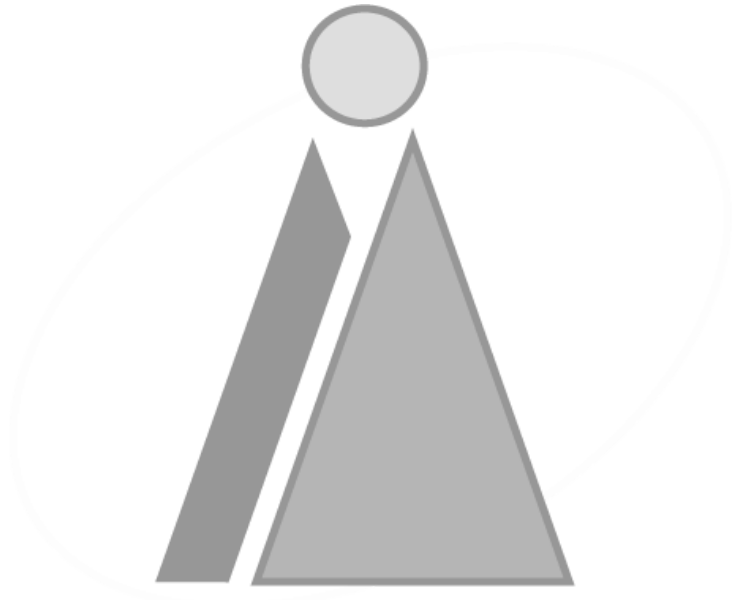


MONTE DEL SOL CHARTER SCHOOL



A PUBLIC SECONDARY SCHOOL GRADES 7 – 12 COMMUNITY HANDBOOK

**Our Expectations and Legal Responsibilities
2025-26**

4157 Walking Rain Road
Santa Fe, New Mexico 87507
505.982.5225 www.montedelsol.org

TABLE of CONTENTS

MISSION & NOTICE of NON-DISCRIMINATION	4
DIVERSITY STATEMENT & GRADUATE PROFILE	5
GRADUATION REQUIREMENTS	6
EXPECTATIONS for the LEARNING ENVIRONMENT	
RESPECT	7
USE OF APPROPRIATE LANGUAGE	
USE OF PERSONAL ELECTRONIC DEVICES	
PERSONAL SPACE, CLASS ENGAGEMENT, CELL PHONE POLICY	
RESPECT THE SCHOOL & NEIGHBORHOOD	8
PARTICIPATE IN ADVISORY PODS	
PARTICIPATION IN GATHERINGS & CLUBS	9
ATTENDANCE	
ATTENDANCE FOR SUCCESS & GRADUATION	10
WHEN A STUDENT IS ABSENT FROM SCHOOL	
EXCUSED ABSENCE DEFINED	11
ABSENCE FROM INDIVIDUAL CLASS	
TARDIES	
ATTENDANCE ELIGIBILITY FOR ACTIVITIES	
TIERED SUPPORT FOR ATTENDANCE SUCCESS	12
ACADEMIC ELIGIBILITY for ACTIVITIES	
STUDENT RESPONSIBILITIES DURING ACTIVITIES	13
APPROPRIATE USE of TECHNOLOGY	14
DRIVING and OFF-CAMPUS PRIVILEGES	15
HARASSMENT and BULLYING	17
LEGALITIES	18
SEARCH	18
CHILD ABUSE AND NEGLECT	

SERIOUS VIOLATIONS of EXPECTATIONS	20
SAFE & DRUG FREE SCHOOL, FIGHTING, WEAPONS, THEFT, VANDALISM	21
ADDITIONAL EXPECTATIONS	
APPROPRIATE DRESS	22
FUNDRAISERS & HEALTHY EATING HABITS	
LOST, STOLEN, OR DAMAGED PERSONAL PROPERTY	
SKATEBOARDING & BIKING	
CONSEQUENCES of VIOLATING EXPECTATIONS	
RESTORATIVE DISCIPLINE PLAN	23
COUNSELING	
DETENTION	
SUSPENSION	
HEARING PROCEDURES	
INFORMAL HEARING	24
EMERGENCY REMOVAL	
FORMAL HEARING	
MANIFESTATION DETERMINATION	25
HEARING OFFICER	
STUDENT STATUS PENDING THE HEARING	
DUE PROCESS & STUDENT RIGHTS	
APPEAL PROCESS	26
REFERRAL TO LAW ENFORCEMENT	
RESOLUTION PROCESS	27

LEGAL CONSENT

Receipt of this Community Handbook by students and parents/guardians constitutes acknowledgement and consent of Monte del Sol Charter School expectations and policies.

Monte del Sol Charter School reserves the right to make changes to this handbook as necessary.
The most current version can be located on the school website.

