



# Employee Handbook

2021-2022



## INTRODUCTION

The Hózhó Academy Employee Handbook provides a summary of employee benefits and guidelines with respect to your employment. It does not cover all aspects of your employment with Hózhó Academy. You are responsible for reading and understanding this Employee Handbook. If anything is unclear or if you have any questions, please discuss them with the school's administration team. Please read these guidelines and observe them at all times. They are established for your benefit, the school, and our students.

Additionally, this Handbook may be revised from time to time, as needed, without prior notice as business, employment, legislative and/or economic conditions dictate. Any such revisions apply to existing as well as future employees and will be noted and updated on the shared employee network folder.

Only the school's administration team may alter or modify any of the provisions of this Employee Handbook. Statements or promises by a Board member, principal, supervisor, manager or grade level chairperson may not be interpreted as a change in policy and do not constitute an agreement with an employee.

In the event of a conflict, this Handbook and Hózhó Academy Governing board Policies and Procedures will govern. **THIS HANDBOOK IS NOT A CONTRACT OR ANY PART OF A CONTACT OF EMPLOYMENT, EXPRESS OR IMPLIED.**

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## I: OVERVIEW

### A. Mission.

Hózhó Academy is committed to the tradition of a classical education. We are committed to a rigorous program that will develop students who are educated in all of the liberal arts and sciences as well as in moral character and civic virtue. Our goal is to provide the best education possible which will permit a full understanding of all students' cultures in the four corners area.

### B. Our Educational Philosophy.

Hózhó Academy is committed to the tradition of a Classical education. We are committed to a rigorous program that will develop students who are educated in all of the liberal arts and sciences as well as in moral character and civic virtue. Our goal is to provide the best education possible which will permit a full understanding of all students' cultures in the four corners area.

- **Virtuous Living** – We raise our students in the core virtues of Compassion, Perseverance, Courage, Respect, Responsibility, Diligence, Temperance, and Integrity.
- **Traditional Learning**– Our curriculum is based in Riggs Phonics, Singapore Math, and the Core Knowledge Sequence. Our program of study includes teaching rich content as well as the skills students need to become life-long learners.
- **Civic Virtue**– Our students learn not only to excel in academics, but to excel in their communities and act for the Common Good of all.
- **Data Driven Results** – Research has shown that students who experience a broad based curriculum versus one narrowed to merely reading and math skills perform better academically and are typically more successful students.
- **Arete**-Staff and students strive for excellence (Arete) in body, mind and spirit.

## II. EMPLOYMENT AND PERSONNEL-GENERAL

### Employment Classification.

All employees of Hózhó Academy are “Exempt” with duties and responsibilities that exempt them from statutory overtime pay provisions.

### Accident or Injury.

Any employee injured while in the course of employment must immediately notify his/her supervisor and the Principal and complete a Notice of Accident Report and submit it to the Principal.

If medical attention is necessary, the employee should seek treatment from a medical care provider of his/her choosing. Hózhó Academy maintains Worker's Compensation insurance pursuant to New Mexico law.

### **At-Will Employment of Non-Licensed Employees.**

The Principal have authority to select and employ all non-licensed employees who serve on an at-will basis. The Principal also have the authority to discharge all non-licensed employees who have been employed on an at-will basis by Hózhó Academy for less than three consecutive years. The Principal have authority to suspend a non-licensed employee with pay, for cause. For good cause, the Principal may authorize suspension without pay.

### **Background Checks and Reference Checks.**

Pursuant to the New Mexico School Personnel Act 22-10A-5 NMSA 1978, Hózhó Academy may conduct work history, education history and or reference investigations on each candidate recommended for hire, including but not limited to, permanent full-time and part-time employees, substitutes, temporaries and volunteers. Each candidate will be subject to a criminal background investigation prior to employment, including mandatory fingerprinting as a condition of consideration for employment.

Any offer of employment is contingent upon the satisfactory completion of all background investigations. Conviction of a crime shall not automatically bar an applicant from obtaining employment with Hózhó Academy, but pursuant to the Criminal Offender Employment Act, 28-2-1 through 28-2-6 NMSA 1978, may be the basis for refusing employment.

Criminal background checks, as described above, shall also be conducted upon each contractor or contractor's employee, at the expense of the contractor or contractor's employee, if the contractor or contractor's employee has unsupervised access to students. In such cases, contracts shall be subject to the satisfactory completion of background checks.

With regard to existing employees, Hózhó Academy may conduct background investigations if Hózhó Academy becomes aware of facts, circumstances or conduct giving rise to a reasonable suspicion that the employee has a history which, if substantiated, may adversely affect his/her fitness to continue in employment with Hózhó Academy.

In addition, for employees starting after July 1, 2021, Hózhó Academy must check references pursuant to NMSA 1978, Section 22-10A-5.2. As part of the application process, an applicant must provide:

1. a list of the applicant's current and former employers that were schools or that employed the applicant in a position involving unsupervised contact with children or students. The list shall include the name, address, telephone number and other relevant contact information for each of the applicant's listed employers;
2. a written statement describing whether the applicant:
  - a. has ever been under investigation for, or has been found to have violated, any state or federal statute relating to child abuse or neglect, sexual misconduct or any sexual offense, including those

offenses prohibited in Chapter 30, Article 3, 3A, 4, 6, 6A, 9, 37, 37A or 52 NMSA 1978, unless the allegations were false or unsubstantiated;

b. has ever been under investigation for, or found to have violated, any ethical rule or policy approved by a former employer that previously employed the applicant, unless the allegations were false or unsubstantiated; or

c. has ever had a professional license or certificate denied, suspended, surrendered or revoked due to a finding of child abuse or ethical misconduct or while allegations of child abuse or ethical misconduct were pending or under investigation; and

3. a written authorization that authorizes disclosure of information requested under this policy.

For each applicant, Hózhó Academy will conduct a review of the applicant's employment history and contact the applicant's current and former employers and request:

1. the applicant's dates of employment; and

2. a written statement describing whether the applicant:

a. has ever been under investigation for, or has been found to have violated, any state or federal statute relating to child abuse or neglect, sexual misconduct or any sexual offense, including those offenses prohibited in Chapter 30, Article 3, 3A, 4, 6, 6A, 9, 37, 37A or 52 NMSA 1978, unless the allegations were false or unsubstantiated;

b. has ever been under investigation for, or found to have violated, any ethical rule or policy approved by a former employer that previously employed the applicant, unless the allegations were false or unsubstantiated; or

c. has ever had a professional license or certificate denied, suspended, surrendered or revoked due to a finding of child abuse or ethical misconduct or while allegations of child abuse or ethical misconduct were pending or under investigation.

During the review of the applicant's employment history, Hózhó Academy will request applicant's current or former employer to disclose any other information the applicant's current or former employer deems pertinent and substantive to the prospective employee's suitability for employment in a position that includes unsupervised contact with children or students.

Hózhó Academy will document its efforts to:

1. verify the information provided under this policy; and

2. obtain from an applicant's current or former out-of-state employer the information required under this policy.

This documentation will be placed in an applicant's personnel file if he or she is offered and accepts employment at Hózhó Academy. For contractors and employees of contractors, this documentation will be maintained in the contractor's procurement file. For volunteers, this documentation will be maintained in a separate volunteer file. Records will not be maintained for applicants who are not offered or do not accept an offer of employment.

Hózhó Academy may terminate an individual's employment or contract or rescind an applicant's offer of employment or offer of a contract if the applicant is offered or commences employment after the effective date of this policy and information regarding the applicant's history of child abuse or ethical misconduct that is determined to disqualify the applicant from employment or a contract is subsequently obtained by Hózhó Academy.

An applicant who provides false information or willfully neglects to disclose information required under this policy shall be subject to discipline including termination or denial of employment. Hózhó Academy will also report any applicant who provides false information or willfully neglects to disclose information required under this policy to the Licensure Bureau of the New Mexico Public Education Department.

### **Code of Ethics.**

Hózhó Academy will follow the New Mexico Code of Ethical Responsibility of the Education Profession, Pursuant to 6.60.9.8 NMAC.

### **Complaint Policy.**

All employees of Hózhó Academy are under the direct supervision of the principal. Inquiries or complaints concerning personnel or school operation should first be directed to the school administration. Inquiries of a broad nature should be referred to the school administration for clarification on the steps to follow. A Universal Complaint Form will need to be completed. The procedure for the form is available in this manual under Grievance Procedures.

If resolution does not occur with the administration, then the complaint must be taken to the governing board. The Board meets regularly the last Tuesday of every month in an open meeting, and the public may address the Board at that time. At each level, the issues of the complainant will be communicated to the principal for investigation and response.

### **Contracts.**

Contracts for licensed employees of Hózhó Academy will specify the annual salary to be paid. The salary will be paid in equal bi-monthly payments with the payments occurring on the 15<sup>th</sup> and 30<sup>th</sup> of each month. Contracts follow a fiscal cycle July 1-June 30<sup>th</sup>.

### **Discipline of Licensed Employees.**

The following procedures shall be followed by Hózhó Academy's principal in supervising and correcting unsatisfactory work performance of licensed school personnel before serving them with notice of intent to discharge.

1. Two or more conferences shall have been held with licensed school personnel charged with unsatisfactory work performance by the Principal before notice of intent to discharge is served upon him or her. For purposes of this policy, the conference at which the supervisor(s) first identify unsatisfactory work performance shall be counted as one of the required conferences. Sufficient time shall have elapsed between the conferences to allow the licensed school personnel to correct the unsatisfactory work performance and to have been observed for an adequate time in the discharge of his or her duties.
2. A written record (Intensive Evaluation Plan) of all conferences shall be made, specifying the areas of uncorrected unsatisfactory work performance, all action suggested by the school which might improve such performance, and all improvements made (Growth Plan). Each

written record shall be signed by all parties to the conference. In the event of a refusal to sign, a notation shall be made of the refusal. A copy of each record shall be given to the person charged with unsatisfactory work performance. The Principal shall retain a copy of the record to be introduced at any hearing for the person charged with unsatisfactory work performance, pursuant to 6.69.2 NMAC.

## **Health Insurance.**

Hózhó Academy will provide health, dental and vision insurance benefit packages through the New Mexico Public School Insurance Authority's provider. For full-time and part time employees, the school will pay the percentage of insurance premium required by law.

## **Leave.**

Both paid and unpaid time off may be granted to eligible employees, according to the following leave policies. Time off is paid using the employee's base rate.

**Administrative Leave Pending Possible Disciplinary Action:** If an employee is suspected of violating Hózhó Academy policies, procedures, or work rules, the employee may be placed on administrative leave, with or without pay, pending an investigation of the situation

**Annual Leave:** Employees on a 194 day contract have up to ten (10) days of annual leave. Eight (8) days for sick leave and two (2) PTO

**Assault Leave:** An employee will not be charged for time lost, up to twenty (20) duty days, resulting from physical injuries caused by an assault while carrying on the duties/responsibilities of the position. An assault shall mean an intentional act which causes an injury. This leave is granted with or without pay, depending upon the circumstances of each situation. Any employee assaulted shall report the incident to the immediate supervisor immediately. In the event that more than three (3) days are lost as a result of an assault, the employee shall submit to the immediate supervisor a physician's certificate attesting to the injury. The School reserves the right to have the employee examined by a physician, in order to determine the employee's right to receive benefits. Benefits will go into effect immediately and remain in effect until such time as it is determined that benefits should not be provided. In such an event, the employee will assume all expenses, including leave without pay if sick leave has been exhausted.

