

**MONTE DEL SOL  
CHARTER SCHOOL**



**A PUBLIC SECONDARY SCHOOL  
GRADES 7<sup>TH</sup> – 12<sup>TH</sup>  
COMMUNITY HANDBOOK**

**Our Expectations and Legal Responsibilities**  
**2022-2023**

4157 Walking Rain Road  
Santa Fe, New Mexico 87507  
505.982.5225 [www.montedelsof.org](http://www.montedelsof.org)

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## **MISSION**

Monte del Sol Charter School educates and inspires Santa Fe's diverse population in grades 7 through 12, by building strong relationships and creatively engaging the local and global community.

### **Creatively Engage the World**

To do this, Monte del Sol Charter School will:

- provide a small school so each individual is known;
- acknowledge and celebrate the diversity of its members and the community;
- connect students with adult community members through the mentorship program;
- foster awareness of the world through international trips, student exchanges, special events, and curricula;
- engage students in the arts—fine and multicultural—through events, activities, and curricula;
- teach the importance of environmental sustainability through our curricula and participation in the garden.

## **NOTICE OF NON-DISCRIMINATION**

It is the policy of Monte del Sol Charter School not to discriminate on the basis of race, sex, religion, national origin, sexual orientation, gender identity, or disability in any of the educational programs or employment practices. Inquiries regarding compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, or Section 504 of the Rehabilitation Act of 1973 may be directed to the Head Learner, Monte del Sol Charter School, 4157 Walking Rain Road, Santa Fe NM, 87507.

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### **DIVERSITY STATEMENT**

Monte del Sol welcomes, honors, and accepts all students, families and personnel. Our commitment to building an inclusive community is fundamental to learning and developing leadership skills in young people. It is also a response to the demands of a multicultural and international society.

A key leadership skill we seek to develop is training minds to recognize and appreciate varying points of view for the betterment of the MdS community. When a student feels included and feels his/her heritage is valued, she/he feels a sense of pride. By raising awareness about our differences and similarities, we also better understand ourselves and gain an appreciation of and compassion for all human beings. Thus, a focus on diversity is as much a curricular matter as it is a social justice and community issue.

### **EXPECTATIONS**

**Respect staff requests**

Staff members at Monte del Sol are expected to remind students of our behavioral norms and to model these norms themselves. Rudeness or insubordination towards staff and/or faculty members will result in a meeting with the Head Learner and/or the Assistant Head Learner. Disciplinary measures, including a Restorative Discipline Plan, will be taken.

**Use appropriate language**

Profane language is disrespectful and will not be tolerated at Monte del Sol. (Please see “Referrals to the Head Learner or Assistant Head Learner” below.)

**Respect personal space**

At Monte del Sol, respecting the personal space of others is essential, especially during a pandemic. You may not touch other students other than fist or elbow bumps.

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**Stay focused in class**

Classroom time is sacrosanct, and teachers and students will work hard to take advantage of every minute. Behavior that is distracting, disrespectful, and/or insubordinate will not be tolerated.

**Do not use personal electronic devices**

To stress that we are a school that emphasizes academics, we do not allow personal electronic devices to be used during the school day. This includes cell phones, tablets, speakers, gaming devices, and headphones (headphones may be used for academic purposes if approved by the teachers). Students may use their school-issued Chromebooks. If parents need to contact their children, they may call the school phone and someone from the office will escort the student to the office. If communication with their child is urgent, they may call or text the Head Learner or the Assistant Head Learner on their cell phones. (Please see “Referrals to the Head Learner or Assistant Head Learner” below.)

**Respect the school environment**

Visitors can easily see who we are as a community by the tidiness of the school itself. Students, guided by staff and faculty, will make sure that classrooms are tidy and the campus is clean.

**Respect the neighborhood**

Students are not to walk on private property, backyards, driveways, or any other property of Nava Adé or Las Soleras residents. Students must keep the volume down when listening to music in their cars.