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.

To achieve its mission, 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; and
- 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.

DIVERSITY STATEMENT

Monte del Sol (MdSCS) 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. Our commitment responds to the demands of a multicultural and international society.

A key leadership skill we seek to develop among students, families, and personnel is recognizing and appreciating varying points of view for the betterment of the MdSCS community. When students feel included and feel their heritage is valued, students acquire a sense of pride. By raising awareness about our differences and similarities, we also better understand ourselves as a community 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.

GRADUATE PROFILE

This graduate profile is our vision for student success which includes the knowledge, skills, and attitudes we believe students need to attain in order to be successful after graduating from Monte Del Sol Charter School. When students graduate from MdSCS, they will be -

- Curious and Open-Minded
- Creative and Flexible
- Involved and Aware
- Healthy and Compassionate
- Prepared and Ready

GRADUATION REQUIREMENTS

English	4 credits <ul style="list-style-type: none"> • 9th Grade English (year) • 10th Grade English (year) • 11th Grade English (year) • 12th Grade English (year)
History	3.5 credits for classes of 2026-28 4 credits for classes of 2029 and after <ul style="list-style-type: none"> • 9th Grade Global Studies required for class of 2029 and after (year) • NM History required for classes of 2026-28 (semester) • 10th Grade World History (year) • 11th Grade US History (year) • 12th Grade Government and Economics (year)
Mathematics	4 credits <ul style="list-style-type: none"> • Class of 2029 and after: Math credits do not need to include Algebra II. • Class of 2028: Math credits must include one year of Algebra II. • Class of 2027: Math credits must include one year of Algebra II. • Class of 2026: Math credits must include one year of Algebra II.
Science	3 credits <ul style="list-style-type: none"> • Science credits must include two lab sciences.
Language	2 credits <ul style="list-style-type: none"> • Language credits must be of the same language. • Bilingual students wishing to receive a bilingual seal on their transcript must take four years of classes in their language.
Art	2 credits
Mentorship	2 credits
Physical Ed	1 credit <ul style="list-style-type: none"> • Two years of a varsity sport equal one half (.5) credit • three years of a varsity sport equal one (1) credit.
Health	.5 credits
Electives	2 credits <ul style="list-style-type: none"> • Elective credits may include additional academic, arts, or mentorship courses. • The New Mexico State communication requirement is covered by the world languages credit.
POD	2 credits .5 credit per year of high school
Total Credits	Class of 2029 and after: 26.5 Class of 2028: 26 Class of 2027: 25.5 Class of 2026: 25 NOTE: This change in total credits accounts for the new pod credit requirement.

EXPECTATIONS for the LEARNING ENVIRONMENT

RESPECT

Staff members at MdSCS are expected to remind and model our behavioral norms. Insubordination towards staff members will result in a meeting with the Head Learner or the Assistant Head Learner. Disciplinary measures, including a *Restorative Discipline Plan*, may be taken to help students contribute positively to our learning environment.

USE OF APPROPRIATE LANGUAGE

Profane, violent, racist, homophobic, or generally disrespectful language is disrespectful and not tolerated at MdSCS.

PERSONAL SPACE

Respecting the personal space of others is essential at MdSCS. Members of our community shall exercise discretion regarding physical interaction.

CLASS ENGAGEMENT

Classroom time is too important to be disrupted or squandered. Teachers and students shall work hard to take advantage of every minute in our engaging learning environment. Behavior that is distracting, disrespectful, or insubordinate will not be tolerated.

CELL PHONES AND OTHER ELECTRONIC DEVICES

Cell phone use cannot be disruptive to the learning environment. Cell phones may not be used to threaten, intimidate or in any way violate the security, safety and well-being of others during or outside of school hours. Cell phones will not be used to take or share pictures, videos, or record audio sounds of students, faculty, or staff without permission.

Cell Phone Policy: Cell phone use is not allowed during the day at Monte del Sol. Cell phones may be used with permission and for instructional use. Teachers may ask students to place their phones in a secure area of the classroom during the class period. Failure to adhere to the cell phone policy may result in confiscation of a students' cell phone under the following conditions.

1st offense: Teacher/Staff confiscate phone and submit it to the office. The student may pick it up at the end of the day.

2nd offense: Teacher/Staff member collects the cell phone and will be submitted to the office each school day for one week.

3rd offense: Teacher/Staff member collects the cell phone and will be submitted to the office each school day for one month.

4th offense: Student loses cell phone privileges for the remainder of the school year.

If a parent/guardian needs to contact a student, the parent/guardian may call the school phone. If a student needs to contact a parent/guardian during the school day, the student may ask to visit the Front Office to make the call.

