order authorizing it. See NMSA, 32A-2-14(I).

2. By School Personnel at Request of Police: If a student is being interviewed by a school administrator at the request or instigation of the police for law enforcement purposes, the interrogation may be conducted only if

a. The student is advised of his constitutional rights;

b. The student is at least 15 years old, knowingly, intelligently, and voluntarily waives his or her constitutional rights; and

c. A reasonable attempt to notify his parents is made before the interrogation takes place.

C. Arrests of Students in School

1. General Policy: It should not ordinarily be necessary for police officers to arrest students at school during school hours for criminal activity not committed at the school, during school-sponsored activities, or on school grounds, or for crimes committed at the school for which assistance has not been requested by the Executive Director.

2. Arrests with Advance Notice: In cases where a law enforcement agency deems it necessary to arrest a student during school hours or activities at school, the agency should notify the Executive Director of the intended arrest prior to dispatching officers to the school, and the Executive Director should request that a non-uniformed officer make the arrest if possible or that the services of school security officers be used if available.

3. Arrests in Emergency Circumstances: In emergency situations, where the immediate arrest of a student is deemed necessary by the police, including instances where the commission of a felony or serious breach of the peace has been witnessed by a police officer or if the police officer is in "hot pursuit" of the student for such crime, the police shall be entitled to take action to arrest the student on school property without a warrant.

a. In cases in which an arrest of a student has been made in an emergency situation in which the police have taken custody of a student without providing school authorities the opportunity to conduct the Verification, Documentation, and Parental Notification Procedures outlined in section H.5.1 School authorities shall make every reasonable effort to have the arresting officer(s) comply with the Verification, Documentation, and Parental Notification Procedures before removing the student from school grounds.

b. If the student has been removed from school grounds by law enforcement officers prior to compliance with the Verification, Documentation, and Parental Notification Procedures, school authorities shall contact the arresting agency and complete the Verification, Documentation, and Parental Notification Procedures as soon as possible after learning of the removal.

D. Search and Seizure by Police

1. On Request of School Authorities

a. Emergency Circumstances: Upon request of a school Executive Director, police officers may make a general search of students' lockers and desks, or students' automobiles on school property, for drugs, weapons, or items of an illegal or prohibited nature if, in the Executive Director's judgment, public health or safety is threatened.

b. Non-emergency Circumstances: If the Executive Director has received reliable information, which he believes to be true, that evidence of a non-school-related crime or stolen goods is located in a certain student's locker, desk, or in a student's or a non-student's automobile parked on school property, and there is no immediate threat to the health or safety of student or employees, he shall request police assistance for a search by the police pursuant to a search warrant.

2. Without Request of School Authorities

a. Police officers may not search a student's locker, desk, or automobile unless they have a search warrant, or a knowing, intelligent, and voluntary consent is given by the student.

b. A student's person may not be searched in school unless:

(i) police have a search warrant, or

(ii) the student is under arrest, or

(iii) the police are acting upon probable cause to believe that the student is concealing contraband, or

(iv) a knowing, intelligent, and voluntary consent is given by the student.

c. Notwithstanding the foregoing, a search of a student's person, locker, automobile on school grounds, or desk, may be conducted by any police officer on school grounds during school hours if emergency circumstances exist and the police are acting upon probable cause to believe that the health and safety of the student or of others requires a search.

d. A school official may not consent to a warrantless search of a student's locker, desk, or automobile, by police unless police are acting at the direction and under the supervision of the school administration.

e. The student, if then available, shall be present during any search of his locker, desk, or automobile.

f. In all searches authorized by this section, the Executive Director or his or her designee shall accompany the officer(s) in conducting such searches.

6.3. CHILD PROTECTIVE AGENCY CONTACTS

(Renumbered 4/25/2017)

A. Duty to Report Suspected Child Abuse and Neglect: Pursuant to NMSA 1978, 32A-4-3, it is the duty of any school nurse and school teacher or administrator who knows or suspects that a child is or has been abused or neglected upon penalty of fine to report this information immediately to either (1) a law enforcement agency, (2) the county office of the Children Youth & Families Department, or (3) A tribal law enforcement or social services agency for any Indian child residing in Indian country. School employees and officials shall cooperate with investigators of the above-named agencies investigating suspected instances of child abuse and neglect, subject to the safeguards and procedures provided by this policy.

B. Investigations of Child Abuse and Neglect

1. Verification, Documentation, and Parental Notification Requirements: Investigators employed by public agencies authorized to investigate child abuse, including those seeking to remove students from school for purposes of maintaining protective custody as part

of a child-abuse investigation, are subject to the Verification, Documentation, and Parental Notification Procedures set forth in Section H.5.1, except:

- a. In observing the Verification, Documentation, and Parental Notification Procedures, the Executive Director or designee shall determine from the investigator whether it is appropriate to notify the parent or guardian of the requested interview or the removal of the student from the school;
- b. In the event the investigator directs that such notice not be given, as in cases where a parent or close family member is the suspected abuser, the Executive Director shall record such direction as part of the Verification, Documentation, and Parental Notification Procedures.
- c. Law enforcement officers or investigators from the Children Youth & Families Department shall have access to any records pertaining to a complaint of child abuse or neglect, in accordance with NMSA 1978, 32A-4-3F.

7. Student Dress Code

(Updated July 27, 2021)

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.

8. Special Education

(Renumbered 4/25/2017)

PAPA shall comply with the applicable provisions of the New Mexico Administrative Code ('NMAC'), the Individuals with Disabilities Education Act ('IDEA'), and any other applicable law, in disciplinary actions involving a special education student with a disability. Without limiting the generality hereof, PAPA shall comply with Section 6.11.2.11 NMAC.

The following is a brief outline of the requirements:

1. The exclusion of a student who is disabled pursuant to IDEA, (including a student who has not yet been formally evaluated), from his/her education program for more than a total of 10 days during a school year, constitutes a change in educational placement. The following considerations must be addressed:
 - 1.1. When considering suspension or expulsion, an Individualized Education Program ('IEP') Team must first determine whether the behavior of concern is a manifestation of the student's disability and whether his/her program is appropriate;
 - 1.2. If the IEP Team determines either that the behavior is related to the student's disability or that the student's program is not appropriate, then the student may not be suspended and must receive an appropriate program;
 - 1.3. If the IEP Team determines both that the behavior is not a manifestation of the student's disability and that the student's program is appropriate, then disciplinary actions may be taken in accordance with PAPA's policies and procedures;
 - 1.4. Should the disciplinary action include any suspension that would, in total (including any prior suspension), exclude the student from his/her IEP services for more than 10 days during a school year, PAPA shall continue to provide the educational services defined in the IEP;

H.8.2 These considerations apply to a student with a disability who has an education plan in accordance with Section 504 of the Rehabilitation Act of 1973 in effect, save that PAPA may cease educational services to such a student during any periods of suspension or expulsion. (Adopted August 9, 2001, Amended February 7, 2002)

9. Student Technology Acceptable Use

(Renumbered 4/25/2017)

- 9.1. PAPA provides technology resources to its students for educational purposes. The goal in providing these resources is to promote educational excellence in PAPA by facilitating resource sharing, innovation, and communication among our students. This policy governs the use of PAPA technological resources such as computers, Internet, Intranet, and e-mail resources by our students.
- 9.2. The use of PAPA technology resources is a privilege granted to students primarily for the enhancement of the education process. Students also may have limited access to these resources for personal use, if they comply with the provisions of this policy. Violations of this policy may result in the revocation of this privilege. Depending upon the severity of the infraction, students may also face disciplinary action up to and including expulsion, and/or criminal prosecution for misuse of this resource.

9.3. PAPA does not attempt to articulate all possible violations of this policy. In general, users are expected to use PAPA technological resources in a responsible, polite, and respectful manner. Users are not allowed to:

1. Knowingly send, receive, or display sexually oriented images, messages, or cartoons;
2. Knowingly send, receive, or display communications that ridicule, disparage, or criticize a person, a group of people, or an organization based upon race, national origin, sex, sexual orientation, age, disability, religion, or political beliefs;
3. Knowingly send, receive, or display communications that demean, threaten, insult, harass, bully, or defame others;
4. Knowingly send, receive, or display communications that disparage or berate Governing Council members, students, or employees, or diminish employee productivity and/or professionalism. Nothing contained in this paragraph shall be construed to interfere with the conduct of official PAPA business;
5. Violate any local, State, or Federal statute or regulation including, but not limited to copyright laws;
6. Solicit, endorse, or proselytize others for commercial ventures, outside organizations, or religious, social, or political causes;
7. Disrupt, disable, damage, or interfere with services, equipment, or other users;
8. Access, assist, or allow others to access equipment, files, passwords, user codes, or information without authorization.

H.9.3. PAPA reserves the right to review, audit, intercept, access, and disclose all matters on PAPA technological resources computers, Internet access, and e-mail systems, as business conditions and/or security considerations warrant, with or without notice, during or after school hours. The use of a PAPA-provided password by a student does not restrict PAPA's right to access electronic communications. While PAPA may or may not regularly monitor electronic communications, students using this resource should have no expectation of privacy in their e-mail or on the Internet. Accordingly, students must ensure at all times that their electronic communications are appropriate, lawful, and in compliance with the provisions of this policy. As a condition of use of these resources, students agree to PAPA review and disclosure of e-mail and Internet records.

SECTION I Campus Policies And Procedures

(Adopted 07-26-02 – with approval of Family Handbook) (Amended by the Governing Council 3/29/2016)

1. Closed Campus Policy

The PAPA Governing Council has adopted a closed campus policy for the safety of all students. Student release process will be developed by administration.

2. Student Identification

Students must be photographed for a school identification card and must be in possession of this ID card while on campus and at all school functions. The ID card must be produced by students on demand by any PAPA administrator or faculty member or other person authorized by the Executive Director.

3. Student Addresses

It is policy that addresses, etc. will be maintained up to date, parents will notify the administration whenever there is a change of address, telephone, e-mail or other contact information.

4. Fees and Supplies

Appropriate fees can be collected.

A general organizational fee may be assessed to each student and students may in addition be required to pay laboratory fees and to purchase supplies and materials in certain elective courses and for special class projects. There may also be class or club dues. All money is to be turned in to the Business Manager where it will be receipted. If your student has any special needs or any questions or concerns, please contact an administrator.

5. Debts

Administration will collect all debt incurred by a student. Actions include administrative consequences including withholding of report card and/or transcripts
Policy tone,

6. Transportation

PAPA does not provide transportation for students and each family is responsible for transporting their students to and from school.

SECTION J Instructional Policies

(Adopted by Governing Council on 11/1/01)

(Amended 12/18/02 and 01/24/02)

*(Amended by Governing Council on
03/21/11)*

(Amended by the Governing Council 3/29/2016)

(Amended by the Governing Council 9/28/2020)

1. Attendance

PAPA will enforce compliance with the Attendance for Success Act, Sections 22-12A-1 to 22-12A-14 NMSA 1978 and all other applicable state laws and regulations governing attendance. The definitions contained in the Attendance for Success Act are incorporated by reference in this policy.