**Bereavement (Funeral) Leave:** Up to three (3) working days of leave with pay (not charged to other leave time) may be granted, upon request, to regular full-time employees for a death in the employee's immediate family. Immediate family is mother, father, sister, brother, grandparent, son, daughter, grandchild. If requested, an additional two (2) days may be granted with pay. If the death occurs at a time when work is not scheduled, payment will not be made. If a holiday or part of your vacation occurs on any of the days of absence, no additional holiday or vacation pay will be paid in addition to paid funeral leave.

**Court Leave:** Except as a plaintiff or defendant, court leaves with pay will be provided where an

employee is required by a lawful subpoena to testify in a court or administrative proceeding. Court leave with pay will be granted for jury duty, provided a copy of the summons or subpoena must be attached to the Request for Leave Form. The employee submits money received for jury duty, except that paid for mileage and/or subsistence, to the school's office manager. Court leave with pay will be granted to employees whose absence is due to an action against the Board on account of physical injuries suffered by the employee while on duty, but not for absence resulting from the employee bringing action against the Board for any other reason.

**Domestic Violence Leave:** Victims of Domestic Abuse Act, NMSA 1978, §§ 504A1 to 504A, which went into effect July 1, 2009. Under the Act employers are required to give eligible employees "domestic abuse leave," which is defined as "intermittent paid or unpaid leave time for up to fourteen days in any calendar year... to obtain or attempt to obtain an order of protection or other judicial relief from domestic abuse or to meet with law enforcement officials, to consult with attorneys or school attorneys' victim advocates or to attend court proceedings related to the domestic abuse of an employee or an employee's family member." It is prohibited under the Act to retaliate against an employee who uses domestic abuse leave.

**Leave Without Pay.** A day's pay may be deducted for all leave which does not meet Hózhó Academy approved guidelines. Such leave includes, but is not limited to, sick, personal business, bereavement and emergency leave. All such leave must be approved in advance by the principal. A letter of explanation must be submitted to the principal for approval.

**Personal Leave:** Two (2) days per year with pay is granted to eligible employees to accomplish personal business that cannot be done during other than your normal working hours. Request personal leave from the Principal five (5) days in advance to obtain approval. The employee need not state the reason for taking personal leave. Employees going on an unpaid disability leave of absence may apply their personal leave at the time the leave starts if they wish. Personal leave cannot be applied if the illness or injury is covered by workers' compensation insurance. No personal leaves will be approved immediately prior to or after a holiday.

**Personal Emergency Leave** may be granted to an employee to cover situations, other than personal illness, which are beyond the control of the employee and which would significantly impair the employee's job performance. A total of five (5) days of unpaid leave may be granted per year.

**Professional Leave** may be granted at the discretion of the principal, upon request, for professional development, professional organizational activities, school related professional activities, or other activities related to the employee's assignments. Prior approval from one of the principal is required, and the activity must be in alignment with the mission of Hózhó Academy. This leave may be granted with pay if the employees are representatives of Hózhó Academy at the abovementioned activities.

**Religious Leave** may be granted, upon request, to all employees for observance of recognized religious events. This leave is unpaid and may be granted for up to two (2) days per year.

**Sick Leave**

Each year employees will earn one day of sick leave for each month worked. Sick leave will accrue each pay period until the days earned reflect the number of months on the employee's contract. If an employee is on a contract length less or more than a whole month than the number of days earned will be rounded to the total number of months completed (i.e. 10.5 months = 10 PTO days).

Sick leave is authorized time off from work by an eligible employee for medical purposes. This includes but is not limited to illness of the employee or eligible members of the employee's family for an incapacitating or contagious illness, medical needs or illness that requires treatment or visits to a licensed practitioner, medicine man or health-related counselor. All requests for sick leave must be submitted through Paylocity.

- a. Sick leave may be requested/approved for the following:
  1. Self-illness, injury, pregnancy, childbirth, or disabling medical condition;
  2. Persons residing in the employee's household – illness, injury, childbirth, or disabling medical conditions; or
  3. Immediate family not residing in the employee's household serious due to illness, serious injury, or disabling medical conditions.
- b. A pertinent statement from a physician must be submitted upon request of the immediate supervisor for any absence to be charged to sick leave. The statement must support the absence fully or salary shall be deducted for the entire period of absence.
- c. Teachers or school employees who work directly with children are encouraged to schedule appointments with medical care providers after the conclusion of the instructional day. When an employee is unable to schedule an appointment after the instructional day, sick leave may be requested. The employee's supervisor will make a record of approved and utilized sick leave and deduct hour per hour.
- d. Unused sick leave may be allowed to accrue, to a maximum of days 21 . Employees who intend to retire or resign must submit their intent to retire or resign to the Office Manager by April 15, submit a retirement/resignation letter to the lead administrator by June 15, and complete the contract year in which they retire to qualify for sick leave reimbursement. Upon retirement or resignation in accordance with this policy requirements, accrued and unused sick leave will be paid out at the rate of \$50 a day.
- e. Use of sick leave for more than three consecutive days due to the employee's own serious health condition, or to care for a spouse, son or daughter, or parent, with a serious health condition as defined in the Family and Medical Leave Policy, can be considered use of Family and Medical leave, and use of such leave shall be subject to the requirements of the Family and Medical Leave policy, regarding medical certification, and substitution of paid sick leave for Family and Medical Leave.
- f. Once any sick leave (as designated in subsection h) is exhausted, all remaining sick leave will be approved and granted after its accrual and not in advance of accrual. If the employee has exhausted sick leave and needs to take sick leave, the supervisor will submit dock in pay documentation to payroll.
- g. The employee may continue to participate in the health plan at the established School policy rate while still carried on payroll. When dropped from the payroll,

the employee may be allowed to continue health coverage by applying directly to the NM Public Schools Insurance Authority under COBRA requirements.

- h. Sick Leave Accrual Rates (Licensed/Certified Professional Staff; teachers & counselors)
  - i. 182, 184 & 194 day (10 month) Employees            10 Days per Year
  - ii. 238 contract Employees (year-round)                    12 Days per Year

Length of Contract in DAYS	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
10month	0	1	1	1	1	1	1	1	1	1	1	0	10.0
12 month	1	1	1	1	1	1	1	1	1	1	1	1	12

- 1. Personal Leave (Licensed/Certified Professional Staff; Teachers & Counselors)
  - a. Employees are entitled to use two (2) days or more of their sick leave each school year for personal leave without loss of pay.
  - b. Requests for personal leave shall be submitted to the employee’s supervisor for approval in Paylocity at least one (1) week prior to the commencement of such leave (except in cases of emergency). With regard to personal leave requests, employees may, but need not specify the reason for the personal leave request.
  - c. Personal Leave may not be used to extend a school holiday, except in cases which the highest efficiency of educational programs is not affected and the supervisor approves the leave.

**Voting Leave** will be granted to employees who are eligible voters and whose work day begins less than two (2) hours after the polls open and ends less than three (3) hours before the polls close. This leave will be granted for a maximum of two (2) hours with pay in order to vote in an election recognized under the law. Employees utilizing this benefit must vote in the election for which they are granted leave. The principal will schedule voting leave to ensure school work is covered.

**Extended Leaves**

These leaves are applied for and approved by the principal. All paperwork must be original and no third-party faxes.

**While on an approved leave, an employee may not volunteer or perform any duties for the Hózhó Academy or utilize Hózhó Academy property for personal use.**

**1. General Provisions**

**Application for Leave:**

All leaves of ten (10) consecutive work days or less must be requested through and approved by the principal. Extended leave of more than ten (10) consecutive days, with or without pay, must be requested through the principal. Employees must complete the required Leave Forms and receive the necessary approval before the leave requested may be taken.

**Use of Leave:**

When an employee becomes ill or is injured on the job, sick leave begins at the time of inability to continue work, to the nearest half hour. An employee, who is already on annual leave, personal leave or leave without pay, including parental leave, may not be eligible to use sick leave benefits.

**Insurance Premium Payment During Leaves of Absence:**

During a period of family or medical leave, an employee will be retained on the school's medical insurance plan under the same conditions that applied before leave began. In order to continue medical insurance coverage, the employee must continue to make any contributions that he or she made to the plan before leave. Failure of the employee to pay his or her share of the medical insurance premium may result in a loss of coverage. The employee is required to pay all of the premiums for any other type of insurance coverage which may exist.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the school for payment of health insurance premiums during the family or medical leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or due to circumstances beyond the employee's control.

The employee may not accrue any seniority or employment benefits that would have accrued if not for taking the leave. However, the employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

**Failure to Return from Leave.**

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. Any termination, as a result of this provision, is subject to the same rights as a termination for cause. An employee, who requests an extension of family leave or medical leave due to the continuance, recurrence or onset of her or his own serious health condition, or the serious health condition of the employee's spouse, child or parent, must submit a request for an extension, in writing, to the Principal. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period.

**Family and Medical Leave** will be granted to employees who have worked for Hózhó Academy for at least twelve (12) months and who have worked at least 1250 hours in the previous 12 months. This leave is without pay and may be taken for up to one (1) year from the first date the leave is taken. This leave is granted only for the following reasons:

- a. to care for a child upon the birth or placement for adoption or foster care of the child.
- b. To care for a spouse, child or parent who has a serious health condition.

c. When the employee has a serious health condition.

In the event of a serious health condition of the employee or his/her child, spouse, or parent, creating a need for unforeseen family or medical leave, the employee must provide notice, as soon as practicable. If the employee will be absent for ten (10) consecutive days or more, a Leave of Absence Request Form must be completed. A written physician's certificate is also required. The certificate must include the date on which the health condition occurred, the probable duration of the condition, an estimate of the amount of time you need to be off work to care for the family member or for your own health condition, and confirmation that the nature of the condition warrants you to be away from work to care for yourself or your dependent.

Employees shall be required to give thirty (30) days advance notice in the event of a foreseeable medical treatment. To assist us in arranging work assignments during your absence, we ask that you give us prior notice, to the extent possible, of an expected birth or adoption, as well as an indication, to the extent known, of your expected return date. To facilitate your return to work, we also ask that you provide us with advance notification of your intended return date. Failure to do so may delay your return date. Benefits that accumulate on an accrual basis (vacation, sick and personal days) will cease.

### **Notice of Re-Employment and Termination.**

On or before the fourteenth calendar day prior to the last day of the existing employment contract, the principal shall serve written notice of re-employment or termination on each licensed school instructor employed by the school. A notice of re-employment shall be an offer of employment for the ensuing school year. A notice of termination shall be a notice of intention not to re-employ for the ensuing school year. Failure of the School Administration to serve a written notice of re-employment or termination on a licensed school instructor shall be construed to mean that notice of re-employment has been served upon the person for the ensuing school year according to the terms of the existing employment contract but subject to any additional compensation allowed other licensed school instructors of like qualifications and experience employed by Hózhó Academy. Nothing in this section shall be construed to mean that failure of Administration to serve a written notice of re-employment or termination shall automatically extend a licensed school instructor's employment contract for a period of one (1) school year.