In select student support situations the school reserves the right to work with parents by using the cell phone privileges to assist a student with attendance or grade improvement scenarios. This will be reviewed on a case by case basis in coordination within the primary teacher support team and counseling department.

PHYSICAL ENVIRONMENT OF THE SCHOOL

Visitors can easily appreciate who we are as a community at MdSCS by the tidiness of the school itself. Students, guided by staff and faculty, shall ensure classrooms are tidy and the campus is clean.

RESPECT THE NEIGHBORHOOD

As part of its mission, MdSCS builds and maintains a strong and positive relationship with its surrounding community. To this end, students, staff, and faculty shall not trespass on private property such as backyards, driveways, or any other premises of Nava Adé or Las Soleras residential communities. To be respectful of our neighbors, students, staff, and faculty shall keep the volume down when listening to music, and drive slowly, safely, and respectfully through the neighborhood.

PARTICIPATE IN ADVISORY PODS

The Advisory POD (Producing Outstanding Dragons) is a required .5 credit course consisting of a small group of 12-16 students who meet regularly with their pod advisor. Course credit includes attendance, activities that support our *Profile of a Graduate*, *Student Led Conferences*, and the annual completion of the *Mission Portfolio*. For the class of 2029 students will need to have a completed *Next Step Program*. POD teachers are academic advisors who support students with academic and social challenges while serving as a liaison between families and the school.

Students will have two advisors during MdSCS's 6 year program – one advisor for Lower School (grades 7 through 9) and another advisor for Upper School (grades 10 through 12). Having three years with one advisor fosters a supportive relationship in which students and families have an ally on campus.

PARTICIPATION IN GATHERINGS & CLUBS

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

Monte's *club program* provides enrichment to all students in a wide variety of areas. All MDSCS students are required to participate in at least one club per semester.



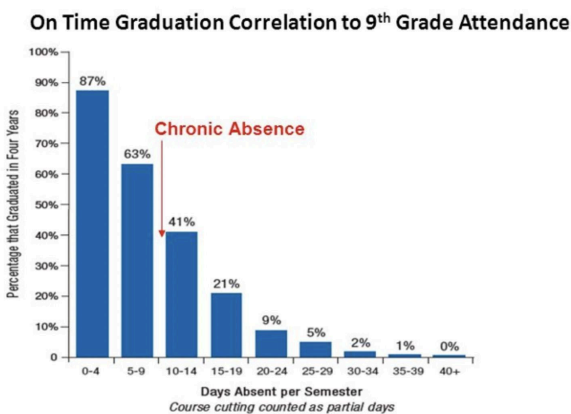
ATTENDANCE

ATTENDANCE FOR SUCCESS ACT

The [Attendance for Success Act](#) was passed by the New Mexico State Legislature in 2019 and updated in 2020, replacing the Compulsory Attendance Law. The Attendance for Success Act provides guidance for the prevention and early intervention for chronic absenteeism; this act requires a school-aged person attend school until the age of 18 or has graduated from high school or received a high school equivalency credential. Students are expected *each day* to participate in instructional programs, as provided by the school.

ATTENDANCE AND GRADUATION

Research consistently shows a strong correlation between attendance in middle and high school and on-time graduation. According to a study by the University of Chicago, students who attend school regularly are more likely to complete their high school education on time compared to those who are frequently absent (see chart below). Regular attendance builds a connection with teachers, classmates, and the school community, as well as builds the habits, routines, and important skills for success in school and beyond. MdSCS will use all resources available to support students with attendance.



WHEN A STUDENT IS ABSENT FROM SCHOOL

Call the Front Office at 505.982.5225. When the student returns to school, provide documentation to the Front Office if excused (see *Excused Absence Defined* on page 11).

EXCUSED ABSENCE DEFINED

While regular attendance is essential for building community and achieving success in school, there are times when a student's absence is allowable and therefore **excused**. Reasons for excused absences from an individual class or school in general include: medical appointment with doctor's note, dental appointment, death in the family, religious instruction, tribal obligation, and absences as approved by the Head Learner or the Assistant Head Learner.

UNEXCUSED ABSENCE DEFINED

Any absence from an individual class or school in general for which the student does not have an allowable excuse is considered **unexcused**.

ABSENCE FROM INDIVIDUAL CLASS

When a student is present at MdSCS but does not attend a class, the parent/guardian may be notified and asked to come to campus to help locate the student and take the student home for the rest of the day (unexcused absence). Restorative conversations will occur with the student, parent/guardian, teacher, and/or counselors to understand why the student decided not to attend and to ensure the student does not choose to miss class again. School consequences and/or required study halls may be assigned if there is a persistent problem with attendance.

TARDIES

After a student has been marked tardy in a specific class the teacher has the option to assign lunch reflection time (detention/study hall). Chronic tardiness will result in an attendance conference to explore issues and to find solutions. When a student has been tardy for three days in a specific class, it is automatically changed to an unexcused absence in PowerSchool for that class period.