The tenets of the attendance policy are as follows:

1. The right to education--A school-age person in the state shall have a right to a free public education.
2. The parent/guardian of a school-age person, subject to the provisions of the Attendance for Success Act, are responsible for the school attendance of that student.
3. The taking of and reporting of attendance for each class period daily by PAPA staff.
4. The early identification of students with attendance concerns by PAPA staff.
5. The development of an attendance improvement plan for students with attendance concerns by PAPA staff.
6. The documentation of absences and outreach to the absent student and the parent/guardian by PAPA staff.

The Key Objectives of the PAPA attendance policy are as follows:

- Keep students in an educational setting
- Prohibit out-of-school suspension as a punishment for absences only
- Assist families in removing barriers to the student's regular school attendance
- Require accurate attendance records
- Differentiate between types of absences
- Keep and report data according to subcategories, as required by the State
- For chronically or excessively absent students:
 - Document parent/guardian notification
 - Attempt to improve attendance by meeting with student and parent/guardian
 - Implement intervention strategies to support consistent attendance
 - Require documentation of medical absences

This Attendance policy and the associated Student Handbook implementation of this policy shall be provided to all parents.

The Executive Director is responsible for implementing the Attendance for Success Act following the objectives and tenets.

2. Late Enrollment

In the event a student enrolls at PAPA during the semester, grades and credits for the semester will be determined by the teachers in consultation with the Executive Director. Generally, the effort and achievement demonstrated by the student during the time the student is enrolled will be weighted with the enrollment grade from the previous school. If a student was home schooled, the student will have to complete work determined by the teacher in order to get the student “caught up”. The student and his/her parents are to be made aware of the above upon enrollment.

3. Students Who Have Excessive Absences Moving To New Attendance Areas

1. The student and parents are to be advised that prior absences will be taken into consideration if a pattern of absenteeism recurs at the school of new enrollment.
2. This policy will apply to PAPA in respect of students transferring from PAPA to another APS school and students enrolling in PAPA from another APS school.

4. Special Education Attendance

Regular attendance is expected of special education students. Exceptions to this directive may be made, however, with respect to individual needs of such students as determined by a student's IEP.

5. Physical Education Curriculum

One year of PE is a graduation requirement for high school. Dance and PE classes count for PE credit. Middle school requires one year of PE.

A student who is unable to complete the middle school and/or high school graduation requirement for physical education because of health or religious reasons must receive a waiver from that requirement from the New Mexico Public Education Department.

6. Flag Display And Pledge Of Allegiance

PAPA encourages the provision of patriotic observances at appropriate times.

Flag Display

In accordance with New Mexico law, the flag of the United States and the flag of the State of New Mexico will be displayed in each classroom.

Pledge of Allegiance

New Mexico law also requires that the pledge of allegiance be recited daily in each public school in the state. While no individual may be coerced into participation, all students will be afforded this opportunity.

No student will be subjected to prejudicial treatment for exercising his or her right to abstain from participating in the Pledge of Allegiance to the Flag. Students abstaining from participation may not be required to stand or to leave the room during the recitation of the pledge. Students who disrupt the ceremony are subject to the usual rules of the school governing disruptive behavior.

7. Free Or Reduced Price Lunch School Lunch

1. QUALIFICATIONS

1.1. PAPA will comply with applicable state and federal laws regarding the provision of a free or reduced price school lunch program.

3. There will be no physical segregation or discrimination against any child because of his/her ability or inability to pay the full price of a meal.

4. The Free and Reduced Lunch Form will be provided to all parents as part of the registration

process and can be updated as the parent's conditions change.

5. Staff will process the Free and Reduced Lunch Form in accordance with the procedures set forth by the funding agency. 1.6 Access to these student records is available only to select personnel, Medicaid personnel and the teachers. Requests for this information will be forwarded to the Executive Director.

8. Grades And Reporting

(updated September 26, 2017)

1. GRADING SYSTEM

For students graduating in 2018 and beyond, the following GPA scale will be used:

LETTER GRADE	PERCENT RANGE	GRADE POINTS
A	100 – 90	4.00
B	89 – 80	3.00
C	79 – 70	2.00
D	69 – 60	1.00
F	< 59	0.00

Administration will, by April annually, submit to the Governing Council for approval, a recommended list of courses that will earn an additional 1 point weighting toward GPA (5 point scale). Note: not all dual credit courses, in math, English, physical science, and social science are aligned to the New Mexico State Standards. Courses not aligned with the standards will count as electives, not a core required course for graduation.

Additionally, Administration will, by April annually, submit the the Governing Council for approval, a recommended list of dual credit program enrollment pre-requisites.

Dual enrollment grades are included in students' transcripts and calculated in GPA's. For courses taken at UNM, dual enrollment grades are provided to PAPA through an official transcript request arranged by the student. CNM generally, but not always sends a report with grades to PAPA. Ultimately, it is the student's responsibility to ensure the grades are provided to PAPA through a transcript request if the dual credit school does not provide one.

An "incomplete" grade must be converted to a grade within 30 school days following the grade report. If the grade is not converted, it will automatically become an "F" and will count toward GPA.

Dropping a course after the semester has begun must be approved by the executive director. If a high school course is dropped after the first 2 weeks of a semester, a grade of W(Withdraw)F(Fail) will be assigned. The WF will remain on the transcript and count toward the student's GPA until the course is replaced with another approved course in the same content area of the dropped course. If the course is not replaced, the WF is converted to an F at the end of the semester. If a student is removed from a course for discipline reasons, the student may earn an "F" in the course. The "F" will not be removed at the end of the semester.

Students who transfer from another school shall receive the grades assigned by the previous school as reflected on the official transcript. Any grades that are awarded a weighting at the previous school will be assigned the same weighting at PAPA. The same rule applies to home school grades awarded by accredited home school correspondence courses.

If a student transfers into PAPA during the middle of a grading period, the withdrawal grade from the student's previous school will be averaged with PAPA's grade on a weighted basis based on length of time in class. For example, there are 9 weeks in a grading quarter. If a student transfers into PAPA after the third week of the grading period with a grade of 62%, one-third of the student's quarter grade will be a 62% and the other two-thirds will be from the grade earned at PAPA.

A student who repeats a specific course will receive the higher of the two grades. Both course titles and grades will be recorded on the transcript but the higher grade will be used in calculating Grade Point Average (GPA). The lower grade will remain with a line drawn through it, the credit designation removed, and the word "REPEAT" inserted in its place. Credit for both classes will not be allowed. Generally, progression through the arts curriculum is not considered a repeat of a course of study.

6. The following factors will be used when determining the senior class Valedictorian and Salutatorian:

6.1. The final cumulative Grade Point Average (GPA). The student with a number 1 ranking will be named Valedictorian. The student with a number 2 ranking will be named Salutatorian. A

“tie” will occur only if grade point averages are exactly the same. The determination will be made after the final senior grades are posted. And;

6.2. Length of enrollment at PAPA will be considered. Students who have attended PAPA for 5 semesters or more of high school are eligible for Valedictorian/Salutatorian honors. And;

6.3. The candidate must have participated in a performing arts course every semester while attending PAPA.

2. Grade Reporting and Conferencing Guidelines

2.1. It is the responsibility of the Executive Director to keep parents informed of student progress through graded report cards and progress reports.

2.2. The school year will be divided into two semesters. There will be four regular reporting periods in each school year timed half way through and at the end of each semester.

Semester 1: 40% is the 1st Quarter Grade; 40% is the 2nd Quarter grade; and 20% is the semester final exam.

Semester 2: 40% is the 3rd Quarter Grade; 40% is the 4th Quarter Grade; and 20% is the year-long final exam.

2.3. Report cards will be compiled and sent home 4 times per year, at the end of each regular reporting period.

2.4. Progress reports for all students will be sent to parents by the fifth week of each regular reporting period.

2.7 At the end of each semester parents shall receive notification of failing grades. Students in sufficient time to allow them to enroll failing students in summer school (if this is offered).

PAPA will follow Federal and NMPED requirements on mandatory testing.

3. Course Withdrawals and Credits

3.1. A student who is permitted to voluntarily drop a class after the second week of enrollment will be given the grade of ‘W’. The grade of ‘W’ will not be used in calculating the GPA.

3.3 A student who is removed from a class for reason of attendance and/or discipline will be given an "F" grade. A student removed from school under long term suspension will receive an "F." "F" does not carry credit and is included in the GPA. The course title and "F" will remain on the transcript. The course may be repeated for credit.

4. High School GPA Calculation

4.1. For the purposes of calculating GPA and class rank for seniors, calculation will be made at the end of their final senior semester .

4.3 All courses for which a grade is given are reflected on the high school transcript will be included in the computation of the GPA. Courses granting "I" or "W" will not be included in the computation of the GPA. "F" grade is included in the GPA.

6. Notification of Student Failures and Retention

6.1.PAPA may require a middle school student to repeat a grade if the student fails any academic subject area. PAPA will use the SAT process for this decision. High school students will be classified based on the number of credits earned and are required to make up graduation required courses at a cost to the student (if necessary). High school students are classified accordingly by credits earned: Freshman 0-5; Sophomore 6-12; Junior 13-18; Senior 19 and above.

6.2.PAPA will notify parents of middle school students after first semester grades are determined of the possibility of retention. School personnel, through the SAT process, will make appropriate remediation attempts involving students and parents before initiating procedures for retention in accordance with the directive on retention.

8. Individual Learning Plan/Next Step Plan

8.1.Each student will work with a member of the PAPA faculty and the student's parent/guardian(s) to develop and maintain an Individual Learning Plan (Middle School) or Next Step Plan (High School) for himself/herself incorporating general and specific educational and social goals and performance assessment measures in relation to those goals.

8.2.The Executive Director will develop and maintain documentation and procedures necessary to fulfill this requirement.

J.8.9 High School Graduation Requirements

(Revised 10/30/2018)

1. PAPA will adhere to NMPED's requirements for high school graduation. PAPA's requirements may be adjusted in response to changes made by NMPED and as needed to uphold PAPA's mission and vision. Current requirements include a combination of high school credits and demonstration of competency in five core subject areas through assessments.

2. If a student earns the course credit but does not demonstrate competence on any or all of the five assessment areas, the student may utilize an Alternative Demonstration of Competency (ADC). The student will meet with administration and/or the academic dean for formalize a plan to satisfy the requirements and earn a NM Diploma of Excellence. If the student does not meet criteria listed below, she or he will be awarded a certificate indicating course credits earned and grade level completed.

2.1. Below is the criteria used as a framework for the Demonstration of Competency and the Alternative Demonstration of Competency for the graduating classes through 2021.