### **Re-Employment.**

1. Each licensed school instructor shall deliver to the principal a written acceptance or rejection of re-employment for the ensuing school year within five (5) days from the following:
  - the date written notice of re-employment is served upon the person; or
  - the last day of the contract year when no written notice of re-employment or termination is served upon the person on or before the last day of the school year.
2. Delivery of the written acceptance of re-employment by a licensed school instructor creates a binding employment contract between the licensed school instructor and the

Administration until the parties enter into a written employment contract, which shall be executed by the parties no later than the end of the existing contract.

**Termination of Employee Procedures. (NMSA 22-10A-24)**

1. Because licensed employees have different rights under the law than non-licensed employees, it is important to distinguish between these two categories when reviewing the following rights of employees.
2. For a licensed employee “**terminate**” means not re-employing him/her for the ensuing school year. For a non-licensed employee, “**terminate**” means severing the employment relationship. Under the law, licensed and non-licensed employees with less than three years of consecutive service may be terminated for any reason not prohibited by law, and no just cause is required.
3. For a licensed employee “**discharge**” means severing the employment relationship prior to the expiration of the current employment contract. The procedures in section 9., and 10., apply only to **terminations**. For the procedures regarding **discharge**, please refer to section 12., below.
4. The Administration may terminate an employee with fewer than three years of consecutive service for any reason it deems sufficient in the best interests of Hózhó Academy.
5. Before terminating a non-licensed employee with less than three years of service, the principal shall serve the employee with a written notice of termination. No grounds for termination will be stated upon the notice.
6. If the employee requests the reasons for the termination, the principal must provide the reason for the decision to terminate to the employee in writing within ten (10) working days of the request. These reasons will be maintained confidential by the school’s administration.
7. An employee with less than three years of consecutive service has no right to appeal the termination decision to the school authorities.
8. Licensed and non-licensed employees who have three years or more of consecutive service may only be terminated for just cause.
9. Before terminating an employee with more than three years of service, the Principal shall serve the employee with a written notice of termination. The grounds for termination will be stated upon the notice as just cause.
10. An employee who has been employed by Hózhó Academy for three consecutive years and who receives a notice of termination may request an opportunity to make a statement in person to the governing board on the decision to terminate him/her by submitting a written request to the Principal within five (5) working days from the date written notice of termination is served upon him/her.

11. The employee may also request in writing the reasons for the action to terminate him/her. The principal shall provide specific written reasons for the decision to terminate to the employee within five (5) working days from the date the written request from the employee is received by the Principal. The reasons for termination will be kept confidential, and neither the principal nor the governing board shall publicly disclose its reasons for termination.
12. The employee's request to make a statement to the governing board on the decision to terminate him/her shall be granted if s/he responds to the principal's written reasons by submitting a written statement to the principal with the following: 1) statement of the grounds upon which the employee believes that the decision was without just cause and 2) a statement of the facts that the employee believes support his/her position. This written statement must be submitted within ten working days from the date the employee receives the written reasons from the governing board. *See, NMSA 1978, Section 22-10A-24.*
13. The governing board shall meet to hear the employee's statement in no less than five or more than fifteen working days after the Board receives the statement. The hearing shall be conducted informally in accordance with the provisions of the Open Meetings Act [Chapter 10, Article 15 NMSA 1978]. The employee and the Principal may each be accompanied by a person of his/her choice.
14. Procedures for an employee hearing before the governing board:
  - (a) The principal or his/her/their representative(s) shall present the factual basis for the determination that just cause exists for the termination of the employee (limited to those reasons provided to the employee in the written notice).
  - (b) The employee shall present his/her contentions (limited to those grounds included in his/her prior written statement).
  - (c) The governing board, the principal, or their representative may offer rebuttal testimony.
  - (d) All witnesses may be questioned by the governing board, the employee or his/her representative and the principal or his/her/their representative.
  - (e) The governing board may consider only evidence presented at the hearing.
  - (f) The rules of evidence do not apply. The governing council shall consider only evidence which it considers to be reliable.
  - (g) No record shall be made of the hearing.
  - (h) The governing board shall prepare a written decision either upholding or reversing the termination or requesting additional information.

- (l) The governing board shall provide a copy of its decision to the employee and the principal in writing within five (5) working days from the conclusion of the hearing.

#### **Appeals of Decision of the Local School Board**

1. An employee may appeal a decision of the governing board to an arbitrator by submitting a written appeal to the principal. A written appeal shall be submitted to principal within five (5) working days from the receipt of the governing board's written decision or the refusal of the board to grant a hearing. The appeal shall specify the grounds on which it is contended that the decision was impermissible and include a statement of facts supporting the contentions. Failure of the employee to submit a timely appeal or a statement of factual grounds with the appeal shall disqualify him/her for any appeal and render the governing board's decision final.
2. Appeals will be conducted according to NMSA 1978, §22-10A-25.
3. Hózhó Academy shall file a record with the New Mexico Public Education Department of all termination and all actions arising from terminations annually.

#### **Exceptions to Termination Procedures.**

The preceding sections 7., 8., 9., and 10. do not apply to a licensed school instructor employed to fill the position of a licensed school instructor who is entering military service, a person who is employed as a licensed school instructor whose contract is terminated, or a non-licensed school employee employed to perform primarily school-wide management functions.

#### **Discharge Hearing.**

1. As used in this manual, "**discharge**" means the act of severing the employment relationship with a licensed school employee prior to the expiration of the current employment contract.
2. Hózhó Academy may discharge a licensed school employee only for just cause.
3. The principal shall prepare a written Notice of Intent to Discharge, with the reasons stated upon which the recommendation is based. The Notice of Intent to Discharge will advise the employee of his/her right to request a hearing before the governing board on the discharge recommendation; and state the manner in which the request is to be made. The Notice of Intent to Discharge will advise the employee that such a request must be received within five (5) working days of the receipt of the Notice, or the right to a hearing will be deemed waived.
4. The principal shall have the Notice of Intent to Discharge personally delivered to the employee. If the employee is not available to accept the hand delivery of the Notice of Intent to Discharge, the Notice may be left with an adult member of the employee's household, and **in addition**, a copy of the Notice must be mailed to the employee at his/her last known mailing address. The person who delivered the notice must complete a sworn Certificate of Service which states the date, time, person and location to/at which the notice was delivered.

5. A licensed school employee who receives a notice of intent to discharge may exercise his/her right to a hearing before the governing board by giving the principal written notice of that election within five (5) working days of his/her receipt of the notice to recommend discharge.
6. The Governing board shall hold a discharge hearing in compliance with NMSA 1978, §22-10A-27.

#### **Appeals of Discharge Decisions of the Governing board.**

1. A licensed school employee aggrieved by a decision of the governing board to uphold the discharge may appeal the decision to an independent arbitrator. A written notice of appeal shall be submitted to the principal within five (5) working days from the receipt of the copy of the written decision of the governing board.
2. The governing board and the licensed school employee shall meet within ten (10) calendar days from the receipt of the notice of appeal and select an independent arbitrator to conduct the appeal, or, in the event the parties fail to agree on an independent arbitrator, they shall request a presiding judge in the McKinley County District Court to select the independent arbitrator. The presiding judge shall select the independent arbitrator within five (5) working days from the date of the parties' request, pursuant to NMSA 1978, §22-10A-28.
3. The arbitration hearing will be conducted pursuant to NMSA 1978, §22-10A-28.
4. The independent arbitrator's fees and other expenses incurred in the conduct of the arbitration shall be assigned at the discretion of the independent arbitrator.

#### **Payroll Deductions.**

Payroll deductions are made for the following:

1. NMSDI and Medicaid (formerly FICA) tax on the basis of the current effective percentage. The school will match with the same percentage to the federal government.
2. Federal income tax as calculated by the computer on the actual current Federal rate according to the employee's declared number of tax exemptions and single or married notation on his/her currently filed W-4 tax information card.
3. State income tax as calculated by the computer on the current required withholding scale by the State of New Mexico according to the employee's declared number of exemptions and single or married notation on the W-4 form.
4. New Mexico teachers' retirement at the applicable rate of gross wages.
5. Tax sheltered annuities as stated on the required file copy of the employee's contract and according to the monthly billing of the employee's annuity company.
6. Health, dental, and vision insurance program, if any, of the school adopted plan, if applicable.

7. Cancer, intensive care, disability and term-life insurance, if applicable.

The school has implemented a direct deposit plan. Staff members may select this option if they so choose.

### **Personnel Files.**

The teacher's official file shall be maintained in the principal's office. Material that may adversely affect a teacher's employment status may not be placed in the teacher's official file until the teacher has had the opportunity to read the material and to sign and date the actual copy to be filed. The teacher shall receive a copy of said material, at no cost to the teacher, at the time of filing. The teacher shall have the right, within ten (10) working days, to affix a written response to said material. Documentation must be made a part of the official file in order for it to be used in an action that adversely affects a teacher's employment status.

A teacher may review the contents of his/her official file during normal business hours, but not during the duty time of the teacher. The teacher is entitled to receive a copy of any documents contained therein with the teacher paying the cost of reproduction.

### **Personnel Selection.**

Pursuant to NMSA 1978, Section 22-5-14, selection of personnel is the sole responsibility of the principal. The goal of the personnel selection process is to recruit and select that individual who will best fit an available position. In doing so, such criteria as educational background, training and preparation, experience, personal characteristics, references, interview, and program needs will be considered in making selection decisions. Hózhó Academy will adhere to federal and state regulations regarding equal employment opportunity and will not discriminate on the basis of race, color, religion, age, sex, national origin, or physical handicaps. All school personnel concerned with recruitment, hiring, training, assignments, promotions, transfer, compensation, dismissal, and other employment practices are expected to govern their personnel actions and procedures within the intent of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Act of 1972, and all additional laws, orders, and regulations applicable to the employment policies of Hózhó Academy.

All open positions for employment shall be made available on the school's website, [www.hozhoacademy.org](http://www.hozhoacademy.org). Additional information may be requested of an applicant. Additionally, the principal shall be responsible for assignment of personnel.

### **Professional Development.**

All professional development will reflect the mission, goals, and objectives of Hózhó Academy. The school will identify individual professional growth needs through the evaluation process, which will identify growth areas for individual employees. Additionally, Hózhó Academy will utilize data from such sources as iStation, PARCC, MAPS assessments, and other assessments and diagnostic tools to identify school wide goals and growth areas.

All full-time teachers will have a professional development plan created in collaboration with the principal within the first forty (40) days of each school year. Although the PDP may have the input of school administration, it is the responsibility of the employee to implement the PDP.

### **Reduction in Force.**

When the decision to reduce the number of licensed staff has been made, reductions will be made as follows:

1. All reductions will be made in accordance with New Mexico Statutes.
2. Normal attrition resulting from retirements and resignations will be first considered when reduction in licensed staff is necessary.
3. Teachers will be released according to the following terms:
  - a. Program needs of the school
  - b. Length of service in current assignment
  - c. Performance evaluation
  - d. Recommendation of the principal
  - e. Seniority in the school
4. If a teacher whose position has been eliminated refuses the offer of a position for which he/she qualifies, he/she will be dismissed.