**Participate in Advisory Pods**

The Advisory pod is a .5 credit course, consisting of a small group of 12-16 students who meet Monday - Thursday with the teacher/advisor. The course credit is based on the annual completion of the Mission Portfolio. Students are required to attend and participate in advisory pods. In addition to assisting students with their Mission Portfolio, advisors will present specific content, assist students with coursework, plan for the future, and act as a liaison for students and their families. Students will have 2 advisors during their time at Monte del Sol, one advisor for grades 7-9, and another for grades 10-12. Having several years with one advisor will help to foster a supportive relationship in which students and families will have an ally in their advisors.

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**Participate in Gatherings**

Gatherings are all-school or grade-level meetings that occur regularly. Students are expected to be present. During gatherings, issues of mutual interest to the community may be discussed, speakers may present, and artistic performances may occur. The goal of gatherings is to bring the school together to build community and address issues in an open forum.



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## **Graduation Requirements**

English	4 credits
History	3.5 credits History credits must include 1 semester of New Mexico History (9 <sup>th</sup> grade), 1 year of World History (10 <sup>th</sup> grade), 1 year of US History, (11 <sup>th</sup> grade), Government and Economics (senior year).



Mathematics	4 credits. Math credits must include 1 year of Algebra II
Science	3 credits (2 must be lab sciences)
Language	2 credits of the same language. Bilingual students wishing to receive a bilingual seal on their transcript must take four years of classes in their native language
Art	2 credits
Mentorship	2 credits
Physical Ed  Health Electives	1 credit Two years of a varsity sport may equal .5 credits and three years of a varsity sport may equal 1 credit. 1/2 credit 2 credits These electives may include additional academic, arts, or mentorship electives. The state requirement of communication is covered by our world languages credit.
Total	24 credits
For 10 <sup>th</sup> grade entry:	5 credits required
For 11 <sup>th</sup> grade entry:	11 credits required
For 12 <sup>th</sup> grade entry:	17 credits required

**POLICIES**

Like most schools, the core of Monte del Sol learning happens in the classrooms. We try to enhance our students' learning experience by offering a variety of extracurricular activities, but students who do not fulfill their classroom obligations according to the policy below, may lose the privilege of participating in these activities. Please note this policy does not apply to mentorship and class trips, which are considered part of the academic curriculum, and not extracurricular.

To participate in trips abroad, and/or athletics events/practices, and/or extracurricular activities, including off-campus programs such as camping trips, field trips, NDI, a student must meet the academic eligibility guidelines set by the New Mexico Activities Association (Rule 6.2.1). Specifically: a student "shall have a 2.0 grade point average with no F's, based on a 4.0 grading scale, either cumulatively or for the nine-week grading period immediately preceding participation." Determination of athletic eligibility shall be made by the Athletic Director in collaboration with the coach and the school administration.

Students may not participate in an athletic event/practice if they have not attended at least half the school day, whether or not the absence is excused.

The administration, Athletic Coordinator, coach, and/or trip leader may, at any point before a trip, event, or practice, request that a student be declared ineligible due to major violations of the expectations in the Community Handbook, or for a significant decline in academic and/or behavioral performance. If needed, the determination of eligibility will take place in a hearing attended by the student, his, her, or their family; the administration; the trip leader/coach; and the student's advisor. The ultimate determination will be made by the Head Learner.

#### ATTENDANCE

The Attendance for Success Act was passed in 2019, replacing the Compulsory Attendance Law. The Attendance for Success Act provides guidance for the prevention and early intervention for chronic

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absenteeism. This act requires that a school-aged person attends school

until the age of 18 or has graduated from high school or received a high school equivalency credential. Students are expected to attend instructional programs each day, as provided by the school.

What do I do when my child is absent from school?

Call secretary in the front office at 505-982-5225. Provide copies of medical excuses to the front office. Reach out to the Assistant Head Learner (Erika Penczer at [epenczer@momtedelsol.org](mailto:epenczer@momtedelsol.org)) if you have any questions or concerns.

What are Considered Excused Absences?

- Medical absence
- Death in the family
- Religious instruction
- Tribal obligation
- Allowable excuse per the Monte del Sol Head Learner

What are Considered Unexcused Absences?

Any absence from class or school for which the student does not have an allowable excuse.

