

# **El Camino Real Academy Governing Council Policies FY 2017-2018**

A. Foundations and Basic Commitments

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D. Fiscal Management

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## **A.01 Mission Statement**

As a community school, ECRA serves students and families by fostering student awareness of their personal learning potential through academic and social-emotional intervention.

**Revised:** 7/17/14

## A.03 Nondiscrimination

El Camino Real Academy affirms its commitment to the rights of students, parents and employees, as set forth in Federal and State statutes, for nondiscriminatory treatment in relation to disability, race, ethnicity, color, sex, sexual orientation, gender identity, national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law, in all its programs and activities. Nondiscrimination shall include freedom from harassment and retaliation based on disability, race, ethnicity, color, sex, sexual orientation, national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law.

This policy shall be implemented by the Principal, or his/her designee, through processes delineated in the procedural directives cross-referenced below:

- Section 504/ADA Compliance: Students
- Section 504 of the Rehabilitation Act/Americans with Disabilities Act Compliance: Employees
- Section 504/ADA: Physical Access for Students, Parents, and Employees with Disabilities
- Gender Discrimination and Sexual Harassment: Employees
- Gender Discrimination and Sexual Harassment: Students
- Discrimination and Harassment: Employees
- Discrimination and Harassment: Students
- Disability Harassment: Students

### Administrative Position:

- Principal

### References

### Legal Cross Ref:

### Board Policy Cross Ref.:

- G.01 Equal Employment
- JB – Equal Educational Outcomes

### Procedural Directive Cross Ref.:

- Section 504/ADA Compliance: Students
- Section 504 of the Rehabilitation Act/Americans with Disabilities Act Compliance: Employees
- Section 504/ADA: Physical Access for Students, Parents, and Employees with Disabilities
- Gender Discrimination and Sexual Harassment: Employees
- Gender Discrimination and Sexual Harassment: Students
- Discrimination and Harassment: Employees
- Discrimination and Harassment: Students
- Disability Harassment: Students

**NSBA/NEPN Classification: AC**

**Approved:** October 23, 1991

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**Revised:** February 20, 1996

**Revised:** May 22, 2000

**Revised:** April 2001

**Revised:** February 2002

**Revised:** December 2002

**Revised:** January 2005

**Revised:** May 1, 2006

**Revised:** May 24, 2006

**Reviewed:** December 13, 2010

Use of tobacco at El Camino Real Academy is prohibited.

**Revised:**



## A.04 Tobacco Free Schools

Use of tobacco at El Camino Real Academy is prohibited.

**Approved:** 9/15/2011

## A.05 Video Surveillance

The Governing Council of El Camino Real Academy authorizes the use of *video only* surveillance cameras on School property to ensure the health, welfare and safety of staff, students and visitors to School property. Surveillance cameras are in use on the School's campus to promote safety, prevent crime, and protect School property.

Areas that may have cameras include hallways; parking lots; the School's front offices; gymnasiums; cafeterias; supply rooms; and classrooms and other locations where staff, students, and visitors have no reasonable expectation of privacy. Cameras will not be allowed in bathrooms, gym locker/changing areas, and private offices (unless consent by the office owner is given). Any person entering a School facility, on School property or at a School function is subject to being videotaped. The School will notify students/parents and staff through handbooks, and signs will be posted where cameras are in use.

Students or staff in violation of GC policies, administrative regulations, state or federal laws revealed through information caught on surveillance tape will be subject to appropriate discipline, including referrals to law enforcement agencies. Video recordings may become part of a student's education record or a staff member's personnel record.

The existence of this policy or the use of video camera surveillance does not imply or guarantee that cameras will be monitored in real time 24 hours a day, seven days a week.

The Executive Director/Principal shall develop appropriate use and notification procedures in compliance with all state and federal laws, including but not limited to laws applicable to record maintenance and retention.

### References:

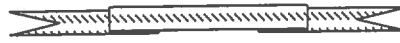
**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

- Employee Handbook (in process)
- Student Handbook (in process)

**Approved:** January 18, 2016

# **EL CAMINO REAL ACADEMY**



## **GOVERNING COUNCIL BYLAWS FY13**

### **ARTICLE I MISSION STATEMENT**

Together with parents and the community, El Camino Real Academy, (“ECRA”), a New Mexico public charter school created pursuant to the Charter Schools Act, NMSA 1978 §§22-8B-1, *et seq.*, is committed to creating a professional learning community that empowers students to learn the interconnection between real-world problem solving and academic success, which leads to mastery of life skills and recognition of the patterns that are intrinsic to all knowledge.

### **ARTICLE II NAME OF GOVERNING BODY AND SCHOOL**

The name of ECRA’s governing body shall be known as the “Governing Council,” and referred to in these bylaws as “The Council.”

### **ARTICLE III EQUAL OPPORTUNITY**

ECRA affirms its commitment to providing equal treatment of all of its students, parents and employees. Neither ECRA or the Council shall discriminate against any student, parent or employee on the basis of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition or sexual orientation or gender identity with respect to his/her rights, privileges, programs, activities, and/or in the administration of its educational programs and athletics/extracurricular activities.

### **ARTICLE IV GOVERNANCE AND TRAINING**

The Council has a responsibility to ensure that ECRA operates in accordance with all applicable laws and regulations, and meets its commitments to its authorizer, Albuquerque Public Schools (“APS”) Board of Education, and to the New Mexico Public Education Department (“NMPED”) as reflected in its charter. Council members have a responsibility to be familiar with the terms of the ECRA charter and legal responsibilities of public schools. Council members must become educated about public school laws and applicable rules and regulations. All ECRA Council members are required to attend annual mandatory training that explains New Mexico Public Education Department rules, policies, and procedures, statutory powers and duties of charter school governing bodies, legal concepts pertaining to public schools, finance and budget and other matter deemed relevant by the NMPED. In particular, the ECRA Council recognizes that the following New Mexico statutes and rules are applicable to public charter

schools and each member commits to take necessary steps to become familiar with these provisions:

- Charter Schools Act (NMSA 1978 §§ 22-8B-1 et seq.)
- School Personnel Act (NMSA 1978 §§ 22-10A-1 et seq.);
- Procurement Code (NMSA 1978 §§ 13-1-1 et. seq.);
- Open Meetings Act (NMSA 1978, §§ 10-15-1 et seq.);
- Public School Finance Act (NMSA 1978 §§22-8-1 et seq.)
- New Mexico Public Education Department regulations, (contained in Title 6 of the New Mexico Administrative Code).

To the extent ECRA has not specifically requested and been granted a waiver from a particular NMPED or APS Board of Education policy, those policies which have not been waived, shall apply.

## ARTICLE V GOVERNING COUNCIL POWERS AND RESPONSIBILITIES

The primary powers and duties of the Council are to:

1. Develop educational and operational policies for the ECRA;
2. Employ ECRA's head administrator, who shall be referred to hereafter as the "Principal," evaluate the Principal annually; and set the salary schedule for certified/licensed employees;
3. Charge the Principal with the responsibility of implementing the charter; employing, fixing the salaries of, assigning, terminating and discharging all ECRA employees; carrying out ECRA's policies and procedures, facilities plans, budget, and such other directives and policies adopted by the Council from time to time. The Governing Council shall not be involved in the day-to-day operations of the school;
4. Review, approve and monitor implementation of the annual ECRA budget;
5. Acquire, lease and dispose of property, both real and personal to the extent permissible by laws applicable to public charter schools;
6. Initiate lawsuits or take all necessary steps to protect the ECRA's interests;
7. Consistent with ECRA's budget authority, approve contracts for the repair and maintenance of all property belonging to the ECRA or for which ECRA is contractually responsible to maintain and repair, which authority may be delegated to the Principal up to an amount not exceeding \$7,500;
8. Enter contracts consistent with the ECRA approved budget for any service or activity that is required for ECRA to perform in order to carry out the educational program described in the ECRA charter. The Council may delegate its authority hereunder to the Principal for contracts not exceeding \$25,000, except in cases of employment contracts which shall be delegated to the Principal consistent with ECRA's budget authority and the Council's adopted salary schedule;
9. Develop, adopt and amend policies and procedures pertaining to the administration of all powers or duties of the Council and ECRA;
10. Accept or reject any charitable gift, grant, devise or bequest. Each particular gift, grant, devise or bequest accepted shall be considered an asset of the ECRA;

11. Approve amendments to the Charter prior to presentation to the APS for approval;
12. Make application to APS or then NMPED for capital outlay funds and to be included in APS's five-year facility plan;
13. Negotiate with APS to provide transportation to students eligible for transportation under the provisions of the Public School Code as deemed necessary and/or other services consistent with ECRA's charter;
14. Open other locations for operation of ECRA as consistent with the charter;
15. Address problems through the applicable dispute resolution processes according to policies and procedures;
16. Review and consider recommendations submitted by the Principal and other advisors to the Council;
17. Promote a cooperative relationship with its charter authorizer; to function in accordance with the New Mexico Charter School Act and resolve any dispute, which may arise between ECRA or its Council and APS officials or the APS School Board to the mutual benefit of the operation of ECRA and its authorizer/local supervisory authority; and
18. Such other powers and authorities as provided for by law.

## ARTICLE VI COLLECTIVE AUTHORITY OF COUNCIL

The Council will not be bound by any statement or action by an individual Council member, unless the Council, by majority vote in a properly convened meeting, delegates authority to that individual member to speak for or represent the entire Council. Unless acting pursuant to said express-delegated authority from the Council, no Council member shall undertake any individual action to implement any plan or action of the Council. When a Council member is assisting the Principal with implementing school policies, programs or other directives of the Principal the Council, in this role the Council member shall be considered a volunteer and have no special authority beyond that of a volunteer.

## ARTICLE VII COUNCIL MEMBERSHIP

1. Positions and Qualifications. ECRA Governing Council shall have no fewer than 5 (five), but no more than nine (9) voting members. The ECRA GC shall strive to have the following composition; at least one (1) parent who has a child currently enrolled in ECRA; with the balance of the council to be qualified individuals who have experience in business, education, law, finance, real estate and such other fields beneficial to ECRA's mission and the efficient, sound governance of ECRA. The candidates for positions on the Governing Council shall be considered 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 Council (including the requirement that each Council member shall regularly participate in the activities of at least one Council committee), and their commitment to acting in the best interests of ECRA as a whole, rather than for the interests of any particular person or group. The Council shall determine, prior to February 1 of each school year, whether the make-up of the Council shall be increased or otherwise changed.

2. Member Terms. There shall be no limit on the length of a member's tenure on the ECRA Council.

3. Vacancies. A vacancy on the Council caused an increase in the number of council members, a member's resignation, or a member's removal by vote of the Council, will be filled by majority vote of the remaining Council members. To fill any vacancy the Council shall convene to appoint a Nominating Committee who will recommend candidates to fill the vacancy. If Council membership falls below five (5) the vacancy shall be filled within sixty (60) days from creation of the vacancy. The Nominating Committee shall be one Council member and the Principal or his/her designee, who shall meet and solicit written applications, recruit potential candidates, and screen applicants and recruits for each of the positions on the Council to be filled. The Nominating Committee shall recommended candidates to the Council at a public meeting. The Council shall thereafter select new members by a majority vote.

4. Disqualifications/Nepotism Rule. In no event shall a Council member be an ECRA employee, spouse of another Council member, or have a contract for provision of services or property with ECRA. The Council will not initially employ as Principal a person who is a Council member (unless the offer of employment is contingent upon such member's resignation from the Council), the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, or daughter-in-law, sister, sister-in-law, brother, brother-in-law, or sibling (collectively "family members") of any Council member. Upon petition by the Principal, the Council may approve the Principal's hiring of the Principal's family members by majority vote at a public meeting. Prior to approving the Principal's request to hire said individual, the Council shall carefully consider the potential impact on the integrity, efficiency, discipline and public perception of ECRA in the employment of any person who is a family member of the Principal or the parent of a currently enrolled ECRA student. Nothing in this section shall prohibit the continued employment of a person employed on or before the adoption date of these Bylaws.

5. Attendance. 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 or designee 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 or designee of the Council in advance that he or she will be unable to attend a meeting, the Council member shall notify the President or designee in a timely manner following the meeting of the reason for his or her absence.

6. Removal from Council. A Council member may be removed by a majority vote of the remaining Council members for the following reasons:

- a. If a member misses two consecutive regular meetings or two out of six consecutive regular meetings except when such absence is due to exigent circumstances;
- b. If a member violates any policy or procedure adopted by the Council;
- c. If the Council determines that a member is not acting in the best interest or is otherwise obstructing the business of the Council;
- d. Violation of the member's duty of loyalty; or
- e. Any other ground the Council deems appropriate.

7. Resignations. A member shall state his/her intent to resign and the effective date of the resignation in writing to the Council President. A member's resignation shall be effective upon the date stated in the letter of resignation. A Council member becomes an employee of ECRA

will be deemed to have automatically resigned from his or her position on the Council, effective no later than the first day of his/her employment. \_\_\_\_

## **ARTICLE VIII**

### **OFFICERS OF THE COUNCIL**

1. Officers of ECRA Council. The officers of the ECRA Council shall be a president, a past-president, and a secretary/treasurer. ECRA may, by a majority vote, create different categories of officers without requiring an amendment to these bylaws. 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 Council, be performed by the next officer set forth in the following sequence: president, past president, secretary/treasurer.

2. Election and Tenure. All officers shall be elected by a majority vote of the Council. Officers shall serve for one (1) year terms; and be limited to a maximum of two (2) consecutive terms. Regular election of officers shall take place at the first regular meeting of the ECRA Council in February of each school year or until their successors have been duly elected and qualified, or until their death, resignation or removal. Officers’ terms shall begin at the meeting immediately following the meeting of the Council at which the officer is elected.

3. Resignations and Removal. An officer may resign at any time by giving written notice to the president or to the secretary, the acceptance of such resignation shall not be necessary to make it effective. An officer may be removed by the Council whenever in its judgment the officer fails to perform the duty of his/her office or such other duties as appointed by the Council, or the best interests of the School would be served thereby.

4. Vacancies. A vacancy in any office may be filled by a majority vote of the Council for the unexpired portion of the term of the officer being replaced.

5. President. The president of the Council shall preside at all meetings. She/he shall have the right, as other members of the Council, to make or second motions, to discuss questions, and to vote. The president of the Council may not take any action on behalf of the Council or ECRA without prior specific authority from a majority of the Council to do so. All communications addressed to the president shall be considered by him or her for appropriate action, which consideration may include consulting with legal counsel, and consideration by the Council. The president shall sign legal documents as required by law and perform such other duties as may be prescribed by the Council. It is the president’s responsibility to ensure that Council members uphold their commitments/responsibilities to the school. The president is responsible for compiling the topics for business to be placed on the agenda.

6. Past-President. The office of past president is created to ensure institutional continuity. If the past-president resigns from the Council, the Council shall elect a vice-president. The officer in this position shall perform the duties of the president in the absence of the president or at the request of the president. In the event a vacancy occurs in the presidency, the past-president or vice-president will act in the capacity of the president until the office has been filled by a vote of the Council membership.

7. Secretary/Treasurer. The secretary/treasurer shall be familiar with the fiscal affairs of the School and keep the Council informed thereof in the event that the school’s Business Manager is unable to so act. He/she will have knowledge of public school finance

laws, rules and policies and shall serve as the chair of the ECRA's Finance Committee and Audit Committee. He/she shall attend the PED Spring Budget Workshop and/or any other financial regulatory training recommended by the Council, Principal or the Business Manager. As secretary to the Council, this office shall keep the minutes of the Council meetings, subject to the direction of the president, ensure that all notices are given in accordance with the provisions of the charter, Council policies and as required by law; shall countersign, when required, all authorized contracts, deeds, leases, or other legal instruments; and in general perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to the secretary by the Council. The Council may appoint a designee to assist with the responsibilities of the Secretary as described herein, including recording and transcribing the minutes of the meetings, posting notices and agendas and preparing packets for the Council's review. The secretary will review the minutes prior to presentation to the Council for approval. The secretary or the Council's designee shall be responsible for presenting the minutes to the Council at meetings.

8. Compensation. The officers shall not be compensated for their services; however, they may be compensated for reasonable expenses in accordance with the New Mexico Mileage and Per Diem Act.

9. Directors and Officers Insurance. The Council may secure officers and directors insurance in excess of the coverage provided by the New Mexico Public School Insurance Authority upon appropriate approval of the Council and if provided for in the school's approved budget.

## ARTICLE IX COUNCIL COMMITTEES

1. Standing Committees. The Council may establish standing committees, which may consist of Council members and non-Council members. Committee assignments and chairmanships will be determined by action of the entire Council, provided that at least one Council member shall serve on each committee. Standing committees of the Council shall include a Finance Committee and Audit Committee as defined by NMSA 1978 §22-8-12.3(2010); and a Nominating Committee, as defined in Article VII, Section 3. The time and place of all committee meetings shall be announced to the Council. Except for the audit committee, all Council members may attend any committee meeting if the meetings are properly noticed pursuant to the Open Meetings Act when a quorum will be present.

2. Principal's Committees. The Principal is empowered to establish committees within the school that report to the Principal. The Principal shall advise the Council about the purpose of the committees and activities affecting the school.

3. Ad Hoc Committees. 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 with the Council.

4. Committee Functions. The function of Council committees will be fact-finding, deliberative, and advisory, rather than legislative or administrative. Committee recommendations that require school-wide policy changes must be submitted to the Council. The organization, responsibilities and rules of each committee created by the Council shall be reflected in a resolution approved by the Council. All committees shall keep written minutes of their



meetings, and shall periodically present written reports to the Council containing committee recommendations. Committees shall comply with the Open Meetings Act, when applicable.

## **ARTICLE X**

### **COUNCIL MEETINGS**

1. Council Meetings. The ECRA Governing Council will comply with the New Mexico Open Meetings Act. NMSA 1978 §10-15-1. Regular meetings of the Council will be scheduled as determined to be reasonable and necessary for ECRA and set forth in the Council's annual resolution. Council meetings will be held at 3713 Isleta Blvd. SW, Albuquerque, New Mexico, or such other location as may be determined by the Council. Special meetings of the governing body may be called by the Council president or at the request of a Council member, in accordance with the Open Meetings Act. The Council shall consider at least once annually what constitutes reasonable notice for all regular, special and emergency meetings as contemplated by the New Mexico Open Meetings Act and, thereafter, pass an appropriate resolution adopting policies and procedures for complying with the Act. The Resolution shall be posted for public information.

2. Council Agenda. The President of the Council shall set the council agendas. A request to have an item placed on the agenda must be submitted in writing to the President at least 24 hours prior to the required time the agenda must be posted. The President or designee shall provide a copy of the agenda and strive to provide all documentation to be considered by the Council at the meeting to each Council member at least 24 hours prior to the meeting. The agenda shall be posted for the public in accordance with the Open Meetings Act.

3. Council Record. A record of all actions of the Council will be set forth in the official minutes of the Council. The minutes and recordings will be kept on file pursuant to New Mexico record retention requirements. The Council will maintain a separate handbook of its minutes and resolutions passed by the Council, which shall be available for public inspection.

4. Council Minute and Records. The Council shall delegate responsibility for taking minutes of all Council meetings to the ECRA's administrative staff who shall provide thereof draft copy of the minutes to the Council Secretary prior to the next regular meeting of the Council. The Secretary shall present the draft minutes for approval at the next regular Council meeting. The Principal or his/her designee shall also supervise the Governing Council handbook of resolutions passed by the Council and the indexed record of action. A draft copy of the minutes shall be made available for public review by no later than 10 days after each meeting of the Council.

5. Quorum. A of the ECRA quorum shall consist of a simple majority of Council members in office. When a quorum is present any action may be taken by a majority vote of those members present.

6. Procedure. Roberts' Rules of Order, newly revised, will govern the Council, except when in conflict with applicable laws or regulations, which then prevail. Most action items are handled by appropriate motion procedures.

7. Attendance via Telephone Conference Call. Except to the extent otherwise provided by law, any meeting of the Council may be attended by any or all of the Council members by means of a conference telephone (or similar communications equipment) when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all

participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any other member of the Council who speaks during the meeting. Such attendance shall constitute presence by the Council member as if in person at such meeting and for purposes of determining a quorum. Any action taken by the Council at such meeting shall constitute a valid action of the Council.

## **ARTICLE X**

### **CONFLICT OF INTEREST POLICY**

1. General Principles. It is the responsibility of all Council members to conduct themselves in accordance with the highest standards of integrity, honesty, and fair dealing to preclude any appearance of a conflict between the interest of ECRA and the personal interests of the member. Likewise, it is the responsibility of the Council to ensure that the school conducts all its business and operations impartially in accordance with all laws. All hiring and other transactions imposing financial and/or legal obligations on ECRA shall be made with the best interests of ECRA as the foremost consideration.

The Council also recognizes that the ultimate success of ECRA depends upon the active participation, cooperation and collaboration of all stakeholders. Sometimes, the best interests of ECRA 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. ECRA therefore has established this policy to guide 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 a Council member permits the prospect of direct or indirect personal gain (or gain to a relative or Related Party) to influence improperly his or her judgment or actions in the conduct of ECRA business.

It is not practical to specify every action that might be considered to raise a conflict of interest. Consequently, Council members should immediately disclose to the Council any circumstance that may give rise to the appearance of a conflict of interest. The following situations describe examples of direct conflicts of interest that should be reported to the Council and avoided by Council members.

a. Acquiring, leasing, selling any property, facilities, materials, or contract services (e.g., financial, legal, public relations, computers) by ECRA under circumstances in which there is direct or indirect compensation to a Council member, or his/her relative or a Related Party of the member.

b. Using confidential information acquired by virtue of the member's associations with ECRA for their individual or another's private gain.

c. Requesting or receiving and accepting a gift or loan to the member or a Related Party that tends to influence the member or appear to influence the member in the discharge of his/her duties as Council members.

d. Influencing or having the appearance of influencing business with suppliers to ECRA, which results in the financial benefit to the member, his or her relatives or a Related Party.

3. Transactions with Interested Council Members. Neither the Council nor ECRA shall enter into a financial transaction with any Council member or a Related Party of a member unless during a public meeting: (a) the nature of the direct or indirect financial interest is fully disclosed to the Council; (b) the transaction is expressly approved by a majority of the Council

members present at such meeting who have no direct or indirect personal financial interest in the transaction; and (c) the Council has established that: (i) the transaction is financially no less favorable to ECRA than would be available in an arm's length transaction between unrelated parties; (ii) no Council member will be, as a result of ECRA entering the transaction in question, in a position to influence decisions relating to the questioned transaction and (iii) the benefits to ECRA outweigh any appearance of a conflict of interest. A written contract or other written memorandum shall evidence all such interested transactions approved by the Council, and be reflected in Council minutes.

4. Related Party. For purposes of these Bylaws, a "Related Party" is an individual, business enterprise, nonprofit organization or other entity with respect to which such Council member, or a relative of such a Council member (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.

5. Deliberations and Voting on Conflict Issues: In order to avoid conflicts of interest and the appearance of impropriety Council members shall not participate in any meeting, deliberation, or vote of the Council relating to (i) the discipline of himself or herself; (ii) discipline or employment decisions affecting any relative of the Council member; or (iii) the Council's consideration of any transaction affecting the member for purposes of determining whether a conflict of interest exists. Disciplinary matters pertaining to a Council member shall be held in an open meeting and may not be convened to a closed session unless the discussion may implicate matters properly exempted by the Open Meetings Act.

6. Violation of Conflict of Interest Policy. Upon discovery of a possible infraction of the ECRA Conflict of Interest Policy, the discovering party is required to immediately notify the Council president and Principal. The matter shall be considered and resolved at the next regularly scheduled meeting of the Council. If the Council decides that an ECRA employee, Council member, or volunteer has violated the conflict of interest rules or otherwise abused or attempted to abuse his or her position at ECRA, the Council shall review and recommend appropriate action.

7. Annual Disclosure Statement. Each Council member shall complete an "Annual Disclosure Statement," in which he/she is 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.

## **ARTICLE XI**

### **COUNCIL MEMBERS' ETHICAL OBLIGATIONS AND DUTIES**

1. Misuse of Position. A Council member shall not use his or her position at ECRA to attempt to influence the decision of any ECRA employee to grant special treatment to (a) the child or ward of the member, (b) any relative of the member, or (c) any "Related Party" as defined in Article X. Every Council member and every ECRA employee who is a parent or ward of a ECRA student shall inform his or her child that he or she is required to follow all rules, policies and procedures applicable to ECRA 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.

2. Commitment to Collaboration. All Council members shall work collaboratively with each other, with the sole goal of achieving ECRA's educational mission. The Council has

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

3. Confidentiality. 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. A member's obligation to maintain confidentiality shall survive the Council member's tenure on the ECRA Council.

## ARTICLE XII MISCELLANEOUS

1. Alternative Dispute Resolution Programs. The Council recognizes the existence and effectiveness of alternative dispute resolution programs. Use of alternative dispute resolution programs can result in the early, fair, efficient, cost effective, and informal resolution of disputes. Appropriate use of alternative dispute resolution methods by ECRA is hereby determined to be in the best interest of the school. The Council shall publish a thorough and concise set of dispute resolution policies and provide them in the appropriate School policy publications as they apply.