Reading	Math	Writing	Science	Social Studies
State demonstration	State demonstration	State demonstration	State demonstration	State demonstration
Final exam grade in a Junior English class of "C" or higher	Final exam grade in an Algebra I or higher Mathematics class of "C" or higher	Final exam grade in a Junior English class of "C" or higher	Final exam grade in a High School Science class of "C" or higher	Final exam grade in High School History class of "C" or higher
Acceptance to an accredited 2 or 4-year Institute of Higher Learning	Acceptance to an accredited 2 or 4-year Institute of Higher Learning	Acceptance to an accredited 2 or 4-year Institute of Higher Learning	Acceptance to an accredited 2 or 4-year Institute of Higher Learning	Acceptance to an accredited 2 or 4-year Institute of Higher Learning
Acceptance to a Post-Secondary Certificated or Apprenticeship Career Education Program	Acceptance to a Post-Secondary Certificated or Apprenticeship Career Education Program	Acceptance to a Post-Secondary Certificated or Apprenticeship Career Education Program	Acceptance to a Post-Secondary Certificated or Apprenticeship Career Education Program	Acceptance to a Post-Secondary Certificated or Apprenticeship Career Education Program

Acceptance to a branch of the military	Acceptance to a branch of the military	Acceptance to a branch of the military	Acceptance to a branch of the military	Acceptance to a branch of the military
Successful completion of a Dual Credit Course in English	Successful completion of a Dual Credit Course in Math	Successful completion of a Dual Credit Course in English	Successful completion of a Dual Credit Course in Science	Successful completion of a Dual Credit Course in Social Studies

Met IEP goals for a Career or Ability Graduation Pathway	Met IEP goals for a Career or Ability Graduation Pathway	Met IEP goals for a Career or Ability Graduation Pathway	Met IEP goals for a Career or Ability Graduation Pathway	Met IEP goals for a Career or Ability Graduation Pathway
Passing another state's exit exam	Passing another state's exit exam	Passing another state's exit exam	Passing another state's exit exam	Passing another state's exit exam

2.2. for the graduating class of 2022 and beyond, the Demonstration of Competency will be in accordance with New Mexico Administrative Code 6.19.7.

J.9 Records Retention And Disposition Schedule

PAPA will retain and dispose of all records in accordance with NMPED guidelines. The Executive Director will implement this program.

J.10. Student Recognition

PAPA affirms the importance of recognizing and rewarding outstanding student

achievement in academics and the arts. PAPA also seeks to recognize student success in other areas, both within and outside the school, including student behavior and service to the community.

ACADEMIC RECOGNITION AND NATIONAL HONOR SOCIETY

At the end of each grading period, students will be recognized for achieving academic excellence. Honors will be given for earning all “A’s” and “A/B’s”. Students in Grades 10-12 with a 95% attendance rate or higher and a cumulative GPA of 3.5 or higher will be invited to apply for membership in the PAPA Chapter of National Honor Society (NHS). Academic excellence will also be recognized at the End of Year Awards Ceremony.

END OF YEAR AWARDS

At the end of the year, there will be an awards ceremony honoring students with the following awards/distinctions:

- Valedictorian – The Senior(s) with the highest cumulative GPA.
- Salutatorian – The Senior with the second highest cumulative GPA.
- Academic Honor Graduates – Seniors graduating with a 3.5 or higher cumulative GPA.
- Fine Arts Honor Graduates – Seniors that have participated in performing arts courses each semester of high school, participated in at least 2 different advanced performing arts courses, and completed all Senior Showcase requirements by the deadlines.

- Academic Letters (MS students earn an Academic Panda) – Any student that earns the Honor Roll during the 1st quarter, 2nd quarter, 3rd quarter, and 4th quarter progress report (4.5 weeks into the 4th quarter).
- Number 1 Awards – The Freshman, Sophomore, and Junior with the highest cumulative GPA in their respective classes.
- Performing Arts Letter – Any student in grades 6-12 can earn this award in each of the performing arts classes based on the following criteria:
 - Earn an overall GPA of 2.5 or higher for the year,
 - Earn an A or B all year in the performing arts class,
 - Have a 95% attendance rate all year (not including absences excused by the school),
 - Participate in all performances or activities, and
 - Receive a teacher recommendation based on the students' desire to learn:
 - taking direction with grace,
 - readiness to try anything,
 - exhibiting a positive attitude,
 - work ethic,
 - cooperation, and
 - support of others
- Artistic Distinction – This will be awarded to students grades 9-12 in each of the six arts departments – visual arts, film, theater, dance, choir, and music. This award is chosen collectively by the performing arts teachers in each department. This is the highest honor awarded to a PAPA performing artist. The number of Artistic Distinction awards presented is determined by the teachers.

There may be other special awards presented for improvement, attendance, leadership, etc.

HONOR GRADUATES

Students who have earned a 3.5 or higher cumulative GPA will be given the distinction of being an Honor Graduate.

Seniors that have participated in performing arts courses each semester of high school, participated in at least 2 different advanced performing arts courses, and completed all Senior Showcase requirements by the deadlines are given the distinction of being a Fine Arts Honor Graduate.

Valedictorian and Salutatorian honors are earned through the final cumulative GPA. The senior with the highest final cumulative (all semesters of high school) GPA will be named Valedictorian. Second in the GPA ranking will earn Salutatorian honors. There will be no ties unless the cumulative GPA's are exactly the same. Other requirements to earn Valedictorian/Salutatorian honors include:

- Length of enrollment at PAPA - Students who have attended PAPA for 5 semesters or more of high school are eligible for Valedictorian/Salutatorian honors. And;

- The candidate must have participated in a performing arts course every semester while attending PAPA.

3. Student Behavior and Community Service

The Executive Director may, in consultation with the academic and adjunct faculty, non-academic staff, parents and students, establish and publish a system for recognizing and rewarding those students who have demonstrated excellence or significant improvement in behavior and/or service to the community.

Section K-School-Home-Community Relations

(Adopted by Governing Council on 11/1/01 amended 03-07-02, 06-27-02, 10/10/12)
(Amended by the Governing Council 3/29/2016)

1. Parent/Family Involvement

The Governing Council recognizes that a child's education is a responsibility shared by the school and family during the entire period the child spends in school. To support the goal of PAPA to educate all its students effectively, PAPA and parents must work as knowledgeable partners.

Although parents are diverse in culture, language and needs, they share PAPA's commitment to the educational success of their children. PAPA, in collaboration with parents, shall establish programs and practices that enhance parent involvement and reflect the specific needs of students and their families. Engaging parents is essential to improved student achievement.

PAPA shall foster and support active parent involvement.

To this end, the Governing Council supports the development, implementation and regular evaluation of a parent involvement program at PAPA, which will involve parents at all grade levels in a variety of roles. The parent involvement programs will be comprehensive and coordinated in nature. They will include, but not be limited to, the following components of successful parent involvement programs:

- Communications between home and school is regular, two-way, and meaningful.
- Responsible parenting is promoted and supported.
- Parents play an integral role in assisting student learning.
- Parents are welcome in the school, and their support and assistance are sought.
- Parents are full partners in the decisions that affect children and families.
- Community resources are made available to strengthen school programs, family practices, and student learning.

The Governing Council supports professional development opportunities for staff members to enhance understanding of effective parent involvement strategies. The Governing Council also recognizes the importance of administrative leadership in setting expectations and creating a climate conducive to parental participation. The Governing Council also supports the development, implementation, and regular evaluation of a program to involve parents in the decisions and practices at PAPA.

1.1. Child Custody Issues

Under the compulsory attendance laws, parents must send their children to school, and schools stand in loco parentis as regards discipline, supervision, and custody issues. School personnel have an obligation to exercise due care in guarding the health, safety, and welfare of students enrolled in our schools. Children must not be released to persons who are not their parents or legal guardians.

Custody Issues and Parental Rights

Divorced parents and the courts will establish the terms and conditions of custody of the children. Verifiable court documentation will determine how student release, visitation, and documentation release is handled at school.

Joint Custody

Parents share in the physical custody of the children as defined by some agreed upon schedule.

Primary Physical Custody with Visitation Rights

Only one parent has physical custody of the child; however, the other parent is guaranteed visits with the child at certain times.

Sole Custody

Only one parent has physical custody and the other parent cannot visit, or sometimes even see, the child.

School Responsibilities

School responsibilities usually become an issue only when there is a dispute between divorced parents over the terms of custody or over their obligations under the divorce decree.

Guidelines are as follows:

A. Avoid taking sides in domestic disputes.

B. Request a copy of the divorce decree which specifies child custody terms.

C. If a parent shows up at the school with a temporary custody order or a temporary restraining order, call the local police department, Southeast Substation (256-2050), for further guidance.

Legal Names on School Records and Name Changes

Student records will be maintained under the correct legal name as determined on the student's birth certificate. Name changes on school records will only occur if the appropriate

court documentation stating the new name is provided.

CYFD Custody of Children

Occasionally it becomes necessary for Children, Youth and Families Department to assume legal and/or physical custody of a child. This is usually a temporary situation but may range from days to years in duration. The agency must provide the school with written documentation of their legal authority to access records.

1.2. Rights of Non-Custodial Parents

Non-custodial parents are entitled to access to student records on the same basis as custodial parents unless there is a court order or provision in the divorce decree prohibiting such access.

Non-custodial parents may be sent information pertaining to school activities - such as newsletters, bulletins, etc. -- if they provide the school with sufficient self-addressed, stamped envelopes.

Non-custodial parents may request, and will be granted, on a reasonable basis, conferences with teachers to discuss their children's progress. The Executive Director will determine the reasonableness of requests for parent conferences, on the part of both custodial and non- custodial parents.

The Executive Director may request a copy of the divorce decree and/or custody agreement to assure that there are no restrictive provisions pertaining to the rights of the non-custodial parent.

1.3. : Parent Concerns and Inquiries

Parents are encouraged to take all concerns and inquiries directly to the staff member(s) involved. If the person with a concern is not satisfied with the resolution, requests for a meeting to resolve the situation (in person or by telephone through the secretary, or by e-mail, or letter through the appropriate administrator) can be made following the chain of command:

1. Director of Special Services for special education concerns; the Assistant Director for discipline concerns
2. Executive Director
3. Governing Council thru the grievance procedure

2. Visitors to PAPA

As a closed campus, all visitors must be approved through the front office.

3. Use of Community Resources

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

K.3-1 Volunteer Programs

The Governing Council approves of and encourages the use volunteers to assist in the educational process. All regular volunteers with unsupervised access to students must be fingerprinted and background checked.

4. Gifts And Donations

PAPA, as a publicly supported institution, may by action of the Governing Council, accept gifts, grants, donations, devises, and title to property.

Presentation of memorials or other awards will be fittingly recognized by the Governing Council. Such recognition will in no case be considered as a testimonial or endorsement by the Council of a product or business enterprise.

5. Advertising at Papa

The Governing Council supports advertising initiatives that enhance PAPA's goals and objectives. The Executive Director will approve agreements on behalf of PAPA. Advertising requests that promote alcohol, tobacco, gaming, firearms, political endorsements, controversial products or services, will not be permitted. The Executive Director will ensure that PAPA

complies with all applicable federal and state statutes, rules and regulations in relation to advertising.

6. Political Solicitations at Papa

PAPA has as its primary mission the education of its students. All else must be secondary. For this reason, appearances of candidates or their representatives will be limited to time outside the standard school hours except in those instances where teachers, with the approval of the Executive Director, invite candidates to visit their classes as part of the educational program.

Candidates or their representatives may distribute campaign materials and greet employees and students at entrances or exits to PAPA facilities.