<b>Absences</b>	<b>Response</b>
4 days	Phone call home to talk with parents/guardians about how to make sure the student makes it to school. Inform pod leader.
6 days	Letter mailed and emailed home expressing concern and outlining attendance policy. Inform pod leader.
8 days (5% of school year)	Phone call home to talk with parents/guardians about how to make sure the student makes it to school.. Inform pod leader.
15 days (~10% of school year)	A conference will be scheduled for parent/guardian and student with the Head Learner or Assistant Head Learner to try to find solutions to help the student attend school. Referral to ENGAGE NM. Inform pod leader.
25 days	Phone call home. Inform pod leader.

34 days (20% of school year) leader.  
 External system referrals can be made to CYFD, Juvenile Probation, Teen Court, etc. Inform pod

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APPROPRIATE USE OF TECHNOLOGY

Acceptable use of technology requires that the use of school resources is in accordance with the following guidelines and that it supports the educational goals of Monte del Sol. Students and parents must agree to this policy:

ACCEPTABLE USE

- a. The use of my assigned MdS account and school-owned equipment must be in support of education and research and the educational goals of MdS.
- b. Use of other organizations' networks or computing resources must comply with rules appropriate to that network.
- c. Transmission of any material in violation of any United States or New Mexico state law is prohibited. This includes, all but is not limited to: copyrighted material, threatening or obscene material, or material protected by copyright laws.
- d. Use of commercial activities by for-profit institutions is not accepted.
- e. Use of product advertisement or political lobbying is also prohibited.
- f. I am aware that the equipment assigned to me can be tracked and disabled at any moment at MdS discretion.
- g. I am aware that the inappropriate use of electronic information resources can be a violation of local, state and federal laws and that I can be prosecuted for violating those laws.
- h. Students will not be permitted to use unauthorized electronic devices, including but not limited to, cell phones, tablets, unauthorized personal computers, gaming devices, and portable speakers during the school day, including the lunch break. Use of a Monte del Sol Charter School issued Chromebook is permitted. Students in the Upper School may apply for a waiver to use a personal computer if they need one for college classes or other authorized extracurricular activities.
- i. Cell phones or other unauthorized electronic devices will be confiscated if they are seen, heard, or otherwise noticed on campus during the school day. On the first offense the phone will be returned at the end of the day on which it was taken. On the second offense the phone will be held in the school safe for one week. On

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the third offense the phone will be held for one month. On the fourth offense the phone will be held until the end of the academic year.

- j. Students' Chromebooks and chargers will be collected at the end of the school year. If a student is missing any of these items, parents must cover the cost of replacing them.

#### APPROPRIATE DRESS

All members of the Monte del Sol community are expected to show their respect for the diversity of our community by dressing appropriately. We have neither a uniform nor standardized dress; however, clothes that reference alcohol, drugs, tobacco, or advocate or glorify violence, racism, or sexism are not permitted. Students violating the dress code will be asked to change into more appropriate clothing. If dress code violations continue, we will address the behavior as a disciplinary issue.

#### DRIVING AND OFF-CAMPUS PRIVILEGES

The following rules apply to any student who plans to drive a car to school at any point during the year.

For the first quarter, only those students in the 11<sup>th</sup> and 12<sup>th</sup> grades who either have courses at S.F.C.C. or jobs may leave campus ("Off-Campus Privileges"), unless they have 2 consecutive free blocks. Students must complete a waiver form from the Assistant Head Learner, who will review the request and make a written determination. After the first quarter, those 11<sup>th</sup> and 12<sup>th</sup> grade students who have 1) earned at least a 2.5 GPA in the previous quarter; and 2) have no more than 5 tardies in the previous quarter may qualify for Off-Campus Privileges by applying for a waiver from the Assistant Head Learner. These students may leave campus when they are not required to be in a class or activity. This privilege is based on our desire to balance our community needs with the needs of individuals and the goal of developing independence and responsibility in our students. No other students may leave campus during lunch or free blocks unless they are

picked up and signed out by a parent or legal guardian. Tenth graders

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with a drivers' license may apply for permission to drive to school but may not leave campus during the school day.

We have approximately 50 parking spaces for students. Priority will be determined by the administration based on grade level, bus service, after-school jobs, and community college classes.