2. 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 originate from Principal, a Council member, Council advisors, or committees formed by the Council for the purpose of investigating and developing policy. Staff members, students, civic groups, parents or other interested citizens may request that a Council member or the Principal sponsor a proposed policy.

The Council will adhere to the following described procedure in considering and adopting policy proposals to ensure that such proposals are thoroughly examined before final action. After review, the Governing Council will make such proposed policies available where Council minutes are posted for public comment by affected stakeholders for a period of at least seven (7) days. Comments on the proposed policies must be submitted in writing to the Principal by the deadline specified by the Council or be given in person at the public meeting at which the policy will be considered by the Council. Following such public comment period, the Council shall consider those comments received by the deadline and determine whether changes to the initial draft policies should be implemented. After such consideration by the Council, and adoption of any recommended changes, the Council shall present its final recommended policies or revisions. The public comment process shall apply to all policies proposed by the Council after the date these Bylaws are adopted by the Council.

3. Amending Governing Council Bylaws. Any section or subsection of the Governing Council Bylaws that law may be altered, suspended or revoked only by 2/3 two thirds of a quorum vote of the Governing Council.

4. Signatory Authority. The Governing Council may by a majority vote, delegate authority to sign contracts as described by resolution, to the Principal consistent with Article V, paragraph 7 and 8. All checks must be signed by two authorized individuals, neither of which may be ECRA's business manager.

5. Dissolution of the Charter. If deemed advisable by the Council that ECRA's charter should be dissolved, ECRA in collaboration with the Albuquerque Public Schools and the New Mexico Public Education Department shall devise an appropriate plan for closing the school and transferring assets as required by the New Mexico Charter School Act and such other applicable laws and regulations.

### **CERTIFICATE OF ADOPTION**

The undersigned officers hereby certify that these Bylaws were duly adopted by the ECRA's Governing Council on May10, 2011.

By: \_\_\_\_\_  
President

See attached Board Minutes

## C.01 Principal's Authority and Responsibility

The Principal has the authority and responsibility of administering the School and the development of procedures to implement each policy of the Council.

The Principal has the authority and responsibility to employ, fix salaries of, assign, terminate or discharge all employees of the school, according to New Mexico State Statutes.

The Principal has the authority to approve and sign non-employment contracts in an amount not to exceed \$25,000. The Principal has the authority to approve contracts for repair and maintenance of the facilities not to exceed \$7,500.

**Board Bylaws Cross Ref.:** Governing Council Bylaws Section V items 7 and 8.

**Legal Ref.:** 22-5-4 NMSA 1978 (1986 Repl.)  
22-8B-5 NMSA 1978

**Approved:** 9/15/11

## C.02 Principal's Evaluation

An effective working relationship between the Governing Council and the Principal is essential to the successful operation of the School. The development and maintenance of such a relationship requires that a periodic review be done of the Principal's diverse responsibilities accompanied by an appraisal of the Principal's performance.

The Council will annually evaluate the Principal in compliance with New Mexico State Statutes, the State Board of Education's Educational Standards and any applicable grants, which require Principal evaluations.

Based on a process and criteria that are mutually agreeable to the Council and the Principal, the Council will evaluate the Principal's effectiveness. The evaluation document and procedures to be used will be reviewed and approved annually by the Council and the Principal.

The evaluation will be completed and presented to the Principal by May 1<sup>st</sup>.

**Legal Ref.:** 22-5-4 NMSA 1978 (1989 Repl.)

**Approved:** 9/15/2011

## C.03 Shared Leadership

The El Camino Real Academy Governing Council supports the implementation of shared decision making throughout the school's organizational structure.

The philosophy of shared decision making shall be evident in all components of the school's operation through the collaboration of personnel, students, parents, and community members to design and implement: (1) goals, (2) objectives, (3) plans of action, (4) evaluation methods, (5) responses to results of evaluation, and (6) reporting activities. Shared decision making shall support improved student achievement and effective delivery of programs and services.

While fully supporting these collaborative efforts, the council recognizes its ultimate authority and responsibility and that of the principal for decisions which impact the direction of education at El Camino Real Academy.

The Camino Real Academy Governing Council directs the principal to encourage and measure community involvement in shared leadership and to foster the collaborative efforts of school personnel, students, parents, and community members through: grade level Professional Learning Communities; parent organizations, and special committees for specific projects or problems when warranted.

Nothing in this policy shall preclude the identification and creation of other appropriate avenues of communication by school personnel, students, parents, and community members for development of policies, programs, short and long range planning, and activities of the school.

**Legal Ref.:** 22-5-4 NMSA 1978 (1989 Repl.)

**Approved:** September 28, 2011



## D.01 Budget Process

The adoption of the annual operating budget is the responsibility of the Governing Council. The budget process will include specific budget hearings allowing the Council to learn of the public's priorities and what the public believes should be the major focus areas of the School. School staff will also be given a specific opportunity to speak to various programs and matters of interest to the Council.

Following such hearings, the Council will identify priorities and give general instructions to the principal to prepare a balanced budget based upon its priorities.

Finally, the Council will debate and vote upon budgetary matters without further public hearings. The operating budget will then be approved by APS and included separately in the budget submission to the State Department of Education pursuant to the Public School Finance Act and the 1999 Charter Schools Act.

**Legal Ref.:** 22-5-4 NMSA 1978 (1988 Repl.)

**Approved: September 28, 2011**

## D.02 Investments

The charter school shall account for public money placed in any interest bearing account in accordance with 22-8-40 NMSA 1978, 6.10-17 and 6.10.31 NMSA, and any other federal and state laws which apply to the investment of public school funds.

**Legal Ref.:** §6-10-1 et. seq. NMSA 1978  
§22-8-37 through §22-8-42 NMSA 1978

**Approved: September 28, 2011**

## **D.03 Contracts**

State statute and regulation shall govern the issuance of contracts. El Camino Real Academy may require additional provisions in a contract between itself and any third party that is not specifically outlined in state statute or regulation.

### **Legal Cross Ref.:**

- §13-1-28 et seq. NMSA 1978
- 6.20.2.9 NMAC

### **Council Policy Cross Ref.:**

**Governing Council Bylaws Article V 7 and 8.  
C.01 Principal's Authority and Responsibility**

**Approved: September 30, 2011**

## **D.04 Central Purchasing**

To assist the Governing Council with its powers or duties pursuant to state statute, the principal and the business manager shall maintain a central purchasing department.

The central purchasing department may purchase, rent, lease or otherwise acquire on behalf of the school all items of tangible personal property or services. All purchases shall be in accordance with the applicable federal and state statute and regulation in addition to applicable Governing Council policies and administrative procedural directives. The principal shall appoint a certified Central Procurement Officer (CPO). The CPO may make a determination whether a service is a professional service, based on required licensure, continuing education requirements and type of service provided.

El Camino Real Academy will not operate any credit card, p-card or debit card (i.e. VISA, Discover). El Camino Real Academy will not enter into any agreements for provision of any other type of retail credit facility (for example, store credit accounts) without a specific resolution of the El Camino Real Governing Council.

The Governing Council shall reserve the right to review, approve or reject any procurement decision.

### **References**

#### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et.seq. NMSA 1978
- §22-8B-4 NMSA 1999

**Revision approved: September 30, 2011**

**Revision approved: May 15, 2014**

## **D.05 Financial System**

The principal and business manager shall establish and maintain for the school a complete, auditable financial system which meets all statutory and regulatory requirements of the State of New Mexico and more particularly the State Department of Education. In addition the financial system must provide information which allows for compliance with Generally Accepted Accounting Principles (GAAP), applicable Governmental Accounting Standard Board pronouncements and the Federal Uniform Grant Guidelines.

A complete set of financial statements shall be presented to the Governing Council each month. The Principal will insure that all required state and federal fiscal reports are filed timely. All funds over which the Governing Council has direct control shall be audited annually, as required by law.

A complete inventory of the district's property shall be maintained, as required by law

### **References**

#### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et. seq. NMSA 1978
- §22-8B-4 NMSA 1999

**Approved: September 30, 2011**

**Amended: May 23, 2016**

## **D.06 Internal Audit**

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

The internal auditor(s) will exercise independence in carrying out responsibilities outlined in this policy.

In accordance with the Council's By-Laws the school will have an Audit Committee. The Audit Committee will serve by evaluating the School's internal controls annually, determining the need and extent of in-house or external internal audit services, receiving internal audit reports and communicating and receiving the annual external audit report and findings.

The internal auditor function will independently review, evaluate, and report through audits and management studies the status of the following in the school, departments, and programs: financial condition; accuracy of financial and property record keeping; compliance with applicable laws, policies, guidelines, and procedures; and effectiveness and economy of operations.

The Internal Audit Committee may meet in Executive or closed session in accordance with the provisions of the Open Meetings Act.

Approved: September 30, 2011

## **D.07 Segregation of Duties**

The assignment of duties to staff members and/or contractors who have access to the El Camino Real Academy financial management system should be 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. Due to the small size of staff, 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 principal 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 principal and subject to any limitations (particularly in relation to authority to contract for goods or services) as the principal deems appropriate.

In order to provide maximum internal control, the business manager is not allowed to be have check signing authority. This allows the maximum internal control over cash and also allows the business manager to review bank operations without a conflict of interest.

### **References**

**Legal Cross Ref.:**

**Approved: September 30, 2011**

## D.08 Travel and Other Reimbursements

Employees and governing council members of the school may be entitled to reimbursement of registration fees, mileage, and other costs associated with authorized trips for official school business.

All travel (in state and out of state) must be approved in advance by the principal for reimbursement to be authorized. The approved Leave Request Form (LRF) will serve as formal authorization for the trip. A copy of the approved LRF 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.

**Legal Cross Ref.:**

**Approved: September 30, 2011**



## D.09 Operational Fund Cash Balances

El Camino Real Academy shall maintain an operational fund cash balance level within the parameters of applicable state law of its final budgeted operating expenditures. Finances of the school shall be managed to maintain these parameters.

For purposes of this policy, “operational fund” means the specific 11000 sub-fund of the general fund as designated by the New Mexico Public Education Department.

For purposes of this policy, “cash balance” means the total of the beginning balance of a specific fund plus revenue minus expenditures of that same specific fund.

### **Legal Cross Ref.:**

§22-8-5 NMSA 1978

§22-8-41 NMSA 1978

6.20.2 NMAC

**Approved: September 30, 3011**

## **D.10 Federal Programs**

The principal and business manager shall establish and maintain for the school processes for charging only allowable costs to Federal Awards and requesting reimbursement from Federal Awards. Procurement for Federal Programs is covered under Central Purchasing and proper recording of transactions are covered under Financial Systems.

These processes will include criteria for allowable costs, methods for verifying allowable costs, allocation of Salaries, Wages and benefits and other specifically purchased direct costs.

At this time, the school will not charge for indirect costs nor direct costs such as occupancy, utilities or communications.

### **References**

D.04 Central Purchasing

D.05 Financial System

### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et. seq. NMSA 1978
- §22-8B-4 NMSA 1999

**Approved: May 23, 2016**

## E.01 Safety

The policy of the El Camino Real Academy Governing Council is to take all reasonable steps to safeguard employees, students, and the public from accidents and to provide a safe, healthy work and educational environment.

**Procedural Directive Cross Ref.:** School Safety Plan

**Approved: September 30, 2011**

## E.02 Food Services

El Camino Real Academy Governing Council and staff recognize that students are not able to learn when they are hungry and it is our desire that no child would go hungry during the school day.

USDA approved meal programs such as the El Camino Real Academy Food and Nutrition Services must follow regulations stating that any losses arising from uncollectible accounts are unallowable. All meal charges must be paid in a timely fashion.

The school will be implementing Provision 2 procedures as soon as reasonably possible to provide the maximum benefit to our students. The school will also participate in the breakfast in the schools program.

**Approved: September 30, 2011**

## E.03 Security of Digital Information

El Camino Real Academy shall ensure proper security measures for district data and data systems. This may include, but is not limited to:

- Appropriate access controls
- Data security measures
- Network security measures
- Oversight of employee and student online internet use

The superintendent, or his/her designee, shall develop administrative procedural directive to ensure district data, data systems security measures and internet usage are properly monitored and reviewed.

### References

#### Legal Cross Ref.:

- Health Insurance Portability and Accountability Act
- Gramm-Leach-Bliley Act
- Family Educational Rights and Privacy Act
- FCC 11-125

#### Board Policy Cross Ref.:

- G.09 Acceptable Employee Use of Technology
- I.10 Student Internet Acceptable Use policy

#### Procedural Directive Cross Ref.:

- Internet Safety Procedural Directive

**Revision approved: June 21, 2012**

# **G.01 – Personnel Goals and Staff Development**

El Camino Real Academy shall encourage all personnel to pursue a program of continued growth. To assist employees in assuming this responsibility, El Camino Real Academy shall provide employees with staff development opportunities.

## **References**

### **Legal Cross Ref.:**

- §22-10A-19.1 NMSA 1978

**Revision approved: December 12, 2012**

## **G.02 – Personnel Evaluations**

The Principal, or his/her designee, shall maintain a system of evaluation for all personnel in compliance with federal and state law and regulation. Personnel evaluations also shall be utilized to monitor the employee's program of continued growth.

### **References**

#### **Legal Cross Ref.:**

- §22-10A-1 et. seq NMSA 1978

#### **Board Policy Cross Ref.:**

- G.01 – Personnel Goals and Staff Development
- ECRA Employee Handbook

**Revision approved: December 12, 2012**

## **G.03 Staff Reporting System**

The principal and business manager shall establish and maintain for the school a complete, auditable staff reporting system which meets all statutory and regulatory requirements of the State of New Mexico and more particularly the State Department of Education.

### **References**

**Legal Cross Ref.:**

**Approved: December 12, 2012**



## **G.04 Verification of Experience and Training**

The principal or business manager shall document in an employee's file verification of experience and educational training in accordance with the position parameters, funding source and procedures set forth by the New Mexico Public Education Department and required by New Mexico statute.

The information must also be maintained in the staff reporting system.

### **References**

#### **Legal Cross Ref.:**

- §22-8-24 NMSA 1978

#### **Board Policy Cross Ref.:**

G.03 Staff Reporting System

**Revision approved: December 12, 2012**

## **G.05 – Equal Opportunity Employment**

ECRA is an equal opportunity employer and will recruit, hire, train, and promote in all job titles without regard to race, color, religion, sex, national origin, age, physical or mental handicap, sexual orientation, or status as a disabled veteran or veteran of the Vietnam era.

ECRA will base employment decisions on principles of equal employment opportunity with the intent of furthering ECRA's general goals expressed in its Mission. This policy governs all aspects of employment at ECRA including hiring, assignments, training, promotion, upgrading, demotion, downgrading, transfer, lay-off, termination, compensation, employee benefits, discipline and other terms and conditions of employment.

### **References**

#### **Board Policy Cross Ref.:**

- A.03 Non-Discrimination

#### **Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved:** December 12, 2012

## G.06 – Background Investigations

El Camino Real Academy shall conduct background checks, based upon fingerprint identification, of all prospective employees and all current employees every two years

El Camino Real Academy shall conduct background checks, based upon fingerprint identification, of all district contractors and contractor employees who may have unsupervised access to students. These background checks will be required every two years.

El Camino Real Academy shall conduct background checks, based upon fingerprint identification or other personal identifying information, of all volunteers who may have unsupervised access to students. These background checks will be required every two years.

**Administrative Position:** Principal, Business Manager

### References

#### Legal Cross Ref.:

- §22-10A-5 NMSA 1978
- §22-14-32 NMSA 1978
- §22-5-17 NMSA 1978

#### Procedural Directive Cross Ref.:

- Employee Handbook
- Parent/Student Handbook

**Revision approved:** December 12, 2012

## **G.07 – Staff Standards of Conduct**

El Camino Real Academy personnel shall maintain the highest standard of conduct and act in a mature and responsible manner at all times. El Camino Real Academy personnel shall not engage in activities which violate federal, state or local statutes and regulations or which, in any way, diminish the integrity, efficiency or discipline of the district. Employees shall be required to comply with administratively established standards of conduct.

El Camino Real Academy staff shall maintain appropriate professional behavior while working with students and refrain from harassment, malicious or prejudicial treatment, or abridgement of student rights.

Employees of El Camino Real Academy shall serve as positive role models for students and set good examples in conduct, manners, dress and grooming. Employees shall be suitably attired and groomed during working hours and while attending district-sponsored events.

### **References**

#### **Legal Cross Ref.:**

#### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination
- G.05 Equal Opportunity Employment

#### **Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: December 12, 2012**

## **G.08 – Conflicts of Interest**

Employees are prohibited from using confidential information acquired by virtue of their associations with El Camino Real Academy 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 appears to influence them in the discharge of their duties as employees. Business with suppliers to El Camino Real Academy 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 El Camino Real Academy.

### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978

### **Board Policy Cross Ref.:**

- Bylaws of the Governing Council

### **Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: December 12, 2012**

# **G.09 – Acceptable Employee Use of Technology**

The use of district technology resources shall be considered a privilege granted to employees for the enhancement of job-related functions. Employees may have limited access to these resources for personal use. Any personal use shall comply with the professional standards and administrative procedural directives outlining acceptable use of technology resources.

All employees have the responsibility to educate, supervise and monitor appropriate usage and conduct of students when on the internet.

Violations of this policy may result in the revocation of this privilege. Employees may face disciplinary action up to and including termination, civil litigation, and/or criminal prosecution for misuse of these resources.

## **References**

### **Legal Cross Ref.:**

### **Board Policy Cross Ref.:**

- E.03 Security of Digital Information
- I.10 Student Internet Acceptable Use Policy

### **Procedural Directive Cross Ref.:**

- Internet Safety Procedural Directive

**Revision approved: June 21, 2012**

## **G.10 – Leave and Holidays**

The school shall grant employees personal leave (inclusion of sick and vacation) pursuant to the employee's position. The principal shall establish appropriate formulas, rules and designations for leave.

The Governing Council annually shall approve recognized holidays for year round employees and any changes to the leave formulas, rules or designations for leave.

**Administrative Position:** Principal and Business Manager

### **References**

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

- G.11 Donation of Annual and/or Personal Leave

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: October 29, 2012**

## **G.11 – Donation of Personal Leave**

Employees of El Camino Real Academy may donate, upon appropriate approval, personal leave hours to another school employee who has exhausted their personal leave in the event of an extreme health situation of the employee or an employee's immediate family member. The principal shall develop an administrative procedural directive to further clarify and implement this donation.

**Administrative Position:** Principal and Business Manager

### **References**

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

- G.10 Leave and Holidays

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: October 29, 2012**



## **G.12 - Staff Wellness and Welfare**

El Camino Real Academy shall maintain a coordinated school health and wellness program to maintain healthy staff. This program shall promote the Coordinated School Health Model, which includes the following eight components:

- Nutrition
- Physical Education and Activity
- Family, School and Community Partnership
- Health Education and Life Skills
- Healthy and Safe Environment
- Social and Emotional Well-Being
- Health Services
- Staff Wellness

**Revision approved: January 17, 2013**

## **G.13 – Reporting Child Abuse or Neglect**

Any and all El Camino Real Academy employees knowing or reasonably suspecting that a child has suffered injury or injuries (physical, sexual, emotional, or psychological) as a result of abuse or neglect shall immediately report the matter to New Mexico Children, Youth and Families Department (CYFD) at (505) 841-6100, 800-797-3260, or [cyfd.org](http://cyfd.org)

**Administrative Position:** Principal and Business Manager

### **References**

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: January 17, 2013**

## G.14 – Drug Free Workplace

El Camino Real Academy prohibits the sale, use, possession, transfer of, or being under the influence of alcohol, narcotics, hallucinogens, inhalants, or drugs or possession of drug paraphernalia by an El Camino Real Academy employee in the workplace, on school property or at any school-sponsored activity. Any employee found to be engaging in any of the above behaviors shall be subject to appropriate disciplinary measures.

As a condition of employment individual employees shall notify their supervisor within five (5) business 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 shall immediately notify the principal, or his/her designee, in compliance with federal law.

The school shall educate employees about provisions of this policy and related administrative procedural directives, available school and community counseling and referral services and the penalties involved for drug violation convictions.

**Administrative Position:** Principal and Business Manager

### References

**Legal Cross Ref.:** Drug Free Workplace Act of 1988  
Drug-Free Schools and Communities Act Amendments  
U.S. Controlled Substances Act  
New Mexico Controlled Substances Act. NMSA 1978 §§30-31-1 et seq

**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: January 17, 2013**

## **G.15 – Nepotism**

El Camino Real Academy shall comply with all applicable state and federal statutes regarding nepotism. The Governing Council, Principal, and all employees of El Camino Real Academy shall not engage in nepotism in any of their operations or hiring practices. El Camino Real Academy shall not initially employ or approve initial employment in any capacity a person who is a family member of a Governing Council member, the Principal, or the individual responsible for the hiring and/or supervision of that family member.

**Administrative Position:** Principal and Business Manager

### **References**

#### **Legal Cross Ref.:**

- §22-5-6 NMSA 1978
- §22-8B-10 NMSA 1978

#### **Board Policy Cross Ref.:**

- Article X Bylaws of the Governing Council
- G.08 – Conflicts of Interest
- G.07 Staff Standards of Conduct

#### **Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: March 20, 2017**

## **G.16 – Whistleblower Complaints**

The Governing Council and Principal shall not permit unlawful or unethical behavior by school employees. El Camino Real Academy shall provide employees a means to confidentially file, in good faith without fear of retaliation, whistleblower complaints regarding such conduct. These complaints shall be fully investigated by the Governing Council Internal Audit committee, Principal and/or by his/her designee.

The Principal shall develop a process to implement this policy.

**Administrative Position:** Principal and Business Manager

### **References**

#### **Legal Cross Ref.:**

- §22-5-6 NMSA 1978
- §22-8B-10 NMSA 1978

#### **Board Policy Cross Ref.:**

- D.06 – Internal Audit

#### **Procedural Directive Cross Ref.:**

**Revision approved: March 20, 2017**

# H.1 – Employee Relations

It is the policy in this El Camino Real Academy to

1. allow employees to organize and bargain collectively with the Governing Council;
2. promote harmonious and cooperative relationships between these parties;
3. protect the rights of employees who do not desire representation; and
4. protect the public interest by assuring at all times, the orderly and uninterrupted operations and functions of El Camino Real Academy.

Nothing contained in this policy shall be construed to limit, impair, or affect the right of any employee to express a view or grievance, complaint, or opinion on any matter related to the conditions or terms of employment, so long as the same does not interfere with the full, faithful, and proper performance of the employee's duties.

**Administrative Position:** Principal and Business Manager

## References

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

**Revision approved: March 20, 2017**

## **I.01 Instructional Program**

Instruction at ECRA will aim to provide maximum opportunity for learning for all students. Learning activities will be appropriate to the individual needs and developmental levels of the students. Programs of study made available to the students will be consistent with policies of the New Mexico Department of Education. The Principal will submit reports to the Governing Council evaluating various aspects of the program of instruction and making recommendations for improvement in the program, including revising, dropping, or adding courses of instruction.

### **Middle School Required and Elective Program**

The Principal is authorized to provide a process for the approval of middle school instructional programs within the regulations established by the New Mexico Department of Education. The middle school may combine required subjects in any pattern that accomplishes state competencies.

### **High School Required and Elective Programs for Graduation**

Graduation requirements will be established in accordance with New Mexico Department of Education regulations. Additionally, in accordance to New Mexico Department of Education course requirement for health curriculum, one unit of health education will be a required high school graduation course.

Parents can request an exemption from the parts of the health education curriculum that addresses the sexuality performance standards. An exemption form is available for parents to complete if they choose to have their child opt-out of these parts of the curriculum. Established alternative lessons will be taught for the exempted parts of the curriculum.

Upon approval of the New Mexico Department of Education, the school may waive or substitute courses that are required for graduation whenever it can be verified that waiving the requirement is in the best interest of the student.

### **High School Elective Credit**

The Principal is authorized to provide a process for the approval of high school elective credits within regulations established by the New Mexico Department of Education. The Principal will develop procedures to ensure that elective courses will have academic value, adequate contact time, and articulated student competencies. Procedures will also be developed for new elective courses to be evaluated at the end of two years.

### **Special Education Graduation**

The Principal is authorized to insure that the Multi-Disciplinary Team follows State and

Federal law in developing an appropriate IEP for Special Education Student graduation requirements.

### **English Language Learners**

The Principal is authorized to insure that the School follows State and Federal law in developing an appropriate program for English Language Learners.

### **Bilingual Program**

The Principal is authorized to insure that the School follows State law in developing an appropriate program for Bilingual students.

**Revision approved: July 21, 2011**



## **I.02 School Year Calendar**

The principal, or his/her designee, shall present the Public Education Department's School Calendar annually to the Governing Council for review, amendment and approval during the budget process.