No person may solicit contributions or distribute campaign materials for any political campaign or receive, collect, handle, or disburse contributions or other funds for any political campaign within or on any school property.

For purposes of these guidelines, “candidates for elective office” means candidate for any public office and “representatives” means any persons other than a student of the school, whether or not authorized by a candidate, who is actively supporting such candidate.

7. Financial Solicitations at Papa

Student participation in fund-raising campaigns by outside agencies must be entirely voluntary. No quotas may be set and no pressure placed on students to donate. Campaigns by school or school-related organizations will follow the same guidelines. The Executive Director must approve of outside agency fund raising conducted on school grounds.

8. Relations With Community Organizations

PAPA may cooperate in furthering the work of non-profit, community-wide service, civic, or governmental agencies or organizations that support the missions, goals, and policies of PAPA. Such cooperation may not disrupt the school program or diminish the amount of time devoted to the school program. Cooperation may include the distribution of literature, announcements of meetings, and provision of space for organizational activities in accordance with PAPA’s facilities use policy.

8.1. Distributing or Posting Promotional Literature

Informational and Promotional Literature

PAPA will cooperate in furthering the work of community-based, non-profit service or civic agencies, organizations, or corporations that support the mission and goals and objectives of PAPA. Distribution of material for these entities will be allowed at PAPA subject to the requirements that follow unless the material is determined "unacceptable" as defined. Groups wishing to distribute material must submit the material to the Executive Director at least one week prior to the proposed distribution date. The Executive Director will approve or disapprove

the distribution on the basis of the material's acceptability and the group's mission as it relates to the goals of PAPA, and work with staff concerning these

distributions. The group must agree to the following:

A. When material is approved to be distributed to students, the Executive Director will have final authority in deciding when and how literature will be given to students to take home, provided that timeliness of information in the material is not compromised.

B. No student or employee shall in any way be compelled or coerced to accept any materials; no school employee or student will interfere with the distribution of approved materials.

C. Where groups wish to personally distribute approved material they may do so at places within the school or on the school grounds as designated by the Executive Director except that in no event will group members personally distribute materials in any classroom being occupied by a scheduled class.

Unacceptable Materials

The following materials are unacceptable:

A. Literature that attacks or impugns any ethnic, religious, or racial group.

B. Material promoting hostility, disorder, or violence.

C. Material that proselytizes or promotes a particular religious or political belief.

D. Material that is libelous.

E. Material that inhibits the functioning of the school or interferes with the normal operation of the school.

F. Material that favors or opposes a political candidate, any bond issue, or any other question to be decided at an election (except as specified in Governing Council Policy No. K.6).

G. Any material that is obscene or pornographic as defined by prevailing community standards.

In the event the Executive Director rejects a request for distribution of materials, the decision may be appealed to the Governing Council.

Distribution of Fundraising Materials

For an Extracurricular Program

The organization must contact the Executive Director for authorization to distribute information regarding extra-curricular or course-related materials, contests, programs, or products. The Executive Director's authorization does not imply an endorsement of any product/service.

The organization representatives must submit copies of all materials proposed to be submitted to PAPA staff members and/or students. PAPA is not obligated to respond to all organizations; responses may be limited according to PAPA's goals and programs.

The Executive Director may grant permission for the organization to display posters and distribute materials to teachers or students. If the Executive Director gives permission to distribute materials, the organization will be responsible for preparing materials for distribution as the Executive Director directs. The Executive Director is not obligated to provide direct access to staff or students to organization representatives. Such access could include assemblies, classroom visits, and meetings with teachers.

For Profit Organizations and Companies

Representatives of companies or individuals seeking access to staff members, students or parents for the purpose of selling or marketing any goods or services must submit a written request for authorization from the Executive Director. The Executive Director's authorization does not imply an endorsement of any product/service. The company/organization representatives must submit copies of all materials to be submitted to PAPA staff, students or parents with their request for a letter of authorization.

The Executive Director may give permission to the company or individual to make literature available to staff only, not to students. Materials shall be prepared and delivered by authorized representatives according to the direction of the Executive Director.

No direct access to school employees will be granted during school hours. The Executive Director may, but is not obligated to, allow representatives the opportunity to contact staff members after school hours on school property. In such cases, the normal facility rental fees will apply.

9. Custodian of Public Records

The official Custodian of Public Records for PAPA will be the Executive Director. As required by the Inspection of Public Records Act, the Executive Director will be responsible for (1) receiving and responding to requests to inspect public records; (2) providing proper and reasonable opportunities to inspect public records; and (3) providing reasonable facilities to make or furnish copies of the public records during usual business hours.

Lease Accounting under GASB 87

Effective Date: July 1, 2022

Approval Date: September 19, 2024

Purpose

The purpose of this policy is to establish guidelines and procedures for identifying, classifying, and reporting lease agreements in accordance with GASB Statement No. 87, Leases. This policy ensures that all leases are recognized and disclosed appropriately in the Charter School's financial statements.

Scope

This policy applies to all personnel involved in the procurement, management, and accounting of lease agreements at Public Academy for Performing Arts (PAPA).

Definitions

- **Lease:** A contract that conveys control of the right to use another entity's asset (referred to as the underlying asset) for a period in exchange for consideration (payment).
- **Lessee:** The entity that obtains the right to use the underlying asset.
- **Lessor:** The entity that provides the right to use the underlying asset.
- **Right-of-Use (ROU) Asset:** An intangible asset representing the lessee's right to use the underlying asset during the lease term.
- **Lease Liability:** A liability recognized for the lessee's obligation to make payments under the lease agreement.

Policy Statement

1. Lease Identification and Classification

- o **Identification:** Business Manager must identify and report lease agreements, including new contracts, renewals, and modifications for evaluation.

- o **Classification:** Leases will be classified as either short-term leases or long-term leases.

- **Short-Term Leases:** Leases with a maximum possible term of 12 months or less, including options to extend, and no purchase options that are reasonably certain to be exercised. These leases are not capitalized and will be expensed as incurred.

- **Long-Term Leases:** All leases exceeding 12 months, including options to extend that are reasonably certain to be exercised, will be capitalized.

2. Initial Recognition

- o **ROU Asset and Lease Liability:** For all long-term leases, the Charter School will recognize a Right-of-Use (ROU) Asset and a corresponding Lease Liability at the commencement of the lease.

- **Lease Liability:** Measured at the present value of the future lease payments, including fixed payments, variable payments based on an index or rate, and any amounts expected to be paid under residual value guarantees.

- **ROU Asset:** Initially measured as the amount of the Lease Liability,

adjusted for lease payments made at or before the commencement date, lease incentives received, and initial direct costs.

3. Subsequent Measurement

o Lease Liability: The Lease Liability will be reduced by lease payments made and increased by interest on the remaining liability. The interest expense will be recognized using the effective interest rate method.

o ROU Asset: The ROU Asset will be amortized on a straight-line basis over the lease term. The amortization expense will be recognized in the statement of activities.

4. Lease Modifications and Reassessments

o Modifications: Any changes to the lease terms or conditions that alter the scope or consideration of the lease will be reviewed by the Business Manager. The Lease Liability and ROU Asset will be remeasured accordingly.

o Reassessments: The Lease Liability will be reassessed if there are changes in the lease term, the assessment of options to purchase, or changes in the amounts expected to be paid under residual value guarantees.

5. Disclosures

o The Charter School will disclose key information about leasing arrangements in the notes to the financial statements, including:

- A general description of leasing arrangements.
- The carrying amount of ROU Assets and related Lease Liabilities.
- The amount of lease expense recognized, including interest and amortization.
- Information on variable lease payments, residual value guarantees, and any significant judgments related to lease terms and discount rates.

Review and Amendments This policy will be reviewed annually by the Finance Department and updated as necessary to reflect changes in accounting standards or operational practices.

[GASB 96: Subscription-Based Information Technology Arrangements \(SBITAs\)](#)

Effective Date This policy is effective as of July 1, 2022 and applies to all SBITAs entered into on or after this date.

Approval Date: September 19, 2024

Purpose

The purpose of this policy is to establish guidelines and procedures for the identification, classification, and financial reporting of Subscription-Based Information Technology Arrangements (SBITAs) in accordance with GASB Statement No. 96. This policy ensures that the Charter School's financial statements accurately reflect SBITAs and comply with accounting standards.

Scope

This policy applies to all personnel involved in the procurement, use, and financial reporting of subscription-based software and cloud-based technology services at Public Academy for Performing Arts (PAPA).

Definitions

- **SBITA:** A contract that conveys control of the right to use another party's software or cloud-based services (the underlying IT resource) for a period in exchange for consideration (payment).
- **Subscription Asset:** An intangible asset representing the right to use the underlying IT resource.
- **Subscription Liability:** A liability recognized for the obligation to make payments under the SBITA.

Policy

1. Identification of SBITAs

o PAPA must evaluate IT-related contracts to determine if they qualify as SBITAs under GASB 96.

o A contract qualifies as an SBITA if:

- The Charter School has control over the right to use the software or service.
- The term of the subscription is longer than 12 months, including any options to extend.

- Payments are made periodically over the term of the contract.

2. Classification

- o SBITAs must be classified as intangible assets and liabilities on the financial statements.

- o The subscription asset and liability should be recognized at the commencement of the subscription term.

- o The value of the subscription asset and liability is based on the present value of the expected subscription payments.

3. Recognition and Measurement

- o Subscription Asset: Recorded at the present value of the subscription payments expected to be made during the term of the SBITA, including any options that are reasonably certain to be exercised.

- o Subscription Liability: Initially recognized at the present value of payments due over the term of the SBITA.

- o Amortization: The subscription asset should be amortized over the shorter of the subscription term or the useful life of the underlying IT resource.

- o Interest Expense: Interest on the subscription liability should be recognized as it accrues, based on the discount rate used to measure the liability.

4. Contract Review and Approval

- o Prior to entering into any SBITA, the contract must be reviewed by the Business Manager to determine the appropriate accounting treatment under GASB 96.

- o Business Manager should provide all relevant information, including contract terms, payment schedules, and any options for renewal or termination.

5. Financial Reporting

- o The Business Manager is responsible for ensuring that SBITAs are accurately reflected in the Charter School's financial statements.

- o The subscription asset and liability should be reviewed annually to determine if any changes in the contract terms require remeasurement.

- o Disclosures related to SBITAs, including the nature of the arrangements, the amount of the subscription assets and liabilities, and the impact on the financial statements, should be included in the notes to the financial statements.

Review and Amendments This policy will be reviewed annually by the Finance Department and updated as necessary to reflect changes in accounting standards or operational practices.

Capitalization of Computers, Software, and Instructional Materials

Effective Date: Retroactive to July 1, 2023

GC Approval: September 19, 2024

Purpose

The purpose of this policy is to establish guidelines for the capitalization of computers, software, and instructional materials when their collective acquisition cost equals or exceeds \$150,000 within a three-month period. This policy ensures that capital assets are accurately recorded and depreciated in the financial statements in accordance with applicable accounting standards.

Scope

This policy applies to all computers, software, or instructional materials, either individually or collectively, that meet the capitalization threshold as outlined below.