Any student driving a car and parking on campus must be registered with the Monte del Sol school office and receive a Monte del Sol parking sticker before the 2nd week of each semester. A sticker may be obtained only after the student has a valid driver's license and proof of registration and insurance and pays a \$15 fee. Students who park in the Monte del Sol parking spaces without a valid parking sticker may lose driving and/presentsor parking privileges and/or may have their vehicle towed at the owner's expense. The money collected from parking permits will be used for parking and transportation-related needs.

11<sup>th</sup> and 12<sup>th</sup>-grade students may not take students without Off-Campus Privileges off-campus during the school day and must follow the safe driving rules and parking regulations. If a driver takes a student without Off-Campus Privileges off-campus, the infraction will result in restrictions of driving privileges. Any student leaving campus without permission will face appropriate disciplinary action and communication with parents/guardians on the first infraction and a Restorative Discipline Plan on the second incident.

Monte del Sol maintains the right to revoke any individual's Off-Campus and/or driving privileges if safety is compromised in any way. Any student may have his/her parking permit revoked if they continually arrive late, is found to be driving dangerously or speeding in the Nava Adé or Las Soleras neighborhoods or on the Monte del Sol campus, leaves campus without proper permission, and/or takes other students off campus without permission. Students may not sit in or congregate near their vehicles during the school day. We also

reserve the right to revoke parking permits for other detrimental behaviors or other violations of the handbook.

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Student vehicles parked on campus are subject to searches by authorized personnel.

#### SKATEBOARDING

Our insurance has made it clear that we can be held liable for skateboarding accidents on campus. Students needing to bring a skateboard to school for use off-campus after school may do so, but they must store the board in the office during the school day.

#### STUDENT FUNDRAISERS

Selling of any foodstuffs and/or drinks and other unauthorized fundraisers by individuals is not allowed. This policy seeks to enhance the wellness of our students and to reduce competition for school-sponsored and fund-raising activities. Violation of this policy will result in confiscation of the items for sale.

#### LOST OR STOLEN PROPERTY

Monte del Sol does not replace personal technology, articles of clothing, or any other personal items that are lost, stolen or damaged on school property or during trips or events. Students are encouraged to leave expensive personal items at home. There is a free phone available to all students in the office for local phone calls, and parents can always call the front desk to have messages delivered to their children at school. The school is not responsible for damages to cars, bicycles, motorcycles or any private property of a student or family member on the property of Monte del Sol, including in the parking lot.

#### SCHOOL ACTIVITIES

Field trips, sports events and mentorship activities are an integral part of the Monte del Sol experience, and are always planned at least one week prior. If an assignment is due the day that a student is absent for a field trip, sporting event, or mentorship activity, the student must turn

in the work within 24 hours after the due date. In the case of an extended athletic event or field trip of more than one day, individual arrangements must be made with teachers. The student is responsible for inquiring about and completing any homework that is assigned on the day that is missed.

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**COVID-19 ASSURANCES**

1. Student Arrival and Departure

- a. **IF YOU FEEL SICK, DO NOT COME TO CAMPUS.** Contact the main office to let us know that you are feeling sick so that we can inform your teachers.
- b. Students will avoid congregating (hanging out) anywhere on (or off) campus while waiting for parent pick-up.

2. Covid-Safe Behavior

- a. Some teachers may require that students wear a mask while in their classroom.
- b. If someone does not have a mask, one will be provided.

3. Hydration and Hygiene

- a. Every student should bring their own water bottle which should be filled with water prior to arrival and may be refilled while at school.
- b. Good handwashing with soap for at least 20 seconds helps keep students and our community safe from viruses and bacteria. Hand sanitizer is available in every room on campus and is encouraged between hand washings.
- c. Avoid touching your eyes, nose, and mouth with unwashed hands.
- d. Cover your cough or sneeze with a tissue, then throw the tissue in the trash.



## SERIOUS VIOLATIONS/Restorative Discipline Plan

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Some of our expectations are non-negotiable out of concerns for respect, safety, and legality. Behavior that violates these expectations/rules will not be tolerated on campus or at any off-campus school activities. Violations of these rules may result in a meeting with the student and the student's parents or guardians to sign a Restorative Discipline Plan. Any offenses involving alcohol, drugs, violence, and theft the student may be referred to local law enforcement agencies and Teen Court; other offenses may involve outside authorities as well.