The principal, or his/her designee, shall annually solicit parents, community partners, school staff to develop recommendations for the school year calendar. The recommendations shall comply with federal and state statute and law and regulation.

The Governing Council reserves the right and authority to change the adopted school year calendar during the school year if it is in the best interest of the school.

### **Administrative Position:**

- Principal
- Business Manager

### **References**

#### **Legal Cross Ref.:**

- §22-2-8.2 NMSA 1978

**Revision approved: May 16, 2013**

## I.03 Treatment of Religious Issues

The Governing Council endorses a neutral stance in matters involving religion. The School will adhere to the following guidelines: The school year calendar will be planned to avoid conflict with religious holidays. In case of conflict, students will be allowed non-penalized absences to observe religious holidays.

The sacred literature of all faiths may be studied only for its historical, artistic, cultural, literary, or other secular importance. Religious exhibits, music, or display of religious objects or symbols are permissible only if they are used as learning materials in these studies.

School facilities may be used by religious groups outside of school hours or when such use will not conflict or interfere with the school program.

The School will not conduct or sanction any invocations, benedictions, or formal prayers at the graduation ceremony.

### **Board Policy Cross Ref.:**

**Cross Ref.:** ECRA Student/Parent Handbook 

**Revision approved: May 16, 2013**

## **I.04 Instructional Materials**

Required textbooks will be issued free to students. The Principal or the Principal's designee is responsible for establishing and enforcing rules and regulations relating to textbooks. Compensation will be made by students in case of lost, destroyed, or unnecessarily damaged textbooks.

Every student will have a textbook for each class that conforms to curriculum requirements and that allows students to take those textbooks home.

Approved: October 14, 2008

Revised: July 17, 2014

# **I.07 Student Travel: Field And Activity Trips**

## **Field Trips**

The Governing Council authorizes the Principal or his/her designee to approve field trips for students. A field trip is defined as a school sponsored first-hand education experience to supplement class activities for students away from the campus.

Students who participate in field trips to supplement class activities must have the approval of the principal and prior written consent from the parent or guardian obtained in writing prior to the trip.

## **Activity Trips**

"Activity trips" are non-educational in nature and are used to reward academic, athletic or behavioral accomplishments.

The Governing Council authorizes the Principal or his/her designee to approve activity trips that are non-educational in nature providing that the trips have been defined and structured as part of the educational environment.

## **Unauthorized Travel: "Senior Trips"**

The school does not sponsor "senior trips". "Senior trips" fail to meet the criteria for field or activity trips and, therefore, will neither be supported nor sponsored by the School. Companies that sponsor "senior trips" or their agent(s) are not permitted to use school property and/or other resources to promote such trips. School employees or students who chose to represent companies promoting "senior trips" will be considered agents of the Company. Companies who sponsor "senior trips" will be responsible and liable for any and all accidents, injuries, suits, etc., which may occur as a result of such travel.

**Procedural Directive Cross Ref.:** [Activity Trips & Field Trips](#)

**Revision approved: May 16, 2013**

# I.08 Reports to Parents on Student Progress

A periodic system of grading and reporting to parents/guardians will be maintained at the various grade levels throughout the school.

**Revision approved: May 16, 2013**

## **I.09 Teaching About Controversial or Sensitive Issues**

The Governing Council encourages the objective study of controversial issues. Provisions will be made, as directed by the Principal, for review of lesson plans, student or parent objections to presentations or to print or multi-media instructional materials in accordance with related policies and handbooks.

### **Board Policy Cross Ref.:**

- K.01 Parent Involvement
- I.03 Treatment of Religious Issues
- Parent/Student Handbook

**Revision approved: May 16, 2013**

# **I.10 Student Internet Acceptable Use Policy**

El Camino Real Academy Charter school provides technology resources to its students for educational purposes. The goal of providing these resources is to promote educational excellence.

Proper behavior, as it relates to the use of computers, is no different from proper behavior in all other aspects of APS activities. All users are expected to use the computers and computer networks in a responsible, ethical, and polite manner. Violation of this policy is grounds for school disciplinary action.

## **Board Policy Cross Ref.:**

- G.09 Acceptable Employee Use of Technology
- E.03 Security of Digital Information

## **Procedural Directive Cross Ref.:**

- Internet Safety Procedural Directive

**Revision approved: June 21, 2012**

## I.11 Special Education

El Camino Real Academy shall provide a free appropriate public education for all students with disabilities. The Principal shall develop and implement administrative procedural directive(s) that comply with the Individuals with Disabilities Education Act, its implementing regulations, and state regulations established pursuant to 20 U.S.C. Section 1412.

**Administrative Position:** Principal

**Department Director:** Special Education Coordinator

### References

**Legal Cross Ref.:**

- 20 U.S.C. 1400 et seq.
- 34 CFR Part 300
- NMAC 6.31.2

**Board Policy Cross Reference:**

- I.01 Instructional Program

**Procedural Directive Cross Ref.:**

- Special Education Procedural Directives

**Revision approved: May 16, 2013**



# **J.01 – Equal Educational Outcomes**

El Camino Real Academy shall educate all students in its schools regardless of race, ethnicity, disability, religion, sex, or citizenship status.

El Camino Real Academy shall strive to integrate innovative educational programs to address the diverse needs of students, ensure that each student succeeds, and close the educational gap.

## **Administrative Position:**

- Principal

## **References**

### **Legal Cross Ref.:**

- Plyler, v. Doe, 457 U.S. 202, 102 S. Ct. 2382 (1982)
- State of New Mexico Constitution, Article XII, Section I
- §22-1-4 NMSA 1978

### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination

**Approved:** July 17, 2014

## **J.04 – School Attendance Area**

El Camino Real Academy does not have an attendance area and is not subject to the “Open Enrollment Act.” Students who reside within the school’s attendance area do not have preference over any other student who wants to attend the charter school. A student who wishes to transfer from another school is admitted only through the lottery process.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-8-B4.1 NMSA 1978

#### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination

**Approved: July 17, 2014**

## **J.05 – School Lottery**

El Camino Real Academy uses a first-come, first-served basis or through a lottery selection process if the total number of applicants exceeds the number of spaces available. Enrollment preference is given to: 1) students who have been admitted to the charter school through an appropriate admission process and remain in attendance through subsequent grades; 2) siblings of students already admitted to or attending the same charter school, and 3) children of an employee of the school

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-8-B4.1 NMSA 1978

#### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination
- J.04 School Attendance Area

**Approved: July 17, 2014**

## **J.06 – Student Enrollment Requirements**

Upon initial enrollment of a student in El Camino Real Academy, the student and/or parent/legal guardian shall present the student's birth certificate or other satisfactory evidence of the student's age to the district.

Upon initial enrollment, the student and/or parent/legal guardian shall provide the district with evidence that the student is in compliance with immunization requirements under New Mexico state statute.

Students who are homeless and are provided protections under federal law shall be required to follow appropriate enrollment procedures as outlined in federal law.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-8-2 NMSA 1978
- §22-12-2 NMSA 1978
- §24-5-1 NMSA 1978
- §24-5-1 to §24-5-6 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.06 Student Compulsory Attendance

**Approved: July 17, 2014**

## J.07 – Student Compulsory Attendance

El Camino Real Academy shall comply with New Mexico state statute which requires that all children who range in age from five (5), prior to 12:01 a.m. on September 1 of the current school year and students under the age of eighteen (18) years who have not yet graduated from high school or received a general educational development certificate attend scheduled classes unless officially excused.

Compliance with El Camino Real Academy attendance policies and procedural directives shall be the responsibility of the parent/legal guardian.

### Administrative Position:

- Principal

### References

#### Legal Cross Ref.:

- §22-8-2 NMSA 1978
- §22-12-1 et seq. NMSA 1978

#### Board Policy Cross Ref.:

- JH Student Absences and Excuses

**Revised: July 17, 2014**

## J.08 – Student Absences and Excuses

If a student must be absent, the parent/legal guardian shall follow the school's notification process for absences. El Camino Real Academy shall consider a student in need of intervention at five (5) unexcused absences and a habitual truant at ten (10) unexcused absences in one school year.

### Administrative Position:

- Principal

### References

#### Legal Cross Ref.:

- §22-12-9 et seq. NMSA 1978

#### Board Policy Cross Ref.:

- J.07 Student Compulsory Attendance

Revised: July 17, 2014

## **J.09 – Release of Students**

School or class shall not be dismissed before the regularly scheduled hour for dismissal except with the approval from the principal, or his/her designee.

Custody of a student shall be relinquished by school personnel only to the parent/legal guardian or a student's emergency contact as identified by the parent/legal guardian.

In extenuating circumstances, school personnel may relinquish custody of a student to law enforcement; however, in every case of an arrest of a student, El Camino Real Academy shall attempt to notify the student's parent/legal guardian.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

#### **Board Policy Cross Ref.:**

- J.08 Student Absences and Excuses

**Revised: July 17, 2014**

## **J.10 – Student Code of Conduct**

Students shall be responsible for attending school and participating in the educational process.

El Camino Real Academy shall establish expected conduct of students in school and at all school sponsored activities. Students shall be responsible for knowing and understanding the expected conduct and aligning their behavior with that expected conduct.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-5-4.3 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.08 Student Absences and Excuses

**Revised: July 17, 2014**



## **J.11 – Student Dress Code**

El Camino Real Academy may adopt student uniform dress codes. The school shall develop, implement and document processes used to ensure thorough community input and community support for a student uniform dress code. The school shall provide accommodations for families who require financial assistance with the cost of uniforms.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-5-4.3 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.10 Student Code of Conduct
- J.12 Student Discipline

**Revised: July 17, 2014**

## **J.12 - Student Discipline**

El Camino Real Academy shall strive to provide and maintain a safe, fair, affirmative, and appropriately challenging environment that promotes learning and positive personal growth. 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. Administrators shall use the progressive discipline procedures and options specified in administrative procedural directive.

El Camino Real Academy encourages parent/legal guardian involvement in matters of school discipline. Parents/legal guardians shall be advised of disciplinary measures taken to elicit their understanding and support. Schools shall maintain a record of disciplinary actions taken.

Corporal punishment shall be prohibited at El Camino Real Academy.

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.13 - Student Drug and Alcohol Use**

El Camino Real Academy prohibits the sale, use, possession, transfer of, or being under the influence of alcohol, narcotics, hallucinogens, inhalants, or drugs or possession of drug paraphernalia on district property or at any district-sponsored activity. Any student found to be engaging in any of the above behaviors shall be subject to appropriate interventions and/or disciplinary measures.

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.14 - Student Wellness and Welfare**

El Camino Real Academy shall maintain a coordinated school health and wellness program to maintain healthy students. This program shall promote the Coordinated School Health Model, which includes the following eight components:

- Nutrition
- Physical Education and Activity
- Family, School and Community Partnership
- Health Education and Life Skills
- Healthy and Safe Environment
- Social and Emotional Well-Being
- Health Services

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.15 - Bullying Prevention**

El Camino Real Academy shall foster a safe, respectful, and fear-free environment for all members of the school community including students, staff, parents, community partners, and visitors.

The Principal shall implement administrative procedural directive(s) to prevent bullying of all forms and to provide a safe, respectful, and fear-free environment to assist student learning, achieve high academic standards, and establish a positive educational environment. All members of the school community shall be aware of the Governing Council's expectation of a safe, respectful and fear-free environment, and the Governing Council shall model this in its own behavior

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.16 - Student Possession of a Firearm**

Students found to be in possession of a firearm shall be expelled from El Camino Real Academy for a minimum of one calendar year and the offender(s) shall be referred to the Police Department for appropriate action.

The definition of "firearm" from 18 U. S. C. 92 is summarized as, "... any weapon which will propel a projectile by the action of an explosive."

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.17 - Student Interrogations and Arrests**

School personnel shall cooperate with law enforcement agencies and/or child abuse investigators who are seeking to interview students at the school site. Individual students shall not be interrogated on campus without permission of the Principal or the Principal's designee

There is no requirement to notify the parents/legal guardians of the student prior to the questioning; however, the school shall immediately make a good faith effort to notify the parents/legal guardians of the student if the student is being interrogated for any reason or has been removed from campus by law enforcement authorities unless that notification violates a confidentiality agreement or it endangers the safety of the student.

The student shall be made aware of his/her legal rights by the law enforcement officials. A commissioned law enforcement officer shall be required to place a student under arrest, or protective custody, before the student may be removed from the campus for either further questioning or to be held at a detention facility.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-5-4.3 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.12 Student Discipline

Revision approved: January 17, 2013

Revised: July 17, 2014

## J.18 - Acceptable Student Use of Personal Electronic Devices

El Camino Real Academy shall permit student possession of personal electronic devices on school property and at school sponsored activities while the student is under the supervision of school staff. These devices shall be kept out of sight and silenced or powered off during the instructional day unless otherwise permitted by the school procedures. Use of personal electronic devices that disrupt the instructional day or include unauthorized use shall be prohibited.

El Camino Real Academy shall not be responsible for restricting, monitoring or controlling the electronic communications of students; however, it reserves the right to do so.

### Administrative Position:

- Principal

### References

### Legal Cross Ref.:

- §22-5-4.3 NMSA 1978

### Board Policy Cross Ref.:

- I.10 Student Internet Acceptable Use Policy
- J15 - Bullying Prevention

Revision approved: July 17, 2014



## J.20 – Release of Student Information

The Governing Council, in compliance with the Family Education Rights and Privacy Act of 1974 (FERPA), as amended, and state law and regulation shall allow the release of directory information about El Camino Real Academy students only to those persons or organizations having a legal right to know. All release of student information requests shall be reviewed and approved or denied by the custodian of public records.

### Administrative Position:

- Principal

### References

#### Legal Cross Ref.:

- FERPA
- §22-21-2 NMSA 1798
- 6.10.6 NMAC

#### Board Policy Cross Ref.:

- K.10 Custodian of Public Records
- K.11 Recruitment in Schools

Revised: July 17, 2014

## J.21 –Student Records

A student's records kept by El Camino Real Academy shall be open to review by the student's parents/legal guardians and/or the student and shall be treated as prescribed by the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, state statute and state regulation. If there are apparent conflicts among the various statutes, the provisions of FERPA shall prevail.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- FERPA
- §22-21-2 NMSA 1798
- 6.10.6 NMAC

#### **Board Policy Cross Ref.:**

- K.10 Custodian of Public Records
- K.11 Recruitment in Schools

**Revised: July 17, 2014**

## **J.22 - McKinney-Vento Homeless**

El Camino Real Academy complies with the McKinney-Vento Homeless Education Assistance Act and Regulations of the Public Education Department regarding the education of homeless students

### **Administrative Position:**

- Principal

### **References**

### **Legal Cross Ref.:**

- §6.10.36.B NMAC

**Revision approved: July 17, 2014**

## K.10 Custodian of Public Records

As required in the Inspection of Public Records Act, the Custodian of Public Records for the School 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.

### Board Policy Cross Ref.:

- J.20 Release of Student Information
- J.21 Student Records

**Approved: April 29, 2012**

**Revised: July 17, 2014**

## K.13 Recruitment in the Schools

El Camino Real Academy shall comply with all applicable federal and state statutes, rules and regulations concerning post-secondary recruiters. The school shall comply with a request by a post-secondary recruiter for secondary students' directory information, unless a parent/legal guardian has "opted out" of providing such information. Students and parents/legal guardians shall have the right to deny the release of secondary student directory information to any or all post-secondary recruiters. The school shall not release student directory information to post-secondary recruiters unless specifically required to do so by federal or state statute or regulation.

For purposes of this policy, "post-secondary recruiter" means a person who recruits students to enroll in a school, college or university; to join a branch of the armed services; or to join a business, firm or other employment.

For purposes of this policy, "directory information" means students' names, addresses and telephone numbers.

**Administrative Position:** Principal

### **References:**

### **Legal Cross Ref.:**

- Elementary and Secondary Education Act
- Family Educational Rights and Privacy Act
- Protection of Pupil's Rights Act
- Freedom of Information Act
- Inspection of Public Records Act

**Approved:** July 17, 2014

# K.01 Parent Involvement

El Camino Real Academy Governing Council and staff recognize that we are a school that receives Title 1. Schools receiving Title 1 funds must consult with parents and teachers on the design and implementation of the Title 1 program and parental involvement opportunities to build effective partnerships that support student academic achievement.

The principal and parent liaison are responsible for meeting periodically with parents to develop the process, method and timeline of communication and development of the school/parent compact.

**Approved: April 29, 2012**

# **El Camino Real Academy Governing Council Policies FY 2016-2017**

A. Foundations and Basic Commitments

B. Governance Council Bylaws

C. General School Administration

D. Fiscal Management

E. Support Services

F. Facilities Development

G. Personnel

H. Negotiations

I. Instruction

J. Students

K. School-Community-Home Relations

## **A.01 Mission Statement**

As a community school, ECRA serves students and families by fostering student awareness of their personal learning potential through academic and social-emotional intervention.

**Revised:** 7/17/14



## A.03 Nondiscrimination

El Camino Real Academy affirms its commitment to the rights of students, parents and employees, as set forth in Federal and State statutes, for nondiscriminatory treatment in relation to disability, race, ethnicity, color, sex, sexual orientation, gender identity, national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law, in all its programs and activities. Nondiscrimination shall include freedom from harassment and retaliation based on disability, race, ethnicity, color, sex, sexual orientation, national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law.

This policy shall be implemented by the Principal, or his/her designee, through processes delineated in the procedural directives cross-referenced below:

- Section 504/ADA Compliance: Students
- Section 504 of the Rehabilitation Act/Americans with Disabilities Act Compliance: Employees
- Section 504/ADA: Physical Access for Students, Parents, and Employees with Disabilities
- Gender Discrimination and Sexual Harassment: Employees
- Gender Discrimination and Sexual Harassment: Students
- Discrimination and Harassment: Employees
- Discrimination and Harassment: Students
- Disability Harassment: Students

### Administrative Position:

- Principal

### References

### Legal Cross Ref:

### Board Policy Cross Ref.:

- G.01 Equal Employment
- JB – Equal Educational Outcomes

### Procedural Directive Cross Ref.:

- Section 504/ADA Compliance: Students
- Section 504 of the Rehabilitation Act/Americans with Disabilities Act Compliance: Employees
- Section 504/ADA: Physical Access for Students, Parents, and Employees with Disabilities
- Gender Discrimination and Sexual Harassment: Employees
- Gender Discrimination and Sexual Harassment: Students
- Discrimination and Harassment: Employees
- Discrimination and Harassment: Students
- Disability Harassment: Students

**NSBA/NEPN Classification: AC**

**Approved:** October 23, 1991

**Reviewed:** October 21, 1992

**Approved:** November 4, 1992

**Revised:** February 20, 1996

**Revised:** May 22, 2000

**Revised:** April 2001

**Revised:** February 2002

**Revised:** December 2002

**Revised:** January 2005

**Revised:** May 1, 2006

**Revised:** May 24, 2006

**Reviewed:** December 13, 2010

Use of tobacco at El Camino Real Academy is prohibited.

**Revised:**

## A.04 Tobacco Free Schools

Use of tobacco at El Camino Real Academy is prohibited.

**Approved:** 9/15/2011

## A.05 Video Surveillance

The Governing Council of El Camino Real Academy authorizes the use of *video only* surveillance cameras on School property to ensure the health, welfare and safety of staff, students and visitors to School property. Surveillance cameras are in use on the School's campus to promote safety, prevent crime, and protect School property.

Areas that may have cameras include hallways; parking lots; the School's front offices; gymnasiums; cafeterias; supply rooms; and classrooms and other locations where staff, students, and visitors have no reasonable expectation of privacy. Cameras will not be allowed in bathrooms, gym locker/changing areas, and private offices (unless consent by the office owner is given). Any person entering a School facility, on School property or at a School function is subject to being videotaped. The School will notify students/parents and staff through handbooks, and signs will be posted where cameras are in use.

Students or staff in violation of GC policies, administrative regulations, state or federal laws revealed through information caught on surveillance tape will be subject to appropriate discipline, including referrals to law enforcement agencies. Video recordings may become part of a student's education record or a staff member's personnel record.

The existence of this policy or the use of video camera surveillance does not imply or guarantee that cameras will be monitored in real time 24 hours a day, seven days a week.

The Executive Director/Principal shall develop appropriate use and notification procedures in compliance with all state and federal laws, including but not limited to laws applicable to record maintenance and retention.

### References:

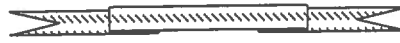
**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

- Employee Handbook (in process)
- Student Handbook (in process)

**Approved:** January 18, 2016

# **EL CAMINO REAL ACADEMY**



## **GOVERNING COUNCIL BYLAWS FY13**

### **ARTICLE I MISSION STATEMENT**

Together with parents and the community, El Camino Real Academy, (“ECRA”), a New Mexico public charter school created pursuant to the Charter Schools Act, NMSA 1978 §§22-8B-1, *et seq.*, is committed to creating a professional learning community that empowers students to learn the interconnection between real-world problem solving and academic success, which leads to mastery of life skills and recognition of the patterns that are intrinsic to all knowledge.

### **ARTICLE II NAME OF GOVERNING BODY AND SCHOOL**

The name of ECRA’s governing body shall be known as the “Governing Council,” and referred to in these bylaws as “The Council.”

### **ARTICLE III EQUAL OPPORTUNITY**

ECRA affirms its commitment to providing equal treatment of all of its students, parents and employees. Neither ECRA or the Council shall discriminate against any student, parent or employee on the basis of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition or sexual orientation or gender identity with respect to his/her rights, privileges, programs, activities, and/or in the administration of its educational programs and athletics/extracurricular activities.

### **ARTICLE IV GOVERNANCE AND TRAINING**

The Council has a responsibility to ensure that ECRA operates in accordance with all applicable laws and regulations, and meets its commitments to its authorizer, Albuquerque Public Schools (“APS”) Board of Education, and to the New Mexico Public Education Department (“NMPED”) as reflected in its charter. Council members have a responsibility to be familiar with the terms of the ECRA charter and legal responsibilities of public schools. Council members must become educated about public school laws and applicable rules and regulations. All ECRA Council members are required to attend annual mandatory training that explains New Mexico Public Education Department rules, policies, and procedures, statutory powers and duties of charter school governing bodies, legal concepts pertaining to public schools, finance and budget and other matter deemed relevant by the NMPED. In particular, the ECRA Council recognizes that the following New Mexico statutes and rules are applicable to public charter

schools and each member commits to take necessary steps to become familiar with these provisions:

- Charter Schools Act (NMSA 1978 §§ 22-8B-1 et seq.)
- School Personnel Act (NMSA 1978 §§ 22-10A-1 et seq.);
- Procurement Code (NMSA 1978 §§ 13-1-1 et. seq.);
- Open Meetings Act (NMSA 1978, §§ 10-15-1 et seq.);
- Public School Finance Act (NMSA 1978 §§22-8-1 et seq.)
- New Mexico Public Education Department regulations, (contained in Title 6 of the New Mexico Administrative Code).

To the extent ECRA has not specifically requested and been granted a waiver from a particular NMPED or APS Board of Education policy, those policies which have not been waived, shall apply.

## ARTICLE V GOVERNING COUNCIL POWERS AND RESPONSIBILITIES

The primary powers and duties of the Council are to:

1. Develop educational and operational policies for the ECRA;
2. Employ ECRA's head administrator, who shall be referred to hereafter as the "Principal," evaluate the Principal annually; and set the salary schedule for certified/licensed employees;
3. Charge the Principal with the responsibility of implementing the charter; employing, fixing the salaries of, assigning, terminating and discharging all ECRA employees; carrying out ECRA's policies and procedures, facilities plans, budget, and such other directives and policies adopted by the Council from time to time. The Governing Council shall not be involved in the day-to-day operations of the school;
4. Review, approve and monitor implementation of the annual ECRA budget;
5. Acquire, lease and dispose of property, both real and personal to the extent permissible by laws applicable to public charter schools;
6. Initiate lawsuits or take all necessary steps to protect the ECRA's interests;
7. Consistent with ECRA's budget authority, approve contracts for the repair and maintenance of all property belonging to the ECRA or for which ECRA is contractually responsible to maintain and repair, which authority may be delegated to the Principal up to an amount not exceeding \$7,500;
8. Enter contracts consistent with the ECRA approved budget for any service or activity that is required for ECRA to perform in order to carry out the educational program described in the ECRA charter. The Council may delegate its authority hereunder to the Principal for contracts not exceeding \$25,000, except in cases of employment contracts which shall be delegated to the Principal consistent with ECRA's budget authority and the Council's adopted salary schedule;
9. Develop, adopt and amend policies and procedures pertaining to the administration of all powers or duties of the Council and ECRA;
10. Accept or reject any charitable gift, grant, devise or bequest. Each particular gift, grant, devise or bequest accepted shall be considered an asset of the ECRA;

11. Approve amendments to the Charter prior to presentation to the APS for approval;
12. Make application to APS or then NMPED for capital outlay funds and to be included in APS's five-year facility plan;
13. Negotiate with APS to provide transportation to students eligible for transportation under the provisions of the Public School Code as deemed necessary and/or other services consistent with ECRA's charter;
14. Open other locations for operation of ECRA as consistent with the charter;
15. Address problems through the applicable dispute resolution processes according to policies and procedures;
16. Review and consider recommendations submitted by the Principal and other advisors to the Council;
17. Promote a cooperative relationship with its charter authorizer; to function in accordance with the New Mexico Charter School Act and resolve any dispute, which may arise between ECRA or its Council and APS officials or the APS School Board to the mutual benefit of the operation of ECRA and its authorizer/local supervisory authority; and
18. Such other powers and authorities as provided for by law.