### **Right to Organize Collectively.**

It is the policy of the Hózhó Academy not to interfere in individual rights of employees to organize collectively.

### **Salary Schedule.**

All teachers shall be paid on the Hózhó Academy salary schedule adopted annually by the governing board with said schedule to be developed according to degree qualifications, experience, and duties. Value added performance reviews will determine the amount of raise, if any, that is given.

Contract extensions may be added to employee's contract for extra duties in addition to their employment contract; however, extensions are automatically void at the end of the duty year with no expectation on the part of the employee for future extensions.

### **Social Networking Policy.**

#### **Policy**

The Policy of the Hózhó Academy with respect to social networking encompasses the following

three areas: (i) interaction with students through social networking websites; (ii) liability; and (iii) conduct in the use of social networking.

### **I. Interaction with Students Through Social Networking Websites**

Employees should only communicate with students to support the educational mission of the Hózhó Academy with regard to teaching and learning. Employees may not participate in external social networking group pages, i.e., those outside of the editorial oversight of Hózhó Academy or utilize such pages to communicate with students for any reason unless that communication is within public view.

An employee wishing to create an education-related social media page should contact and (if applicable) obtain approval from School Administration about the intended site and its use. The employee shall take responsibility for ensuring that the site is used appropriately, including making sure that others posting on the site adhere to confidentiality, privacy, copyright and all related Board policies as well as all applicable local, state and federal laws/regulations. Parental permission must be obtained before utilizing a social media page for instructional purposes

### **II. Liability**

Employees are reminded that they are professionals and are representatives of both Hózhó Academy and the community in all aspects of their lives and should conduct themselves accordingly when utilizing social media/networking.

Employees are cautioned that they should have no expectation of privacy while using the Internet. Hózhó Academy may conduct periodic web searches in order to determine if the Internet/any social networking operation is being utilized in an inappropriate or illegal manner. Employees shall not post any material or information protected from disclosure under the Family Educational Rights and Privacy Act, or other applicable laws or regulations including, but not limited to education records, personally identifiable information, photos, video recordings or audio recordings of students, Hózhó Academy staff, parents or other constituents of the Hózhó Academy community and shall follow all Board policies related to protection of confidential information.

Unless specifically authorized by the School's Administration, employees are not authorized and therefore restricted to speak on behalf of the Hózhó Academy. If an employee chooses to identify himself/herself as an employee of the Hózhó Academy on a social networking site, a disclaimer must be on the site which makes it clear that his/her writings are his/her own and do not reflect the views of the Hózhó Academy.

Employees shall post only accurate information, adhere to all copyright laws and reference all sources as required by law. Under no circumstances should employees discuss situations involving employees or student discipline or performance on a blog or social networking site. The use of images or photographs of students on a blog or social networking site which identifies the student by name without the express written consent of a parent or guardian is absolutely prohibited.

### **III. Conduct in the Use of Social Networking**

Hózhó Academy respects the right of an employee to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees

who utilize these media for personal use/interest. However, under no circumstances shall the use of social networking activities interfere with the employee's work-related obligations.

Consistent with Hózhó Academy's Policy Network/Internet Use, employees may not utilize Hózhó Academy-owned equipment, including computers, Hózhó Academy-licensed software or other electronic equipment, nor facilities or school-related time, to conduct personal blogging or social networking activities. Employees may not utilize blogs or social networking sites to harass, threaten, discriminate against or disparage students, parents, Hózhó Academy employees or anyone associated with or doing business with the Hózhó Academy. Employees should be honest about their identity when utilizing social networking sites and should not pretend to be another person or intentionally mask his/her identity.

### **Reporting Violations**

Any and all violations of this Policy are to be reported by employees to Administration.

### **Discipline**

Violation of this Policy will result in discipline as appropriate up to and including termination, in accordance with all applicable Hózhó Academy disciplinary policies and procedures.

### **Staff Evaluation.**

The development of strong, competent licensed and support staff employees, and the maintenance of high morale and a positive school culture among said staff are major objectives of Hózhó Academy. A program of continuous observation and evaluation is necessary to meet its requirements.

Hózhó Academy's principal will be responsible for the dissemination of a copy of the evaluation policy, and any and all changes, additions, or deletions subsequently made therein, to all personnel within the school.

The evaluation shall identify teachers who are most effective at helping students succeed, provide targeted assistance and professional development for teachers, improve the match between teacher assignments and student and school needs and enhance incentives for effective teachers.

### **Teacher Evaluation.**

The performance of all licensed staff members will be evaluated and will exceed the minimum criteria established by the State and school added criteria. Each evaluation shall be based upon the evaluator's actual observation of the person being evaluated while performing his/her job function, as well as others such as neutral third-party professionals and level III teachers. The principal will be evaluated by the governing board; and teachers and other non-administrative staff will be evaluated by the principal, as provided by law.

Evaluation reports will be completed on an approved evaluation form. This evaluation will be followed by a conference between the evaluator and staff member. If the evaluator recommends a plan for improvement, a plan will be developed by the evaluator and staff member and will include a statement

indicating how and by what time the improvement will be made. The staff member shall have the right to file an exception to the evaluation report within ten (10) days of the conference. This exception shall become a part of the report, and all shall be filed in the staff member's personnel file. The file shall be accessible to the staff member, the evaluator, administrative staff to which the staff member applies for employment, and those others designated in writing by the staff member.

All teachers will be formally evaluated at least three (3) times per year.

### **Retirement.**

Hózhó Academy shall pay, as part of the Compensation Schedule, each teacher's contribution to the New Mexico Educational Retirement Association. Upon retirement, this contribution will be paid to each teacher as provided by legislation.

### **Transcripts and Certification.**

Each teacher or licensed personnel is required to have a transcript of all college work and a valid New Mexico Teacher License in the field and subjects in which he or she is teaching on file in the school office before coming to work for Hózhó Academy.

In order for licensed personnel to be eligible for a salary increase based upon acquisition of higher education credits, the licensed person must submit an official transcript from the accredited higher education institute to the school.

In order for licensed personnel to be eligible for a salary increase based upon acquisition of a higher degree, the licensed person must submit an official transcript from the accredited higher education institute to the Licensure Unit of the NMPED. When the Licensure Unit updates the certified person's license, the new certificate must be presented to the principal to be paid at a higher salary.

## **III. POLICIES RELATING TO WORKING CONDITIONS**

### **Duty Schedule.**

With input from the teachers, duty will be assigned by the principal. The administration will strive to ensure timely notice of duties to teachers.

All faculty and staff must attend at least two (2) Hózhó Academy events held outside of the standard duty day. A list of such activities will be posted at the beginning of the school year for faculty/staff to sign up. Additionally, all staff is required to attend two (2) evening events: Back-to-School Night in the fall and a family engagement activity or academic assembly in the spring.

### **Duty Day.**

Teachers report time is one half (1/2) hour before the beginning of the first period of the day and is completed one half (1/2) hour after the end of the day.

**a) Absence or Lateness**

If you are unable to report to work, or if you will arrive late, contact the principal immediately. If you know in advance that you will be absent, you must request this time off utilizing the appropriate leave form.

A consistent pattern of absences can be considered excessive. In addition, excessive lateness or leaving early may carry the same weight as an absence. Other factors, like the degree and reason for the absences or lateness, will be taken into consideration.

Unauthorized or excessive absences, lateness, or leaving early may lead to disciplinary action, up to and including discharge. No leave will be approved by Administration the day prior or the day following a school holiday.

**Teacher Absence.**

1. If you are ill, the procedure is the following:
  - I. Call/text the principal as soon as you are able.
  - II. Submit lesson plans to the principal by 7:00 am.
2. When the teacher's absence is on a Friday, it will automatically be assumed that the instructor will be in attendance on the following Monday.
3. If the teacher cannot return to school on Monday, it is the teacher's responsibility to repeat step one (1).
4. It is the teacher's responsibility to provide clear, detailed lesson plans for the substitute.
5. If the absence is immediately prior to or after a weekend or holiday, a physician's note may be requested by the principal.
6. It is the teacher's responsibility upon return from an absence to sign and verify bi-weekly absence sheet with the office manager. If not signed by reporting date it will go in as per office records and you will be docked for that time. **Please be aware that if you are docked for time, either due to failure to report the absence or because you have run out of PTO, you are also responsible for paying your insurance and benefits.**
7. Requests for time off must be made at least **5 days in advance** and are subject to approval by the Principal. Time off requests must be made on a PTO request form, signed by the principal, and returned to the office manager.

**Standard of Conduct (NMAC, 6.60.9.9).**

Whenever people gather together to achieve goals, some norms are needed to help everyone work together efficiently, effectively, and congenially. By accepting employment with Hózhó Academy, you

have a responsibility to Hózhó Academy and to your fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict your rights, but rather to be certain that you understand what conduct is expected and necessary.

### **Employee Standard of Conduct**

Hózhó Academy employees serve as positive role models for students and set good examples in conduct, manners, dress and grooming. Hózhó Academy expects each employee to maintain the highest standards of conduct and act in a mature and responsible manner at all times. 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 the School.

### **Staff Conduct with Students**

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

### **Conflict of Interest**

Employees are prohibited from using confidential information acquired by virtue of their associations with the school for their individual or another's private gain. Employees are prohibited from requesting, receiving or accepting a gift or loan for themselves or another that tends to influence them or appear to influence them in the discharge of their duties as employees.

### **Unacceptable Activities**

Hózhó Academy expects each employee to act in a mature and responsible way at all times. If you have any questions concerning any work or safety rule, or any of the unacceptable activities listed below, please see the principal.

Note that the following list of unacceptable activities does not include all types of conduct that can result in disciplinary action, up to and including discharge. Nothing in this list alters the at will nature of employment for some employees of the school.

- Violation of any Hózhó Academy policy or procedural directive.
- Violation of security or safety rules or failure to observe safety rules or Hózhó Academy safety practices.
- Negligence or any careless action which may endanger the health, safety or well-being of another person.
- Being intoxicated or under the influence of a controlled substance, including alcohol, while at work; use, possession or sale of a controlled substance in any quantity while on School premises, except medications prescribed by a physician which do not impair work performance.
- Possession of dangerous or illegal firearms, weapons or explosives on school property or while on duty.
- Engaging in criminal conduct or acts of violence or making threats of violence toward

anyone on School premises or when representing Hózhó Academy; fighting, or provoking a fight on school property, or negligent damage to property.