ATTENDANCE ELIGIBILITY FOR ACTIVITIES

In order to participate in a school activity, students must attend all classes on the day of the activity (such as an athletic game, athletic practice, field trip, or any other co- or extracurricular activity). Exceptions are allowed for excused absences.

TIERED SUPPORT FOR ATTENDANCE FOR SUCCESS

Absences	Response
Tier 1 *4 or fewer per quarter	School-wide attendance support and incentives: <ul style="list-style-type: none"> ● Classroom teachers in conjunction with the POD advisors track attendance on PowerSchool. Classroom teachers (of affected classrooms) are the first contact with families when the teacher realizes there is a chronic tardy or attendance issue per this tier. Teachers and POD advisors MUST log their attendance issue contact using the PIR (persistent incident report) protocol and maintain this record for per this attendance support policy (this implies that the teacher has called home and logged the proactive intervention call or contact for record.)
Tier 2 *5-8 absences per quarter	The POD advisor will call home to set up a meeting with the student, parents/guardians, school counselor, and teacher to discuss the: <ul style="list-style-type: none"> ● Student’s attendance history and the impact of absences on the student’s academic outcomes; ● Interventions or services available to support the student and family; and ● The potential intervention plans moving forward (lunch or after school) attendance and homework makeup time to recover lost classroom time, attendance contracts, support from home and/or loss of privileges as agreed upon by parents and teachers, etc.)
Tier 3 *9 - 12 absences per quarter	The school will call home, send an official follow-up attendance or chronic tardiness letter indicating student and family support plans that may include the following: <ul style="list-style-type: none"> ● PowerSchool grade changes to NG (no grade) in the class/classes impacted by the chronic tardies or absences until an attendance meeting has occurred, an attendance contract has been discussed and signed, and a commitment and plan to improve attendance by the student and family. ● Attendance meeting with the POD advisor, teacher, Dean of Students and/or Head Learners to develop positive plans of action to support the student outlining intervention strategies on campus; ● Possible referral to UpLift Youth Program (formerly Santa Fe County Teen Court), ENGAGE NM, and/or the McKinney Vento Program if required.
Tier 4 *13 or more absences per quarter	The school will continue to document official calls home and to outside support agencies along with sending an official attendance letter of documentation to inform the family, teacher and POD advisor indicating: <ul style="list-style-type: none"> ● Official written notices from administration; ● Establishment of additional non-punitive consequences and supports at school; ● Possible referral to JPO, CYFD and/or disenrollment from MdSCS.

*Note that the Attendance for Success Act considers that number of absences is for **any reason** - excused or unexcused. The only exception is for school athletics and activities, such as field trips.

Also, MDSCS reserves the right to use additional supports for students and families who are struggling to meet attendance expectations (ie. attendance contracts, counseling support, McKinney Vento contact, homebound attendance check-ins, differentiated attendance requirements for specific students, etc.)

ACADEMIC ELIGIBILITY for ACTIVITIES

A student must meet academic eligibility guidelines set by the [New Mexico Activities Association](#) to participate in school activities such as athletic events or practices, trips abroad, and extracurricular activities, including off-campus programs such as camping trips, field trips, and National Dance Institute of New Mexico. Specifically, *NMAA Rule 6.2.1* states a student “shall have a 2.0 grade point average with no Fs, 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 coaches and administration.

The MdSCS administration, Athletic Director, coach, or trip leader may, at any point before a trip, game or practice, request a student be declared ineligible due to major violations of the expectations in the Community Handbook or due to a significant decline in academic or behavioral performance. If needed, the determination of eligibility will take place in a hearing attended by the student; the student’s parent/guardian; the administration; the trip leader or coach; and the student’s advisor. The ultimate determination will be made by the Head Learner.

STUDENT RESPONSIBILITIES DURING ACTIVITIES

Field trips, athletic events and mentorship activities are an integral part of the MdSCS experience and are always planned at least one week prior.

If an assignment is due the day a student is absent for a field trip, athletic event, or mentorship activity, the student must turn in the work **within 24 hours after the due date**. In the case of an extended (more than one day) field trip, athletic event, or mentorship activity, individual arrangements must be made with the teacher.

The student is responsible for inquiring about and completing any homework assigned while the student is absent for a field trip, athletic event, or mentorship activity.