Definitions

- **Capital Asset:** Tangible or intangible assets that are used in operations and have a useful life extending beyond one reporting period. Examples include computers, software, and instructional materials.
- **Equipment:** Physical items such as machinery, computers, vehicles, and other durable goods used in operations.
- **Software:** Programs, applications, and operating systems used to support operational functions.
- **Instructional Materials:** Educational resources such as textbooks, laboratory equipment, and other teaching aids used to support instructional activities.
- **Capitalization Threshold:** The minimum cost at which an asset is recorded as a capital asset and depreciated over its useful life. For the purposes of this policy, the threshold is \$150,000 when the total cost of acquired assets in the specified categories reaches or exceeds this amount within a three-month period.

Policy Statement

1. Capitalization Criteria

- o Equipment, software, and instructional materials acquired within a three-month period will be capitalized as a single capital asset if the total cost of these items collectively equals or exceeds \$150,000.

- o Items should be purchased for the same or related purposes and have an expected useful life of more than one year.

2. Aggregation of Costs

- o The aggregation of costs will be applied when multiple related purchases are made within a three-month period.

- o Related purchases may include items acquired as part of a single project, program, or operational need, even if acquired through separate transactions.

3. Timing

- o The three-month period begins on the date of the first qualifying purchase. All relevant purchases made within the following three months will be considered in determining whether the capitalization threshold is met.

- o If the \$150,000 threshold is met or exceeded during this period, the total value of the acquired assets will be capitalized.

4. Depreciation

- o Capitalized assets will be depreciated over their estimated useful life, starting from the date the asset is placed in service.

- o Depreciation methods and useful lives will be determined in accordance with generally accepted accounting principles (GAAP) or other applicable standards.

5. Financial Reporting

- o All capitalized assets will be recorded in the organization's fixed asset register.

- o The Finance Department will ensure that the capitalization of these assets is reflected in the financial statements and associated depreciation is properly recorded.

6. Approval and Documentation

- o All departments must obtain necessary approvals for purchases and maintain documentation supporting the aggregation and capitalization of assets under this policy.

- o Documentation should include purchase orders, invoices, and any other relevant records.

7. Exemptions

o Individual items with a cost below the standard capitalization threshold for single items (e.g., \$5,000) that are not part of a collective purchase reaching \$150,000 within three months are not subject to capitalization under this policy and will be expensed in the period they are acquired.

Review and Amendments This policy will be reviewed annually by the Finance/Audit Committee and updated as necessary to reflect changes in accounting standards, operational practices, or organizational needs

Public Academy for Performing Arts

POLICY STATEMENT AND NOTICE OF NONDISCRIMINATION ON THE BASIS OF SEX ("NOTICE")

(COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972)

I. POLICY STATEMENT: The School is committed to maintaining a safe school environment free from harassment and discrimination. As prohibited by Title IX of the Education Amendments of 1972 ("Title IX"),¹ the School does not discriminate, and prohibits discrimination, on the basis of sex in its education programs, School-sponsored events, admissions, and employment. No student will be excluded from participation in or denied the benefit of any educational program or activity operated by the School, nor shall any employee be denied employment opportunities as a consequence of sexual discrimination or sexual harassment. Retaliation for making complaints of sexual discrimination or sexual harassment as defined by Title IX is strictly prohibited.

II. PURPOSE: The purpose of this policy is to articulate School's commitment to eliminating discrimination based on sex, including sexual harassment, in any education program or activity offered by **Public Academy for Performing Arts**. Any person with questions about this Policy should contact the Title IX Coordinator or designee whose information shall be prominently listed on the School's website <https://www.paparts.org/staff/>.

III. DEFINITIONS: Certain definitions applicable to Title IX are set forth in this Policy Statement to ensure that this Notice informs all those who may be eligible for the protections afforded by Title IX. See Title IX Grievance Procedure for additional definitions.

A. Title IX Coordinator. The Title IX Coordinator position is staffed by an employee of the School designated, authorized and trained to coordinate the School's efforts to comply with the requirements of Title IX. The School may name more than one person as a Title IX Coordinator; however, one coordinator as determined by the Head Administrator will retain ultimate oversight over implementation of this Policy and the Title IX Grievance Procedure. See contact information below.

B. Discrimination based on sex. Means conduct that excludes a person from participation in, denying the person the benefit of, or subjecting a person to, unequal treatment based on sex under any academic, extracurricular, occupational training or other education program or activity provided by the School, and includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.²

C. Sexual Harassment. Is a form of sexual discrimination defined by the U.S. Department of Education as conduct based on sex that satisfies one or more of the following:

1. *Quid pro quo harassment*. When an employee, contractor, or other person authorized by the School to provide aid, benefits or service in the School's programs or activities, explicitly or impliedly conditions such aid, benefits or service upon another person's participating in unwelcome sexual conduct.

2. *Hostile environment harassment*. Unwelcome sex-based conduct that, when the totality of the circumstances is considered, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the School's education program, activity, or employment opportunities. Whether a hostile environment has been created is a fact specific inquiry. *See Grievance Procedure for expanded definition*.

3. *Specific Conduct*. Is "sexual assault," "dating violence," "domestic violence," or "stalking," each as defined by federal law. *See Title IX Grievance Procedure for expanded definition*.

D. School Program or Activity. These terms include locations, events, or circumstances over which the School exercises substantial control over the individuals implicated in a complaint of sexual discrimination, harassment or retaliation. Title IX applies to all School's programs or activities, whether such programs/activities are held on or off campus. Offending conduct can occur by e-mail, over the internet, or other technologies, such as social media, if the School has the requisite authority to control students' or employees' conduct or the outcome of the conduct on these technologies.

IV. EMPLOYEE OBLIGATION TO REPORT. All School employees who are not confidential employees as defined in the Title IX Grievance Procedures are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX. Although an employee who has been subjected to conduct that may constitute sex discrimination is not required to report, the employee is strongly encouraged to do so. Reporting to the Title IX Coordinator does NOT satisfy an employee's legal duty to report suspected child abuse or neglect to the appropriate authority.

V. INQUIRES ABOUT TITLE IX RIGHTS: Inquires about Title IX, including but not limited to where to file a report and how to file a complaint, should be referred to School's Title IX Coordinator or the U.S. Department of Education's Office of Civil Rights, or both. School's Title IX Coordinator is:

Public Academy for Performing Arts
Tamara Lopez, Title IX Coordinator/Executive Director
11800 Princess Jeanne Ave. N.E. Albuquerque, NM 87112
tlopez@paparts.org
505-830-3128

Office of Civil Rights Contact Information
Denver Office
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
OCR.Denver@ed.gov
Phone: 303.844.5695
Fax: 303.844-4303; TDD 800-877-8339

VI. REPORTING SEXUAL DISCRIMINATION/HARASSMENT: If you suspect that you or someone at the School has been the subject of conduct that may constitute sexual harassment or discrimination in violation of Title IX, please contact the School's Title IX Coordinator. You are not required to contact the School Title IX Coordinator before contacting OCR, although the School encourages use of its Title IX Grievance Procedures to address concerns and to ensure that the discrimination intended to be eliminated by Title IX and this Policy can be addressed promptly.

VII. PUBLICATION OF POLICY AND TITLE IX GRIEVANCE PROCEDURES: This Policy will be implemented by following a Title IX Grievance Procedure that complies with Title IX. A copy of this Policy and the School's Title IX Grievance Procedure can be found at <https://www.paparts.org/policies-ptso/>

VIII. The School will also include reference to this Policy Statement and Notice on its website, each handbook it adopts, any announcements or bulletins published, and in all applications forms that are made available to people entitled to notice, or which are otherwise used in connection with recruitment of students or employees. The following reference will be stated in each such publication:

The School prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. A full version of the School's Policy Statement and Notice as well as the Grievance Procedure can be found at [insert website address].

VIII. GRIEVANCE PROCEDURES: The School's Title IX Grievance Procedure complies with Title IX regulations as adopted in April 2024 (effective date: August 2024) and ensures a prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the School's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

IX. TRAINING: The Head Administrator shall ensure that training is provided for all staff and students regarding rights afforded and obligations imposed pursuant to Title IX and its implementing regulations. This shall include training on the definition of sexual harassment as defined by Title IX regulations. Appropriate staff shall be trained in the investigation practices, grievance procedures, hearings and appeals processes, informal resolution processes and how to avoid conflicts of interest and bias. If training materials are developed by the School, they shall be maintained on the School's website.

Date adopted: September 19, 2024 Effective date: August 2, 2024

Public Academy for Performing Arts
TITLE IX GRIEVANCE PROCEDURES

Public Academy for Performing Arts School has adopted these Title IX Grievance Procedures to provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or made by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or its implementing regulations.

The School's Title IX Grievance Procedures are followed when processing all Complaints of discrimination based on sex as defined herein, or Complaints of 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 Title IX Grievance Procedures. If at any time a participant believes an administrator of this procedure cannot be impartial, they 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 other procedures as described in the School's handbooks or related procedures. These Title IX Grievance Procedures will not be used to address complaints of discrimination or harassment based on classifications other than sex (e.g., race, ethnicity, age, physical or mental disability, etc.). **These Title IX Grievance Procedures are specifically limited to complaints of discrimination, harassment and retaliation based on sex and according to Title IX of the Education Amendments of 1972 and the April 2024 implementing regulations.**

I. PURPOSE OF THESE PROCEDURES:

These Title IX Grievance Procedures (or "Procedures") are intended to implement the requirements of 34 CFR Part 106, and apply only to complaints raised to address discrimination based on sex 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 treated equitably.

II. DEFINITIONS: The following definitions apply to these Grievance Procedures:

A. Complaint means an oral or written request to the School that is understood as a request for the School to investigate and make a determination about alleged discrimination under Title IX.

B. Complainant includes (1) a student or employee of school who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or (2) a person other than a student or employee of the school who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the School's educational program or activity.

C. Confidential employee means:

1. A School employee whose communications are privileged or confidential under federal or state law. The employee's confidential status for purposes of this Procedure is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or

2. An employee of the school whom the school has designated as confidential under this Procedure, for the purpose of providing services to persons related to sex discrimination. If the employee has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services.

D. Days. Days are defined for the purpose of timelines used in this Procedure as business days.

E. Decision Maker is an individual trained in accordance with the requirements of Title IX and appointed by the Head Administrator of the School to review the Complaint and the evidence disclosed through the Investigation and to decide whether the Respondent's conduct constitutes sex discrimination as defined herein.

F. Discrimination based on sex. Means conduct that excludes 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, and includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions², sexual orientation, and gender identity.

G. Impartiality of administrators. Participants in these Procedures, 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.

H. Impermissible Evidence. The following types of evidence and questions seeking evidence pursuant to these Procedures shall be impermissible:

1. Evidence that is protected under a privilege as recognized by federal or state law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived and the privilege or confidentiality;

2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the School obtains the party's or witness's voluntary, written consent for use in the School's Procedures; and

3. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not, by itself, demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex based harassment occurred.

I. Investigator. The Investigator is an individual trained in accordance with the requirements of Title IX and appointed by the Head Administrator of the School to investigate the allegations of a Complaint when notified by the Title IX Coordinator. The Investigator may be the same person as the Title IX Coordinator, but may not be the Decision Maker.