- Insubordination or refusing to obey instructions properly issued by Administration pertaining to your work; refusal to help out on a special assignment.
- Threatening, intimidating or coercing fellow employees on or off the premises at any time, for any purpose.
- Engaging in an act of sabotage; negligently causing the destruction or damage of school property, or the property of fellow employees, customers, suppliers, or visitors in any manner.
- Theft or unauthorized possession of school property or the property of fellow employees; unauthorized possession or removal of any School property, including documents, from the premises without prior permission from Administration; unauthorized use of school equipment or property for personal reasons; using School equipment for profit.
- Dishonesty; falsification or misrepresentation on your application for employment or other work records; untruthfulness about sick or personal leave; falsifying reason for a leave of absence or other data requested by Hózhó Academy; unauthorized alteration of school records or other documents.
- Spreading malicious gossip and/or rumors; engaging in behavior which creates discord and lack of harmony; interfering with another employee on the job; restricting work output or encouraging others to do the same.
- Immoral conduct or indecency on school property.
- Gambling on school premises.
- Unsatisfactory or careless work, failure to meet work productivity or work quality standards.
- Any act of harassment including but not limited to sexual, racial and or religious. Telling sexist or racist jokes, making racial or ethnic slurs.
- Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of Administration; stopping work before time specified for such purposes.
- Sleeping or loitering during working hours.
- Excessive use of telephones for personal calls, text messaging, and cell phone plan features.
- Smoking on school property.

- Creating or contributing to unsanitary conditions.
- Failure to report an absence or late arrival; unauthorized or excessive absences or lateness.
- Obscene or abusive language toward any employee, parent, or student; indifference or rudeness; any disorderly/antagonistic conduct on School premises.
- Failure to immediately report damage to, or an accident involving, school equipment.
- Unauthorized soliciting during working hours and/or in working areas; selling merchandise or collecting funds of any kind for charities or others without authorization during business hours, or at a time or place that interferes with the work of another employee on school premises.
- Failure to submit the required forms for events or leave.
- Any other act or omission which impairs or restricts the ability of the School to provide a safe and healthy environment for employees and students.
- Sharing or disseminating personal or confidential information about students or employees.
- Negligence or any careless action which allows others access to personal or confidential information about employees or students. Willfully providing someone access to personal or confidential information about employees or students.
- Violation of any valid Public Health Order.

All employees are expected to treat each other with respect, consideration and civility. Intimidating, demeaning, threatening, vulgar, or violent behaviors depart from the standard of civility and respect.

### **Progressive Discipline Process.**

Administration may use a number of tools to motivate, correct, and/or discipline employees, including, but not limited to warnings, reprimands, suspension with or without pay, and discharge, as determined to be appropriate in each individual circumstance.

Progressive discipline may be used to correct employee behavioral or performance problems. However, there may be situations where the severity or seriousness of the offense justifies the omission of one or more of the steps in this process. Likewise, there may be situations where a disciplinary step is repeated.

### **Safety.**

#### **General Employee Safety**

Hózhó Academy is committed to the safety and health of all employees and recognizes the need to comply with regulations governing injury and accident prevention and employee safety. Maintaining a safe work environment, however, requires the continuous cooperation of all employees.

Hózhó Academy will maintain safety and health practices consistent with the needs of our industry. If you are ever in doubt about how to safely perform a job, it is your responsibility to ask Administration. Any suspected unsafe conditions and all injuries that occur on the job must be reported immediately. Compliance with these safety rules is considered a condition of employment. Therefore, it is a requirement that each employee make the safety of fellow employees and students an integral part of her/his regular functions. It is the responsibility of each employee to accept and follow established safety regulations and procedures.

### **Reporting Safety Issues**

All accidents, injuries, potential safety hazards, safety suggestions and health and safety related issues must be reported immediately to Administration. If you or another employee is injured, contact outside emergency response agencies, if needed. If an injury does not require medical attention, a Report of Accident Form must still be completed in case medical treatment is later needed and to ensure that any safety hazards are corrected. The Employee's Claim for Workers' Compensation Benefits Form must be completed in all cases in which an injury requiring medical attention has occurred.

Federal law requires that we keep records of all illnesses and accidents that occur during the workday. The New Mexico State Workers' Compensation Act also requires that you report any workplace illness or injury, no matter how slight. If you fail to report an injury, you may jeopardize your right to collect workers' compensation

### **Severe Weather and Emergency Conditions.**

**School Closure:** In the event of severe weather conditions or other emergencies, the school may decide to close. Hózhó Academy will follow the Gallup McKinley County School's decision in this case. If Hózhó Academy is closed, you will be notified as soon as possible. Employees who are sent home early will not lose pay as a result of early dismissal for this reason. Likewise, if you report to work and find that Hózhó Academy is unexpectedly closed due to an emergency, no loss of pay will occur.

**Abbreviated Day Schedule:** A shortened school or work day during inclement weather ("two-hour delay") will begin two hours later than the school's regular schedule but will end at the regular time. The most common use of the abbreviated day schedule occurs when severe weather causes street conditions that would endanger the safety of students and employees on their way to school. Again, Hózhó Academy follows the GMCS's decision in this case.

An abbreviated day schedule is announced on the local news media or online at the various news stations websites, generally by 6:30 am. On mornings when weather conditions are severe, employees should listen to the radio or watch television for announcements concerning the school schedule. Following the announcement of an abbreviated schedule, weather

conditions may worsen to the point that it is necessary to close the schools. This announcement will be made to the local media at approximately 9:00 am.

### **Parking Areas.**

You are encouraged to use the parking areas designated on campus for employees. Remember to lock your car every day and park within the specified areas. Hózhó Academy is not responsible for any loss, theft or damage to your private vehicle or any personal property.

Courtesy and common sense in parking will help eliminate accidents, personal injuries, damage to your vehicle and to the vehicles of other employees. If you should damage another car while parking or leaving, immediately report the incident, along with the license numbers of both vehicles and any other pertinent information you may have, to the principal.

## **IV. GENERAL POLICIES**

### **Agenda of Board Meetings.**

The school shall make available to the Hózhó Academy community a copy of the agenda prior to any meeting of the governing board. A copy of the agenda will also be available online on the Hózhó Academy's website, at [www.hozhoacademy.org](http://www.hozhoacademy.org). The packet of information provided to Trustees, excluding sensitive information, shall be made available to those attending the meeting of the Hózhó Academy Governing Board.

### **Assault and Battery on School Employee.**

The Hózhó Academy Governing Board is committed to providing a safe working environment for the employees of the school. Any school employee, upon whom an assault, battery, assault and battery, or aggravated battery or aggravated assault and battery is committed while in the performance of any duties as a school employee shall notify the principal, who will refer the incident to the appropriate law enforcement authority. The principal shall notify the Public Education Department of all incidents of assault and battery and final disposition of each incident for the previous year in the annual School Report Card.

Hózhó Academy will post in a prominent place a notice having the following language:

"FELONY CHARGES MAY BE FILED AGAINST ANY PERSON(S) COMMITTING AN AGGRAVATED ASSAULT OR BATTERY UPON ANY SCHOOL EMPLOYEE."

### **Child Abuse-Neglect Reporting.**

School teachers and officials have a duty under New Mexico law to report suspected child abuse or neglect to the police or to the Children Youth and Families Department (CYFD). Abuse includes physical, emotional, psychological, or sexual abuse. Neglect includes lack of proper parental care and control,

subsistence, education and health care necessary for the child's well-being. Any person reporting suspected child abuse or neglect in good faith is immune from liability. Any person required to report, but failing to do so, is subject to criminal prosecution.

Pursuant to the Public School Code, "child abuse" means a child:

- (1) who has suffered or who is at risk of suffering serious harm because of the action or inaction of the child's parent, guardian, custodian or other adult;
- (2) who has suffered physical abuse, emotional abuse or psychological abuse inflicted or caused by the child's parent, guardian, custodian or other adult;
- (3) who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian, custodian or other adult;
- (4) whose parent, guardian, custodian or other adult has knowingly, intentionally or negligently placed the child in a situation that may endanger the child's life or health; or
- (5) whose parent, guardian, custodian or other adult has knowingly or intentionally tortured, cruelly confined or cruelly punished the child.

Where there is a reasonable suspicion of child abuse or neglect, employees and officials must:

1. Call in a report to the Children, Youth and Families Department (CYDF) 24-hour report line at (505) 841-6100; and
2. Notify the principal.

### **Computer, Network, and Internet.**

**Purpose:** The intent of this regulation is to provide employees with general requirements for utilizing Hózhó Academy computers, networks and Internet services.

These rules provide general guidelines and examples of prohibited uses for illustrative purposes but do not attempt to state all required or prohibited activities by users. Employees who have questions regarding whether a particular activity or use is acceptable should seek further guidance from the principal.

Failure to comply with the Board's policy and/or other established regulation governing computer use may result in disciplinary action, up to and including discharge. Illegal uses of computers may also result in referral to law enforcement authorities.

**Personnel Affected:** All employees and other users are subject to these policies.

**Acceptable Use:** Employee access to Hózhó Academy computers, networks and Internet services is provided for administrative, educational, communication and research purposes consistent with educational mission, curriculum and instructional goals. General rules and

expectations for professional behavior and communication apply to use of Hózhó Academy computers, networks and Internet services.

The level of access that employees have to school computers, networks and Internet services is based upon specific employee job requirements and needs.

Employees are to utilize school computers, networks and Internet services for school-related purposes and performance of job duties. Incidental personal use of school computers is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations or other system users. "Incidental personal use" is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures and rules.

**Prohibited Use:** The employee is responsible for his/her actions and activities involving school unit computers, networks and Internet services and for his/her computer files, passwords and accounts. General examples of unacceptable uses, which are expressly prohibited, include but are not limited to the following:

- a. Any use that is illegal or in violation of other Board policies, including harassing, discriminatory or threatening communications and behavior, violating of copyright laws, etc.;
- b. Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive;
- c. Any inappropriate communications with students or minors;
- d. Any use for private financial gain, or commercial, advertising or solicitation purposes;
- e. Any use as a forum for communicating by e-mail or any other medium with other users or outside parties to solicit, proselytize, advocate or communicate the views of an individual or non-school-sponsored organization; to solicit membership in or support of any non-educational related organization, whether for-profit or not-for-profit. No employee shall knowingly provide school e-mail addresses to outside parties whose intent is to communicate with school employees, students, and/or their families for non-school purposes. Employees who are uncertain as to whether certain activities are acceptable should seek further guidance from the Principal;
- f. Any communication that represents personal views as those of Hózhó Academy or that could be misinterpreted as such;
- g. Downloading or loading software or applications without permission from the principal;
- h. Opening or forwarding any e-mail attachments (executable files) from unknown sources and/or that may contain viruses;
- i. Sending mass e-mails to school users or outside parties for school or non-school purposes without the permission of the principal;
- j. Any malicious use or disruption of computer, networks and Internet services or breach of security features;
- k. Any misuse or damage to computer equipment;
- l. Misuse of the computer passwords or accounts (employee or other user);
- m. Any communications that are in violation of generally accepted rules of network etiquette and/or professional conduct;

- n. Any attempt to access unauthorized sites;
- o. Failing to report a known breach of computer security to the system administrator;
- p. Using school computers, networks, and Internet services after such access had been denied or revoked;
- q. Any attempt to delete, erase or otherwise conceal any information stored on a computer that violates these rules.
- r. Using the Hózhó Academy web pages to provide personal information or provide access to personal pages on school servers.