APPROPRIATE USE OF TECHNOLOGY

Appropriate use of technology requires all school resources be used in accordance with the following guidelines. Every MdSCS student and parent/guardian must agree to this policy:

- a. Use of my assigned MdSCS account and school-owned equipment must be in support of education and research and the educational goals of MdSCS.
- 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 United States or New Mexico law is prohibited. This includes, but is not limited to, threatening or obscene material, or material protected by copyright law.
- d. Commercial activity by for-profit institutions is prohibited.
- e. Product advertisement or political lobbying is prohibited.
- f. Students acknowledge they are aware the equipment assigned to them can be tracked and disabled at any moment at the discretion of MdSCS.**
- g. Students acknowledge they are aware the inappropriate use of electronic information resources can be a violation of local, state, and federal laws; and students can be prosecuted for violating such laws.**
- h. Students are not be permitted to use unauthorized electronic devices, including but not limited to cell phones, tablets, personal computers, gaming devices, and portable speakers during the school day, including the lunch break. **Use of an MdSCS-issued Chromebook is permitted.** High school students may apply for permission to use a personal computer if they need one for college classes, computer programming classes, or authorized extracurricular activity.
- i. Cell phones or other unauthorized electronic devices will be confiscated if seen, heard, or otherwise noticed on campus during the school day. Upon the first offense, the phone will be returned at the end of the day on which it was taken. Upon the second offense, the phone will be held in the school safe for one week. Upon the third offense, the phone will be held for one month. Upon 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, the parent/guardian must cover the cost of replacement.

- k. The school administration reserves the right to access and monitor school email accounts assigned to students and/or school assigned educational accounts at any time for the purpose of investigation of proper adherence to the school technology policies.
- l. A technology fee is assessed to all students at MdSCS every year. If a student damages or loses a chromebook or a charger a deductible will be charged to parents' account. If the student continues to break or lose the assigned equipment, it will be fully charged to the parents' account. An email will be sent to the parents with the reason for the charge. The school fees are posted every year during the registration process. The tech department reserves the right to assess charges for equipment not mentioned in this document in the event it is broken, lost or stolen.

DRIVING and OFF-CAMPUS PRIVILEGES

DRIVING AND PARKING ON CAMPUS

Any student driving a car and parking on campus must apply for a [Student Parking Permit](#), be registered with the MdSCS Front Office, and receive an MdSCS parking hang tag. The tag may be obtained only after the student presents a valid driver's license, proof of registration and insurance, and pays a fifteen dollar (\$15) fee. All students must park in the lower paved lot.

MdSCS has approximately fifty (50) parking spaces for students in the paved lower lot. The upper dirt lot is reserved for staff parking only. If we exceed 50 student parking requests, priority is determined by the administration based on grade level, bus service, after-school jobs, and community college classes.

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

Students who park on the MdSCS campus without a valid parking sticker may lose driving and parking privileges and/or may have the student's vehicle towed at the owner's expense. The money collected from parking permits will be used for parking and transportation-related needs.

OFF-CAMPUS PRIVILEGES

Students who earn off-campus privileges must have earned fifteen (15) credits and have a signed permission form from the student's parent/guardian acknowledging the student may leave campus during the school day. Off-campus privileges may be revoked if a student has excessive absences, tardies, or is failing multiple classes. The decision to revoke off-campus privileges would occur during a meeting with the student, parent/guardian, and administration to create an action plan to support the student.

Students approved for off-campus privileges may leave campus when not required to be in a class or activity. Off-campus privileges are 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 student may leave campus during lunch or free blocks unless the student is picked up and signed out by a parent/guardian.** Grade 10 students with a driver's license may apply for permission to drive to and from school but may **not** leave campus during the school day.

No student with off-campus privileges may take a student *without off-campus privileges* off campus during the school day. Violation of this policy may result in revocation of driving/parking privileges.

Any student leaving campus without permission will face appropriate disciplinary action and communication with the parent/guardian on the first infraction and a *Restorative Discipline Plan* on the second.

MdSCS maintains the right to revoke a student's off-campus and/or driving privileges if safety is compromised in any way. A student may have the student's parking permit revoked if the student drives dangerously or speeds on the MdSCS campus or in the Nava Adé or Las Soleras neighborhoods, leaves campus without permission, or takes other students off campus without permission. MdSCS also reserves the right to revoke parking permits for other detrimental behaviors, such as repeated tardiness, congregating in/near the student's car during the school day, or other violations of the Community Handbook.

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 MdSCS community stands for and will not be tolerated. All of the above are serious offenses and will be subject to serious consequences that may include a *Restorative Discipline Plan* and suspension.

Sexual harassment is a misuse of power creating an offensive, intimidating, and hostile environment and is a violation of school policy and state and federal law. 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 person. Bullying and cyberbullying includes any action a reasonable person should know will have the effect of placing another person in reasonable fear of physical harm or damage to the person's property or reputation.

Insulting or demeaning any person or group of persons in such a way as to disrupt or interfere with the school's mission or the education of anyone will not be tolerated and will be subject to discipline, including the signing of a *Restorative Discipline Plan*, and may lead to suspension.