## **ARTICLE VI**

### **COLLECTIVE AUTHORITY OF COUNCIL**

The Council will not be bound by any statement or action by an individual Council member, unless the Council, by majority vote in a properly convened meeting, delegates authority to that individual member to speak for or represent the entire Council. Unless acting pursuant to said express-delegated authority from the Council, no Council member shall undertake any individual action to implement any plan or action of the Council. When a Council member is assisting the Principal with implementing school policies, programs or other directives of the Principal the Council, in this role the Council member shall be considered a volunteer and have no special authority beyond that of a volunteer.

## **ARTICLE VII**

### **COUNCIL MEMBERSHIP**

1. Positions and Qualifications. ECRA Governing Council shall have no fewer than 5 (five), but no more than nine (9) voting members. The ECRA GC shall strive to have the following composition; at least one (1) parent who has a child currently enrolled in ECRA; with the balance of the council to be qualified individuals who have experience in business, education, law, finance, real estate and such other fields beneficial to ECRA's mission and the efficient, sound governance of ECRA. The candidates for positions on the Governing Council shall be considered 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 Council (including the requirement that each Council member shall regularly participate in the activities of at least one Council committee), and their commitment to acting in the best interests of ECRA as a whole, rather than for the interests of any particular person or group. The Council shall determine, prior to February 1 of each school year, whether the make-up of the Council shall be increased or otherwise changed.

2. Member Terms. There shall be no limit on the length of a member's tenure on the ECRA Council.

3. Vacancies. A vacancy on the Council caused an increase in the number of council members, a member's resignation, or a member's removal by vote of the Council, will be filled by majority vote of the remaining Council members. To fill any vacancy the Council shall convene to appoint a Nominating Committee who will recommend candidates to fill the vacancy. If Council membership falls below five (5) the vacancy shall be filled within sixty (60) days from creation of the vacancy. The Nominating Committee shall be one Council member and the Principal or his/her designee, who shall meet and solicit written applications, recruit potential candidates, and screen applicants and recruits for each of the positions on the Council to be filled. The Nominating Committee shall recommended candidates to the Council at a public meeting. The Council shall thereafter select new members by a majority vote.

4. Disqualifications/Nepotism Rule. In no event shall a Council member be an ECRA employee, spouse of another Council member, or have a contract for provision of services or property with ECRA. The Council will not initially employ as Principal a person who is a Council member (unless the offer of employment is contingent upon such member's resignation from the Council), the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, or daughter-in-law, sister, sister-in-law, brother, brother-in-law, or sibling (collectively "family members") of any Council member. Upon petition by the Principal, the Council may approve the Principal's hiring of the Principal's family members by majority vote at a public meeting. Prior to approving the Principal's request to hire said individual, the Council shall carefully consider the potential impact on the integrity, efficiency, discipline and public perception of ECRA in the employment of any person who is a family member of the Principal or the parent of a currently enrolled ECRA student. Nothing in this section shall prohibit the continued employment of a person employed on or before the adoption date of these Bylaws.

5. Attendance. 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 or designee 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 or designee of the Council in advance that he or she will be unable to attend a meeting, the Council member shall notify the President or designee in a timely manner following the meeting of the reason for his or her absence.

6. Removal from Council. A Council member may be removed by a majority vote of the remaining Council members for the following reasons:

- a. If a member misses two consecutive regular meetings or two out of six consecutive regular meetings except when such absence is due to exigent circumstances;
- b. If a member violates any policy or procedure adopted by the Council;
- c. If the Council determines that a member is not acting in the best interest or is otherwise obstructing the business of the Council;
- d. Violation of the member's duty of loyalty; or
- e. Any other ground the Council deems appropriate.

7. Resignations. A member shall state his/her intent to resign and the effective date of the resignation in writing to the Council President. A member's resignation shall be effective upon the date stated in the letter of resignation. A Council member becomes an employee of ECRA



will be deemed to have automatically resigned from his or her position on the Council, effective no later than the first day of his/her employment. \_\_\_\_

## ARTICLE VIII OFFICERS OF THE COUNCIL

1. Officers of ECRA Council. The officers of the ECRA Council shall be a president, a past-president, and a secretary/treasurer. ECRA may, by a majority vote, create different categories of officers without requiring an amendment to these bylaws. 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 Council, be performed by the next officer set forth in the following sequence: president, past president, secretary/treasurer.

2. Election and Tenure. All officers shall be elected by a majority vote of the Council. Officers shall serve for one (1) year terms; and be limited to a maximum of two (2) consecutive terms. Regular election of officers shall take place at the first regular meeting of the ECRA Council in February of each school year or until their successors have been duly elected and qualified, or until their death, resignation or removal. Officers’ terms shall begin at the meeting immediately following the meeting of the Council at which the officer is elected.

3. Resignations and Removal. An officer may resign at any time by giving written notice to the president or to the secretary, the acceptance of such resignation shall not be necessary to make it effective. An officer may be removed by the Council whenever in its judgment the officer fails to perform the duty of his/her office or such other duties as appointed by the Council, or the best interests of the School would be served thereby.

4. Vacancies. A vacancy in any office may be filled by a majority vote of the Council for the unexpired portion of the term of the officer being replaced.

5. President. The president of the Council shall preside at all meetings. She/he shall have the right, as other members of the Council, to make or second motions, to discuss questions, and to vote. The president of the Council may not take any action on behalf of the Council or ECRA without prior specific authority from a majority of the Council to do so. All communications addressed to the president shall be considered by him or her for appropriate action, which consideration may include consulting with legal counsel, and consideration by the Council. The president shall sign legal documents as required by law and perform such other duties as may be prescribed by the Council. It is the president’s responsibility to ensure that Council members uphold their commitments/responsibilities to the school. The president is responsible for compiling the topics for business to be placed on the agenda.

6. Past-President. The office of past president is created to ensure institutional continuity. If the past-president resigns from the Council, the Council shall elect a vice-president. The officer in this position shall perform the duties of the president in the absence of the president or at the request of the president. In the event a vacancy occurs in the presidency, the past-president or vice-president will act in the capacity of the president until the office has been filled by a vote of the Council membership.

7. Secretary/Treasurer. The secretary/treasurer shall be familiar with the fiscal affairs of the School and keep the Council informed thereof in the event that the school’s Business Manager is unable to so act. He/she will have knowledge of public school finance

laws, rules and policies and shall serve as the chair of the ECRA's Finance Committee and Audit Committee. He/she shall attend the PED Spring Budget Workshop and/or any other financial regulatory training recommended by the Council, Principal or the Business Manager. As secretary to the Council, this office shall keep the minutes of the Council meetings, subject to the direction of the president, ensure that all notices are given in accordance with the provisions of the charter, Council policies and as required by law; shall countersign, when required, all authorized contracts, deeds, leases, or other legal instruments; and in general perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to the secretary by the Council. The Council may appoint a designee to assist with the responsibilities of the Secretary as described herein, including recording and transcribing the minutes of the meetings, posting notices and agendas and preparing packets for the Council's review. The secretary will review the minutes prior to presentation to the Council for approval. The secretary or the Council's designee shall be responsible for presenting the minutes to the Council at meetings.

8. Compensation. The officers shall not be compensated for their services; however, they may be compensated for reasonable expenses in accordance with the New Mexico Mileage and Per Diem Act.

9. Directors and Officers Insurance. The Council may secure officers and directors insurance in excess of the coverage provided by the New Mexico Public School Insurance Authority upon appropriate approval of the Council and if provided for in the school's approved budget.

## ARTICLE IX COUNCIL COMMITTEES

1. Standing Committees. The Council may establish standing committees, which may consist of Council members and non-Council members. Committee assignments and chairmanships will be determined by action of the entire Council, provided that at least one Council member shall serve on each committee. Standing committees of the Council shall include a Finance Committee and Audit Committee as defined by NMSA 1978 §22-8-12.3(2010); and a Nominating Committee, as defined in Article VII, Section 3. The time and place of all committee meetings shall be announced to the Council. Except for the audit committee, all Council members may attend any committee meeting if the meetings are properly noticed pursuant to the Open Meetings Act when a quorum will be present.

2. Principal's Committees. The Principal is empowered to establish committees within the school that report to the Principal. The Principal shall advise the Council about the purpose of the committees and activities affecting the school.

3. Ad Hoc Committees. 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 with the Council.

4. Committee Functions. The function of Council committees will be fact-finding, deliberative, and advisory, rather than legislative or administrative. Committee recommendations that require school-wide policy changes must be submitted to the Council. The organization, responsibilities and rules of each committee created by the Council shall be reflected in a resolution approved by the Council. All committees shall keep written minutes of their

meetings, and shall periodically present written reports to the Council containing committee recommendations. Committees shall comply with the Open Meetings Act, when applicable.

## **ARTICLE X**

### **COUNCIL MEETINGS**

1. Council Meetings. The ECRA Governing Council will comply with the New Mexico Open Meetings Act. NMSA 1978 §10-15-1. Regular meetings of the Council will be scheduled as determined to be reasonable and necessary for ECRA and set forth in the Council's annual resolution. Council meetings will be held at 3713 Isleta Blvd. SW, Albuquerque, New Mexico, or such other location as may be determined by the Council. Special meetings of the governing body may be called by the Council president or at the request of a Council member, in accordance with the Open Meetings Act. The Council shall consider at least once annually what constitutes reasonable notice for all regular, special and emergency meetings as contemplated by the New Mexico Open Meetings Act and, thereafter, pass an appropriate resolution adopting policies and procedures for complying with the Act. The Resolution shall be posted for public information.

2. Council Agenda. The President of the Council shall set the council agendas. A request to have an item placed on the agenda must be submitted in writing to the President at least 24 hours prior to the required time the agenda must be posted. The President or designee shall provide a copy of the agenda and strive to provide all documentation to be considered by the Council at the meeting to each Council member at least 24 hours prior to the meeting. The agenda shall be posted for the public in accordance with the Open Meetings Act.

3. Council Record. A record of all actions of the Council will be set forth in the official minutes of the Council. The minutes and recordings will be kept on file pursuant to New Mexico record retention requirements. The Council will maintain a separate handbook of its minutes and resolutions passed by the Council, which shall be available for public inspection.

4. Council Minute and Records. The Council shall delegate responsibility for taking minutes of all Council meetings to the ECRA's administrative staff who shall provide thereof draft copy of the minutes to the Council Secretary prior to the next regular meeting of the Council. The Secretary shall present the draft minutes for approval at the next regular Council meeting. The Principal or his/her designee shall also supervise the Governing Council handbook of resolutions passed by the Council and the indexed record of action. A draft copy of the minutes shall be made available for public review by no later than 10 days after each meeting of the Council.

5. Quorum. A of the ECRA quorum shall consist of a simple majority of Council members in office. When a quorum is present any action may be taken by a majority vote of those members present.

6. Procedure. Roberts' Rules of Order, newly revised, will govern the Council, except when in conflict with applicable laws or regulations, which then prevail. Most action items are handled by appropriate motion procedures.

7. Attendance via Telephone Conference Call. Except to the extent otherwise provided by law, any meeting of the Council may be attended by any or all of the Council members by means of a conference telephone (or similar communications equipment) when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all

participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any other member of the Council who speaks during the meeting. Such attendance shall constitute presence by the Council member as if in person at such meeting and for purposes of determining a quorum. Any action taken by the Council at such meeting shall constitute a valid action of the Council.

## **ARTICLE X**

### **CONFLICT OF INTEREST POLICY**

1. General Principles. It is the responsibility of all Council members to conduct themselves in accordance with the highest standards of integrity, honesty, and fair dealing to preclude any appearance of a conflict between the interest of ECRA and the personal interests of the member. Likewise, it is the responsibility of the Council to ensure that the school conducts all its business and operations impartially in accordance with all laws. All hiring and other transactions imposing financial and/or legal obligations on ECRA shall be made with the best interests of ECRA as the foremost consideration.

The Council also recognizes that the ultimate success of ECRA depends upon the active participation, cooperation and collaboration of all stakeholders. Sometimes, the best interests of ECRA 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. ECRA therefore has established this policy to guide 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 a Council member permits the prospect of direct or indirect personal gain (or gain to a relative or Related Party) to influence improperly his or her judgment or actions in the conduct of ECRA business.

It is not practical to specify every action that might be considered to raise a conflict of interest. Consequently, Council members should immediately disclose to the Council any circumstance that may give rise to the appearance of a conflict of interest. The following situations describe examples of direct conflicts of interest that should be reported to the Council and avoided by Council members.

a. Acquiring, leasing, selling any property, facilities, materials, or contract services (e.g., financial, legal, public relations, computers) by ECRA under circumstances in which there is direct or indirect compensation to a Council member, or his/her relative or a Related Party of the member.

b. Using confidential information acquired by virtue of the member's associations with ECRA for their individual or another's private gain.

c. Requesting or receiving and accepting a gift or loan to the member or a Related Party that tends to influence the member or appear to influence the member in the discharge of his/her duties as Council members.

d. Influencing or having the appearance of influencing business with suppliers to ECRA, which results in the financial benefit to the member, his or her relatives or a Related Party.

3. Transactions with Interested Council Members. Neither the Council nor ECRA shall enter into a financial transaction with any Council member or a Related Party of a member unless during a public meeting: (a) the nature of the direct or indirect financial interest is fully disclosed to the Council; (b) the transaction is expressly approved by a majority of the Council

members present at such meeting who have no direct or indirect personal financial interest in the transaction; and (c) the Council has established that: (i) the transaction is financially no less favorable to ECRA than would be available in an arm's length transaction between unrelated parties; (ii) no Council member will be, as a result of ECRA entering the transaction in question, in a position to influence decisions relating to the questioned transaction and (iii) the benefits to ECRA outweigh any appearance of a conflict of interest. A written contract or other written memorandum shall evidence all such interested transactions approved by the Council, and be reflected in Council minutes.

4. Related Party. For purposes of these Bylaws, a "Related Party" is an individual, business enterprise, nonprofit organization or other entity with respect to which such Council member, or a relative of such a Council member (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.

5. Deliberations and Voting on Conflict Issues: In order to avoid conflicts of interest and the appearance of impropriety Council members shall not participate in any meeting, deliberation, or vote of the Council relating to (i) the discipline of himself or herself; (ii) discipline or employment decisions affecting any relative of the Council member; or (iii) the Council's consideration of any transaction affecting the member for purposes of determining whether a conflict of interest exists. Disciplinary matters pertaining to a Council member shall be held in an open meeting and may not be convened to a closed session unless the discussion may implicate matters properly exempted by the Open Meetings Act.

6. Violation of Conflict of Interest Policy. Upon discovery of a possible infraction of the ECRA Conflict of Interest Policy, the discovering party is required to immediately notify the Council president and Principal. The matter shall be considered and resolved at the next regularly scheduled meeting of the Council. If the Council decides that an ECRA employee, Council member, or volunteer has violated the conflict of interest rules or otherwise abused or attempted to abuse his or her position at ECRA, the Council shall review and recommend appropriate action.

7. Annual Disclosure Statement. Each Council member shall complete an "Annual Disclosure Statement," in which he/she is 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.

## **ARTICLE XI**

### **COUNCIL MEMBERS' ETHICAL OBLIGATIONS AND DUTIES**

1. Misuse of Position. A Council member shall not use his or her position at ECRA to attempt to influence the decision of any ECRA employee to grant special treatment to (a) the child or ward of the member, (b) any relative of the member, or (c) any "Related Party" as defined in Article X. Every Council member and every ECRA employee who is a parent or ward of a ECRA student shall inform his or her child that he or she is required to follow all rules, policies and procedures applicable to ECRA 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.

2. Commitment to Collaboration. All Council members shall work collaboratively with each other, with the sole goal of achieving ECRA's educational mission. The Council has

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

3. Confidentiality. 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. A member's obligation to maintain confidentiality shall survive the Council member's tenure on the ECRA Council.

## ARTICLE XII MISCELLANEOUS

1. Alternative Dispute Resolution Programs. The Council recognizes the existence and effectiveness of alternative dispute resolution programs. Use of alternative dispute resolution programs can result in the early, fair, efficient, cost effective, and informal resolution of disputes. Appropriate use of alternative dispute resolution methods by ECRA is hereby determined to be in the best interest of the school. The Council shall publish a thorough and concise set of dispute resolution policies and provide them in the appropriate School policy publications as they apply.

2. 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 originate from Principal, a Council member, Council advisors, or committees formed by the Council for the purpose of investigating and developing policy. Staff members, students, civic groups, parents or other interested citizens may request that a Council member or the Principal sponsor a proposed policy.

The Council will adhere to the following described procedure in considering and adopting policy proposals to ensure that such proposals are thoroughly examined before final action. After review, the Governing Council will make such proposed policies available where Council minutes are posted for public comment by affected stakeholders for a period of at least seven (7) days. Comments on the proposed policies must be submitted in writing to the Principal by the deadline specified by the Council or be given in person at the public meeting at which the policy will be considered by the Council. Following such public comment period, the Council shall consider those comments received by the deadline and determine whether changes to the initial draft policies should be implemented. After such consideration by the Council, and adoption of any recommended changes, the Council shall present its final recommended policies or revisions. The public comment process shall apply to all policies proposed by the Council after the date these Bylaws are adopted by the Council.

3. Amending Governing Council Bylaws. Any section or subsection of the Governing Council Bylaws that law may be altered, suspended or revoked only by 2/3 two thirds of a quorum vote of the Governing Council.

4. Signatory Authority. The Governing Council may by a majority vote, delegate authority to sign contracts as described by resolution, to the Principal consistent with Article V, paragraph 7 and 8. All checks must be signed by two authorized individuals, neither of which may be ECRA's business manager.

5. Dissolution of the Charter. If deemed advisable by the Council that ECRA's charter should be dissolved, ECRA in collaboration with the Albuquerque Public Schools and the New Mexico Public Education Department shall devise an appropriate plan for closing the school and transferring assets as required by the New Mexico Charter School Act and such other applicable laws and regulations.

### **CERTIFICATE OF ADOPTION**

The undersigned officers hereby certify that these Bylaws were duly adopted by the ECRA's Governing Council on May10, 2011.

By: \_\_\_\_\_  
President

See attached Board Minutes

## C.01 Principal's Authority and Responsibility

The Principal has the authority and responsibility of administering the School and the development of procedures to implement each policy of the Council.

The Principal has the authority and responsibility to employ, fix salaries of, assign, terminate or discharge all employees of the school, according to New Mexico State Statutes.

The Principal has the authority to approve and sign non-employment contracts in an amount not to exceed \$25,000. The Principal has the authority to approve contracts for repair and maintenance of the facilities not to exceed \$7,500.

**Board Bylaws Cross Ref.:** Governing Council Bylaws Section V items 7 and 8.

**Legal Ref.:** 22-5-4 NMSA 1978 (1986 Repl.)  
22-8B-5 NMSA 1978

**Approved:** 9/15/11



## C.02 Principal's Evaluation

An effective working relationship between the Governing Council and the Principal is essential to the successful operation of the School. The development and maintenance of such a relationship requires that a periodic review be done of the Principal's diverse responsibilities accompanied by an appraisal of the Principal's performance.

The Council will annually evaluate the Principal in compliance with New Mexico State Statutes, the State Board of Education's Educational Standards and any applicable grants, which require Principal evaluations.

Based on a process and criteria that are mutually agreeable to the Council and the Principal, the Council will evaluate the Principal's effectiveness. The evaluation document and procedures to be used will be reviewed and approved annually by the Council and the Principal.

The evaluation will be completed and presented to the Principal by May 1<sup>st</sup>.

**Legal Ref.:** 22-5-4 NMSA 1978 (1989 Repl.)

**Approved:** 9/15/2011

## C.03 Shared Leadership

The El Camino Real Academy Governing Council supports the implementation of shared decision making throughout the school's organizational structure.

The philosophy of shared decision making shall be evident in all components of the school's operation through the collaboration of personnel, students, parents, and community members to design and implement: (1) goals, (2) objectives, (3) plans of action, (4) evaluation methods, (5) responses to results of evaluation, and (6) reporting activities. Shared decision making shall support improved student achievement and effective delivery of programs and services.

While fully supporting these collaborative efforts, the council recognizes its ultimate authority and responsibility and that of the principal for decisions which impact the direction of education at El Camino Real Academy.

The Camino Real Academy Governing Council directs the principal to encourage and measure community involvement in shared leadership and to foster the collaborative efforts of school personnel, students, parents, and community members through: grade level Professional Learning Communities; parent organizations, and special committees for specific projects or problems when warranted.

Nothing in this policy shall preclude the identification and creation of other appropriate avenues of communication by school personnel, students, parents, and community members for development of policies, programs, short and long range planning, and activities of the school.

**Legal Ref.:** 22-5-4 NMSA 1978 (1989 Repl.)

**Approved:** September 28, 2011

## D.01 Budget Process

The adoption of the annual operating budget is the responsibility of the Governing Council. The budget process will include specific budget hearings allowing the Council to learn of the public's priorities and what the public believes should be the major focus areas of the School. School staff will also be given a specific opportunity to speak to various programs and matters of interest to the Council.

Following such hearings, the Council will identify priorities and give general instructions to the principal to prepare a balanced budget based upon its priorities.

Finally, the Council will debate and vote upon budgetary matters without further public hearings. The operating budget will then be approved by APS and included separately in the budget submission to the State Department of Education pursuant to the Public School Finance Act and the 1999 Charter Schools Act.

**Legal Ref.:** 22-5-4 NMSA 1978 (1988 Repl.)

**Approved: September 28, 2011**

## D.02 Investments

The charter school shall account for public money placed in any interest bearing account in accordance with 22-8-40 NMSA 1978, 6.10-17 and 6.10.31 NMSA, and any other federal and state laws which apply to the investment of public school funds.

**Legal Ref.:** §6-10-1 et. seq. NMSA 1978  
§22-8-37 through §22-8-42 NMSA 1978

**Approved: September 28, 2011**

## **D.03 Contracts**

State statute and regulation shall govern the issuance of contracts. El Camino Real Academy may require additional provisions in a contract between itself and any third party that is not specifically outlined in state statute or regulation.

### **Legal Cross Ref.:**

- §13-1-28 et seq. NMSA 1978
- 6.20.2.9 NMAC

### **Council Policy Cross Ref.:**

**Governing Council Bylaws Article V 7 and 8.  
C.01 Principal's Authority and Responsibility**

**Approved: September 30, 2011**

## **D.04 Central Purchasing**

To assist the Governing Council with its powers or duties pursuant to state statute, the principal and the business manager shall maintain a central purchasing department.

The central purchasing department may purchase, rent, lease or otherwise acquire on behalf of the school all items of tangible personal property or services. All purchases shall be in accordance with the applicable federal and state statute and regulation in addition to applicable Governing Council policies and administrative procedural directives. The principal shall appoint a certified Central Procurement Officer (CPO). The CPO may make a determination whether a service is a professional service, based on required licensure, continuing education requirements and type of service provided.

El Camino Real Academy will not operate any credit card, p-card or debit card (i.e. VISA, Discover). El Camino Real Academy will not enter into any agreements for provision of any other type of retail credit facility (for example, store credit accounts) without a specific resolution of the El Camino Real Governing Council.

The Governing Council shall reserve the right to review, approve or reject any procurement decision.

### **References**

#### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et.seq. NMSA 1978
- §22-8B-4 NMSA 1999

**Revision approved: September 30, 2011**

**Revision approved: May 15, 2014**

## **D.05 Financial System**

The principal and business manager shall establish and maintain for the school a complete, auditable financial system which meets all statutory and regulatory requirements of the State of New Mexico and more particularly the State Department of Education. In addition the financial system must provide information which allows for compliance with Generally Accepted Accounting Principles (GAAP), applicable Governmental Accounting Standard Board pronouncements and the Federal Uniform Grant Guidelines.

A complete set of financial statements shall be presented to the Governing Council each month. The Principal will insure that all required state and federal fiscal reports are filed timely. All funds over which the Governing Council has direct control shall be audited annually, as required by law.

A complete inventory of the district's property shall be maintained, as required by law

### **References**

#### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et. seq. NMSA 1978
- §22-8B-4 NMSA 1999

**Approved: September 30, 2011**

**Amended: May 23, 2016**

## **D.06 Internal Audit**

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

The internal auditor(s) will exercise independence in carrying out responsibilities outlined in this policy.

In accordance with the Council's By-Laws the school will have an Audit Committee. The Audit Committee will serve by evaluating the School's internal controls annually, determining the need and extent of in-house or external internal audit services, receiving internal audit reports and communicating and receiving the annual external audit report and findings.