**No Expectation of Privacy:** Hózhó Academy retains control, custody and supervision of all computers, networks and Internet services owned or leased by the school. Hózhó Academy reserves the right to monitor all computer and Internet activity by employees and other system users. Employees have no expectation of privacy regarding their use of school computers, including e-mail messages, web pages and stored files.

**Confidentiality of Information:** Employees are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential.

**Staff Responsible to Students:** Teachers, staff members and volunteers who utilize school computers for instructional purposes with students have the responsibility to monitor and supervise such use. Teachers, staff members and volunteers are expected to be familiar with Hózhó Academy policies and rules concerning student computer and Internet use and to enforce them. When, in the course of their duties, employees/volunteers become aware of student violations, they are expected to stop the activity and inform the principal.

**Compensation for Losses, Costs and/or Damages:** The employees shall be responsible for any losses, costs or damages incurred by Hózhó Academy related to violations of policy and/or these rules.

**No Responsibility for Unauthorized Charges, Costs, or Illegal Use:** Hózhó Academy assumes no responsibility for any unauthorized charges made by employees including but not limited to credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use of its computers such as copyright violations.

## **Discipline of Students Policy.**

The primary goal of discipline at Hózhó Academy is to provide and maintain a safe, just, affirmative, and appropriately challenging environment that promotes learning and positive personal growth. Disciplinary measures will be aimed toward assisting each student in the development of values, self-control, social responsibility, and the acceptance of appropriate consequences for his or her actions.

Parental involvement in matters of school discipline is encouraged. Parents will be advised of disciplinary measures taken in order to elicit their understanding and support. A record of disciplinary actions taken by the Principal will be kept at the school.

Corporal punishment, which is defined as any disciplinary action taken by school personnel with the intention of producing physical pain, will not be used as a disciplinary measure at Hózhó Academy.

### **Rights of All Students and Families.**

Without any equivocation, Hózhó Academy will defend a student's right to attend a safe and orderly school. In addition to this inalienable educational right, students and their families have the right to:

- a. due process;
- b. expect fair and equal treatment from the school;
- c. have all rules and codes of conduct suitably explained to them;
- d. have all behavioral incidents suitably explained to them;
- e. have all disciplinary actions suitably explained to them;
- f. appeal suspensions and expulsions made by the school to the school's governing board; and
- g. be kept apprised of behavioral performance through progress reports, report cards, and meetings as needed with teachers or the principal.

### **Dress Code and Personal Appearance.**

You are expected to be suitably attired and groomed during working hours and when representing at Hózhó Academy. If the principal determines that your attire and/or grooming is out of place, you may be asked to leave the workplace until you are properly attired and/or groomed. Employees who violated the dress code standard may be subject to disciplinary action, up to and including discharge. Male staff members are expected to be in closed toe shoes dress pants and colored shirt and ties. Shorts and jeans are not permitted unless for an event and with principal permission. Female staff members shall wear dresses, dress slacks, skirts, with modest blouses. Dress shoes or sandals or boots are acceptable, but tennis shoes are not permitted. However, staff may elect to wear the Hozho staff uniform which consists of a polo shirt purchased from Sportsworld, solid navy blue athletic pants/shorts and athletic shoes.

Piercings should be discreet and limited to the ears (no facial or body piercings may be visible). Small, discreet tattoos may be visible as long as they are school appropriate and not distracting to others. The principal will have discretion in these matters.

### **Drug and Alcohol Testing Policy Statement.**

The abuse of drugs and alcohol is a serious threat to both the school and its employees. Administration and staff are equally responsible for maintaining a safe and healthy working environment. For that reason, the school has adopted these policies:

1. The possession, use, sale or distribution of alcohol, unauthorized or illegal drugs or the misuse of any legal drugs on school premises or while on school business is prohibited and will constitute grounds for immediate termination.

2. Any employee under the influence of drugs (illegal or not) or alcohol which impairs judgment, performance or behavior while on school premises or while on school business will be subject to discipline, including immediate termination.
3. Each employee is responsible for promptly reporting to administration any use of prescribed drugs which may affect the employee's judgment, performance or behavior.

Hózhó Academy will establish such procedures as it finds necessary to effectively enforce this policy. That may include a requirement that employees cooperate in personal testing or facility searches when there is reason to believe drugs or alcohol are present, when their performance is impaired or when their behavior is erratic. Refusing to cooperate with these procedures may be cause for disciplinary action, including immediate termination. The school strongly urges employees to use community health and counseling facilities for help with alcohol or drug problems. It is each employee's responsibility to seek assistance before the problem affects judgment, performance, or behavior.

#### **Drug-Free Workplace Statement.**

Hózhó Academy maintains a drug-free workplace.

In accordance with federal law and the Drug-Free Workplace Act, Hózhó Academy adopted the following policies:

1. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the school's workplaces.
2. An employee must notify the school administration in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
3. The school will notify the appropriate federal agencies within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction.
4. All employees will sign a Drug-Free Workplace Agreement upon hire.

#### **Equipment.**

Staff will notify the principal of any equipment needs as the need becomes known. If any piece of equipment assigned for your use malfunctions, notify the office. **DO NOT TAKE THE EQUIPMENT TO A COMMERCIAL REPAIR FACILITY.** No equipment is to be removed from Hózhó Academy without approval of the Principal.

#### **Fair Labor Standards Act.**

In compliance with the Fair Labor Standards Act, the school shall post information as disseminated by the U.S. Department of Labor. The following lists the classes of school employees determined to be exempt employees under the Fair Labor Standards Act:

##### **Exempt.**

- Principal (executive)
- Office Manager (professional)
- Counselors (professional)
- Teachers (professional)

- School Nurse (professional)
- Special Education (professional)
- Adult Education (professional)
- Indian Education (professional)
- Child Nutrition (professional)
- Athletics (professional)
- Educational Programs (professional)

### **Gifts.**

Advance approval from Administration is required before an employee may accept or solicit a gift of any kind from a parent, supplier or vendor.

### **Hazards / Crisis Response Policy.**

Hózhó Academy is committed to providing each of its employees a safe and healthy work environment. To this end, we have developed a crisis policy and procedure for staff and students to follow in the event of a crisis. The policy designates the Principal as the central communications director. The Principal will have the overall responsibility for coordinating the crisis response team.

### **Leaving the Building.**

Any requests for time off during regular work hours must be approved in advance by the Principal, such as doctor appointments, dental, etc. Requests are to be made via e-mail to the principal. It is entirely at the Principal's discretion to determine if time is to be docked.

### **Non-Discrimination, Sexual Harassment, Disability Accommodations, and Grievance Procedures.**

It is the policy of the governing board of Hózhó Academy that no otherwise qualified person shall, solely by reason of his/her disability, race, religion, color, sex, national origin or ancestry, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of Hózhó Academy.

Sexual harassment is expressly prohibited.

Notice of this policy shall be posted in the school, disseminated to the general public, published in any School statement regarding the availability of employment positions, and in personnel handbooks.

As used in this policy and any implementing procedures, “person with a disability” means a person who has, or had, or is regarded, or was regarded as having, a physical or mental impairment that substantially limits one or more of a person’s major life activities.

Equal opportunity is assured to qualified individuals regardless of their race, religion, color, sex, disability, national origin or ancestry. This policy addresses all aspects of employment including recruitment, hiring, and assignment of duties, promotion, compensation, training, and termination.

No employee or candidate for employment shall be discriminated against on the basis of a disabling condition that is not directly related to the essential function of the position he or she holds or for which he/she applied.

The school will make reasonable accommodations to the known physical or mental limitations of a qualified person, unless it can be shown that the accommodations would impose an undue hardship on the operation of this school.

For the purposes of this policy, the term “reasonable accommodations” shall mean making existing facilities used by employees accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment; modifications of examinations and training; the provision of qualified readers or interpreters; and other similar and reasonable accommodations.

In determining whether an accommodation would impose an undue hardship, the school will consider:

1. the nature and cost of the accommodations needed;
2. the overall financial resources available to the school;
3. the number and nature of employees at the school.

Inquiries concerning application of this policy may be referred to the school’s principal, designated as Civil Rights Compliance Officer, who can be reached at the Hózhó Academy office.

#### **Reporting Harassment or Discrimination.**

Any person who believes he/she has been subject to harassment or discrimination must notify the school principal, or, if the alleged perpetrator is the school principal, then he/she would notify the school’s governing board President.

#### **Complaint Procedures.**

In accordance with the policy of the Governing board against discrimination or sexual harassment, the following governs the processing of related complaints in this school:

1. Any member of this school who wishes to file a grievance against another member of the school may file a complaint with the school principal, or if the alleged incident is directed to the school principal, to the school governing board president. The grievance shall be in writing using the Universal Complaint Form found at the end of this manual, and shall set

- forth the circumstances of the incident, and identify the member(s) involved. Such complaint should be submitted within ten (10) days of the alleged incident, if possible.
2. The school principal (or school governing board president if the allegation is against the school principal) shall initiate an investigation of the incident and shall protect the confidentiality of the grievant.
  3. The investigation shall be completed within twenty (20) days of the filing of the grievance. Results of the investigation, along with recommendations and suggestions, shall be furnished to the grievant no later than thirty (30) days after the complaint is submitted.
  4. If the grievant believes the issues are not resolved after considering the recommendations and suggestions of the school principal or the school governing board president, the grievant may appeal to the Hózhó Academy's governing board, where the grievant may request a hearing by a grievance committee which is to be formed by a member of the governing board, and composed of a parent, school administrator, and licensed staff members. This request shall be made in writing to the principal within sixty (60) days after receiving the results of the investigation.
  5. Upon receiving a request for a hearing, the grievance committee shall schedule the hearing to occur within twenty (20) days from the date of the request.
  6. Both the grievant and the person(s) against whom the complaint was made may be represented by legal counsel at the hearing.
  7. Within ten (10) days of the hearing, the grievance committee shall furnish a written report of its findings and recommendations to the Principal.
  8. The school principal (or school governing board president, if the allegation is against the school principal) shall, within five (5) days of the receipt of the grievance committee's report, act upon the recommendations of the committee or furnish a written report to the grievant explaining why the recommendations will not be implemented. The principal may also conduct whatever investigation is necessary.
  9. Upon receipt of the principal's report, the grievant may file a written appeal with the governing board. The governing board shall, within thirty (30) days from the date the appeal was received, review the report and affirm, overrule, or modify the decision of the grievance committee.
  10. No retaliation will be permitted against a grievant who files a complaint with the school.
  11. The principal will take reasonable actions to protect student, staff and the complainant from the alleged violator of this policy pending the conclusion of the investigation.
  12. If the grievant complaint is based on contract termination, the grievant shall pursue the complaint in accordance with the termination procedures set forth previously in this handbook.

## **Open Communications Policy.**

It is the belief of the licensed staff of Hózhó Academy that open and clear communications are essential for the optimum performance of the organization. As a result, each licensed staff member is encouraged to communicate concerns over policy management to the principal.

## **Release of Public Information.**

The Principal, as representatives of the school, are given the responsibility of informing the public as to the purpose, goals, methods, progress and needs of the school, the instructional program and financial status of the school. Accuracy, reliability and leadership in this area will develop confidence and understanding, thereby creating better relationships between the school and the community. All school personnel are responsible for good public relations.