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

LEGALITIES

SEARCH

School officials may search, with an adult witness, a student on school property or at a school event, if there is reasonable suspicion the student is in possession of an item that is illegal, unsafe, or against school rules. Items subject to search without notice to parents/guardians include student vehicles, purses, and bags (for example, backpacks and gym bags), school lockers, and other school property. Students are required to cooperate if asked to open purses, bags, lockers, or any vehicle brought on campus.

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 administration. Parents/guardians will be notified before such a mass search occurs.

CHILD ABUSE AND NEGLECT REPORTING RESPONSIBILITIES AND IMMUNITY

Pursuant to the New Mexico Abuse and Neglect Act (NMSA 1978 [§32A-4-3](#), as amended in 2021 and [§32A-4-5](#), as amended in 2009):

Every person, including a licensed physician; a resident or an intern examining, attending or treating a child; a law enforcement officer; a judge presiding during a proceeding; a registered nurse; a visiting nurse; a school employee; a social worker acting in an official capacity; or a member of the clergy who has information that is not privileged as a matter of law, who knows or has a reasonable suspicion that a child is an [abused or a neglected child](#) shall report the matter immediately to:

- (1) a local law enforcement agency;*
- (2) the [children, youth and families] department; or*
- (3) a tribal law enforcement or social services agency for any Indian child residing in Indian country.*

*After properly verifying the identity of the public official, **any school personnel** or other person who has the duty to report child abuse pursuant to Section 32A-4-3 NMSA 1978 shall permit a member of a law enforcement agency, including tribal police officers, an employee of the district attorney's office, [...] to interview a child with respect to a report without the permission of the child's parent or guardian. Any person permitting an interview*

pursuant to this subsection is presumed to be acting in good faith and shall be immune from liability, civil or criminal, that might otherwise be incurred or imposed by law, unless the person acted in bad faith or with malicious purpose. ([32A-4-3 NMSA 1978](#))

Anyone reporting an instance of alleged child neglect or abuse or participating in a judicial proceeding brought as a result of a report required by Section 32A-4-3 NMSA 1978 is presumed to be acting in good faith and shall be immune from liability, civil or criminal, that might otherwise be incurred or imposed by the law, unless the person acted in bad faith or with malicious purpose. ([32A-4-5 NMSA 1978](#))

SERIOUS VIOLATIONS of EXPECTATIONS

Students are required to report any serious incident to school administration. Failure to report is considered complicity. Our community relies on our students learning to report serious inappropriate actions as a member of our safe community. All reporting is kept confidential and will be addressed in order to maintain the safe and orderly functioning of our school.

With all major infractions, students are required to submit their cell phones and be prepared to write a statement describing the situation. This confidential statement is kept on file until the end of the year.

MdSCS expectations are designed to keep students safe and learning. Behavior that violates our community expectations and policies will not be tolerated on campus or at any off-campus school activity. Violations may result in a meeting with the student and the student's parent/guardian, school consequences, and/or Restorative Justice conversations with school counselors. For any offense involving alcohol, illegal drugs, violence, theft, or other serious violations the student may be referred to counseling, local law enforcement agencies, including the Santa Fe County Teen Court.

SAFE AND DRUG-FREE SCHOOL

The school complies with the federal [Safe and Drug-Free School and Communities Act](#). There will be no tobacco or cannabis product (including e-cigs or vape pens), alcohol, illegal drug, paraphernalia, or non-prescription drug use on campus or at any off-campus school activity. If a student is found to possess any of the above or is under the influence of any of the above, the student will be subject to disciplinary action and restorative justice conversations.

It is important to note that if a student has a problem with tobacco, alcohol, or drug use, MdSCS counselors are available to guide the student to programs supporting cessation. Reaching out to our counselors, prior to a disciplinary infraction, will **not** trigger disciplinary action.

FIGHTING OR PHYSICAL ASSAULT

Students are required to inform school administration of any impending fight potentials. Failure to report this in advance will result in disciplinary action. Attempting to fight on or off campus may result in disciplinary action and or a Restorative Discipline Plan that may be more restrictive than an ordinary Student Safety Plan.

Fighting or physical assault is a serious violation of MdSCS policy and local and state law and is not tolerated. Any student who strikes another student (whether or not in self-defense) will result in a meeting with the student and the student's parent/guardian, serious disciplinary consequences, and Restorative Justice conversations with the school counselors. Local law enforcement may be contacted.