The internal auditor function will independently review, evaluate, and report through audits and management studies the status of the following in the school, departments, and programs: financial condition; accuracy of financial and property record keeping; compliance with applicable laws, policies, guidelines, and procedures; and effectiveness and economy of operations.

The Internal Audit Committee may meet in Executive or closed session in accordance with the provisions of the Open Meetings Act.

Approved: September 30, 2011



## **D.07 Segregation of Duties**

The assignment of duties to staff members and/or contractors who have access to the El Camino Real Academy financial management system should be 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. Due to the small size of staff, 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 principal 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 principal and subject to any limitations (particularly in relation to authority to contract for goods or services) as the principal deems appropriate.

In order to provide maximum internal control, the business manager is not allowed to be have check signing authority. This allows the maximum internal control over cash and also allows the business manager to review bank operations without a conflict of interest.

### **References**

**Legal Cross Ref.:**

**Approved: September 30, 2011**

## D.08 Travel and Other Reimbursements

Employees and governing council members of the school may be entitled to reimbursement of registration fees, mileage, and other costs associated with authorized trips for official school business.

All travel (in state and out of state) must be approved in advance by the principal for reimbursement to be authorized. The approved Leave Request Form (LRF) will serve as formal authorization for the trip. A copy of the approved LRF 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.

**Legal Cross Ref.:**

**Approved: September 30, 2011**

## D.09 Operational Fund Cash Balances

El Camino Real Academy shall maintain an operational fund cash balance level within the parameters of applicable state law of its final budgeted operating expenditures. Finances of the school shall be managed to maintain these parameters.

For purposes of this policy, “operational fund” means the specific 11000 sub-fund of the general fund as designated by the New Mexico Public Education Department.

For purposes of this policy, “cash balance” means the total of the beginning balance of a specific fund plus revenue minus expenditures of that same specific fund.

### **Legal Cross Ref.:**

§22-8-5 NMSA 1978

§22-8-41 NMSA 1978

6.20.2 NMAC

**Approved: September 30, 3011**

## **D.10 Federal Programs**

The principal and business manager shall establish and maintain for the school processes for charging only allowable costs to Federal Awards and requesting reimbursement from Federal Awards. Procurement for Federal Programs is covered under Central Purchasing and proper recording of transactions are covered under Financial Systems.

These processes will include criteria for allowable costs, methods for verifying allowable costs, allocation of Salaries, Wages and benefits and other specifically purchased direct costs.

At this time, the school will not charge for indirect costs nor direct costs such as occupancy, utilities or communications.

### **References**

D.04 Central Purchasing

D.05 Financial System

### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et. seq. NMSA 1978
- §22-8B-4 NMSA 1999

**Approved: May 23, 2016**

## E.01 Safety

The policy of the El Camino Real Academy Governing Council is to take all reasonable steps to safeguard employees, students, and the public from accidents and to provide a safe, healthy work and educational environment.

**Procedural Directive Cross Ref.:** School Safety Plan

**Approved: September 30, 2011**

## E.02 Food Services

El Camino Real Academy Governing Council and staff recognize that students are not able to learn when they are hungry and it is our desire that no child would go hungry during the school day.

USDA approved meal programs such as the El Camino Real Academy Food and Nutrition Services must follow regulations stating that any losses arising from uncollectible accounts are unallowable. All meal charges must be paid in a timely fashion.

The school will be implementing Provision 2 procedures as soon as reasonably possible to provide the maximum benefit to our students. The school will also participate in the breakfast in the schools program.

**Approved: September 30, 2011**

## E.03 Security of Digital Information

El Camino Real Academy shall ensure proper security measures for district data and data systems. This may include, but is not limited to:

- Appropriate access controls
- Data security measures
- Network security measures
- Oversight of employee and student online internet use

The superintendent, or his/her designee, shall develop administrative procedural directive to ensure district data, data systems security measures and internet usage are properly monitored and reviewed.

### References

#### Legal Cross Ref.:

- Health Insurance Portability and Accountability Act
- Gramm-Leach-Bliley Act
- Family Educational Rights and Privacy Act
- FCC 11-125

#### Board Policy Cross Ref.:

- G.09 Acceptable Employee Use of Technology
- I.10 Student Internet Acceptable Use policy

#### Procedural Directive Cross Ref.:

- Internet Safety Procedural Directive

**Revision approved: June 21, 2012**

# **G.01 – Personnel Goals and Staff Development**

El Camino Real Academy shall encourage all personnel to pursue a program of continued growth. To assist employees in assuming this responsibility, El Camino Real Academy shall provide employees with staff development opportunities.

## **References**

### **Legal Cross Ref.:**

- §22-10A-19.1 NMSA 1978

**Revision approved: December 12, 2012**



## **G.02 – Personnel Evaluations**

The Principal, or his/her designee, shall maintain a system of evaluation for all personnel in compliance with federal and state law and regulation. Personnel evaluations also shall be utilized to monitor the employee's program of continued growth.

### **References**

#### **Legal Cross Ref.:**

- §22-10A-1 et. seq NMSA 1978

#### **Board Policy Cross Ref.:**

- G.01 – Personnel Goals and Staff Development
- ECRA Employee Handbook

**Revision approved: December 12, 2012**

## **G.03 Staff Reporting System**

The principal and business manager shall establish and maintain for the school a complete, auditable staff reporting system which meets all statutory and regulatory requirements of the State of New Mexico and more particularly the State Department of Education.

### **References**

**Legal Cross Ref.:**

**Approved: December 12, 2012**

## **G.04 Verification of Experience and Training**

The principal or business manager shall document in an employee's file verification of experience and educational training in accordance with the position parameters, funding source and procedures set forth by the New Mexico Public Education Department and required by New Mexico statute.

The information must also be maintained in the staff reporting system.

### **References**

#### **Legal Cross Ref.:**

- §22-8-24 NMSA 1978

#### **Board Policy Cross Ref.:**

G.03 Staff Reporting System

**Revision approved: December 12, 2012**

## **G.05 – Equal Opportunity Employment**

ECRA is an equal opportunity employer and will recruit, hire, train, and promote in all job titles without regard to race, color, religion, sex, national origin, age, physical or mental handicap, sexual orientation, or status as a disabled veteran or veteran of the Vietnam era.

ECRA will base employment decisions on principles of equal employment opportunity with the intent of furthering ECRA's general goals expressed in its Mission. This policy governs all aspects of employment at ECRA including hiring, assignments, training, promotion, upgrading, demotion, downgrading, transfer, lay-off, termination, compensation, employee benefits, discipline and other terms and conditions of employment.

### **References**

#### **Board Policy Cross Ref.:**

- A.03 Non-Discrimination

#### **Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved:** December 12, 2012

## G.06 – Background Investigations

El Camino Real Academy shall conduct background checks, based upon fingerprint identification, of all prospective employees and all current employees every two years

El Camino Real Academy shall conduct background checks, based upon fingerprint identification, of all district contractors and contractor employees who may have unsupervised access to students. These background checks will be required every two years.

El Camino Real Academy shall conduct background checks, based upon fingerprint identification or other personal identifying information, of all volunteers who may have unsupervised access to students. These background checks will be required every two years.

**Administrative Position:** Principal, Business Manager

### References

#### Legal Cross Ref.:

- §22-10A-5 NMSA 1978
- §22-14-32 NMSA 1978
- §22-5-17 NMSA 1978

#### Procedural Directive Cross Ref.:

- Employee Handbook
- Parent/Student Handbook

**Revision approved:** December 12, 2012

## **G.07 – Staff Standards of Conduct**

El Camino Real Academy personnel shall maintain the highest standard of conduct and act in a mature and responsible manner at all times. El Camino Real Academy personnel shall not engage in activities which violate federal, state or local statutes and regulations or which, in any way, diminish the integrity, efficiency or discipline of the district. Employees shall be required to comply with administratively established standards of conduct.

El Camino Real Academy staff shall maintain appropriate professional behavior while working with students and refrain from harassment, malicious or prejudicial treatment, or abridgement of student rights.

Employees of El Camino Real Academy shall serve as positive role models for students and set good examples in conduct, manners, dress and grooming. Employees shall be suitably attired and groomed during working hours and while attending district-sponsored events.

### **References**

#### **Legal Cross Ref.:**

#### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination
- G.05 Equal Opportunity Employment

#### **Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: December 12, 2012**

## **G.08 – Conflicts of Interest**

Employees are prohibited from using confidential information acquired by virtue of their associations with El Camino Real Academy 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 appears to influence them in the discharge of their duties as employees. Business with suppliers to El Camino Real Academy 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 El Camino Real Academy.

### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978

### **Board Policy Cross Ref.:**

- Bylaws of the Governing Council

### **Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: December 12, 2012**

# **G.09 – Acceptable Employee Use of Technology**

The use of district technology resources shall be considered a privilege granted to employees for the enhancement of job-related functions. Employees may have limited access to these resources for personal use. Any personal use shall comply with the professional standards and administrative procedural directives outlining acceptable use of technology resources.

All employees have the responsibility to educate, supervise and monitor appropriate usage and conduct of students when on the internet.

Violations of this policy may result in the revocation of this privilege. Employees may face disciplinary action up to and including termination, civil litigation, and/or criminal prosecution for misuse of these resources.

## **References**

### **Legal Cross Ref.:**

### **Board Policy Cross Ref.:**

- E.03 Security of Digital Information
- I.10 Student Internet Acceptable Use Policy

### **Procedural Directive Cross Ref.:**

- Internet Safety Procedural Directive

**Revision approved: June 21, 2012**



## **G.10 – Leave and Holidays**

The school shall grant employees personal leave (inclusion of sick and vacation) pursuant to the employee's position. The principal shall establish appropriate formulas, rules and designations for leave.

The Governing Council annually shall approve recognized holidays for year round employees and any changes to the leave formulas, rules or designations for leave.

**Administrative Position:** Principal and Business Manager

### **References**

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

- G.11 Donation of Annual and/or Personal Leave

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: October 29, 2012**

## **G.11 – Donation of Personal Leave**

Employees of El Camino Real Academy may donate, upon appropriate approval, personal leave hours to another school employee who has exhausted their personal leave in the event of an extreme health situation of the employee or an employee's immediate family member. The principal shall develop an administrative procedural directive to further clarify and implement this donation.

**Administrative Position:** Principal and Business Manager

### **References**

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

- G.10 Leave and Holidays

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: October 29, 2012**

## **G.12 - Staff Wellness and Welfare**

El Camino Real Academy shall maintain a coordinated school health and wellness program to maintain healthy staff. This program shall promote the Coordinated School Health Model, which includes the following eight components:

- Nutrition
- Physical Education and Activity
- Family, School and Community Partnership
- Health Education and Life Skills
- Healthy and Safe Environment
- Social and Emotional Well-Being
- Health Services
- Staff Wellness

**Revision approved: January 17, 2013**

## **G.13 – Reporting Child Abuse or Neglect**

Any and all El Camino Real Academy employees knowing or reasonably suspecting that a child has suffered injury or injuries (physical, sexual, emotional, or psychological) as a result of abuse or neglect shall immediately report the matter to New Mexico Children, Youth and Families Department (CYFD) at (505) 841-6100, 800-797-3260, or [cyfd.org](http://cyfd.org)

**Administrative Position:** Principal and Business Manager

### **References**

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: January 17, 2013**

## G.14 – Drug Free Workplace

El Camino Real Academy prohibits the sale, use, possession, transfer of, or being under the influence of alcohol, narcotics, hallucinogens, inhalants, or drugs or possession of drug paraphernalia by an El Camino Real Academy employee in the workplace, on school property or at any school-sponsored activity. Any employee found to be engaging in any of the above behaviors shall be subject to appropriate disciplinary measures.

As a condition of employment individual employees shall notify their supervisor within five (5) business 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 shall immediately notify the principal, or his/her designee, in compliance with federal law.

The school shall educate employees about provisions of this policy and related administrative procedural directives, available school and community counseling and referral services and the penalties involved for drug violation convictions.

**Administrative Position:** Principal and Business Manager

### References

**Legal Cross Ref.:** Drug Free Workplace Act of 1988  
Drug-Free Schools and Communities Act Amendments  
U.S. Controlled Substances Act  
New Mexico Controlled Substances Act. NMSA 1978 §§30-31-1 et seq

**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: January 17, 2013**

## G.15 – Nepotism

El Camino Real Academy shall comply with all applicable state and federal statutes regarding nepotism. The Governing Council, Principal, and all employees of El Camino Real Academy shall not engage in nepotism in any of their operations or hiring practices. El Camino Real Academy shall not initially employ or approve initial employment in any capacity a person who is a family member of a Governing Council member, the Principal, or the individual responsible for the hiring and/or supervision of that family member.

**Administrative Position:** Principal and Business Manager

### References

**Legal Cross Ref.:**

- §22-5-6 NMSA 1978
- §22-8B-10 NMSA 1978

**Board Policy Cross Ref.:**

- Article X Bylaws of the Governing Council
- G.08 – Conflicts of Interest
- G.07 Staff Standards of Conduct

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: March 20, 2017**

## **G.16 – Whistleblower Complaints**

The Governing Council and Principal shall not permit unlawful or unethical behavior by school employees. El Camino Real Academy shall provide employees a means to confidentially file, in good faith without fear of retaliation, whistleblower complaints regarding such conduct. These complaints shall be fully investigated by the Governing Council Internal Audit committee, Principal and/or by his/her designee.

The Principal shall develop a process to implement this policy.

**Administrative Position:** Principal and Business Manager

### **References**

**Legal Cross Ref.:**

- §22-5-6 NMSA 1978
- §22-8B-10 NMSA 1978

**Board Policy Cross Ref.:**

- D.06 – Internal Audit

**Procedural Directive Cross Ref.:**

**Revision approved: March 20, 2017**

# H.1 – Employee Relations

It is the policy in this El Camino Real Academy to

1. allow employees to organize and bargain collectively with the Governing Council;
2. promote harmonious and cooperative relationships between these parties;
3. protect the rights of employees who do not desire representation; and
4. protect the public interest by assuring at all times, the orderly and uninterrupted operations and functions of El Camino Real Academy.

Nothing contained in this policy shall be construed to limit, impair, or affect the right of any employee to express a view or grievance, complaint, or opinion on any matter related to the conditions or terms of employment, so long as the same does not interfere with the full, faithful, and proper performance of the employee's duties.

**Administrative Position:** Principal and Business Manager

## References

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

**Revision approved: March 20, 2017**



## **I.01 Instructional Program**

Instruction at ECRA will aim to provide maximum opportunity for learning for all students. Learning activities will be appropriate to the individual needs and developmental levels of the students. Programs of study made available to the students will be consistent with policies of the New Mexico Department of Education. The Principal will submit reports to the Governing Council evaluating various aspects of the program of instruction and making recommendations for improvement in the program, including revising, dropping, or adding courses of instruction.

### **Middle School Required and Elective Program**

The Principal is authorized to provide a process for the approval of middle school instructional programs within the regulations established by the New Mexico Department of Education. The middle school may combine required subjects in any pattern that accomplishes state competencies.

### **High School Required and Elective Programs for Graduation**

Graduation requirements will be established in accordance with New Mexico Department of Education regulations. Additionally, in accordance to New Mexico Department of Education course requirement for health curriculum, one unit of health education will be a required high school graduation course.

Parents can request an exemption from the parts of the health education curriculum that addresses the sexuality performance standards. An exemption form is available for parents to complete if they choose to have their child opt-out of these parts of the curriculum. Established alternative lessons will be taught for the exempted parts of the curriculum.

Upon approval of the New Mexico Department of Education, the school may waive or substitute courses that are required for graduation whenever it can be verified that waiving the requirement is in the best interest of the student.

### **High School Elective Credit**

The Principal is authorized to provide a process for the approval of high school elective credits within regulations established by the New Mexico Department of Education. The Principal will develop procedures to ensure that elective courses will have academic value, adequate contact time, and articulated student competencies. Procedures will also be developed for new elective courses to be evaluated at the end of two years.

### **Special Education Graduation**

The Principal is authorized to insure that the Multi-Disciplinary Team follows State and

Federal law in developing an appropriate IEP for Special Education Student graduation requirements.

### **English Language Learners**

The Principal is authorized to insure that the School follows State and Federal law in developing an appropriate program for English Language Learners.

### **Bilingual Program**

The Principal is authorized to insure that the School follows State law in developing an appropriate program for Bilingual students.

**Revision approved: July 21, 2011**

## **I.02 School Year Calendar**

The principal, or his/her designee, shall present the Public Education Department's School Calendar annually to the Governing Council for review, amendment and approval during the budget process.

The principal, or his/her designee, shall annually solicit parents, community partners, school staff to develop recommendations for the school year calendar. The recommendations shall comply with federal and state statute and law and regulation.

The Governing Council reserves the right and authority to change the adopted school year calendar during the school year if it is in the best interest of the school.

### **Administrative Position:**

- Principal
- Business Manager

### **References**

#### **Legal Cross Ref.:**

- §22-2-8.2 NMSA 1978

**Revision approved: May 16, 2013**

## I.03 Treatment of Religious Issues

The Governing Council endorses a neutral stance in matters involving religion. The School will adhere to the following guidelines: The school year calendar will be planned to avoid conflict with religious holidays. In case of conflict, students will be allowed non-penalized absences to observe religious holidays.

The sacred literature of all faiths may be studied only for its historical, artistic, cultural, literary, or other secular importance. Religious exhibits, music, or display of religious objects or symbols are permissible only if they are used as learning materials in these studies.

School facilities may be used by religious groups outside of school hours or when such use will not conflict or interfere with the school program.

The School will not conduct or sanction any invocations, benedictions, or formal prayers at the graduation ceremony.

### **Board Policy Cross Ref.:**

**Cross Ref.:** ECRA Student/Parent Handbook 

**Revision approved: May 16, 2013**

## **I.04 Instructional Materials**

Required textbooks will be issued free to students. The Principal or the Principal's designee is responsible for establishing and enforcing rules and regulations relating to textbooks. Compensation will be made by students in case of lost, destroyed, or unnecessarily damaged textbooks.

Every student will have a textbook for each class that conforms to curriculum requirements and that allows students to take those textbooks home.

Approved: October 14, 2008

Revised: July 17, 2014

# **I.07 Student Travel: Field And Activity Trips**

## **Field Trips**

The Governing Council authorizes the Principal or his/her designee to approve field trips for students. A field trip is defined as a school sponsored first-hand education experience to supplement class activities for students away from the campus.

Students who participate in field trips to supplement class activities must have the approval of the principal and prior written consent from the parent or guardian obtained in writing prior to the trip.

## **Activity Trips**

"Activity trips" are non-educational in nature and are used to reward academic, athletic or behavioral accomplishments.

The Governing Council authorizes the Principal or his/her designee to approve activity trips that are non-educational in nature providing that the trips have been defined and structured as part of the educational environment.

## **Unauthorized Travel: "Senior Trips"**

The school does not sponsor "senior trips". "Senior trips" fail to meet the criteria for field or activity trips and, therefore, will neither be supported nor sponsored by the School. Companies that sponsor "senior trips" or their agent(s) are not permitted to use school property and/or other resources to promote such trips. School employees or students who chose to represent companies promoting "senior trips" will be considered agents of the Company. Companies who sponsor "senior trips" will be responsible and liable for any and all accidents, injuries, suits, etc., which may occur as a result of such travel.

**Procedural Directive Cross Ref.:** [Activity Trips & Field Trips](#)

**Revision approved: May 16, 2013**

# I.08 Reports to Parents on Student Progress

A periodic system of grading and reporting to parents/guardians will be maintained at the various grade levels throughout the school.

**Revision approved: May 16, 2013**

## **I.09 Teaching About Controversial or Sensitive Issues**

The Governing Council encourages the objective study of controversial issues. Provisions will be made, as directed by the Principal, for review of lesson plans, student or parent objections to presentations or to print or multi-media instructional materials in accordance with related policies and handbooks.

### **Board Policy Cross Ref.:**

- K.01 Parent Involvement
- I.03 Treatment of Religious Issues
- Parent/Student Handbook

**Revision approved: May 16, 2013**



# **I.10 Student Internet Acceptable Use Policy**

El Camino Real Academy Charter school provides technology resources to its students for educational purposes. The goal of providing these resources is to promote educational excellence.

Proper behavior, as it relates to the use of computers, is no different from proper behavior in all other aspects of APS activities. All users are expected to use the computers and computer networks in a responsible, ethical, and polite manner. Violation of this policy is grounds for school disciplinary action.

## **Board Policy Cross Ref.:**

- G.09 Acceptable Employee Use of Technology
- E.03 Security of Digital Information

## **Procedural Directive Cross Ref.:**

- Internet Safety Procedural Directive

**Revision approved: June 21, 2012**

## I.11 Special Education

El Camino Real Academy shall provide a free appropriate public education for all students with disabilities. The Principal shall develop and implement administrative procedural directive(s) that comply with the Individuals with Disabilities Education Act, its implementing regulations, and state regulations established pursuant to 20 U.S.C. Section 1412.

**Administrative Position:** Principal

**Department Director:** Special Education Coordinator

### References

**Legal Cross Ref.:**

- 20 U.S.C. 1400 et seq.
- 34 CFR Part 300
- NMAC 6.31.2

**Board Policy Cross Reference:**

- I.01 Instructional Program

**Procedural Directive Cross Ref.:**

- Special Education Procedural Directives

**Revision approved: May 16, 2013**

## **J.01 – Equal Educational Outcomes**

El Camino Real Academy shall educate all students in its schools regardless of race, ethnicity, disability, religion, sex, or citizenship status.

El Camino Real Academy shall strive to integrate innovative educational programs to address the diverse needs of students, ensure that each student succeeds, and close the educational gap.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- Plyler, v. Doe, 457 U.S. 202, 102 S. Ct. 2382 (1982)
- State of New Mexico Constitution, Article XII, Section I
- §22-1-4 NMSA 1978

#### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination

**Approved:** July 17, 2014

## **J.04 – School Attendance Area**

El Camino Real Academy does not have an attendance area and is not subject to the “Open Enrollment Act.” Students who reside within the school’s attendance area do not have preference over any other student who wants to attend the charter school. A student who wishes to transfer from another school is admitted only through the lottery process.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-8-B4.1 NMSA 1978

#### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination

**Approved: July 17, 2014**

## **J.05 – School Lottery**

El Camino Real Academy uses a first-come, first-served basis or through a lottery selection process if the total number of applicants exceeds the number of spaces available. Enrollment preference is given to: 1) students who have been admitted to the charter school through an appropriate admission process and remain in attendance through subsequent grades; 2) siblings of students already admitted to or attending the same charter school, and 3) children of an employee of the school

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-8-B4.1 NMSA 1978

#### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination
- J.04 School Attendance Area

**Approved: July 17, 2014**

## **J.06 – Student Enrollment Requirements**

Upon initial enrollment of a student in El Camino Real Academy, the student and/or parent/legal guardian shall present the student's birth certificate or other satisfactory evidence of the student's age to the district.

Upon initial enrollment, the student and/or parent/legal guardian shall provide the district with evidence that the student is in compliance with immunization requirements under New Mexico state statute.

Students who are homeless and are provided protections under federal law shall be required to follow appropriate enrollment procedures as outlined in federal law.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-8-2 NMSA 1978
- §22-12-2 NMSA 1978
- §24-5-1 NMSA 1978
- §24-5-1 to §24-5-6 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.06 Student Compulsory Attendance

**Approved: July 17, 2014**

## J.07 – Student Compulsory Attendance

El Camino Real Academy shall comply with New Mexico state statute which requires that all children who range in age from five (5), prior to 12:01 a.m. on September 1 of the current school year and students under the age of eighteen (18) years who have not yet graduated from high school or received a general educational development certificate attend scheduled classes unless officially excused.

Compliance with El Camino Real Academy attendance policies and procedural directives shall be the responsibility of the parent/legal guardian.

### Administrative Position:

- Principal

### References

#### Legal Cross Ref.:

- §22-8-2 NMSA 1978
- §22-12-1 et seq. NMSA 1978

#### Board Policy Cross Ref.:

- JH Student Absences and Excuses

**Revised: July 17, 2014**

## J.08 – Student Absences and Excuses

If a student must be absent, the parent/legal guardian shall follow the school's notification process for absences. El Camino Real Academy shall consider a student in need of intervention at five (5) unexcused absences and a habitual truant at ten (10) unexcused absences in one school year.

### Administrative Position:

- Principal

### References

#### Legal Cross Ref.:

- §22-12-9 et seq. NMSA 1978

#### Board Policy Cross Ref.:

- J.07 Student Compulsory Attendance

Revised: July 17, 2014



## **J.09 – Release of Students**

School or class shall not be dismissed before the regularly scheduled hour for dismissal except with the approval from the principal, or his/her designee.

Custody of a student shall be relinquished by school personnel only to the parent/legal guardian or a student's emergency contact as identified by the parent/legal guardian.