J. Parental Status means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

1. A biological parent;

2. An adoptive parent or a step parent;

3. A foster parent;

4. A legal custodian or guardian;

5. *In loco parentis* with respect to such a person; or

6. Actively seeking legal custody, guardianship, visitation or adoption of such a person.

K. Peer Retaliation means retaliation by a student against another student.

L. Party means a complainant or a respondent (not the School or Title IX Coordinator).

M. Pregnancy or related conditions means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

N. Program or activity of the School includes all programs or activities, whether such programs/activities are held on or off campus. Offending conduct covered by these Grievance 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' or employees' conduct on these technologies.

O. Respondent means a person who is alleged to have violated the School's prohibition on sex discrimination.

P. Retaliation means intimidation, threats, coercion, or discrimination against any person by the School, a student or an employee or other person authorized by the School to provide aid, benefit, or service under the School's education program or activity for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted or participated or refused to participate in any manner in an investigation, including in an informal resolution process and grievance procedures, and any other actions taken by the School such as imposition of discipline after a final determination that Title IX has been violated. Notwithstanding, employees and persons authorized by the School to provide aid, benefit, or service under the School's education program or activities are required to participate as witnesses in or otherwise assist with investigations and proceedings contemplated under these Procedures.

Q. Sex-based harassment is a form of sex discrimination, and means sexual harassment and other harassment on the basis of sex, including on the bases described in the definition of "Discrimination based on sex" above, that is:

1. *Quid pro quo harassment* which is when an employee, contractor, or other person authorized by the School to provide aid, benefits or service in the School's programs or activities, explicitly or impliedly conditions such aid, benefit or service upon another person's participating in unwelcome sexual conduct;

2. *Hostile environment harassment*. Unwelcome sex-based conduct that, when the totality of the circumstances is considered, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the School's education program, activity, or employment opportunities. Whether a hostile environment has been created is a fact specific inquiry that includes consideration of the following:

- a. The degree to which the conduct affected the complainant's ability to access the School's education program or activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages, roles within the School's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in the School's education program or activity; or

3. *Specific Conduct*.

- a. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation or under New Mexico law;

- b. Dating violence, meaning violence committed by a person:

- i. Who is or has been in a social relationship of a romantic or intimate nature with the victim;

and

- ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- iii. The length of the relationship;

- iv. The type of relationship; and
- v. The frequency of interaction between the persons involved in the relationship;
- c. Domestic violence, meaning felony or misdemeanor crimes committed by a person who:
 - i. Is a current or former spouse or intimate partner of the victim under New Mexico family or domestic violence laws, or a person similarly situated to a spouse of the victim;
 - ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - iii. Shares a child in common with the victim; or
 - iv. Commits acts against a youth or adult victim who is protected from those acts under the New Mexico family or domestic violence laws; or
- d. Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - i. Fear for the person's safety or the safety of others; or\
 - ii. Suffer substantial emotional distress.

R. Supportive measures means individualized measures which are offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, which are not for punitive or disciplinary reasons, and which are without fee or charge to the complainant or respondent, to: (1) restore or preserve the parties access to the School's education program or activity, including measures that are designed to protect the safety of the parties or the School's educational environment, or (2) provide support during the Procedures or during the informal resolution process.

S. Title IX Coordinator. The Title IX Coordinator position is staffed by an employee of the School designated, authorized and trained to coordinate the School's efforts to comply with the requirements of Title IX. The School may name more than one person as a Title IX Coordinator; however, one coordinator as determined by the Head Administrator will retain ultimate oversight over implementation of this Policy and the Grievance Procedure. The Title IX Coordinator may act as the Investigator, but not as the Decision Maker.

School's Title IX Coordinator is:
 Public Academy for Performing Arts
 Tamara Lopez, Title IX Coordinator/Executive Director]
 11800 Princess Jeanne Ave N.E. Albuquerque, NM 87112
tlopez@paparts.org
 505-830-3128

III. SCHOOL'S RESPONSE TO SEX DISCRIMINATION

A. General requirements.

1. If the School has knowledge of conduct that reasonably may constitute sex discrimination, in its education program or activity, it must respond promptly and effectively; and
2. The School must also comply with the requirements of 34 CFR 106.44 and 106.45, as set forth in these Procedures, to address sex discrimination in its education program.

B. Barriers to Reporting. The School's Title IX Coordinator must:

1. monitor the School's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX; and
2. take steps reasonably calculated to address such barriers.

C. Employee's duty to notify. All School employees who are not Confidential Employees must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX. Reporting to the Title IX Coordinator does NOT satisfy an employee's responsibility to report suspected child abuse or neglect to the appropriate authority.

D. Confidential Employee requirements.

1. The School must notify its faculty, staff, volunteers and contractors who are involved in the School's education program or School activities of how to contact its Confidential Employees. if any.

2. A Confidential Employee must explain to any person who informs them of conduct that reasonably may constitute sex discrimination under Title IX:

a. Of the employee's status as a Confidential Employee, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;

b. How to contact the School's Title IX Coordinator and how to make a complaint of sex discrimination; and

c. That the Title IX Coordinator may be able to offer and coordinate supportive measures as well as initiate an informal resolution process or an investigation under the Grievance Procedures.

E. Title IX Coordinator Requirements. The Title IX Coordinator is responsible for coordinating the School's compliance with its obligations under Title IX.

1. The Title IX Coordinator, when notified of conduct that reasonably may constitute sex discrimination under Title IX, shall take the following actions to promptly and effectively end any sex discrimination in the School's education program or activity, prevent its recurrence and remedy its effects:

a. Treat the complainant and respondent equitably.

b. Offer and coordinate supportive measures as appropriate for the Complainant; if the School initiated a Grievance Procedure, or if the School has offered an Informal Resolution process to the Respondent, the School will offer and coordinate supportive measures as appropriate for the Respondent.

c. Notify the Complainant or, if the complainant is unknown, the individual who reported the conduct, of the Grievance Procedures, and of the Informal Resolution process if available and appropriate under the circumstances; and if a Complaint is made, notify the Respondent of the Grievance Procedures and, if applicable, the Informal Resolution process.

d. In response to a Complaint, implement the Grievance Procedures and, if applicable, the Informal Resolution process, if available and appropriate and requested by all parties.

e. In the absence of a Complaint, or in the case of the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an Informal Resolution process, determine whether to initiate a Complaint of sex discrimination as contemplated by these Procedures and Title IX.

f. When deciding whether or not to initiate a Title IX Complaint under the circumstances described in subparagraph e above, the Title IX Coordinator must make a fact specific determination based on the following factors:

1. The Complainant's request not to proceed with initiation of a Complaint;

2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;

3. The risk that additional acts of sex discrimination would occur if a Complaint is not initiated;

4. The severity of the alleged sex discrimination, including whether the discrimination if established would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

5. The age and relationship of the parties, including whether the Respondent is a School employee;

6. The scope of the alleged discrimination, including information suggesting a pattern of ongoing sex discrimination or sex discrimination alleged to have impacted multiple individuals;

7. The availability of evidence to assist the Decision Maker in determining whether sex discrimination occurred; and

8. Whether the School could end the alleged discrimination and prevent its recurrence without initiating its Grievance Procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the School from ensuring equal access on the basis of sex to its education program or activity, Title IX Coordinator may initiate a Complaint.

g. If the Title IX Coordinator initiates a Complaint, he or she shall notify the Complainant prior to doing so, and shall appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures.

h. Regardless of whether a Complaint is initiated, the Title Coordinator shall take other appropriate, prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual Complainant, if any, to ensure that sex discrimination does not continue or reoccur within the School's education program or activity.

2. A Title IX Coordinator is not required to comply with Section 1 (and its subparts) above, if, after being notified of conduct that may constitute sex discrimination, the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX.

F. Supportive Measures/appeal. Under Section E, above, the School must offer and coordinate supportive measures as contemplated. However, for allegations of sex discrimination other than sex-based harassment or retaliation, the School is not required to provide supportive measures.

1. Supportive measures may vary depending on what the School deems to be reasonably available. These measures may include, but are not limited to: counseling, extensions of deadlines and other course related adjustments, School escort services, increased security and monitoring of certain areas of the school's campus, restrictions on contact applied to one or more parties, leaves of absences, changes in class, work, extracurricular or any other activity, regardless of whether there is a comparable alternative, and training and education programs related to sex based harassment.

2. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the School's education environment, or to provide support during the School's Grievance Procedures, and if applicable, during the Informal Resolution process. The School must not impose such measures for punitive or disciplinary reasons.

3. The School may, as appropriate, modify or terminate supportive measures at the conclusion of the Procedures, and, where applicable, at the conclusion of the informal resolution process, or the School may continue them at its discretion.

4. The School must provide a Complainant or Respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the School's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee must be someone other than the employee who made the challenged decision, and must have authority to modify or reverse the decision if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in Title IX. The School must also provide a party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if the circumstances change materially.

5. The School may not disclose information about any supportive measure to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide supportive measures or to restore or preserve a party's access to the education program or activity.

6. If the Complainant or Respondent is a student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, of the student's IEP team, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision as contemplated by Section 504 of the Rehabilitation Act of 1973, to determine how to comply with the requirements of the IDEA or Section 504 of the Rehabilitation Act of 1973, in the implementation of Supportive Measures.

G. Emergency Removal. Nothing in this part precludes the School from removing a Respondent from the School's education program or activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal of the Respondent, and provided that the School provides the Respondent with notice and an opportunity to challenge the removal decision immediately following the removal. This provision must not be construed to modify any rights under IDEA or Section 504 of the Rehabilitation Act of 1973.

H. Administrative leave. A School employee/Respondent may be placed on administrative leave with pay during the pendency of the Grievance Procedures.\

I. *Disclosure of personally identifiable information prohibited*. The School must not disclose personally identifiable information obtained in the course of complying with Title IX requirements, except in the following circumstances:

1. When the School has obtained prior written consent from a person with the legal right to consent to the disclosure;
2. When the information is disclosed to a parent, guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
3. To carry out the purposes of Title IX, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX and the School's education program or activity;
4. As required by federal law, federal regulations, or the terms and conditions of a federal award, including a grant, award or other funding agreement; or
5. To the extent disclosures are not otherwise in conflict with Title IX, when required by state or local law or when permitted under FERPA.

J. Informal Resolutions. At any time prior to determining whether sex discrimination occurred, the School may offer a Complainant and Respondent an informal resolution process, unless the complaint includes allegations that an employee engaged in sex-based harassment of a student, or unless such a process would conflict with federal, state or local law. If an Informal Resolution process is offered, to the extent necessary, the Title IX Coordinator must take appropriate, prompt and effective steps to ensure that sex discrimination does not continue or reoccur within the School's education program or activity.