WEAPONS

Weapons of any kind, as defined by the New Mexico [Criminal Code](#), are not permitted on campus or at any off-campus school activity. Any student who brings a firearm, knife, or multi-purpose object that can be used as a weapon will result in a meeting with the student and the student's parent/guardian to sign a *Restorative Discipline Plan*. In addition, possessing a weapon with intent to harm another human being may result in the notification of the authorities and expulsion, following federal and state laws and regulations. Weapon lookalikes are also not permitted at school.

THEFT OR VANDALISM

Theft or damage of school or personal property is disrespectful and will be subject to discipline and Restorative Justice conversations. Any student who steals or damages school or personal property on campus or during an off-campus school activity will result in a meeting with the student and the student's parent/guardian to sign a *Restorative Discipline Plan*. In addition, the student may be reported to law enforcement agencies pursuant to the New Mexico [Criminal Code](#).

ADDITIONAL EXPECTATIONS

APPROPRIATE DRESS

All members of the MdSCS community are expected to show respect for the diversity of our community by dressing appropriately. We have neither a uniform nor standardized dress; however, clothes referencing alcohol, drugs, tobacco, or advocating or glorifying violence, racism, or sexism are not permitted. Students violating these expectations for appropriate dress will be asked to change into more appropriate clothing. If violations of the appropriate dress policy continue, MdSCS will address the behavior as a disciplinary issue.

FUNDRAISERS & HEALTHY EATING HABITS

Fundraising is an important part of life at a charter school. Any fundraising activity must receive *prior* approval from the school administration or designated authority. This policy enhances the wellness of our students and reduces competition with all other school-sponsored and fund-raising activities.

To assist in the planning and approval for a fundraiser, members of the MdSCS community must submit **one week prior** to the event the [Fundraiser Permission Form](#).

To help our community make good decisions regarding healthy eating habits, MdSCS adheres to the USDA guidance for [Smart Snacks in School](#).

Note that MdSCS provides healthy breakfast and lunch that is prepared on campus that is free to our students. To maintain a safe schoolyard, we limit the number of cars coming and going. Therefore, no food deliveries from parents, fellow students, or delivery services are allowed during the school day.

LOST, STOLEN, OR DAMAGED PERSONAL PROPERTY

MdSCS does not replace personal technology, articles of clothing, or any other personal items that are lost, stolen, or damaged on school property or during off-campus school activities. Students are encouraged to leave expensive personal items at home. There is a free phone available to all students in the Front Office for local phone calls, and parents/guardians can always call the Front Office to have messages delivered to their children at school. The school is not responsible for damages to cars, bicycles, motorcycles, or private property of a student or family member on the property of MdSCS, including in the parking lot.

SKATEBOARDING/BIKING

Skateboarding and bicycling is not allowed on campus. A student bringing a skateboard or bike to school for off-campus use may do so, but the student must store the skateboard in an assigned locker/office or bike rack during the school day.

CONSEQUENCES of VIOLATING EXPECTATIONS

When students make poor decisions that cause harm, it is a learning opportunity. Consequences for acting against expectations and policies will be reasonable and proportional to the violation and will include repairing the damage that occurred to the community as a result of the violation. MdSCS uses Restorative Justice conversations to build and strengthen relationships when students have caused harm and disruption to the learning environment.

RESTORATIVE JUSTICE CONVERSATIONS AND SAFETY PLANS

When repeated disruptions to learning, or harm is caused, students are referred to the Head Learner, Assistant Head Learner, Safety & Culture Coordinator, Dean of Students and/or School Counselors for investigation and restorative conversations. Parents/guardians and advisors are promptly notified of both the incident and the school's response. The school prioritizes restorative justice approaches to address harm and rebuild community relationships. When additional measures are needed to ensure student safety; a Student Safety Plan (SSP) may be implemented. Student Safety Plans include specific agreements signed by students and parents to maintain a safe learning environment for all. Follow up services are also provided and appropriate support staff play a crucial role in providing support for behavioral improvement of said student.

COUNSELING

MdSCS school counselors provide support for our students in many different situations. They engage students in Restorative Justice circles that help restore relationships between students who have undergone conflict. They can connect students and families with therapists or community organizations that provide support.

SUSPENSION, IN-SCHOOL SUSPENSION AND LUNCH REFLECTION

Suspension is a serious consequence and is used to remove a student from the school community when the student is harming the community or because the severity of the student's actions merits temporary separation from the community. Upon return to school, the

student and the parent/guardian meet with the Head Learner, Assistant Head Learner or Dean of Students before returning to class. In most situations, the suspension is followed by restorative justice conversations with all students involved and the school counselor. In-school suspension (ISS) may be assigned when, per administration determination, a student's behavior warrants. Lunch reflection is a form of community service, combined with counseling, focused on the direct inappropriate behavior (s).