In extenuating circumstances, school personnel may relinquish custody of a student to law enforcement; however, in every case of an arrest of a student, El Camino Real Academy shall attempt to notify the student's parent/legal guardian.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

#### **Board Policy Cross Ref.:**

- J.08 Student Absences and Excuses

**Revised: July 17, 2014**

## **J.10 – Student Code of Conduct**

Students shall be responsible for attending school and participating in the educational process.

El Camino Real Academy shall establish expected conduct of students in school and at all school sponsored activities. Students shall be responsible for knowing and understanding the expected conduct and aligning their behavior with that expected conduct.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-5-4.3 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.08 Student Absences and Excuses

**Revised: July 17, 2014**

## **J.11 – Student Dress Code**

El Camino Real Academy may adopt student uniform dress codes. The school shall develop, implement and document processes used to ensure thorough community input and community support for a student uniform dress code. The school shall provide accommodations for families who require financial assistance with the cost of uniforms.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-5-4.3 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.10 Student Code of Conduct
- J.12 Student Discipline

**Revised: July 17, 2014**

## **J.12 - Student Discipline**

El Camino Real Academy shall strive to provide and maintain a safe, fair, affirmative, and appropriately challenging environment that promotes learning and positive personal growth. 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. Administrators shall use the progressive discipline procedures and options specified in administrative procedural directive.

El Camino Real Academy encourages parent/legal guardian involvement in matters of school discipline. Parents/legal guardians shall be advised of disciplinary measures taken to elicit their understanding and support. Schools shall maintain a record of disciplinary actions taken.

Corporal punishment shall be prohibited at El Camino Real Academy.

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.13 - Student Drug and Alcohol Use**

El Camino Real Academy prohibits the sale, use, possession, transfer of, or being under the influence of alcohol, narcotics, hallucinogens, inhalants, or drugs or possession of drug paraphernalia on district property or at any district-sponsored activity. Any student found to be engaging in any of the above behaviors shall be subject to appropriate interventions and/or disciplinary measures.

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.14 - Student Wellness and Welfare**

El Camino Real Academy shall maintain a coordinated school health and wellness program to maintain healthy students. This program shall promote the Coordinated School Health Model, which includes the following eight components:

- Nutrition
- Physical Education and Activity
- Family, School and Community Partnership
- Health Education and Life Skills
- Healthy and Safe Environment
- Social and Emotional Well-Being
- Health Services

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.15 - Bullying Prevention**

El Camino Real Academy shall foster a safe, respectful, and fear-free environment for all members of the school community including students, staff, parents, community partners, and visitors.

The Principal shall implement administrative procedural directive(s) to prevent bullying of all forms and to provide a safe, respectful, and fear-free environment to assist student learning, achieve high academic standards, and establish a positive educational environment. All members of the school community shall be aware of the Governing Council's expectation of a safe, respectful and fear-free environment, and the Governing Council shall model this in its own behavior

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.16 - Student Possession of a Firearm**

Students found to be in possession of a firearm shall be expelled from El Camino Real Academy for a minimum of one calendar year and the offender(s) shall be referred to the Police Department for appropriate action.

The definition of "firearm" from 18 U. S. C. 92 is summarized as, "... any weapon which will propel a projectile by the action of an explosive."

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**



## **J.17 - Student Interrogations and Arrests**

School personnel shall cooperate with law enforcement agencies and/or child abuse investigators who are seeking to interview students at the school site. Individual students shall not be interrogated on campus without permission of the Principal or the Principal's designee

There is no requirement to notify the parents/legal guardians of the student prior to the questioning; however, the school shall immediately make a good faith effort to notify the parents/legal guardians of the student if the student is being interrogated for any reason or has been removed from campus by law enforcement authorities unless that notification violates a confidentiality agreement or it endangers the safety of the student.

The student shall be made aware of his/her legal rights by the law enforcement officials. A commissioned law enforcement officer shall be required to place a student under arrest, or protective custody, before the student may be removed from the campus for either further questioning or to be held at a detention facility.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-5-4.3 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.12 Student Discipline

Revision approved: January 17, 2013

Revised: July 17, 2014

## J.18 - Acceptable Student Use of Personal Electronic Devices

El Camino Real Academy shall permit student possession of personal electronic devices on school property and at school sponsored activities while the student is under the supervision of school staff. These devices shall be kept out of sight and silenced or powered off during the instructional day unless otherwise permitted by the school procedures. Use of personal electronic devices that disrupt the instructional day or include unauthorized use shall be prohibited.

El Camino Real Academy shall not be responsible for restricting, monitoring or controlling the electronic communications of students; however, it reserves the right to do so.

### Administrative Position:

- Principal

### References

### Legal Cross Ref.:

- §22-5-4.3 NMSA 1978

### Board Policy Cross Ref.:

- I.10 Student Internet Acceptable Use Policy
- J15 - Bullying Prevention

Revision approved: July 17, 2014

## J.20 – Release of Student Information

The Governing Council, in compliance with the Family Education Rights and Privacy Act of 1974 (FERPA), as amended, and state law and regulation shall allow the release of directory information about El Camino Real Academy students only to those persons or organizations having a legal right to know. All release of student information requests shall be reviewed and approved or denied by the custodian of public records.

### Administrative Position:

- Principal

### References

#### Legal Cross Ref.:

- FERPA
- §22-21-2 NMSA 1798
- 6.10.6 NMAC

#### Board Policy Cross Ref.:

- K.10 Custodian of Public Records
- K.11 Recruitment in Schools

Revised: July 17, 2014

## **J.21 –Student Records**

A student's records kept by El Camino Real Academy shall be open to review by the student's parents/legal guardians and/or the student and shall be treated as prescribed by the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, state statute and state regulation. If there are apparent conflicts among the various statutes, the provisions of FERPA shall prevail.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- FERPA
- §22-21-2 NMSA 1798
- 6.10.6 NMAC

#### **Board Policy Cross Ref.:**

- K.10 Custodian of Public Records
- K.11 Recruitment in Schools

**Revised: July 17, 2014**

## **J.22 - McKinney-Vento Homeless**

El Camino Real Academy complies with the McKinney-Vento Homeless Education Assistance Act and Regulations of the Public Education Department regarding the education of homeless students

### **Administrative Position:**

- Principal

### **References**

### **Legal Cross Ref.:**

- §6.10.36.B NMAC

**Revision approved: July 17, 2014**

## K.10 Custodian of Public Records

As required in the Inspection of Public Records Act, the Custodian of Public Records for the School 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.

### Board Policy Cross Ref.:

- J.20 Release of Student Information
- J.21 Student Records

**Approved: April 29, 2012**

**Revised: July 17, 2014**

## K.13 Recruitment in the Schools

El Camino Real Academy shall comply with all applicable federal and state statutes, rules and regulations concerning post-secondary recruiters. The school shall comply with a request by a post-secondary recruiter for secondary students' directory information, unless a parent/legal guardian has "opted out" of providing such information. Students and parents/legal guardians shall have the right to deny the release of secondary student directory information to any or all post-secondary recruiters. The school shall not release student directory information to post-secondary recruiters unless specifically required to do so by federal or state statute or regulation.

For purposes of this policy, "post-secondary recruiter" means a person who recruits students to enroll in a school, college or university; to join a branch of the armed services; or to join a business, firm or other employment.

For purposes of this policy, "directory information" means students' names, addresses and telephone numbers.

**Administrative Position:** Principal

### **References:**

### **Legal Cross Ref.:**

- Elementary and Secondary Education Act
- Family Educational Rights and Privacy Act
- Protection of Pupil's Rights Act
- Freedom of Information Act
- Inspection of Public Records Act

**Approved:** July 17, 2014

# K.01 Parent Involvement

El Camino Real Academy Governing Council and staff recognize that we are a school that receives Title 1. Schools receiving Title 1 funds must consult with parents and teachers on the design and implementation of the Title 1 program and parental involvement opportunities to build effective partnerships that support student academic achievement.

The principal and parent liaison are responsible for meeting periodically with parents to develop the process, method and timeline of communication and development of the school/parent compact.

**Approved: April 29, 2012**



# **El Camino Real Academy Governing Council Policies FY 2016-2017**

A. Foundations and Basic Commitments

B. Governance Council Bylaws

C. General School Administration

D. Fiscal Management

E. Support Services

F. Facilities Development

G. Personnel

H. Negotiations

I. Instruction

J. Students

K. School-Community-Home Relations

## **A.01 Mission Statement**

As a community school, ECRA serves students and families by fostering student awareness of their personal learning potential through academic and social-emotional intervention.

**Revised:** 7/17/14

## A.03 Nondiscrimination

El Camino Real Academy affirms its commitment to the rights of students, parents and employees, as set forth in Federal and State statutes, for nondiscriminatory treatment in relation to disability, race, ethnicity, color, sex, sexual orientation, gender identity, national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law, in all its programs and activities. Nondiscrimination shall include freedom from harassment and retaliation based on disability, race, ethnicity, color, sex, sexual orientation, national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law.

This policy shall be implemented by the Principal, or his/her designee, through processes delineated in the procedural directives cross-referenced below:

- Section 504/ADA Compliance: Students
- Section 504 of the Rehabilitation Act/Americans with Disabilities Act Compliance: Employees
- Section 504/ADA: Physical Access for Students, Parents, and Employees with Disabilities
- Gender Discrimination and Sexual Harassment: Employees
- Gender Discrimination and Sexual Harassment: Students
- Discrimination and Harassment: Employees
- Discrimination and Harassment: Students
- Disability Harassment: Students

### Administrative Position:

- Principal

### References

### Legal Cross Ref:

### Board Policy Cross Ref.:

- G.01 Equal Employment
- JB – Equal Educational Outcomes

### Procedural Directive Cross Ref.:

- Section 504/ADA Compliance: Students
- Section 504 of the Rehabilitation Act/Americans with Disabilities Act Compliance: Employees
- Section 504/ADA: Physical Access for Students, Parents, and Employees with Disabilities
- Gender Discrimination and Sexual Harassment: Employees
- Gender Discrimination and Sexual Harassment: Students
- Discrimination and Harassment: Employees
- Discrimination and Harassment: Students
- Disability Harassment: Students

**NSBA/NEPN Classification: AC**

**Approved:** October 23, 1991

**Reviewed:** October 21, 1992

**Approved:** November 4, 1992

**Revised:** February 20, 1996

**Revised:** May 22, 2000

**Revised:** April 2001

**Revised:** February 2002

**Revised:** December 2002

**Revised:** January 2005

**Revised:** May 1, 2006

**Revised:** May 24, 2006

**Reviewed:** December 13, 2010

Use of tobacco at El Camino Real Academy is prohibited.

**Revised:**

## **A.04 Tobacco Free Schools**

Use of tobacco at El Camino Real Academy is prohibited.

**Approved:** 9/15/2011

## A.05 Video Surveillance

The Governing Council of El Camino Real Academy authorizes the use of *video only* surveillance cameras on School property to ensure the health, welfare and safety of staff, students and visitors to School property. Surveillance cameras are in use on the School's campus to promote safety, prevent crime, and protect School property.

Areas that may have cameras include hallways; parking lots; the School's front offices; gymnasiums; cafeterias; supply rooms; and classrooms and other locations where staff, students, and visitors have no reasonable expectation of privacy. Cameras will not be allowed in bathrooms, gym locker/changing areas, and private offices (unless consent by the office owner is given). Any person entering a School facility, on School property or at a School function is subject to being videotaped. The School will notify students/parents and staff through handbooks, and signs will be posted where cameras are in use.

Students or staff in violation of GC policies, administrative regulations, state or federal laws revealed through information caught on surveillance tape will be subject to appropriate discipline, including referrals to law enforcement agencies. Video recordings may become part of a student's education record or a staff member's personnel record.

The existence of this policy or the use of video camera surveillance does not imply or guarantee that cameras will be monitored in real time 24 hours a day, seven days a week.

The Executive Director/Principal shall develop appropriate use and notification procedures in compliance with all state and federal laws, including but not limited to laws applicable to record maintenance and retention.

### References:

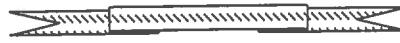
**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

- Employee Handbook (in process)
- Student Handbook (in process)

**Approved:** January 18, 2016

# **EL CAMINO REAL ACADEMY**



## **GOVERNING COUNCIL BYLAWS FY13**

### **ARTICLE I MISSION STATEMENT**

Together with parents and the community, El Camino Real Academy, ("ECRA"), a New Mexico public charter school created pursuant to the Charter Schools Act, NMSA 1978 §§22-8B-1, *et seq.*, is committed to creating a professional learning community that empowers students to learn the interconnection between real-world problem solving and academic success, which leads to mastery of life skills and recognition of the patterns that are intrinsic to all knowledge.

### **ARTICLE II NAME OF GOVERNING BODY AND SCHOOL**

The name of ECRA's governing body shall be known as the "Governing Council," and referred to in these bylaws as "The Council."

### **ARTICLE III EQUAL OPPORTUNITY**

ECRA affirms its commitment to providing equal treatment of all of its students, parents and employees. Neither ECRA or the Council shall discriminate against any student, parent or employee on the basis of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition or sexual orientation or gender identity with respect to his/her rights, privileges, programs, activities, and/or in the administration of its educational programs and athletics/extracurricular activities.

### **ARTICLE IV GOVERNANCE AND TRAINING**

The Council has a responsibility to ensure that ECRA operates in accordance with all applicable laws and regulations, and meets its commitments to its authorizer, Albuquerque Public Schools ("APS") Board of Education, and to the New Mexico Public Education Department ("NMPED") as reflected in its charter. Council members have a responsibility to be familiar with the terms of the ECRA charter and legal responsibilities of public schools. Council members must become educated about public school laws and applicable rules and regulations. All ECRA Council members are required to attend annual mandatory training that explains New Mexico Public Education Department rules, policies, and procedures, statutory powers and duties of charter school governing bodies, legal concepts pertaining to public schools, finance and budget and other matter deemed relevant by the NMPED. In particular, the ECRA Council recognizes that the following New Mexico statutes and rules are applicable to public charter

schools and each member commits to take necessary steps to become familiar with these provisions:

- Charter Schools Act (NMSA 1978 §§ 22-8B-1 et seq.)
- School Personnel Act (NMSA 1978 §§ 22-10A-1 et seq.);
- Procurement Code (NMSA 1978 §§ 13-1-1 et. seq.);
- Open Meetings Act (NMSA 1978, §§ 10-15-1 et seq.);
- Public School Finance Act (NMSA 1978 §§22-8-1 et seq.)
- New Mexico Public Education Department regulations, (contained in Title 6 of the New Mexico Administrative Code).

To the extent ECRA has not specifically requested and been granted a waiver from a particular NMPED or APS Board of Education policy, those policies which have not been waived, shall apply.

## **ARTICLE V**

### **GOVERNING COUNCIL POWERS AND RESPONSIBILITIES**

The primary powers and duties of the Council are to:

1. Develop educational and operational policies for the ECRA;
2. Employ ECRA's head administrator, who shall be referred to hereafter as the "Principal," evaluate the Principal annually; and set the salary schedule for certified/licensed employees;
3. Charge the Principal with the responsibility of implementing the charter; employing, fixing the salaries of, assigning, terminating and discharging all ECRA employees; carrying out ECRA's policies and procedures, facilities plans, budget, and such other directives and policies adopted by the Council from time to time. The Governing Council shall not be involved in the day-to-day operations of the school;
4. Review, approve and monitor implementation of the annual ECRA budget;
5. Acquire, lease and dispose of property, both real and personal to the extent permissible by laws applicable to public charter schools;
6. Initiate lawsuits or take all necessary steps to protect the ECRA's interests;
7. Consistent with ECRA's budget authority, approve contracts for the repair and maintenance of all property belonging to the ECRA or for which ECRA is contractually responsible to maintain and repair, which authority may be delegated to the Principal up to an amount not exceeding \$7,500;
8. Enter contracts consistent with the ECRA approved budget for any service or activity that is required for ECRA to perform in order to carry out the educational program described in the ECRA charter. The Council may delegate its authority hereunder to the Principal for contracts not exceeding \$25,000, except in cases of employment contracts which shall be delegated to the Principal consistent with ECRA's budget authority and the Council's adopted salary schedule;
9. Develop, adopt and amend policies and procedures pertaining to the administration of all powers or duties of the Council and ECRA;
10. Accept or reject any charitable gift, grant, devise or bequest. Each particular gift, grant, devise or bequest accepted shall be considered an asset of the ECRA;



11. Approve amendments to the Charter prior to presentation to the APS for approval;
12. Make application to APS or then NMPED for capital outlay funds and to be included in APS's five-year facility plan;
13. Negotiate with APS to provide transportation to students eligible for transportation under the provisions of the Public School Code as deemed necessary and/or other services consistent with ECRA's charter;
14. Open other locations for operation of ECRA as consistent with the charter;
15. Address problems through the applicable dispute resolution processes according to policies and procedures;
16. Review and consider recommendations submitted by the Principal and other advisors to the Council;
17. Promote a cooperative relationship with its charter authorizer; to function in accordance with the New Mexico Charter School Act and resolve any dispute, which may arise between ECRA or its Council and APS officials or the APS School Board to the mutual benefit of the operation of ECRA and its authorizer/local supervisory authority; and
18. Such other powers and authorities as provided for by law.

## **ARTICLE VI**

### **COLLECTIVE AUTHORITY OF COUNCIL**

The Council will not be bound by any statement or action by an individual Council member, unless the Council, by majority vote in a properly convened meeting, delegates authority to that individual member to speak for or represent the entire Council. Unless acting pursuant to said express-delegated authority from the Council, no Council member shall undertake any individual action to implement any plan or action of the Council. When a Council member is assisting the Principal with implementing school policies, programs or other directives of the Principal the Council, in this role the Council member shall be considered a volunteer and have no special authority beyond that of a volunteer.

## **ARTICLE VII**

### **COUNCIL MEMBERSHIP**

1. Positions and Qualifications. ECRA Governing Council shall have no fewer than 5 (five), but no more than nine (9) voting members. The ECRA GC shall strive to have the following composition; at least one (1) parent who has a child currently enrolled in ECRA; with the balance of the council to be qualified individuals who have experience in business, education, law, finance, real estate and such other fields beneficial to ECRA's mission and the efficient, sound governance of ECRA. The candidates for positions on the Governing Council shall be considered 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 Council (including the requirement that each Council member shall regularly participate in the activities of at least one Council committee), and their commitment to acting in the best interests of ECRA as a whole, rather than for the interests of any particular person or group. The Council shall determine, prior to February 1 of each school year, whether the make-up of the Council shall be increased or otherwise changed.

2. Member Terms. There shall be no limit on the length of a member's tenure on the ECRA Council.

3. Vacancies. A vacancy on the Council caused an increase in the number of council members, a member's resignation, or a member's removal by vote of the Council, will be filled by majority vote of the remaining Council members. To fill any vacancy the Council shall convene to appoint a Nominating Committee who will recommend candidates to fill the vacancy. If Council membership falls below five (5) the vacancy shall be filled within sixty (60) days from creation of the vacancy. The Nominating Committee shall be one Council member and the Principal or his/her designee, who shall meet and solicit written applications, recruit potential candidates, and screen applicants and recruits for each of the positions on the Council to be filled. The Nominating Committee shall recommended candidates to the Council at a public meeting. The Council shall thereafter select new members by a majority vote.

4. Disqualifications/Nepotism Rule. In no event shall a Council member be an ECRA employee, spouse of another Council member, or have a contract for provision of services or property with ECRA. The Council will not initially employ as Principal a person who is a Council member (unless the offer of employment is contingent upon such member's resignation from the Council), the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, or daughter-in-law, sister, sister-in-law, brother, brother-in-law, or sibling (collectively "family members") of any Council member. Upon petition by the Principal, the Council may approve the Principal's hiring of the Principal's family members by majority vote at a public meeting. Prior to approving the Principal's request to hire said individual, the Council shall carefully consider the potential impact on the integrity, efficiency, discipline and public perception of ECRA in the employment of any person who is a family member of the Principal or the parent of a currently enrolled ECRA student. Nothing in this section shall prohibit the continued employment of a person employed on or before the adoption date of these Bylaws.

5. Attendance. 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 or designee 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 or designee of the Council in advance that he or she will be unable to attend a meeting, the Council member shall notify the President or designee in a timely manner following the meeting of the reason for his or her absence.

6. Removal from Council. A Council member may be removed by a majority vote of the remaining Council members for the following reasons:

- a. If a member misses two consecutive regular meetings or two out of six consecutive regular meetings except when such absence is due to exigent circumstances;
- b. If a member violates any policy or procedure adopted by the Council;
- c. If the Council determines that a member is not acting in the best interest or is otherwise obstructing the business of the Council;
- d. Violation of the member's duty of loyalty; or
- e. Any other ground the Council deems appropriate.

7. Resignations. A member shall state his/her intent to resign and the effective date of the resignation in writing to the Council President. A member's resignation shall be effective upon the date stated in the letter of resignation. A Council member becomes an employee of ECRA

will be deemed to have automatically resigned from his or her position on the Council, effective no later than the first day of his/her employment. \_\_\_\_

## **ARTICLE VIII**

### **OFFICERS OF THE COUNCIL**

1. Officers of ECRA Council. The officers of the ECRA Council shall be a president, a past-president, and a secretary/treasurer. ECRA may, by a majority vote, create different categories of officers without requiring an amendment to these bylaws. 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 Council, be performed by the next officer set forth in the following sequence: president, past president, secretary/treasurer.

2. Election and Tenure. All officers shall be elected by a majority vote of the Council. Officers shall serve for one (1) year terms; and be limited to a maximum of two (2) consecutive terms. Regular election of officers shall take place at the first regular meeting of the ECRA Council in February of each school year or until their successors have been duly elected and qualified, or until their death, resignation or removal. Officers’ terms shall begin at the meeting immediately following the meeting of the Council at which the officer is elected.

3. Resignations and Removal. An officer may resign at any time by giving written notice to the president or to the secretary, the acceptance of such resignation shall not be necessary to make it effective. An officer may be removed by the Council whenever in its judgment the officer fails to perform the duty of his/her office or such other duties as appointed by the Council, or the best interests of the School would be served thereby.

4. Vacancies. A vacancy in any office may be filled by a majority vote of the Council for the unexpired portion of the term of the officer being replaced.

5. President. The president of the Council shall preside at all meetings. She/he shall have the right, as other members of the Council, to make or second motions, to discuss questions, and to vote. The president of the Council may not take any action on behalf of the Council or ECRA without prior specific authority from a majority of the Council to do so. All communications addressed to the president shall be considered by him or her for appropriate action, which consideration may include consulting with legal counsel, and consideration by the Council. The president shall sign legal documents as required by law and perform such other duties as may be prescribed by the Council. It is the president’s responsibility to ensure that Council members uphold their commitments/responsibilities to the school. The president is responsible for compiling the topics for business to be placed on the agenda.

6. Past-President. The office of past president is created to ensure institutional continuity. If the past-president resigns from the Council, the Council shall elect a vice-president. The officer in this position shall perform the duties of the president in the absence of the president or at the request of the president. In the event a vacancy occurs in the presidency, the past-president or vice-president will act in the capacity of the president until the office has been filled by a vote of the Council membership.

7. Secretary/Treasurer. The secretary/treasurer shall be familiar with the fiscal affairs of the School and keep the Council informed thereof in the event that the school’s Business Manager is unable to so act. He/she will have knowledge of public school finance

laws, rules and policies and shall serve as the chair of the ECRA's Finance Committee and Audit Committee. He/she shall attend the PED Spring Budget Workshop and/or any other financial regulatory training recommended by the Council, Principal or the Business Manager. As secretary to the Council, this office shall keep the minutes of the Council meetings, subject to the direction of the president, ensure that all notices are given in accordance with the provisions of the charter, Council policies and as required by law; shall countersign, when required, all authorized contracts, deeds, leases, or other legal instruments; and in general perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to the secretary by the Council. The Council may appoint a designee to assist with the responsibilities of the Secretary as described herein, including recording and transcribing the minutes of the meetings, posting notices and agendas and preparing packets for the Council's review. The secretary will review the minutes prior to presentation to the Council for approval. The secretary or the Council's designee shall be responsible for presenting the minutes to the Council at meetings.

8. Compensation. The officers shall not be compensated for their services; however, they may be compensated for reasonable expenses in accordance with the New Mexico Mileage and Per Diem Act.

9. Directors and Officers Insurance. The Council may secure officers and directors insurance in excess of the coverage provided by the New Mexico Public School Insurance Authority upon appropriate approval of the Council and if provided for in the school's approved budget.

## ARTICLE IX COUNCIL COMMITTEES

1. Standing Committees. The Council may establish standing committees, which may consist of Council members and non-Council members. Committee assignments and chairmanships will be determined by action of the entire Council, provided that at least one Council member shall serve on each committee. Standing committees of the Council shall include a Finance Committee and Audit Committee as defined by NMSA 1978 §22-8-12.3(2010); and a Nominating Committee, as defined in Article VII, Section 3. The time and place of all committee meetings shall be announced to the Council. Except for the audit committee, all Council members may attend any committee meeting if the meetings are properly noticed pursuant to the Open Meetings Act when a quorum will be present.