1. Subject to the limitations stated above, it is within the School's discretion to offer an Informal Resolution process. If School decides, under the circumstances, that it is not appropriate to offer an Informal Resolution process, it may decline to do so despite one or more of the parties' wishes.
2. The School may not require or pressure the parties to participate in an Informal Resolution process. The recipient must obtain the parties' voluntary consent to the Informal Resolution process and must not require waiver of the right to an investigation and determination of a complaint as a condition of continuing enrollment or employment, or exercise of any other right.
3. Before initiation of an Informal Resolution process, the School must provide to the parties written notice that explains.
 - a. The allegations;
 - b. The requirements of the Informal Resolution process;
 - c. That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume the recipients grievance procedures;
 - d. That the parties' agreement to a resolution at the conclusion of the Informal Resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;

e. The potential terms that may be requested or offered in an Informal Resolution agreement, including notice that an Informal Resolution agreement is binding only on the parties; and

f. What information the School will maintain and whether and how the School could disclose such information for use in future Grievance Procedures, and if applicable, if grievance procedures are initiated or resumed.

4. The facilitator for the Informal Resolution process must not be the same person as the investigator or the decision maker in the School's Grievance Process. Any person designated by the School to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent. Any person facilitating must receive training.

5. Potential terms that may be included in an Informal Resolution agreement include, but are not limited to:

a. Restrictions on contact; and

b. Restrictions on the Respondent's participation in one or more of the School's programs or activities or attendance at specific events, including restrictions the School could have imposed as remedies or disciplinary sanctions had the School determined at the conclusion of the School's Grievance Procedures that sex discrimination occurred.

K. Burden of proof. The Decision Maker must determine, using a preponderance of the evidence standard, that a violation of Title IX occurred before the School can impose sanctions on the Respondent.

L. Confidentiality. The School will take steps to protect the privacy of the parties and witnesses during the Grievance Procedures, but cannot guarantee full confidentiality. The School's steps to protect confidentiality will not restrict the ability of the parties to obtain and present evidence. The parties shall be permitted to speak to witnesses and to consult with their family members, confidential resources, or advisers, and shall be afforded the opportunity to prepare for or participate in the Grievance Procedures. The parties cannot engage in retaliation against the other party, witnesses or other participants in the Grievance Procedure.

M. Retaliation. Retaliation, including peer to peer retaliation, is strictly prohibited. If the School learns of conduct that reasonably may constitute retaliation under Title IX, the School will comply with the Grievance Procedures to commence a separate Complaint or to consolidate the retaliation with an ongoing Complaint being pursued under the Grievance Procedures.\

IV. TIMEFRAMES: The School has established the following timelines for these Grievance Procedures:

A. Complaint. A Complaint shall be made by a person entitled to make such complaint (see Section VI.B), within 90 days of the alleged discriminatory conduct or knowledge of such alleged conduct.

B. Evaluation. The School will evaluate whether to initiate the Grievance Procedures for a Complaint on behalf of any person entitled to file a Complaint within five (5) school days of receipt of a complaint.

C. Appeal not to initiate a complaint. Appeal of decision to not initiate a Complaint must be made within five (5) school days of notice of the decision not to process the complaint.

D. Investigation. The School will make every effort to complete the Investigation of the allegations in a Complaint within 30 days of commencement of the Complaint.

E. Decision. The Decision Maker shall render a decision within 10 working days of receipt of the Investigation file.

F. Appeal of Decision. The party seeking an appeal of the Decision shall file its notice of appeal within five (5) business days of receipt of the Decision. The other party may, but is not required to, submit a response to the notice of appeal within five days from the date of the notice of appeal.

G. Decision to Dismiss Complaint. A decision to dismiss a Complaint ("Dismissal") consistent with these Grievance Procedures may be made at any time during the Grievance Process if grounds for

Dismissal as stated in Section VI.H below exist. Notice of the Dismissal and right to appeal will be provided within five days of the decision to dismiss.

H. Appeal from Dismissal of Complaint. Appeal from a Dismissal shall be made in writing and submitted to the Title IX Coordinator within five (5) days from notice of the Dismissal. The other party may but is not required to submit a response to the appeal within five days from the date the written appeal is submitted to the Title IX Coordinator.

I. Decision on Appeal of Dismissal shall be issued to the parties within five days of receipt of the appellant's submission or the appellee's submission, whichever is later.

J. Extensions. Extensions of the foregoing timeframes may be approved after a request in writing has been made by the Complainant or the eligible person who filed the Complaint, or by the Investigator, the Decision Maker, or the Respondent to the Head Administrator. The Head Administrator may grant an appropriate extension for good cause and, thereafter, notify the parties. The notice shall include the reason for the delay. The decision to grant or deny an extension is not appealable.

V. PROCEDURES FOR RESOLUTION OF COMPLAINTS

A. Basic Requirements.

1. The school must treat complainants and respondents equitably.
2. The School must require that any person designated as a Title IX Coordinator, Investigator, or Decision Maker not have a conflict of interest or bias for or against complainants or respondents generally, or against an individual complainant or respondent.
3. There will always be a presumption that the Respondent is not responsible for the alleged sex discrimination as set forth in the Complaint until a determination is made at the conclusion of the School's Grievance Procedures.

VI. PROCESSING COMPLAINTS

A. Form of Complaint. The Complaint is not required to be in writing, but to the extent available to the person entitled to make the Complaint, the Complaint should include the identities of the parties involved in the incidents, should contain a description of the conduct alleged to constitute sex discrimination under Title XI, and should provide the best information available about the dates and locations of the alleged incidents.

B. Persons entitled to make a Title IX Complaint:

1. The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the school investigate and make a determination about alleged discrimination under Title XI:
 - a. A complainant which includes:
 - i. a student or employee of the school who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - ii. a person other than a student or employee of the school who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the School's education program or a School activity;
 - b. a person with parental status as defined above or other authorized legal representative with legal right to act on behalf of a Complainant; or
 - c. the School's Title IX Coordinator.

C. Required reporting by employees. Any employee, except a Confidential 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 Executive Director. **This report is in addition to any mandatory obligation to report child abuse or neglect.**

D. Complaints involving students with disabilities. If a Complainant or Respondent is student with a disability, the Title IX Coordinator must consult with one or more members of the student's IEP Team, if applicable, or with the group of persons responsible for the student's placement decision under special education rules, if any, or the members of the student 504 team to determine how to comply with the requirements of IDEA throughout the recipients implementation of grievance procedures.

E. Consolidation of Complaints. School may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

F. Notice of Complaint. Upon initiation of the School's Grievance Procedures, the School shall provide written notice of the allegations to the parties whose identities are known. The notice shall include:

1. a copy of the School's Grievance Procedures, which includes a description of the Informal Resolution process;

2. Sufficient information, available to the School at the time of the notice, to allow the parties to respond to the allegations. Sufficient information includes: (1) the identities of the parties involved in the incidents; (2) the conduct alleged to constitute sex discrimination under Title XI; and (3) the dates and locations of the alleged incidents to the extent that information is available to the School;\

3. A statement that retaliation is prohibited;

4. An accurate description of the evidence and a statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise Impermissible Evidence upon the request of any party. If, during the course of the investigation the School learns of additional allegations against the Respondent, the School shall notify the parties that it intends to investigate the additional allegations in the context of the Complaint made;

5. any Informal Resolution process available.

G. Evaluation of Complaint. Upon receipt of a Complaint, the Title IX Coordinator shall evaluate whether to dismiss the Complaint or proceed to investigate the Complaint of sex discrimination. A decision on whether to dismiss the complaint shall be made within five business days.

H. Dismissal of complaint/appeal right.

1. The School may dismiss a Complaint of sex discrimination made pursuant to its Grievance Process for any of the following reasons:

- a. The School is unable to identify the Respondent after reasonable efforts to do so;

- b. The Respondent is not a person participating in the School's education program or school sponsored activity and is not an employee of the School;

- c. The Complainant voluntarily withdraws any or all of the allegations of the Complaint and the Title IX Coordinator declines to initiate a Complaint by the School, and the School determines that without the withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or

- d. The School determines the conduct alleged in the Complaint, even if proven would not constitute sex discrimination under Title IX. Prior to dismissing the Complaint, the School shall take reasonable steps to clarify allegations with the Complainant.

2. If the School dismisses the Complaint, it shall notify the Complainant and include the basis for the dismissal in its notification. If the dismissal occurs after the Respondent has been notified of the Complaint, the Respondent shall also be notified of the dismissal and the basis for the decision promptly following notification to the Complainant, or simultaneously if the notification is in writing.

3. The notice of dismissal shall include a statement of the Complainant's right to appeal and the deadline for submitting any appeal which shall be in writing and by no later than the end of the fifth (5th) day after receipt of the notice of dismissal. If the Respondent has been notified of the allegations,

the Respondent shall be notified of the Complainant's right to appeal the decision. An appeal of a dismissal must be based on one or more of the following:

- a. Procedural irregularities that would change the outcome;
- b. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; or
- c. The Title IX Coordinator, Investigator or Decision Maker had a conflict of interest or bias for or against complainants or respondent generally, or the individual complainant or the respondent that would change the outcome.

4. Appeal of the Dismissal.

- a. If the dismissal is appealed, the School will:
 - i. Notify the parties within five days of receipt of a written appeal, including providing notice in a form consistent with the notice requirements of subsection F, above.
 - ii. Notify the Respondent of the allegations consistent with subsection F above, if notice was not previously provided to the Respondent.
 - iii. Implement the procedures described in this subsection H.4.
- b. Upon receipt of a timely written appeal, the School will appoint a trained appeal officer for the appeal who did not take part in the investigation of the allegations or the decision to dismiss the Complaint.
- c. The School shall ensure that the appeal officer for the appeal has been trained as required by Title IX.
- d. The appeal officer shall provide the parties with a reasonable and equal opportunity to make a written statement in support of or challenging the dismissal. The parties' written statements shall be submitted to the appeal officer within five (5) days of the notice of dismissal.
- e. The appeal officer shall provide a written decision on the appeal to the parties within ten days of receipt of the parties' written statements.

5. School's actions post-dismissal:

- a. Offer supportive measures to the Complainant as appropriate;
- b. For dismissals in which the Respondent has been notified of the allegations, offer supportive measures to the Respondent, as appropriate.
- c. The School shall require the Title IX Coordinator to take other appropriate, prompt and effective steps to ensure that sex discrimination does not continue or recur within the School's education program or activity.

I. Investigation of Complaint allegations.

- 1. If the Complaint is not dismissed, the School shall appoint an Investigator to promptly commence an adequate, reliable and impartial investigation of the allegations in the Complaint.
- 2. All parties, witnesses and school employees are required to cooperate in the Investigation. Failure to cooperate may result in the Investigator or Decision Maker giving lesser weight to that party's evidence when determining whether the Respondent's conduct violated Title IX.
- 3. The burden is on the School, not on the parties, to conduct an Investigation that gathers sufficient evidence to determine whether sex discrimination occurred;
- 4. The Investigator will ensure that each party has an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise Impermissible Evidence as defined in Section II. H, above;
- 5. The Investigator shall review all evidence gathered through the investigation and shall determine what evidence is relevant and what evidence is impermissible;
- 6. Prior to concluding the Investigation, the Investigator shall provide each party with an equal opportunity to access the evidence determined by the Investigator to be relevant to the allegations of sex discrimination, in the following manner:

a. By providing an equal opportunity to access either the relevant and not otherwise impermissible evidence, or by providing an accurate, written description of the relevant evidence; and

b. If the Investigator provides a description of the relevant evidence, the Investigator must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence, upon the request of any party; and

c. The Investigator must provide the parties with a reasonable opportunity to respond to the evidence or to the accurate description of the evidence described.