HEARING PROCEDURES

INFORMAL HEARING

Before a student is suspended from school for ten (10) days or fewer, the Head Learner or designee will conduct an informal hearing, including investigation of the alleged incident for which the student is accused and allowing the student to explain the student's behavior. If suspension results, parents will be notified. If the parent/guardian does not receive a notice within a reasonable time, the parent should call MdSCS.

EMERGENCY REMOVAL

MdSCS has the right to delay the informal hearing, and a student may be removed from school without an informal hearing if the administration determines the student poses a danger to self or another individual; to property; or poses an ongoing threat of disruption. Whenever a student is removed, the parent/guardian shall be notified as to when the informal suspension will be held. The hearing shall be scheduled within three (3) school days unless there are extenuating circumstances or it is mutually agreeable to both parties.

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 formal hearing. Students suspended for more than ten (10) days may request a formal hearing. During a formal 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 MdSCS Board. The parent/guardian or student may elect not to contest whether the student has violated the Code of Conduct (Community Handbook). An agreement may be negotiated in which parent/guardian or student waives the right to a hearing before a disciplinary hearing. The Head Learner or Head Learner's designee must approve such a waiver in accordance with Board policy.

MANIFESTATION DETERMINATION

For students who receive special services and have an Individual Education Plan (IEP) or a [Section 504 Plan](#) under the federal Rehabilitation Act of 1973, suspension beyond ten (10) school days or in increments that lead up to ten (10) school days requires a manifestation determination hearing. An IEP team must convene within ten (10) school days to determine whether the violation(s) of the Code of Conduct (Community Handbook) are related to the student's disability or whether the suspension was in accordance with the student'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 merits 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 the student needs if it is decided the suspension was appropriate.

HEARING OFFICER

A Hearing Officer will be appointed when a suspension is ten (10) days or more. Notice will be addressed to the student, through the student's parent/guardian, and shall be either personally delivered or sent through certified mail. The hearing will occur within five (5) 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 (Community Handbook) 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

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/guardian have waived the right to return to school or the 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; and
- 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/guardian, student, and the hearing authority.

DUE PROCESS AND STUDENT RIGHTS

The burden of proof lies with MdSCS Charter School.

The student and parent/guardian are afforded the following:

- the right to be represented by legal counsel or other designated representatives (at the parent/guardian or student's own cost);
- the right to present evidence that is not deemed immaterial or redundant by the hearing officer or MdSCS Board;
- the right to confront, question, and cross-examine witnesses;
- the hearing authority shall determine whether the alleged act has been proved by a preponderance of the evidence presented at the hearing;
- the hearing officer or the MdSCS board will tape the proceeding; and
- 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 (5) 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.

APPEAL PROCESS

The student or parent/guardian may appeal the decision of the formal hearing in writing, within receipt of the hearing officer or MdSCS administration within five (5) school days, and a formal review by the MdSCS Board must occur within fifteen (15) school days. The MdSCS Board shall provide a written response with concise explanation for its findings within ten (10) working days. The MdSCS Board review is the final step, and there is no further course of action by MdSCS.

REFERRAL TO LAW ENFORCEMENT AUTHORITIES

MdSCS 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 thirteen (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 eighteen (18).

RESOLUTION PROCESS

If a student or parent/guardian believes a school officials' decision affecting the student or parent/guardian is unfair or unreasonable, the student or parent/guardian is encouraged to express concern to the school official directly involved and immediately attempt to resolve the problem informally. If the concern cannot be resolved, the concern should be brought to an administrator's attention. If the problem is still not resolved, it is then referred to the MdSCS Board. For continued strong community relationships and for effective communication, MdSCS strongly encourages the parent/guardian and student to use our resolution process.

STEPS OF THE MdSCS RESOLUTION PROCESS

Step	Action
Step 1	Bring the concern directly to the individual involved. If satisfaction is not achieved or if the student or parent/guardian does not feel comfortable bringing the concern directly to the person involved, proceed to Step 2.
Step 2	Notify the Assistant Head Learner of the concern. To further clarify the concern, the AHL may request the concern be provided in written form. A verbal response will be provided within five (5) working days. If a response has not been received or if the response is not satisfactory, proceed to Step 3.
Step 3	Notify the Head Learner of the concern. To further clarify the concern, the HL may request that the concern be provided in written form, if that has not already been requested by the AHL. All invested members may be asked to attend a meeting to resolve the concern in a timely manner (within five (5) working days). The Head Learner may request a mediator if the concern requires objective assistance. If satisfaction is not achieved within ten (10) working days, proceed to Step 4.
Step 4	Notify the MdSCS Board of the concern. A meeting will be scheduled to present issues. A final decision will be made by the MdSCS 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/guardian or student eighteen (18) years and over, may hear testimony, and will act on the matter. The Head Learner and parent/guardian shall be advised in writing of the decision of the MdSCS Board.