2. Principal's Committees. The Principal is empowered to establish committees within the school that report to the Principal. The Principal shall advise the Council about the purpose of the committees and activities affecting the school.

3. Ad Hoc Committees. 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 with the Council.

4. Committee Functions. The function of Council committees will be fact-finding, deliberative, and advisory, rather than legislative or administrative. Committee recommendations that require school-wide policy changes must be submitted to the Council. The organization, responsibilities and rules of each committee created by the Council shall be reflected in a resolution approved by the Council. All committees shall keep written minutes of their

meetings, and shall periodically present written reports to the Council containing committee recommendations. Committees shall comply with the Open Meetings Act, when applicable.

## **ARTICLE X**

### **COUNCIL MEETINGS**

1. Council Meetings. The ECRA Governing Council will comply with the New Mexico Open Meetings Act. NMSA 1978 §10-15-1. Regular meetings of the Council will be scheduled as determined to be reasonable and necessary for ECRA and set forth in the Council's annual resolution. Council meetings will be held at 3713 Isleta Blvd. SW, Albuquerque, New Mexico, or such other location as may be determined by the Council. Special meetings of the governing body may be called by the Council president or at the request of a Council member, in accordance with the Open Meetings Act. The Council shall consider at least once annually what constitutes reasonable notice for all regular, special and emergency meetings as contemplated by the New Mexico Open Meetings Act and, thereafter, pass an appropriate resolution adopting policies and procedures for complying with the Act. The Resolution shall be posted for public information.

2. Council Agenda. The President of the Council shall set the council agendas. A request to have an item placed on the agenda must be submitted in writing to the President at least 24 hours prior to the required time the agenda must be posted. The President or designee shall provide a copy of the agenda and strive to provide all documentation to be considered by the Council at the meeting to each Council member at least 24 hours prior to the meeting. The agenda shall be posted for the public in accordance with the Open Meetings Act.

3. Council Record. A record of all actions of the Council will be set forth in the official minutes of the Council. The minutes and recordings will be kept on file pursuant to New Mexico record retention requirements. The Council will maintain a separate handbook of its minutes and resolutions passed by the Council, which shall be available for public inspection.

4. Council Minute and Records. The Council shall delegate responsibility for taking minutes of all Council meetings to the ECRA's administrative staff who shall provide thereof draft copy of the minutes to the Council Secretary prior to the next regular meeting of the Council. The Secretary shall present the draft minutes for approval at the next regular Council meeting. The Principal or his/her designee shall also supervise the Governing Council handbook of resolutions passed by the Council and the indexed record of action. A draft copy of the minutes shall be made available for public review by no later than 10 days after each meeting of the Council.

5. Quorum. A of the ECRA quorum shall consist of a simple majority of Council members in office. When a quorum is present any action may be taken by a majority vote of those members present.

6. Procedure. Roberts' Rules of Order, newly revised, will govern the Council, except when in conflict with applicable laws or regulations, which then prevail. Most action items are handled by appropriate motion procedures.

7. Attendance via Telephone Conference Call. Except to the extent otherwise provided by law, any meeting of the Council may be attended by any or all of the Council members by means of a conference telephone (or similar communications equipment) when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all

participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any other member of the Council who speaks during the meeting. Such attendance shall constitute presence by the Council member as if in person at such meeting and for purposes of determining a quorum. Any action taken by the Council at such meeting shall constitute a valid action of the Council.

## **ARTICLE X**

### **CONFLICT OF INTEREST POLICY**

1. General Principles. It is the responsibility of all Council members to conduct themselves in accordance with the highest standards of integrity, honesty, and fair dealing to preclude any appearance of a conflict between the interest of ECRA and the personal interests of the member. Likewise, it is the responsibility of the Council to ensure that the school conducts all its business and operations impartially in accordance with all laws. All hiring and other transactions imposing financial and/or legal obligations on ECRA shall be made with the best interests of ECRA as the foremost consideration.

The Council also recognizes that the ultimate success of ECRA depends upon the active participation, cooperation and collaboration of all stakeholders. Sometimes, the best interests of ECRA 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. ECRA therefore has established this policy to guide 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 a Council member permits the prospect of direct or indirect personal gain (or gain to a relative or Related Party) to influence improperly his or her judgment or actions in the conduct of ECRA business.

It is not practical to specify every action that might be considered to raise a conflict of interest. Consequently, Council members should immediately disclose to the Council any circumstance that may give rise to the appearance of a conflict of interest. The following situations describe examples of direct conflicts of interest that should be reported to the Council and avoided by Council members.

a. Acquiring, leasing, selling any property, facilities, materials, or contract services (e.g., financial, legal, public relations, computers) by ECRA under circumstances in which there is direct or indirect compensation to a Council member, or his/her relative or a Related Party of the member.

b. Using confidential information acquired by virtue of the member's associations with ECRA for their individual or another's private gain.

c. Requesting or receiving and accepting a gift or loan to the member or a Related Party that tends to influence the member or appear to influence the member in the discharge of his/her duties as Council members.

d. Influencing or having the appearance of influencing business with suppliers to ECRA, which results in the financial benefit to the member, his or her relatives or a Related Party.

3. Transactions with Interested Council Members. Neither the Council nor ECRA shall enter into a financial transaction with any Council member or a Related Party of a member unless during a public meeting: (a) the nature of the direct or indirect financial interest is fully disclosed to the Council; (b) the transaction is expressly approved by a majority of the Council

members present at such meeting who have no direct or indirect personal financial interest in the transaction; and (c) the Council has established that: (i) the transaction is financially no less favorable to ECRA than would be available in an arm's length transaction between unrelated parties; (ii) no Council member will be, as a result of ECRA entering the transaction in question, in a position to influence decisions relating to the questioned transaction and (iii) the benefits to ECRA outweigh any appearance of a conflict of interest. A written contract or other written memorandum shall evidence all such interested transactions approved by the Council, and be reflected in Council minutes.

4. Related Party. For purposes of these Bylaws, a "Related Party" is an individual, business enterprise, nonprofit organization or other entity with respect to which such Council member, or a relative of such a Council member (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.

5. Deliberations and Voting on Conflict Issues: In order to avoid conflicts of interest and the appearance of impropriety Council members shall not participate in any meeting, deliberation, or vote of the Council relating to (i) the discipline of himself or herself; (ii) discipline or employment decisions affecting any relative of the Council member; or (iii) the Council's consideration of any transaction affecting the member for purposes of determining whether a conflict of interest exists. Disciplinary matters pertaining to a Council member shall be held in an open meeting and may not be convened to a closed session unless the discussion may implicate matters properly exempted by the Open Meetings Act.

6. Violation of Conflict of Interest Policy. Upon discovery of a possible infraction of the ECRA Conflict of Interest Policy, the discovering party is required to immediately notify the Council president and Principal. The matter shall be considered and resolved at the next regularly scheduled meeting of the Council. If the Council decides that an ECRA employee, Council member, or volunteer has violated the conflict of interest rules or otherwise abused or attempted to abuse his or her position at ECRA, the Council shall review and recommend appropriate action.

7. Annual Disclosure Statement. Each Council member shall complete an "Annual Disclosure Statement," in which he/she is 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.

## **ARTICLE XI**

### **COUNCIL MEMBERS' ETHICAL OBLIGATIONS AND DUTIES**

1. Misuse of Position. A Council member shall not use his or her position at ECRA to attempt to influence the decision of any ECRA employee to grant special treatment to (a) the child or ward of the member, (b) any relative of the member, or (c) any "Related Party" as defined in Article X. Every Council member and every ECRA employee who is a parent or ward of a ECRA student shall inform his or her child that he or she is required to follow all rules, policies and procedures applicable to ECRA 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.

2. Commitment to Collaboration. All Council members shall work collaboratively with each other, with the sole goal of achieving ECRA's educational mission. The Council has

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

3. Confidentiality. 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. A member's obligation to maintain confidentiality shall survive the Council member's tenure on the ECRA Council.

## ARTICLE XII MISCELLANEOUS

1. Alternative Dispute Resolution Programs. The Council recognizes the existence and effectiveness of alternative dispute resolution programs. Use of alternative dispute resolution programs can result in the early, fair, efficient, cost effective, and informal resolution of disputes. Appropriate use of alternative dispute resolution methods by ECRA is hereby determined to be in the best interest of the school. The Council shall publish a thorough and concise set of dispute resolution policies and provide them in the appropriate School policy publications as they apply.

2. 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 originate from Principal, a Council member, Council advisors, or committees formed by the Council for the purpose of investigating and developing policy. Staff members, students, civic groups, parents or other interested citizens may request that a Council member or the Principal sponsor a proposed policy.

The Council will adhere to the following described procedure in considering and adopting policy proposals to ensure that such proposals are thoroughly examined before final action. After review, the Governing Council will make such proposed policies available where Council minutes are posted for public comment by affected stakeholders for a period of at least seven (7) days. Comments on the proposed policies must be submitted in writing to the Principal by the deadline specified by the Council or be given in person at the public meeting at which the policy will be considered by the Council. Following such public comment period, the Council shall consider those comments received by the deadline and determine whether changes to the initial draft policies should be implemented. After such consideration by the Council, and adoption of any recommended changes, the Council shall present its final recommended policies or revisions. The public comment process shall apply to all policies proposed by the Council after the date these Bylaws are adopted by the Council.

3. Amending Governing Council Bylaws. Any section or subsection of the Governing Council Bylaws that law may be altered, suspended or revoked only by 2/3 two thirds of a quorum vote of the Governing Council.



4. Signatory Authority. The Governing Council may by a majority vote, delegate authority to sign contracts as described by resolution, to the Principal consistent with Article V, paragraph 7 and 8. All checks must be signed by two authorized individuals, neither of which may be ECRA's business manager.

5. Dissolution of the Charter. If deemed advisable by the Council that ECRA's charter should be dissolved, ECRA in collaboration with the Albuquerque Public Schools and the New Mexico Public Education Department shall devise an appropriate plan for closing the school and transferring assets as required by the New Mexico Charter School Act and such other applicable laws and regulations.

### **CERTIFICATE OF ADOPTION**

The undersigned officers hereby certify that these Bylaws were duly adopted by the ECRA's Governing Council on May10, 2011.

By: \_\_\_\_\_  
President

See attached Board Minutes

## C.01 Principal's Authority and Responsibility

The Principal has the authority and responsibility of administering the School and the development of procedures to implement each policy of the Council.

The Principal has the authority and responsibility to employ, fix salaries of, assign, terminate or discharge all employees of the school, according to New Mexico State Statutes.

The Principal has the authority to approve and sign non-employment contracts in an amount not to exceed \$25,000. The Principal has the authority to approve contracts for repair and maintenance of the facilities not to exceed \$7,500.

**Board Bylaws Cross Ref.:** Governing Council Bylaws Section V items 7 and 8.

**Legal Ref.:** 22-5-4 NMSA 1978 (1986 Repl.)  
22-8B-5 NMSA 1978

**Approved:** 9/15/11

## C.02 Principal's Evaluation

An effective working relationship between the Governing Council and the Principal is essential to the successful operation of the School. The development and maintenance of such a relationship requires that a periodic review be done of the Principal's diverse responsibilities accompanied by an appraisal of the Principal's performance.

The Council will annually evaluate the Principal in compliance with New Mexico State Statutes, the State Board of Education's Educational Standards and any applicable grants, which require Principal evaluations.

Based on a process and criteria that are mutually agreeable to the Council and the Principal, the Council will evaluate the Principal's effectiveness. The evaluation document and procedures to be used will be reviewed and approved annually by the Council and the Principal.

The evaluation will be completed and presented to the Principal by May 1<sup>st</sup>.

**Legal Ref.:** 22-5-4 NMSA 1978 (1989 Repl.)

**Approved:** 9/15/2011

## C.03 Shared Leadership

The El Camino Real Academy Governing Council supports the implementation of shared decision making throughout the school's organizational structure.

The philosophy of shared decision making shall be evident in all components of the school's operation through the collaboration of personnel, students, parents, and community members to design and implement: (1) goals, (2) objectives, (3) plans of action, (4) evaluation methods, (5) responses to results of evaluation, and (6) reporting activities. Shared decision making shall support improved student achievement and effective delivery of programs and services.

While fully supporting these collaborative efforts, the council recognizes its ultimate authority and responsibility and that of the principal for decisions which impact the direction of education at El Camino Real Academy.

The Camino Real Academy Governing Council directs the principal to encourage and measure community involvement in shared leadership and to foster the collaborative efforts of school personnel, students, parents, and community members through: grade level Professional Learning Communities; parent organizations, and special committees for specific projects or problems when warranted.

Nothing in this policy shall preclude the identification and creation of other appropriate avenues of communication by school personnel, students, parents, and community members for development of policies, programs, short and long range planning, and activities of the school.

**Legal Ref.:** 22-5-4 NMSA 1978 (1989 Repl.)

**Approved:** September 28, 2011

## D.01 Budget Process

The adoption of the annual operating budget is the responsibility of the Governing Council. The budget process will include specific budget hearings allowing the Council to learn of the public's priorities and what the public believes should be the major focus areas of the School. School staff will also be given a specific opportunity to speak to various programs and matters of interest to the Council.

Following such hearings, the Council will identify priorities and give general instructions to the principal to prepare a balanced budget based upon its priorities.

Finally, the Council will debate and vote upon budgetary matters without further public hearings. The operating budget will then be approved by APS and included separately in the budget submission to the State Department of Education pursuant to the Public School Finance Act and the 1999 Charter Schools Act.

**Legal Ref.:** 22-5-4 NMSA 1978 (1988 Repl.)

**Approved: September 28, 2011**

## D.02 Investments

The charter school shall account for public money placed in any interest bearing account in accordance with 22-8-40 NMSA 1978, 6.10-17 and 6.10.31 NMSA, and any other federal and state laws which apply to the investment of public school funds.

**Legal Ref.:** §6-10-1 et. seq. NMSA 1978  
§22-8-37 through §22-8-42 NMSA 1978

**Approved: September 28, 2011**

## **D.03 Contracts**

State statute and regulation shall govern the issuance of contracts. El Camino Real Academy may require additional provisions in a contract between itself and any third party that is not specifically outlined in state statute or regulation.

### **Legal Cross Ref.:**

- §13-1-28 et seq. NMSA 1978
- 6.20.2.9 NMAC

### **Council Policy Cross Ref.:**

**Governing Council Bylaws Article V 7 and 8.  
C.01 Principal's Authority and Responsibility**

**Approved: September 30, 2011**

## **D.04 Central Purchasing**

To assist the Governing Council with its powers or duties pursuant to state statute, the principal and the business manager shall maintain a central purchasing department.

The central purchasing department may purchase, rent, lease or otherwise acquire on behalf of the school all items of tangible personal property or services. All purchases shall be in accordance with the applicable federal and state statute and regulation in addition to applicable Governing Council policies and administrative procedural directives. The principal shall appoint a certified Central Procurement Officer (CPO). The CPO may make a determination whether a service is a professional service, based on required licensure, continuing education requirements and type of service provided.

El Camino Real Academy will not operate any credit card, p-card or debit card (i.e. VISA, Discover). El Camino Real Academy will not enter into any agreements for provision of any other type of retail credit facility (for example, store credit accounts) without a specific resolution of the El Camino Real Governing Council.

The Governing Council shall reserve the right to review, approve or reject any procurement decision.

### **References**

#### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et.seq. NMSA 1978
- §22-8B-4 NMSA 1999

**Revision approved: September 30, 2011**

**Revision approved: May 15, 2014**



## **D.05 Financial System**

The principal and business manager shall establish and maintain for the school a complete, auditable financial system which meets all statutory and regulatory requirements of the State of New Mexico and more particularly the State Department of Education. In addition the financial system must provide information which allows for compliance with Generally Accepted Accounting Principles (GAAP), applicable Governmental Accounting Standard Board pronouncements and the Federal Uniform Grant Guidelines.

A complete set of financial statements shall be presented to the Governing Council each month. The Principal will insure that all required state and federal fiscal reports are filed timely. All funds over which the Governing Council has direct control shall be audited annually, as required by law.

A complete inventory of the district's property shall be maintained, as required by law

### **References**

#### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et. seq. NMSA 1978
- §22-8B-4 NMSA 1999

**Approved: September 30, 2011**

**Amended: May 23, 2016**

## **D.06 Internal Audit**

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

The internal auditor(s) will exercise independence in carrying out responsibilities outlined in this policy.

In accordance with the Council's By-Laws the school will have an Audit Committee. The Audit Committee will serve by evaluating the School's internal controls annually, determining the need and extent of in-house or external internal audit services, receiving internal audit reports and communicating and receiving the annual external audit report and findings.

The internal auditor function will independently review, evaluate, and report through audits and management studies the status of the following in the school, departments, and programs: financial condition; accuracy of financial and property record keeping; compliance with applicable laws, policies, guidelines, and procedures; and effectiveness and economy of operations.

The Internal Audit Committee may meet in Executive or closed session in accordance with the provisions of the Open Meetings Act.

Approved: September 30, 2011

## **D.07 Segregation of Duties**

The assignment of duties to staff members and/or contractors who have access to the El Camino Real Academy financial management system should be 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. Due to the small size of staff, 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 principal 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 principal and subject to any limitations (particularly in relation to authority to contract for goods or services) as the principal deems appropriate.

In order to provide maximum internal control, the business manager is not allowed to be have check signing authority. This allows the maximum internal control over cash and also allows the business manager to review bank operations without a conflict of interest.

### **References**

**Legal Cross Ref.:**

**Approved: September 30, 2011**

## D.08 Travel and Other Reimbursements

Employees and governing council members of the school may be entitled to reimbursement of registration fees, mileage, and other costs associated with authorized trips for official school business.

All travel (in state and out of state) must be approved in advance by the principal for reimbursement to be authorized. The approved Leave Request Form (LRF) will serve as formal authorization for the trip. A copy of the approved LRF 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.

**Legal Cross Ref.:**

**Approved: September 30, 2011**

## D.09 Operational Fund Cash Balances

El Camino Real Academy shall maintain an operational fund cash balance level within the parameters of applicable state law of its final budgeted operating expenditures. Finances of the school shall be managed to maintain these parameters.

For purposes of this policy, “operational fund” means the specific 11000 sub-fund of the general fund as designated by the New Mexico Public Education Department.

For purposes of this policy, “cash balance” means the total of the beginning balance of a specific fund plus revenue minus expenditures of that same specific fund.

**Legal Cross Ref.:**

§22-8-5 NMSA 1978

§22-8-41 NMSA 1978

6.20.2 NMAC

**Approved: September 30, 3011**

## **D.10 Federal Programs**

The principal and business manager shall establish and maintain for the school processes for charging only allowable costs to Federal Awards and requesting reimbursement from Federal Awards. Procurement for Federal Programs is covered under Central Purchasing and proper recording of transactions are covered under Financial Systems.

These processes will include criteria for allowable costs, methods for verifying allowable costs, allocation of Salaries, Wages and benefits and other specifically purchased direct costs.

At this time, the school will not charge for indirect costs nor direct costs such as occupancy, utilities or communications.

### **References**

D.04 Central Purchasing

D.05 Financial System

### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978
- §13-1-1 et. seq. NMSA 1978
- §22-8 et. seq. NMSA 1978
- §22-8B-4 NMSA 1999

**Approved: May 23, 2016**

## E.01 Safety

The policy of the El Camino Real Academy Governing Council is to take all reasonable steps to safeguard employees, students, and the public from accidents and to provide a safe, healthy work and educational environment.

**Procedural Directive Cross Ref.:** School Safety Plan

**Approved: September 30, 2011**

## E.02 Food Services

El Camino Real Academy Governing Council and staff recognize that students are not able to learn when they are hungry and it is our desire that no child would go hungry during the school day.

USDA approved meal programs such as the El Camino Real Academy Food and Nutrition Services must follow regulations stating that any losses arising from uncollectible accounts are unallowable. All meal charges must be paid in a timely fashion.

The school will be implementing Provision 2 procedures as soon as reasonably possible to provide the maximum benefit to our students. The school will also participate in the breakfast in the schools program.

**Approved: September 30, 2011**



## E.03 Security of Digital Information

El Camino Real Academy shall ensure proper security measures for district data and data systems. This may include, but is not limited to:

- Appropriate access controls
- Data security measures
- Network security measures
- Oversight of employee and student online internet use

The superintendent, or his/her designee, shall develop administrative procedural directive to ensure district data, data systems security measures and internet usage are properly monitored and reviewed.

### References

#### Legal Cross Ref.:

- Health Insurance Portability and Accountability Act
- Gramm-Leach-Bliley Act
- Family Educational Rights and Privacy Act
- FCC 11-125

#### Board Policy Cross Ref.:

- G.09 Acceptable Employee Use of Technology
- I.10 Student Internet Acceptable Use policy

#### Procedural Directive Cross Ref.:

- Internet Safety Procedural Directive

**Revision approved: June 21, 2012**

# **G.01 – Personnel Goals and Staff Development**

El Camino Real Academy shall encourage all personnel to pursue a program of continued growth. To assist employees in assuming this responsibility, El Camino Real Academy shall provide employees with staff development opportunities.

## **References**

### **Legal Cross Ref.:**

- §22-10A-19.1 NMSA 1978

**Revision approved: December 12, 2012**

## **G.02 – Personnel Evaluations**

The Principal, or his/her designee, shall maintain a system of evaluation for all personnel in compliance with federal and state law and regulation. Personnel evaluations also shall be utilized to monitor the employee's program of continued growth.

### **References**

#### **Legal Cross Ref.:**

- §22-10A-1 et. seq NMSA 1978

#### **Board Policy Cross Ref.:**

- G.01 – Personnel Goals and Staff Development
- ECRA Employee Handbook

**Revision approved: December 12, 2012**

## **G.03 Staff Reporting System**

The principal and business manager shall establish and maintain for the school a complete, auditable staff reporting system which meets all statutory and regulatory requirements of the State of New Mexico and more particularly the State Department of Education.

### **References**

**Legal Cross Ref.:**

**Approved: December 12, 2012**

## **G.04 Verification of Experience and Training**

The principal or business manager shall document in an employee's file verification of experience and educational training in accordance with the position parameters, funding source and procedures set forth by the New Mexico Public Education Department and required by New Mexico statute.

The information must also be maintained in the staff reporting system.

### **References**

#### **Legal Cross Ref.:**

- §22-8-24 NMSA 1978

#### **Board Policy Cross Ref.:**

G.03 Staff Reporting System

**Revision approved: December 12, 2012**

## **G.05 – Equal Opportunity Employment**

ECRA is an equal opportunity employer and will recruit, hire, train, and promote in all job titles without regard to race, color, religion, sex, national origin, age, physical or mental handicap, sexual orientation, or status as a disabled veteran or veteran of the Vietnam era.

ECRA will base employment decisions on principles of equal employment opportunity with the intent of furthering ECRA's general goals expressed in its Mission. This policy governs all aspects of employment at ECRA including hiring, assignments, training, promotion, upgrading, demotion, downgrading, transfer, lay-off, termination, compensation, employee benefits, discipline and other terms and conditions of employment.

### **References**

#### **Board Policy Cross Ref.:**

- A.03 Non-Discrimination

#### **Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved:** December 12, 2012

## G.06 – Background Investigations

El Camino Real Academy shall conduct background checks, based upon fingerprint identification, of all prospective employees and all current employees every two years

El Camino Real Academy shall conduct background checks, based upon fingerprint identification, of all district contractors and contractor employees who may have unsupervised access to students. These background checks will be required every two years.

El Camino Real Academy shall conduct background checks, based upon fingerprint identification or other personal identifying information, of all volunteers who may have unsupervised access to students. These background checks will be required every two years.

**Administrative Position:** Principal, Business Manager

### References

#### Legal Cross Ref.:

- §22-10A-5 NMSA 1978
- §22-14-32 NMSA 1978
- §22-5-17 NMSA 1978

#### Procedural Directive Cross Ref.:

- Employee Handbook
- Parent/Student Handbook

**Revision approved:** December 12, 2012

## **G.07 – Staff Standards of Conduct**

El Camino Real Academy personnel shall maintain the highest standard of conduct and act in a mature and responsible manner at all times. El Camino Real Academy personnel shall not engage in activities which violate federal, state or local statutes and regulations or which, in any way, diminish the integrity, efficiency or discipline of the district. Employees shall be required to comply with administratively established standards of conduct.

El Camino Real Academy staff shall maintain appropriate professional behavior while working with students and refrain from harassment, malicious or prejudicial treatment, or abridgement of student rights.

Employees of El Camino Real Academy shall serve as positive role models for students and set good examples in conduct, manners, dress and grooming. Employees shall be suitably attired and groomed during working hours and while attending district-sponsored events.

### **References**

#### **Legal Cross Ref.:**

#### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination
- G.05 Equal Opportunity Employment

#### **Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: December 12, 2012**



## **G.08 – Conflicts of Interest**

Employees are prohibited from using confidential information acquired by virtue of their associations with El Camino Real Academy 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 appears to influence them in the discharge of their duties as employees. Business with suppliers to El Camino Real Academy 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 El Camino Real Academy.