Therefore, all written notices, reports, bulletins, newsletters, and matters, whether verbal or written, intended for public information, pertaining to students, personnel, operation, facilities or status are to be submitted to the Principal prior to release. Care will be exercised by school personnel hereby authorized to release information to ensure that those requirements established by law or board policy pertaining to the Family Education Rights and Privacy Act and the New Mexico Inspection of Public Records Act are followed.

Non-school originated material of commercial, political or religious nature shall not be disseminated. Notices from community organizations, such as Youth Symphony Orchestra, Boy Scouts, PTA, etc., that directly benefit the students of the school may, at the discretion of the principal, be forwarded to parents via the students.

This policy is not intended to interfere with the responsibility of school personnel to communicate directly with the parents or legal guardian of a particular student on matters pertaining to such student. It is intended to ensure that prompt, reliable and accurate information is provided to parents and patrons of this school as well as the general public.

## **Reporting of Inappropriate Contact with Students.**

Persons who have reason to believe that any Hózhó Academy personnel have engaged in inappropriate contact with any student, whether on or off school property, including sexual touching, romantic or sexual relations, must immediately report that information in writing to the principal.

## **Reporting Students under the Influence.**

Any employee who has reasonable cause to suspect that a student may be under the influence of or in the possession of alcoholic beverages, intoxicating substances, or illegal substances shall immediately notify the principal.

The principal shall determine whether grounds exist for a search of the student, notification of the student's parents or legal guardian, and notification of law enforcement.

## **Restraint Policy**

It is the policy of Hózhó Academy to provide for the appropriate use of restraints and to protect students from harming themselves, other students, staff or property in a manner that protects the student's dignity and well-being.

A restraint is a method used to physically and involuntarily restrict a person's movement or physical activity.

Physical restraint should only be used in emergency situations, after less intrusive alternatives have failed or been deemed inappropriate, and with caution. If a student's Behavior Intervention Plan (BIP) calls for restraint the requirement of an emergency situation is eliminated. School personnel should use physical restraint with two goals in mind:

1. to administer physical restraint only when needed to protect the student, other students and/or school staff member from imminent harm; and
2. to prevent or minimize any harm to the student as a result of the physical restraint.

Only those individuals who have been properly trained in physical restraint will use physical restraint on a student. Whenever possible, the administration of a restraint will be witnessed by at least one adult who is not participating in the restraint. Training as required will be provided to maintain certification in that program. Students who have known medical or psychological limitations on restraint will be restrained only in cases of imminent danger to self or others and only with caution.

Each incident of restraint should be reported to the school principal and any restraint on a student with medical or psychological limitations will also be reported to the School's Principal for review. The report should include the names of the school staff involved, the name of the student involved, and a description of the incident leading up to the restraint and the procedures used in the restraint along with information regarding whether any additional actions are required by the school.

Following the release from a restraint the participants will implement follow-up procedures. These procedures will include reviewing the incident with the student to address the behavior that precipitated the restraint, review of the incident with the person who administered the restraint to discuss whether proper procedures were followed and follow-up to determine if any discussion needs to occur with those who witnessed the incident.

## **School-Community Relations.**

It is the policy of the Hózhó Academy's governing board to have an open and honest relationship with the press, parents, students, employees, and community. We want to keep the community informed of the progress and problems of our school through open informative communication with the public. At the same time, input from parents and community is appreciated and solicited.

Good public relations are the responsibility of the entire licensed and non-licensed staff. Every employee is expected to feel a responsibility for the development of good relations with the public. Public

confidence and good will can be gained when employees are considerate, courteous, friendly, and understanding.

The Board and staff of Hózhó Academy's believe that parent/community interest and input are necessary for optimal functioning of the schools. It is our conviction that students learn best when their parents are involved in their education. Businesses are encouraged to release employees for parent/teacher conferences.

Groups, such as parent organizations, Hózhó Academy volunteers, and school-business partnerships are also valuable allies in the education function of the school. The Board fully supports and encourages close cooperation with these groups.

### **Selling, Merchandising, and Supplemental Occupations.**

Solicitation and distribution for any cause during working time is not permitted. Employees may not distribute non-Hózhó Academy literature in work areas at any time during the working day. The working day is defined as the time assigned for the performance of job. Employees are not permitted to sell raffle chances, merchandise, or otherwise solicit or distribute literature without administrative approval.

With the exclusion of school personnel receiving stipends for extra for co-curricular activities, school personnel are not permitted to receive pay for tutoring or advising any students assigned to them for classroom teaching or other school functions.

### **Smoking Policy.**

Use of tobacco or tobacco products at Hózhó Academy or at Hózhó Academy sponsored functions is strictly prohibited.

### **Substitute Teachers.**

School Budget does not allow for a permanent, in-house, full-time substitute teacher. Educational assistants may be asked to cover a class in the absence of a teacher.

### **Substitute Teacher Pay.**

The Hózhó Academy Governing board will establish and approve a pay schedule for substitute teachers.

### **Wireless Telecommunication Devices.**

Staff members may have need to use a phone for professional purposes during the school day. These purposes may be to locate coverage or notify the office of an emergency. While in the presence of students in a classroom or when supervising students on campus or off campus at school events, staff members may not use their cell phones without permission of the administration.

It is the policy of the governing board that a student may possess a wireless telecommunication device while on school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school.

Wireless communication devices are not to be visible and not to be used on school premises during the school day, unless otherwise specified in a child's Individualized Education Plan (IEP), 504 or Learning Plan (ILP). Students who violate this policy will be disciplined according to the school's discipline policies.

## V. INSTRUCTION PROCEDURES

### **Assessment.**

Assessment of student progress is a critical factor in supporting student progress. Teachers will routinely use school-mandated assessments to measure student mastery of lessons presented with multiple methods of demonstrating mastery. Teachers are expected to routinely record assessment results in a method that would easily allow analysis of student progress toward mastery. Analysis of this data then is used by the instructor to re-teach and/or accelerate/enhance lesson planning.

### **Attendance.**

**Taking Attendance:** It is important to realize that the Instructors grade book is considered to be a legal document. As a result, it is vital that record keeping be accurate. Please adhere to the following when taking attendance:

1. Attendance must be taken twice daily, once in the morning within 10 minutes of the start of school and again, 10 minutes after returning from lunch. All attendance must be taken using the School's Student Information System, PowerSchool.
2. If a student arrives after the submission of attendance, the student shall be marked tardy.
3. Students will have opportunity to complete make-up work in a period of time equal to the number of days absent, unless other arrangements have been mutually agreed upon by the student and teacher.
4. With each absence, the office manager will make personal contact by phone or email to parents. Documentation of the contact will be recorded on PowerSchool.
5. On the student's subsequent absence, the teacher will attempt to contact the parents by phone or letter. Documentation of the contact and a written referral will be turned into Administration.
6. On the fourth absence, students will be referred to Administration for an attendance contract. Parent-Administration contact will be made again at that time.

## **Copyright Law.**

Legal or insurance protection of Hózhó Academy shall not be extended to persons who violate copyright laws.

It is the responsibility of the principal to review annually copyright policy and regulation at a school staff meeting. It is the responsibility of the principal to keep school staff informed on the use of copyrighted materials, to maintain appropriate records of permission, agreements, licenses and registrations, and to place appropriate copyright warning notices on or near copying equipment.

Plagiarism is the use of the work of another without acknowledgment. Copyright violation is the use of the work of another without permission. Permission can be granted in a number of ways: by law or by the copyright holder. Always acknowledge the work of others whether using their exact words or images they have created, when paraphrasing, or if merely influenced by their ideas. Plagiarism violates Hózhó Academy policy. This includes unpublished materials.

### **Published/Unpublished Materials**

Publication is the distribution to an audience of a work. These rules shall apply regardless of the form of the work. Under Educational Fair Use, and if done non-repetitively, it is legal for a person to:

- Make a single copy of the following:
- A chapter from a book;
- An article from a periodical or newspaper;
- A short story, short essay, or short poem;
- A chart, graph, diagram, drawing, cartoon, or picture from a periodical, or newspaper;
- A short excerpt (up to 10 percent) from a performable unit of music such as a song, movement, or section for academic purposes other than performance.
- Make multiple copies (not to exceed one per pupil) for classroom use of the following:
- A complete poem if fewer than 250 words and less than two pages;
- A poetic excerpt if fewer than 250 words;
- A story, essay, or article if fewer than 2500 words;
- A prose excerpt from 500 to 1000 words;
- One illustration (chart, diagram, graph, drawing, cartoon, or picture) per book or periodical issue;
- An excerpt of up to two pages of "special works" containing words and pictures;
- Up to 10 percent of a performable unit of music (song, movement, section) for academic purposes other than performance.

**It is illegal for a person, without permission of the copyright holder, to:**

- Copy to create anthologies, compilation or collected works, or to replace or substitute for such.
- Copy from works intended to be consumable (e.g. workbooks, exercises, standardized test booklets, and answer sheets).
- Copy to substitute for purchase of books, videos or other audiovisual materials, publishers' reprints, periodicals, music or recordings.
- Require another to make illegal copies as an assigned work responsibility.
- Copy the same item for more than one semester without securing permission.
- Utilize more than nine instances of multiple copying per course, per term. (See legal multiple copies above.)
- Copy more than one short work or two excerpts from one author's works in any one term.
- Copy music, lyrics, or scripts for performance of any kind except for emergencies described in "Multi-Media Materials."
- Copy protected materials without inclusion of a notice of copyright.
- Charge students for copies.

**Unpublished materials have greater copyright protection including enhanced penalties. Even under Educational Fair Use, a person may not use unpublished materials without permission. Examples of unpublished materials include:**

- Internal reports
- Diaries and letters
- E-mail individually addressed to fewer than 20 people

### **Computer Software**

There is no "fair use" provision for computer software. The only copies of computer software that can be made under Copyright laws are:

- Backup copy for archival purposes only;
- Copy that a machine makes when written to memory or temporary files when executing the software.

When the license to use software has expired or been transferred, all copies should be destroyed. In addition to copyright most software is subject to conditions contained in licensing agreements. Such conditions shall be respected.

Shareware authorizes limited use of a program for evaluation purposes only. Shareware shall not be used beyond the evaluation period without payment.

Open source software is either published domain software or free for use as permitted by the author. It will always be so marked. If in doubt it is not open source.

Illegal copies of copyrighted programs may not be made, installed, or used on school equipment. The legal or insurance protection of the District will not be extended to employees who violate copyright laws.

Only the principal may sign software license agreements and are responsible for establishing practices which will enforce this directive at the school.

School licensed software may NOT be installed on personal electronic devices.

### **Internet**

For classroom use the same rules apply to materials derived from the Internet as derived from other sources. Persons shall not copy entire web sites for classroom use without permission of Copyright holder.

Persons shall not copy entire web sites for classroom use as derived from other sources.

In creating web sites, be aware that placing material on a web site constitutes publication. Do not publish the work of others without permission. This includes the use of copyrighted images. Material obtained from other websites should include a link to that site. Any links to another web site should clearly identify the provider. Failure to do so constitutes plagiarism.

Do not place on a web site student work which contains derived material without the permission of the copyright holder.