To ensure the safety of the school community, upon suspicion, we reserve the right to search students, cars, lockers, backpacks, computers, and other belongings if we are concerned that school rules have been broken, particularly ones that relate to student health and safety.

There will be no tobacco or cannabis products (including e-cigs or vape pens), alcohol, illegal drugs, paraphernalia, or non-prescription drug use at school or any school-sponsored function. If a student is found to possess any of the above or is under the influence of any of the above, he, she, or they will be subject to disciplinary action. The school complies with the federal Safe and Drug-Free School Act. Note that if a student has a problem with tobacco, alcohol, or drugs, our school counselors are available to guide them to programs that support cessation. Reaching out to our counselors, prior to a disciplinary infraction, will not trigger the discipline system.

**Fighting or physical assault** is a serious offense and will not be tolerated. Any student who strikes another student (whether in self-defense or not) will be asked to sign a Restorative Discipline Plan. Local law enforcement may be contacted, and all students involved will face serious disciplinary consequences.

**Weapons** of any kind are not permitted at school. Do not bring pocket knives or other multi-purpose objects that can also be used as weapons. Bringing firearms or another weapon with intent to harm another will result in the notification of the authorities and expulsion, following federal and state laws and regulations.

**Lying, theft of, or vandalizing** school or personal property is disrespectful and will be subject to discipline. Theft and vandalism will

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result in school consequences, be reported to local law enforcement, and result in a Restorative Discipline Plan.

## **HARASSMENT AND BULLYING POLICY**

Harassment, including sexual harassment or racial comments, verbal or physical intimidation, or use of derogatory language intended to annoy, alarm or terrorize another person violates all that the Monte del Sol community stands for and will not be tolerated. All of the above are serious offenses and will be subject to serious consequences. Examples include a required Restorative Discipline Plan and suspension.

Sexual harassment is a misuse of power and/or behavior that can create an offensive, intimidating, and hostile environment and is a violation of federal law and school policy. Sexual harassment may include unwelcome sexual advances, requests for sexual favors, and written, visual or verbal conduct of a sexual nature.

Bullying and cyberbullying means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern of these actions, that is intended to cause distress upon a student of this school. It includes any action that a reasonable person should know will have the effect of placing a student in reasonable fear of physical harm or damage to the student's property. Insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's mission or the education of any student will not be tolerated and will be subject to discipline, including the signing of a Restorative Discipline Plan and suspension.

Any community member who feels they are experiencing sexual harassment or bullying should report, verbally or in writing, such conduct to the Head Learner, Assistant Head Learner, or school counselor. Reports will be investigated and, if verified, disciplinary action will be taken against the perpetrator, including signing a Restorative Discipline Plan.

## CONSEQUENCES OF VIOLATING EXPECTATIONS

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Consequences for acting against expectations will be reasonable and tied to the infraction. Consequences will result in (1) repairing the damage that occurred to the community as a result of the infraction, and (2) modifying/improving behavior.

**Counseling.** We will always talk to a student when behavioral problems arise to see if we can find common ground or come to agreement about community expectations of behavior. Notes will be kept to document this conversation and its agreements.

**In-School Suspension:** In-school suspension (ISS) may be assigned when, per administration determination, a student's behavior warrants it.

**Detention:** Lunch and after-school detention are considered one form of ISS and may be used for behavioral problems in the classrooms and for continued tardiness. During lunch detention, students will help in the kitchen to wash dishes and pick up trash

**Suspension:** Suspension is used to remove students from the school community when they are harming the community or because the severity of their actions merits isolation from the community.

**Restorative Discipline Plan:** When a violation of any major rule, as described above, is carried out, an administrator discusses the issue

with the student and, as appropriate, other students involved. The student's parents and advisor are notified. The student and parents will sign the Restorative Discipline Plan to acknowledge they understand the policy. The student may be referred to the school counselor.

## LEGALITIES

Receipt of this Community Handbook constitutes consent and acknowledgment required from students and parents.