### **Legal Cross Ref.:**

- §10-16-1 et. seq. NMSA 1978

### **Board Policy Cross Ref.:**

- Bylaws of the Governing Council

### **Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: December 12, 2012**

# **G.09 – Acceptable Employee Use of Technology**

The use of district technology resources shall be considered a privilege granted to employees for the enhancement of job-related functions. Employees may have limited access to these resources for personal use. Any personal use shall comply with the professional standards and administrative procedural directives outlining acceptable use of technology resources.

All employees have the responsibility to educate, supervise and monitor appropriate usage and conduct of students when on the internet.

Violations of this policy may result in the revocation of this privilege. Employees may face disciplinary action up to and including termination, civil litigation, and/or criminal prosecution for misuse of these resources.

## **References**

### **Legal Cross Ref.:**

### **Board Policy Cross Ref.:**

- E.03 Security of Digital Information
- I.10 Student Internet Acceptable Use Policy

### **Procedural Directive Cross Ref.:**

- Internet Safety Procedural Directive

**Revision approved: June 21, 2012**

## **G.10 – Leave and Holidays**

The school shall grant employees personal leave (inclusion of sick and vacation) pursuant to the employee's position. The principal shall establish appropriate formulas, rules and designations for leave.

The Governing Council annually shall approve recognized holidays for year round employees and any changes to the leave formulas, rules or designations for leave.

**Administrative Position:** Principal and Business Manager

### **References**

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

- G.11 Donation of Annual and/or Personal Leave

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: October 29, 2012**

## **G.11 – Donation of Personal Leave**

Employees of El Camino Real Academy may donate, upon appropriate approval, personal leave hours to another school employee who has exhausted their personal leave in the event of an extreme health situation of the employee or an employee's immediate family member. The principal shall develop an administrative procedural directive to further clarify and implement this donation.

**Administrative Position:** Principal and Business Manager

### **References**

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

- G.10 Leave and Holidays

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: October 29, 2012**

## **G.12 - Staff Wellness and Welfare**

El Camino Real Academy shall maintain a coordinated school health and wellness program to maintain healthy staff. This program shall promote the Coordinated School Health Model, which includes the following eight components:

- Nutrition
- Physical Education and Activity
- Family, School and Community Partnership
- Health Education and Life Skills
- Healthy and Safe Environment
- Social and Emotional Well-Being
- Health Services
- Staff Wellness

**Revision approved: January 17, 2013**

## **G.13 – Reporting Child Abuse or Neglect**

Any and all El Camino Real Academy employees knowing or reasonably suspecting that a child has suffered injury or injuries (physical, sexual, emotional, or psychological) as a result of abuse or neglect shall immediately report the matter to New Mexico Children, Youth and Families Department (CYFD) at (505) 841-6100, 800-797-3260, or [cyfd.org](http://cyfd.org)

**Administrative Position:** Principal and Business Manager

### **References**

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: January 17, 2013**

## G.14 – Drug Free Workplace

El Camino Real Academy prohibits the sale, use, possession, transfer of, or being under the influence of alcohol, narcotics, hallucinogens, inhalants, or drugs or possession of drug paraphernalia by an El Camino Real Academy employee in the workplace, on school property or at any school-sponsored activity. Any employee found to be engaging in any of the above behaviors shall be subject to appropriate disciplinary measures.

As a condition of employment individual employees shall notify their supervisor within five (5) business 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 shall immediately notify the principal, or his/her designee, in compliance with federal law.

The school shall educate employees about provisions of this policy and related administrative procedural directives, available school and community counseling and referral services and the penalties involved for drug violation convictions.

**Administrative Position:** Principal and Business Manager

### References

**Legal Cross Ref.:** Drug Free Workplace Act of 1988  
Drug-Free Schools and Communities Act Amendments  
U.S. Controlled Substances Act  
New Mexico Controlled Substances Act. NMSA 1978 §§30-31-1 et seq

**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: January 17, 2013**

## G.15 – Nepotism

El Camino Real Academy shall comply with all applicable state and federal statutes regarding nepotism. The Governing Council, Principal, and all employees of El Camino Real Academy shall not engage in nepotism in any of their operations or hiring practices. El Camino Real Academy shall not initially employ or approve initial employment in any capacity a person who is a family member of a Governing Council member, the Principal, or the individual responsible for the hiring and/or supervision of that family member.

**Administrative Position:** Principal and Business Manager

### References

**Legal Cross Ref.:**

- §22-5-6 NMSA 1978
- §22-8B-10 NMSA 1978

**Board Policy Cross Ref.:**

- Article X Bylaws of the Governing Council
- G.08 – Conflicts of Interest
- G.07 Staff Standards of Conduct

**Procedural Directive Cross Ref.:**

- Employee Handbook

**Revision approved: March 20, 2017**



## **G.16 – Whistleblower Complaints**

The Governing Council and Principal shall not permit unlawful or unethical behavior by school employees. El Camino Real Academy shall provide employees a means to confidentially file, in good faith without fear of retaliation, whistleblower complaints regarding such conduct. These complaints shall be fully investigated by the Governing Council Internal Audit committee, Principal and/or by his/her designee.

The Principal shall develop a process to implement this policy.

**Administrative Position:** Principal and Business Manager

### **References**

**Legal Cross Ref.:**

- §22-5-6 NMSA 1978
- §22-8B-10 NMSA 1978

**Board Policy Cross Ref.:**

- D.06 – Internal Audit

**Procedural Directive Cross Ref.:**

**Revision approved: March 20, 2017**

# H.1 – Employee Relations

It is the policy in this El Camino Real Academy to

1. allow employees to organize and bargain collectively with the Governing Council;
2. promote harmonious and cooperative relationships between these parties;
3. protect the rights of employees who do not desire representation; and
4. protect the public interest by assuring at all times, the orderly and uninterrupted operations and functions of El Camino Real Academy.

Nothing contained in this policy shall be construed to limit, impair, or affect the right of any employee to express a view or grievance, complaint, or opinion on any matter related to the conditions or terms of employment, so long as the same does not interfere with the full, faithful, and proper performance of the employee's duties.

**Administrative Position:** Principal and Business Manager

## References

**Legal Cross Ref.:**

**Board Policy Cross Ref.:**

**Procedural Directive Cross Ref.:**

**Revision approved: March 20, 2017**

## **I.01 Instructional Program**

Instruction at ECRA will aim to provide maximum opportunity for learning for all students. Learning activities will be appropriate to the individual needs and developmental levels of the students. Programs of study made available to the students will be consistent with policies of the New Mexico Department of Education. The Principal will submit reports to the Governing Council evaluating various aspects of the program of instruction and making recommendations for improvement in the program, including revising, dropping, or adding courses of instruction.

### **Middle School Required and Elective Program**

The Principal is authorized to provide a process for the approval of middle school instructional programs within the regulations established by the New Mexico Department of Education. The middle school may combine required subjects in any pattern that accomplishes state competencies.

### **High School Required and Elective Programs for Graduation**

Graduation requirements will be established in accordance with New Mexico Department of Education regulations. Additionally, in accordance to New Mexico Department of Education course requirement for health curriculum, one unit of health education will be a required high school graduation course.

Parents can request an exemption from the parts of the health education curriculum that addresses the sexuality performance standards. An exemption form is available for parents to complete if they choose to have their child opt-out of these parts of the curriculum. Established alternative lessons will be taught for the exempted parts of the curriculum.

Upon approval of the New Mexico Department of Education, the school may waive or substitute courses that are required for graduation whenever it can be verified that waiving the requirement is in the best interest of the student.

### **High School Elective Credit**

The Principal is authorized to provide a process for the approval of high school elective credits within regulations established by the New Mexico Department of Education. The Principal will develop procedures to ensure that elective courses will have academic value, adequate contact time, and articulated student competencies. Procedures will also be developed for new elective courses to be evaluated at the end of two years.

### **Special Education Graduation**

The Principal is authorized to insure that the Multi-Disciplinary Team follows State and

Federal law in developing an appropriate IEP for Special Education Student graduation requirements.

### **English Language Learners**

The Principal is authorized to insure that the School follows State and Federal law in developing an appropriate program for English Language Learners.

### **Bilingual Program**

The Principal is authorized to insure that the School follows State law in developing an appropriate program for Bilingual students.

**Revision approved: July 21, 2011**

## I.02 School Year Calendar

The principal, or his/her designee, shall present the Public Education Department's School Calendar annually to the Governing Council for review, amendment and approval during the budget process.

The principal, or his/her designee, shall annually solicit parents, community partners, school staff to develop recommendations for the school year calendar. The recommendations shall comply with federal and state statute and law and regulation.

The Governing Council reserves the right and authority to change the adopted school year calendar during the school year if it is in the best interest of the school.

### **Administrative Position:**

- Principal
- Business Manager

### **References**

#### **Legal Cross Ref.:**

- §22-2-8.2 NMSA 1978

**Revision approved: May 16, 2013**

## I.03 Treatment of Religious Issues

The Governing Council endorses a neutral stance in matters involving religion. The School will adhere to the following guidelines: The school year calendar will be planned to avoid conflict with religious holidays. In case of conflict, students will be allowed non-penalized absences to observe religious holidays.

The sacred literature of all faiths may be studied only for its historical, artistic, cultural, literary, or other secular importance. Religious exhibits, music, or display of religious objects or symbols are permissible only if they are used as learning materials in these studies.

School facilities may be used by religious groups outside of school hours or when such use will not conflict or interfere with the school program.

The School will not conduct or sanction any invocations, benedictions, or formal prayers at the graduation ceremony.

**Board Policy Cross Ref.:**

**Cross Ref.:** ECRA Student/Parent Handbook 

**Revision approved: May 16, 2013**

## **I.04 Instructional Materials**

Required textbooks will be issued free to students. The Principal or the Principal's designee is responsible for establishing and enforcing rules and regulations relating to textbooks. Compensation will be made by students in case of lost, destroyed, or unnecessarily damaged textbooks.

Every student will have a textbook for each class that conforms to curriculum requirements and that allows students to take those textbooks home.

Approved: October 14, 2008

Revised: July 17, 2014

# **I.07 Student Travel: Field And Activity Trips**

## **Field Trips**

The Governing Council authorizes the Principal or his/her designee to approve field trips for students. A field trip is defined as a school sponsored first-hand education experience to supplement class activities for students away from the campus.

Students who participate in field trips to supplement class activities must have the approval of the principal and prior written consent from the parent or guardian obtained in writing prior to the trip.

## **Activity Trips**

"Activity trips" are non-educational in nature and are used to reward academic, athletic or behavioral accomplishments.

The Governing Council authorizes the Principal or his/her designee to approve activity trips that are non-educational in nature providing that the trips have been defined and structured as part of the educational environment.

## **Unauthorized Travel: "Senior Trips"**

The school does not sponsor "senior trips". "Senior trips" fail to meet the criteria for field or activity trips and, therefore, will neither be supported nor sponsored by the School. Companies that sponsor "senior trips" or their agent(s) are not permitted to use school property and/or other resources to promote such trips. School employees or students who chose to represent companies promoting "senior trips" will be considered agents of the Company. Companies who sponsor "senior trips" will be responsible and liable for any and all accidents, injuries, suits, etc., which may occur as a result of such travel.

**Procedural Directive Cross Ref.:** [Activity Trips & Field Trips](#)

**Revision approved: May 16, 2013**



# I.08 Reports to Parents on Student Progress

A periodic system of grading and reporting to parents/guardians will be maintained at the various grade levels throughout the school.

**Revision approved: May 16, 2013**

## **I.09 Teaching About Controversial or Sensitive Issues**

The Governing Council encourages the objective study of controversial issues. Provisions will be made, as directed by the Principal, for review of lesson plans, student or parent objections to presentations or to print or multi-media instructional materials in accordance with related policies and handbooks.

### **Board Policy Cross Ref.:**

- K.01 Parent Involvement
- I.03 Treatment of Religious Issues
- Parent/Student Handbook

**Revision approved: May 16, 2013**

# **I.10 Student Internet Acceptable Use Policy**

El Camino Real Academy Charter school provides technology resources to its students for educational purposes. The goal of providing these resources is to promote educational excellence.

Proper behavior, as it relates to the use of computers, is no different from proper behavior in all other aspects of APS activities. All users are expected to use the computers and computer networks in a responsible, ethical, and polite manner. Violation of this policy is grounds for school disciplinary action.

## **Board Policy Cross Ref.:**

- G.09 Acceptable Employee Use of Technology
- E.03 Security of Digital Information

## **Procedural Directive Cross Ref.:**

- Internet Safety Procedural Directive

**Revision approved: June 21, 2012**

## I.11 Special Education

El Camino Real Academy shall provide a free appropriate public education for all students with disabilities. The Principal shall develop and implement administrative procedural directive(s) that comply with the Individuals with Disabilities Education Act, its implementing regulations, and state regulations established pursuant to 20 U.S.C. Section 1412.

**Administrative Position:** Principal

**Department Director:** Special Education Coordinator

### References

**Legal Cross Ref.:**

- 20 U.S.C. 1400 et seq.
- 34 CFR Part 300
- NMAC 6.31.2

**Board Policy Cross Reference:**

- I.01 Instructional Program

**Procedural Directive Cross Ref.:**

- Special Education Procedural Directives

**Revision approved: May 16, 2013**

# **J.01 – Equal Educational Outcomes**

El Camino Real Academy shall educate all students in its schools regardless of race, ethnicity, disability, religion, sex, or citizenship status.

El Camino Real Academy shall strive to integrate innovative educational programs to address the diverse needs of students, ensure that each student succeeds, and close the educational gap.

## **Administrative Position:**

- Principal

## **References**

### **Legal Cross Ref.:**

- Plyler, v. Doe, 457 U.S. 202, 102 S. Ct. 2382 (1982)
- State of New Mexico Constitution, Article XII, Section I
- §22-1-4 NMSA 1978

### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination

**Approved:** July 17, 2014

## **J.04 – School Attendance Area**

El Camino Real Academy does not have an attendance area and is not subject to the “Open Enrollment Act.” Students who reside within the school’s attendance area do not have preference over any other student who wants to attend the charter school. A student who wishes to transfer from another school is admitted only through the lottery process.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-8-B4.1 NMSA 1978

#### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination

**Approved: July 17, 2014**

## **J.05 – School Lottery**

El Camino Real Academy uses a first-come, first-served basis or through a lottery selection process if the total number of applicants exceeds the number of spaces available. Enrollment preference is given to: 1) students who have been admitted to the charter school through an appropriate admission process and remain in attendance through subsequent grades; 2) siblings of students already admitted to or attending the same charter school, and 3) children of an employee of the school

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-8-B4.1 NMSA 1978

#### **Board Policy Cross Ref.:**

- A.03 Nondiscrimination
- J.04 School Attendance Area

**Approved: July 17, 2014**

## **J.06 – Student Enrollment Requirements**

Upon initial enrollment of a student in El Camino Real Academy, the student and/or parent/legal guardian shall present the student's birth certificate or other satisfactory evidence of the student's age to the district.

Upon initial enrollment, the student and/or parent/legal guardian shall provide the district with evidence that the student is in compliance with immunization requirements under New Mexico state statute.

Students who are homeless and are provided protections under federal law shall be required to follow appropriate enrollment procedures as outlined in federal law.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-8-2 NMSA 1978
- §22-12-2 NMSA 1978
- §24-5-1 NMSA 1978
- §24-5-1 to §24-5-6 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.06 Student Compulsory Attendance

**Approved: July 17, 2014**



## J.07 – Student Compulsory Attendance

El Camino Real Academy shall comply with New Mexico state statute which requires that all children who range in age from five (5), prior to 12:01 a.m. on September 1 of the current school year and students under the age of eighteen (18) years who have not yet graduated from high school or received a general educational development certificate attend scheduled classes unless officially excused.

Compliance with El Camino Real Academy attendance policies and procedural directives shall be the responsibility of the parent/legal guardian.

### Administrative Position:

- Principal

### References

#### Legal Cross Ref.:

- §22-8-2 NMSA 1978
- §22-12-1 et seq. NMSA 1978

#### Board Policy Cross Ref.:

- JH Student Absences and Excuses

**Revised: July 17, 2014**

## J.08 – Student Absences and Excuses

If a student must be absent, the parent/legal guardian shall follow the school's notification process for absences. El Camino Real Academy shall consider a student in need of intervention at five (5) unexcused absences and a habitual truant at ten (10) unexcused absences in one school year.

### Administrative Position:

- Principal

### References

#### Legal Cross Ref.:

- §22-12-9 et seq. NMSA 1978

#### Board Policy Cross Ref.:

- J.07 Student Compulsory Attendance

Revised: July 17, 2014

## **J.09 – Release of Students**

School or class shall not be dismissed before the regularly scheduled hour for dismissal except with the approval from the principal, or his/her designee.

Custody of a student shall be relinquished by school personnel only to the parent/legal guardian or a student's emergency contact as identified by the parent/legal guardian.

In extenuating circumstances, school personnel may relinquish custody of a student to law enforcement; however, in every case of an arrest of a student, El Camino Real Academy shall attempt to notify the student's parent/legal guardian.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

#### **Board Policy Cross Ref.:**

- J.08 Student Absences and Excuses

**Revised: July 17, 2014**

## **J.10 – Student Code of Conduct**

Students shall be responsible for attending school and participating in the educational process.

El Camino Real Academy shall establish expected conduct of students in school and at all school sponsored activities. Students shall be responsible for knowing and understanding the expected conduct and aligning their behavior with that expected conduct.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-5-4.3 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.08 Student Absences and Excuses

**Revised: July 17, 2014**

## **J.11 – Student Dress Code**

El Camino Real Academy may adopt student uniform dress codes. The school shall develop, implement and document processes used to ensure thorough community input and community support for a student uniform dress code. The school shall provide accommodations for families who require financial assistance with the cost of uniforms.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-5-4.3 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.10 Student Code of Conduct
- J.12 Student Discipline

**Revised: July 17, 2014**

## **J.12 - Student Discipline**

El Camino Real Academy shall strive to provide and maintain a safe, fair, affirmative, and appropriately challenging environment that promotes learning and positive personal growth. 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. Administrators shall use the progressive discipline procedures and options specified in administrative procedural directive.

El Camino Real Academy encourages parent/legal guardian involvement in matters of school discipline. Parents/legal guardians shall be advised of disciplinary measures taken to elicit their understanding and support. Schools shall maintain a record of disciplinary actions taken.

Corporal punishment shall be prohibited at El Camino Real Academy.

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.13 - Student Drug and Alcohol Use**

El Camino Real Academy prohibits the sale, use, possession, transfer of, or being under the influence of alcohol, narcotics, hallucinogens, inhalants, or drugs or possession of drug paraphernalia on district property or at any district-sponsored activity. Any student found to be engaging in any of the above behaviors shall be subject to appropriate interventions and/or disciplinary measures.

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.14 - Student Wellness and Welfare**

El Camino Real Academy shall maintain a coordinated school health and wellness program to maintain healthy students. This program shall promote the Coordinated School Health Model, which includes the following eight components:

- Nutrition
- Physical Education and Activity
- Family, School and Community Partnership
- Health Education and Life Skills
- Healthy and Safe Environment
- Social and Emotional Well-Being
- Health Services

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**



## **J.15 - Bullying Prevention**

El Camino Real Academy shall foster a safe, respectful, and fear-free environment for all members of the school community including students, staff, parents, community partners, and visitors.

The Principal shall implement administrative procedural directive(s) to prevent bullying of all forms and to provide a safe, respectful, and fear-free environment to assist student learning, achieve high academic standards, and establish a positive educational environment. All members of the school community shall be aware of the Governing Council's expectation of a safe, respectful and fear-free environment, and the Governing Council shall model this in its own behavior

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.16 - Student Possession of a Firearm**

Students found to be in possession of a firearm shall be expelled from El Camino Real Academy for a minimum of one calendar year and the offender(s) shall be referred to the Police Department for appropriate action.

The definition of "firearm" from 18 U. S. C. 92 is summarized as, "... any weapon which will propel a projectile by the action of an explosive."

**Revision approved: January 17, 2013**

**Revised: July 17, 2014**

## **J.17 - Student Interrogations and Arrests**

School personnel shall cooperate with law enforcement agencies and/or child abuse investigators who are seeking to interview students at the school site. Individual students shall not be interrogated on campus without permission of the Principal or the Principal's designee

There is no requirement to notify the parents/legal guardians of the student prior to the questioning; however, the school shall immediately make a good faith effort to notify the parents/legal guardians of the student if the student is being interrogated for any reason or has been removed from campus by law enforcement authorities unless that notification violates a confidentiality agreement or it endangers the safety of the student.

The student shall be made aware of his/her legal rights by the law enforcement officials. A commissioned law enforcement officer shall be required to place a student under arrest, or protective custody, before the student may be removed from the campus for either further questioning or to be held at a detention facility.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- §22-5-4.3 NMSA 1978

#### **Board Policy Cross Ref.:**

- J.12 Student Discipline

Revision approved: January 17, 2013

Revised: July 17, 2014

## J.18 - Acceptable Student Use of Personal Electronic Devices

El Camino Real Academy shall permit student possession of personal electronic devices on school property and at school sponsored activities while the student is under the supervision of school staff. These devices shall be kept out of sight and silenced or powered off during the instructional day unless otherwise permitted by the school procedures. Use of personal electronic devices that disrupt the instructional day or include unauthorized use shall be prohibited.

El Camino Real Academy shall not be responsible for restricting, monitoring or controlling the electronic communications of students; however, it reserves the right to do so.

### Administrative Position:

- Principal

### References

### Legal Cross Ref.:

- §22-5-4.3 NMSA 1978

### Board Policy Cross Ref.:

- I.10 Student Internet Acceptable Use Policy
- J15 - Bullying Prevention

Revision approved: July 17, 2014

## J.20 – Release of Student Information

The Governing Council, in compliance with the Family Education Rights and Privacy Act of 1974 (FERPA), as amended, and state law and regulation shall allow the release of directory information about El Camino Real Academy students only to those persons or organizations having a legal right to know. All release of student information requests shall be reviewed and approved or denied by the custodian of public records.

### Administrative Position:

- Principal

### References

#### Legal Cross Ref.:

- FERPA
- §22-21-2 NMSA 1798
- 6.10.6 NMAC

#### Board Policy Cross Ref.:

- K.10 Custodian of Public Records
- K.11 Recruitment in Schools

Revised: July 17, 2014

## J.21 –Student Records

A student's records kept by El Camino Real Academy shall be open to review by the student's parents/legal guardians and/or the student and shall be treated as prescribed by the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, state statute and state regulation. If there are apparent conflicts among the various statutes, the provisions of FERPA shall prevail.

### **Administrative Position:**

- Principal

### **References**

#### **Legal Cross Ref.:**

- FERPA
- §22-21-2 NMSA 1798
- 6.10.6 NMAC

#### **Board Policy Cross Ref.:**

- K.10 Custodian of Public Records
- K.11 Recruitment in Schools

**Revised: July 17, 2014**

## **J.22 - McKinney-Vento Homeless**

El Camino Real Academy complies with the McKinney-Vento Homeless Education Assistance Act and Regulations of the Public Education Department regarding the education of homeless students

### **Administrative Position:**

- Principal

### **References**

### **Legal Cross Ref.:**

- §6.10.36.B NMAC

**Revision approved: July 17, 2014**

## K.10 Custodian of Public Records

As required in the Inspection of Public Records Act, the Custodian of Public Records for the School 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.

### Board Policy Cross Ref.:

- J.20 Release of Student Information
- J.21 Student Records

**Approved: April 29, 2012**

**Revised: July 17, 2014**



## K.13 Recruitment in the Schools

El Camino Real Academy shall comply with all applicable federal and state statutes, rules and regulations concerning post-secondary recruiters. The school shall comply with a request by a post-secondary recruiter for secondary students' directory information, unless a parent/legal guardian has "opted out" of providing such information. Students and parents/legal guardians shall have the right to deny the release of secondary student directory information to any or all post-secondary recruiters. The school shall not release student directory information to post-secondary recruiters unless specifically required to do so by federal or state statute or regulation.

For purposes of this policy, "post-secondary recruiter" means a person who recruits students to enroll in a school, college or university; to join a branch of the armed services; or to join a business, firm or other employment.

For purposes of this policy, "directory information" means students' names, addresses and telephone numbers.

**Administrative Position:** Principal

### **References:**

### **Legal Cross Ref.:**

- Elementary and Secondary Education Act
- Family Educational Rights and Privacy Act
- Protection of Pupil's Rights Act
- Freedom of Information Act
- Inspection of Public Records Act

**Approved:** July 17, 2014

# K.01 Parent Involvement

El Camino Real Academy Governing Council and staff recognize that we are a school that receives Title 1. Schools receiving Title 1 funds must consult with parents and teachers on the design and implementation of the Title 1 program and parental involvement opportunities to build effective partnerships that support student academic achievement.

The principal and parent liaison are responsible for meeting periodically with parents to develop the process, method and timeline of communication and development of the school/parent compact.

**Approved: April 29, 2012**