7. The School shall take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence received. However, for the purposes of these Grievance Procedures, disclosures of evidence (except Impermissible Evidence) obtained during the Grievance Procedures are considered an authorized disclosure.

8. Within three (3) days of concluding the Investigation, after providing the parties with the opportunities described in Subsection I.6 above, the Investigator shall present the relevant evidence obtained during the Investigation to the Decision Maker.

J. Decision Maker.

1. After receipt of the relevant evidence from the Investigator, the Decision Maker shall review the evidence.

2. Parties to the Complaint and all witnesses shall be available upon reasonable notice, which shall be no less than 24 hours, to be interviewed by the Decision Maker to question the parties and witnesses to adequately assess a party's or witness's credibility, to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

3. Interviews may be conducted in person at the School, by telephone or over a virtual platform, i.e., Zoom.

4. Failure of a party or witness to be make themselves available for an interview by the Decision Maker may result in exclusion of the relevant evidence in question.

5. The Decision Maker shall record the interviews of party or witness, which recordings shall be considered evidence to the extent it is relevant and not Impermissible Evidence, for purposes of the Determination.

K. Determination by Decision Maker.

1. Following an investigation and evaluation of all relevant and not otherwise Impermissible Evidence, the Decision Maker shall:

a. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. If the Decision Maker is not persuaded that sex discrimination occurred after applying the standard to the evidence, whatever the quantity of the evidence is, the Decision Maker shall not determine that sex discrimination occurred.

b. Notify the parties in writing of the Determination of whether sex discrimination occurred under Title IX, including the Decision Maker's rationale for such Determination, and the procedures and permissible basis for the Complainant and Respondent to appeal, if applicable.

c. If there is a determination that sex discrimination occurred, the Title IX Coordinator will manage the provision and implementation of remedies to a Complainant and other persons, if any, that the Decision Maker identified as having had their equal access to the School's education program or activity limited or denied by the sex discrimination.

d. The Title IX Coordinator shall also manage imposition of the disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions.

e. The Title IX Coordinator shall take such other appropriate, prompt and effective steps to ensure that sex discrimination does not continue or recur within the School's education program or activity.

f. The School may not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless the Grievance Procedure has been followed and unless there is a determination at the

conclusion of the School's Grievance Process that the Respondent engaged in prohibited sex discrimination.

2. The School may not discipline a party, witness or others participating in the Schools Grievance Procedure for making a false statement, or for engaging in consensual sexual conduct, that is based solely on the School's determination whether sex discrimination occurred. School may discipline a party, witness, or participant for false statements by initiating a disciplinary process under other School policies, so long as there is evidence independent of the determination of whether sex discrimination occurred.

3. Appeal of Determination. The written Determination whether sex discrimination occurred shall include a statement of the Complainant's and Respondent's right to appeal and the deadline for submitting the appeal, which appeal shall be in writing and be submitted to the Title IX Coordinator by no later than the end of the fifth (5th) day after receipt of the written Determination. An appeal must be based on one of the following bases:

- a. Procedural irregularities that would change the outcome;
- b. New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred, or dismissal was made; or
- c. The Title IX Coordinator, Investigator or Decision Maker had a conflict of interest or bias for or against complainants or respondent generally, or the individual complainant or the respondent that would change the outcome.

4. Determination Appeal process:

- a. If the Determination is appealed, the School will:
- b. Notify the parties within five (5) days of receipt of a written appeal, including the grounds for the appeal and supporting evidence provided by the appellant; and
- c. The School will appoint a trained appeal officer for the appeal who did not take part in the investigation of the allegations, the decision to dismiss the Complaint, and who was not the Decision Maker.
- d. Ensure that the appeal officer for the appeal has been trained as required by Title IX;
- e. The appeal officer shall provide the parties with a reasonable and equal opportunity to make a written statement in support of or challenging the decision. The parties' written statement shall be submitted to the appeal officer within five (5) days of the notice of dismissal.
- f. The appeal officer shall provide a written decision on the appeal to the parties within ten days of receipt of the parties' written statements.

VII. DISCIPLINARY SANCTIONS AND REMEDIES.

A. Following a determination that sex-based harassment occurred, the School may impose the following disciplinary sanctions:

1. behavior contract, mandatory education, loss of privileges, suspension, recommended expulsion for students
2. Suspension, loss of wages, contract termination for employees.

Sanctions of long term suspension or expulsion for students, or long-term suspension, termination or discharge for employees, shall only be imposed after appropriate due process measures have been imposed as contemplated by NMSA 1978, §22-10A-24 or -27, or 6.11.2.12 NMAC, and/or other applicable federal or state laws.

B. Following a determination that sex-based harassment occurred, the School may provide the following remedies to the student or persons suffering the consequences of sex-based harassment:

1. **Academic Adjustments:** Changes to the student's class schedule, relocation to different classes, or provision of tutoring services to ensure the student's educational progress is not hindered.

2. **Counseling and Support Services:** Access to counseling services or support groups to help the student cope with the emotional impact of the harassment.

3. **Campus Safety Measures:** Implementation of safety measures such as adjusting class schedules, providing escorts, or implementing no-contact orders to ensure the student's safety on campus.

4. **Disciplinary Actions Against Perpetrators:** Appropriate disciplinary measures taken against those responsible for the harassment, which could range from warnings to suspension or expulsion, depending on the severity of the misconduct.

5. **Training and Education:** Providing training for students, faculty, and staff on preventing and addressing sex-based harassment to foster a more inclusive and respectful environment.

6. **Policy Revisions:** Reviewing and revising school policies and procedures related to harassment to ensure they are effective and up-to-date.

7. **Academic Adjustments for Test Taking or Assignments:** Providing extensions or alternative arrangements for assignments and exams affected by the harassment.

8. **Restitution:** In some cases, providing financial or academic restitution to compensate for any losses or damages resulting from the harassment.

VIII. NONDISCRIMINATION BASED ON STUDENT PREGNANCY OR RELATED CONDITIONS.

A. Status generally. The School will not adopt or implement any policy, practice or procedure concerning a student's current, potential or past parental, family, or marital status that treat students differently on the basis of sex.

B. Pregnancy related conditions.

1. *Nondiscrimination.* It is not prohibited discrimination if the School allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity, provided that the School ensures that the separate portion is comparable to those programs or activities offered to students who are not pregnant and who do not have related conditions.

2. *Title IX Coordinator Access.* The School must ensure that when a student or person who has a legal right to act on behalf of the student informs any employee of the student's pregnancy or related conditions, that the informed employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator is obligated to help the student by taking steps to prevent sex discrimination and to ensure the student's equal access to the School's educational program or activity. If the employee receiving such information has reason to believe the Title IX Coordinator has already been made aware of the student's status, the employee is not required to provide this information.

3. *Notice of School's obligation to prevent discrimination.* Once notified of the student's pregnancy-related condition, the School will notify the student or person with legal right to act on behalf of the student of the School's obligations to ensure nondiscrimination in its programs and activities, and shall provide a copy of its NOTICE OF NONDISCRIMINATION, which can be found at <https://www.paparts.org/policies-ptso/>.

4. *Reasonable modifications.* The School will make reasonable modifications to its policies, practices or procedures as necessary to prevent sex discrimination based on pregnancy or related conditions, and to ensure equal access to the School's education program or activity. Each reasonable modification must be based on the student's individualized needs when determining what modification is required under this paragraph, by consulting with the affected student. A modification that the School can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification. The student has discretion to accept or decline each reasonable modification

offered by the School. If a student accepts one or more of the School's offered reasonable modifications, the School must implement them.

5. *Examples of reasonable modifications.* Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, to breastfeed, or to attend to health needs associated with pregnancy or related conditions, including eating, drinking or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education, if available; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand or carry or keep water nearby; counseling; changes in physical space or supplies (e.g., access to a larger desk or foot rest); use of elevator; or other changes to policies, practices, or procedures.

6. *Voluntary access to separate and comparable* portion of program or activity. Students that are pregnant or with related conditions will be allowed to voluntarily access any separate and comparable portion of the School's education program or activity that is made available to other students on a voluntary basis.

7. *Voluntary leaves of absences.* The School must allow the student to voluntarily take a leave of absence from the School's education program or activity to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent the student is eligible for leave consistent with the Attendance for Success Act³ which may afford a greater period of time than the leave that is medically necessary, the School will permit the student to take voluntary leave under that policy instead, if the student so chooses. When the student returns to the recipient's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

8. *Lactation space.* Students will be afforded access to a lactation space which is not a restroom, which is clean and shielded from view and free from intrusion from others, which may be used by a student for expressing breast milk or breastfeeding as needed. This may be the same lactation space afforded to employees.

9. *Limitation on supporting documentation.* A recipient must not require supporting documentation unless the documentation is necessary and reasonable for the School to determine the reasonable modifications to make or whether to take additional specific actions to assist the student.

10. *Certification to participate.* The School will not require a student who is pregnant or who has related conditions to provide certifications from any health care provider or any other person that the student is physically able to participate in the School's class, program, or extracurricular activity unless:

- a. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- b. The recipient requires such certification of all students participating in the class, program, or extracurricular activity; and
- c. The information obtained is not used as the basis for discrimination.

IX. NONDISCRIMINATION BASED ON EMPLOYEE PREGNANCY OR RELATED CONDITIONS.

A. Status generally. The School will not adopt or implement any policy, practice or procedure or take any employment action on the basis of sex:

1. Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment which treats a person differently; or
2. That is based upon whether an employee or applicant for employment is the head of household or principal wage earner for their family.

B. Pregnancy or related conditions. The School will not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.

C. Comparable treatment to other temporary medical conditions. The School will treat pregnancy or related conditions as any other temporary medical condition for all job related purposes, including initial employment, leave benefits, payment of disability income, accrual of seniority, and any other benefit or service and reinstatement; and under any fringe benefit offered to employee by virtue of employment.

D. Voluntary leave of absence. If an employee who is pregnant or has pregnancy related conditions has insufficient leave or has not accrued enough employment time to qualify for any available Family Medical Leave Act protections, the School will treat employee pregnancy or pregnancy-related conditions as a justification for voluntary leave of absence without pay for a reasonable period of time. After the employee's voluntary leave, the employee will be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities or any other right or privilege of employment.

E. Lactation time and space. The School will provide reasonable break time for an employee to express milk or breastfeed as needed. The School shall ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and which may be used by an employee for expressing breast milk or breastfeeding as needed.

X. PRE-EMPLOYMENT INQUIRIES.

A. Applicants for employment with the School will not be asked for information about the employee's marital status, including whether such applicant is a "Miss" or "Mrs."

B. The school may ask an applicant for employment to self-identify their sex, but only if this question is asked of all applicants and if the response is not used as a basis for discrimination

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