### LEGALITIES OF SEARCH

School officials may search a student with an adult witness, if there is reasonable suspicion that the student is in possession of an item that is illegal or against school rules. Given reasonable suspicion, student vehicles, purses, and bags (i.e. backpacks and gym bags), school lockers, and other school property are subject to inspection and search

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at any time by school authorities without further notice to students or parents. Students are required to cooperate if asked to open purses, bags, lockers or any vehicle brought on campus.

Again, given reasonable suspicion, drug- or weapon-sniffing dogs may be utilized at school or at any school function, including activities that occur after normal school hours or off -campus, at the discretion of administrators. Parents will be notified before such a mass search occurs.

### INFORMAL HEARING

Before a student is suspended from school for ten days or less, the Head Learner or designee will conduct an informal hearing, including investigation of the alleged incident of which the student is accused and allowing the student to explain his, her, or their behavior. If a suspension results, notice must be provided in written form, usually through email. If the parent does not receive a notice within a reasonable time, the parent should call MdS.

### FORMAL HEARING

The maximum punishment for an offense includes long-term suspension and signing a Restorative Discipline Plan, which may result

in a student withdrawing from school. Punishments of this severity will be determined by a disciplinary hearing. Students who are suspended for more than 10 days may request a hearing. The student has the right to an adviser, to call witnesses, to question accusers and witnesses, and to have a copy of the proceedings for appeal to the Monte del Sol Charter School Board. Parents or students may elect not to contest whether a student has violated the Code of Conduct or Community Handbook. An agreement may be negotiated in which parents or students waive the right to a hearing before a disciplinary hearing. The Head Learner or designee must approve such a waiver in accordance with board policy.

#### EMERGENCY REMOVAL

Monte del Sol Charter School has the right to delay the informal hearing, and a student can be removed from school without an informal hearing when the administrator determines that student poses a danger to himself, herself, themselves or others; property; or is an ongoing threat of disruption. Whenever a student is removed, a parent or

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guardian must be notified as to when the informal suspension will be held. The hearing will be scheduled within three school days unless there are extenuating circumstances, or it is mutually agreeable to both parties.

#### MANIFESTATION DETERMINATION

For students who receive special services and have an Individual Education Plan or a Section 504 Plan, suspension beyond ten school days or in increments that lead up to 10 school days requires a manifestation determination hearing. An IEP team must convene within 10 school days to determine whether the violation(s) of the Code of Conduct are related to the student's disability or whether the suspension was in accordance with a child's IEP. A Functional Behavioral Assessment (FBA), which examines possible factors of misbehavior, must be completed prior to or at the meeting before a manifestation determination hearing occurs. It also examines whether the behavior(s) merit the development of a Behavior Intervention Plan (BIP) or if a revision of the plan is necessary. A Manifestation Determination also decides whether the IEP team needs to convene and discuss what services a student needs to receive if it is decided that the suspension

was appropriate.

#### CHILD ABUSE AND NEGLECT

Pursuant to New Mexico State Statutes, NMSA 1978, Section 32-4-3, and Section 32-A4-3, amended 1998:

It is the duty of any school nurse, 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.

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.

Prior to any student being produced by a school principal for any contact with officers and/or social workers, the principal or his designee shall: write down the name, badge number, and agency of the officer(s) and the social worker(s), together with the date and time of

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appearance; confirm by telephone the agency that employs the officer(s) and/or social worker(s) and their identity and authorization in seeking contact with the student; and record the names and position of the person confirming such information and the time of such confirmation. In instances in which the officer(s) is acting pursuant to a court-ordered document, the principal shall obtain a copy of the document.

The principal 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.

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 principal shall record such direction.

Where a law enforcement officer has a warrant or citation for the student's arrest or an order signed by a district judge, removal of the student by the officials under such order is mandatory when presented

to the principal. The parent or guardian must be notified.

The principal or any other school employee should not attempt to conduct an interview with the student, beyond the basic information needed to report the incident or complete paperwork.

### **Hearing Procedures and Findings**

#### HEARING OFFICER

A Hearing Officer will be appointed when a suspension is ten days or more. Notice will be addressed to the student, through his/her parent(s)/guardian and shall be either personally delivered or sent through certified mail. The hearing will occur within five school days of the suspension. The hearing's date, time, place and reference to the alleged violations and where stipulated in the Code of Conduct are required for the contents of notice. Failure to appear may result in a penalty against the student by default.

#### STUDENT STATUS PENDING THE HEARING

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A student may be suspended temporarily and a formal hearing on long-term suspension or expulsion may not occur until after the temporary suspension has expired when:

The student and parent have waived the right to return to school or administrative authority has conducted an interim hearing pursuant to due process protection sufficient to support the student's continued exclusion pending the outcome of the formal procedures;

A student has waived the hearing through voluntary compliance or negotiated penalty. Such a waiver and compliance agreement shall be documented with evidence of signatures of the parent(s)/guardian, student and the hearing authority.

#### PROCEDURES FOR HEARING AND FINDINGS

The burden of proof lies with Monte del Sol Charter School. The student and parent(s)/guardian are afforded the following rights:

- The right to be represented by legal counsel or other designated representatives (at the parent(s)/guardian or student's own cost).
- The right to present evidence that is not deemed immaterial or redundant by the hearing officer or the MdS board.
- The right to confront and question and cross-examine witnesses.
- The hearing authority shall determine whether the alleged act(s) have been proved by a preponderance of the evidence presented at the hearing.
- The hearing officer or the MdS board will tape the proceeding..
- The hearing authority, who is also a disciplinarian, may also impose a penalty at the close of the hearing or at a minimum a written decision within five school days after the hearing. The decision will take effect immediately after the hearing authority makes his/her decision at the closing of the hearing or in the written notice.

#### FOLLOWING THE FORMAL HEARING

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The student or parent(s)/guardian(s) may appeal the decision of the formal hearing in writing and within receipt of the hearing officer of MdS administration within five school days, and a formal review by the MdS board must occur within fifteen school days. The MdS board shall provide a written response with concise explanation for its findings within 10 working days. The MdS Board review is the final step and there is no further course of action within the Monte del Sol Charter School.

#### REFERRAL TO LAW ENFORCEMENT AUTHORITIES

MdS and its employees will adhere to all Federal and State Laws by



reporting certain violations to law enforcement agencies. These violations include the following:

Aggravated Assault if a firearm is involved.

Aggravated Battery.

Sexual Offenses including consensual sexual intercourse with a minor 13 years or younger.

Carrying Deadly Weapons at public gatherings.

Carrying Deadly Weapons at school functions or on school property or within school safety zones.

Illegal Possession of a pistol or revolver by a person under the age of 18.

Possession and other activities regarding marijuana and controlled substances.

#### MDS RESOLUTION PROCESS

When students and parents believe that school officials' decisions affecting them are unfair or unreasonable, students and/ or guardians are encouraged to express themselves to the individual directly involved and immediately attempt to resolve the problem informally. If the concern cannot be resolved, concerns should be brought to an administrator's attention. If the problem is still not resolved, it is then

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referred to the Mds School Board. For continued strong community relationships at Monte del Sol and for effective communication, Monte del Sol strongly encourages parents and students to use our resolution process.

**Step One.** Bring concerns directly to the individuals involved. If satisfaction is not achieved or the person does not feel comfortable bringing the concern to the person at first level, proceed to Step Two.

**Step Two.** Notify Head Learner of concern. To further clarify the

concern, they may request that your concern be provided in written form. A verbal response will be provided within five working days. If a response has not been received or if the response is not satisfactory, proceed to Step Three.

**Step Three.** Notify Head Learner of concern. To further clarify the concern, the Head Learner may request that the concern be provided in written form, if that has not already been requested by the Assistant Head Learner. All invested members may be asked to attend a meeting to resolve the concern in a reasonable timely manner (within five working days). The Head Learner may request a mediator if the concern requires some objective assistance. If satisfaction is not achieved within 10 working days, proceed to Step Four.

**Step Four.** Notify Monte del School Governing Board. A meeting will be scheduled to present issues. A final decision will be made by the Monte del Sol School Board. Depending on the nature of the complaint, the Board will review the matter in either a closed or an open session requested by the parent or student 18 and over, may hear testimony, and will act on the matter. The Head Learner and parent shall be advised in writing of the decision of the board.