Always cite the source for any published material.

### **Non-Print Material Obtained from Outside Sources**

Non-Print materials, whether owned, rented, or licensed, may be copyrighted. Copyrighted materials may not be transferred to a different format or duplicated in total or in part without obtaining the written permission of the copyright holder and paying any required fees for copyright release. Un-authorized admission charges for viewing are prohibited.

Renting, purchasing, or streaming a video or other digital content has the potential for copyright infringement. On most video and digital content obtained from commercial sources, "FOR HOME USE ONLY" is clearly stated. "HOME USE ONLY" means:

- a legally purchased VHS or DVD may only be circulated to patrons who will view the video in their own homes;
- these videos may also be used in face-to-face classroom settings where a teacher is present and the subject of the video correlates with the curriculum, according to the Educational Fair Use clauses of copyright law. However, for rented or privately licensed videos, such use may violate contract law in the form of Terms of Service or other agreements made with the video provider. This practice is discouraged.
- Showing, in their entirety, full-length feature films to students, parents, or the public requires a public performance license.

It is legal for a person to:

- Make a single recording of student performances for evaluation, rehearsal, or archival purposes;
- Make a single recording of oral exercises or examination questions using recorded copyrighted materials;
- Make an emergency replacement copy to substitute for a purchased copy that is not available for an imminent performance; provided purchased replacement copies are substituted in due course.

### **Cumulative Records.**

Accurate and complete cumulative records of all our students will be maintained for all grade levels. The school administration shall keep these records and will call on teachers to cooperate in providing important information for these records.

### **Duplicating and Copying Material.**

Although Hózhó Academy has two copiers for faculty and staff use, there is a limit to the usage of it due to contract maintenance costs. As usage goes up, so does the contract maintenance cost. The volume should be kept low in order to continue to have the availability of the machine. There are several things that can be done to keep the necessary low volume usage:

1. **NO** reproduction of booklets or workbooks (copyright law is often involved here). If you need workbooks or booklets for class work, the school will do its best to purchase these with textbook funds.
2. Copying of lengthy items can be outsourced, especially those items where a copy is required for each student.
3. Use e-mail for memos and announcements to the staff whenever possible or appropriate.
4. **DO NOT** commit the use of the Hózhó Academy's copier to another school or organization.
5. Authorization is needed for substantial reproduction and should be requested 3 or 4 days in advance.
6. **At NO time should students be permitted to use the copier.** Only duly employed personnel will operate the copier.

### **Extra-Curricular Activities and Academics.**

Hózhó Academy will strive to provide for all students a comprehensive program to aid in the development of favorable habits, attitudes, and skills that will prepare students for a productive life beyond their academic experience. Every effort will be made to ensure that all after-school enrichment

activities will work in concert with the school's comprehensive program and support the academic goals of the educational program.

Extra-curricular activities which extend beyond the school day should always be in conformity with the general goals of the school. At no time should the extra-curricular program make the academic program secondary in emphasis. The program should constantly strive for the development of well-rounded individuals, capable of taking their place in society as productive citizens.

### **Field Trips.**

Parental permission forms must be signed and on file **before** a student may participate on any field trip. Field trip requests will be kept on file in the principal's files for three years.

Any teacher wishing to arrange a field trip should contact the administration to file the appropriate paperwork and make arrangements for transportation and the collection of any fees.

### **Fire Drills.**

A total of 12 fire drills will be held during the school year. State, county, and city fire codes apply and adherence to these codes is expected. Students (during fire drills) should be accompanied by their teacher and all classes must be beyond a 50-foot limit from the main building. Each teacher will have with them a **hard copy** of their attendance for the day, as well as a red or green card. If all students are accounted for, the instructor will hold up their green card, signaling to Administration that all children are accounted for. A red card will indicate a student is unaccounted for, and an Administrator will come to your assistance. Additionally, Hózhó Academy has a safe school response plan which addresses a variety of hazardous situations which requires a specific response from faculty and staff.

It is the responsibility of the entire faculty and staff to report potential hazards as soon as they are detected to the office. All rooms must be kept locked unless a staff member is present. In the case of a lock down, all students are to be kept in the classroom with the doors locked and the lights off.

### **Grade Books, Plan Books and Other Records.**

Grade books and other records document the details which are important in a teacher's work and must be done neatly, correctly, and on schedule as required.

### **Grade Reporting and Credit.**

Please remember the following when reporting grades:

1. **ALL DEADLINES MUST BE MET.**
2. **YOUR GRADEBOOK IS A LEGAL DOCUMENT.**

3. Grades may be based upon assessments and assignments, or upon portfolio preparation. Regardless of methodology, all grades must be recorded and the instructor must be able to objectively defend his/her grade assignment based upon the grade book.
4. Grade books must be filled in completely, including month, dates, and the assignment for which the grade is given. Grades for the quarter and the semester must be clearly indicated.
5. Teachers will make contact with parents when there is a concern regarding a child's grade in his/her class.
6. Finally, remember while grades are a reflection of whether or not a child has mastered a standard; students should be made to understand this at the beginning of the school year.

### **Inclusion.**

Hózhó Academy is committed to educating special education students in general education settings to the greatest extent possible; however, a child's IEP will drive the student's program and services. All licensed personnel will support the implementation of programs to meet the needs of special students as indicated on a student's IEP.

In implementing lessons, all lessons will be made accessible to all students, challenging each student according to their level.

### **Instructional Supplies and Equipment.**

Instructional supplies will be purchased at the beginning of the school year and as needed throughout the year. Please process your requests for needed classroom materials to the Hózhó Academy Office Manager, but be prepared to justify your requests to the principal if asked. Plan your orders carefully and make sure you get the best price (some companies charge extra for small orders).

Our School Business Policy states: *For purchases to be made and paid by the school, you must follow the proper purchasing procedures. A REQUISITION must be prepared for each order or contracted service.* Procedures are printed on the requisition form. After the requisition is approved by the School, a purchase order will be processed and mailed to the vendor or given to you directly if you wish to pick up your merchandise.

***Do not pick up purchases without a purchase order in hand.*** Purchases made without an approved purchase order will be considered unapproved purchases for which you, not the school, will be liable. We must follow the school finance regulations if payment is made with public funds. You will receive a copy of the purchase order when it is processed. You should hold the purchase order until you receive the merchandise, then sign it and return it to the Business Office Manager so that he/she will know that the merchandise has been received and can make payment to the vendor. If you personally pick up your merchandise, please make sure you get a sales ticket or an invoice, and return this form to the Business Office Manager.

The school budget will have specific allocations for each subject and/or grade level. If you will be responsible for coding your requisitions, then the Principal and Business Office Manager can responsibly monitor expenditures.

### **Key Policy.**

Master keys will be furnished to the principal and custodial staff, and other personnel as determined by the principal. Teachers will be furnished keys only to the areas they use. The principal will check key assignments periodically and collect unauthorized keys. **NEVER, under any circumstances, give your keys to students.**

It is the responsibility of each teacher to secure his/her own room upon leaving. All keys to the building are the property of the school and must be checked out with the school office manager. Loss of keys should be reported to administration at once.

### **Lesson Plans.**

Lesson plans are an important part of providing effective instruction and are essential to meaningful classroom work. The school's principal will work with teachers in effectively planning lessons. Lesson plans are used as one of the minimum criteria for effective teaching performance.

Each teacher as part of their PDP will develop a measurable annual student achievement goal for their class that is aligned to the Common Core and New Mexico State Standards. Based on the annual goal, teachers will plan units by identifying the Standards each student is to master in each unit, articulate well-designed essential questions for each unit, and use appropriate assessments after each unit.

Based on the above plan, the teacher will plan daily lessons by identifying lesson objectives that are aligned to the Standards and connected to prior learning and matching instructional strategies to the lesson objectives.

Daily lesson plans are to be kept in a visible and pre-arranged place in the classroom.

### **Parent Conferences.**

All teachers are required to attend parent conferences.

### **Releasing Students from School to Someone Other than a Parent or Guardian.**

Hózhó Academy must have obtained written permission from a parent or guardian before releasing a student to someone other than the parent or guardian, as indicated on the child's release forms. An Identification Card must be shown to office personnel and verification must take place to ensure that the adult has been authorized to pick up the student.

## **Retention and Promotion of Students.**

Hózhó Academy does not socially promote students. Teachers recognizing students with significant educational progress deficiencies shall notify the principal immediately if there is a concern and retention is anticipated.

The teacher shall work closely with the principal support personnel to develop a special support program. The parent shall be notified no later than the end of December if there is a possibility of retention. Parental help should be elicited when initial concerns arise.

No student shall be retained without documented remediation/intervention strategies provided based on the school remediation plan program and recommendations from school support staff members to focus attention on the unique needs of the student.

## **Student Information System.**

Hózhó Academy uses PowerSchool as the school's student information system (SIS). This is an Internet based interactive community network, which includes gradebooks, attendance and transcripts. Each teacher is required to input the required information on a regular basis. Such information includes test scores, grades, attendance, homework assignments, and updated contact information.

## **Student Discipline.**

Teachers will record students not behaving in accordance with the student handbook and will notify the student's parents/guardians. Teachers must be consistent in the use of Student Virtue Cards as outlined in the school's Behavior Management Procedures.

## **Student Fees.**

New Mexico statute states that no fees can be charged to the student except replacement costs of lost texts. All texts will be provided by the school with operating funds or through grants and/or fundraising efforts.

## **Unattended Classrooms.**

**Teachers are to be with their students at all times and never leave their classrooms unattended with students.** While students are on Hózhó Academy grounds, they must always have a licensed school employee.

## ACKNOWLEDGMENT OF RECEIPT OF HÓZHÓ ACADEMY EMPLOYEE HANDBOOK

This will acknowledge that I have received a copy of the Hózhó Academy Employee Handbook and that I will read it and familiarize myself with its contents.

I understand that this Handbook is a summary of Hózhó Academy current policies, procedures, rules and benefits, and that any or all of these policies, procedures, rules and benefits can be changed, added to or deleted by action of the Hózhó Academy Governing board, or by changes in law or regulation. I understand that certain of the policies and guidelines set forth are required by federal or state law and those others are adopted voluntarily by the governing board.

The Handbook itself is not intended to give rise to or imply any contractual rights or obligations and is not to be construed as a guaranty of any rights or obligations.

I acknowledge and understand that all legal rights, duties and obligations arise independently from their legal sources under federal and state law and regulations, and not from any provisions of the Employee Handbook. I understand and acknowledge that Hózhó Academy has the right to interpret, amend, modify or cancel any of the provisions or terms of the Employee Handbook pursuant to their lawful authority.

I have read, understand, and agree to be bound by the above terms. I understand that failure to uphold the policies and procedures of Hózhó Academy may result in disciplinary action up to and including termination.

SIGNATURE OF EMPLOYEE:

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PLEASE PRINT FULL NAME:

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DATE:

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**UNIVERSAL COMPLAINT FORM**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_

Student's Name (If applicable): \_\_\_\_\_ Grade: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Street \_\_\_\_\_ Address/Apt. \_\_\_\_\_ #:

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Place of Alleged Violation:

\_\_\_\_\_

For allegation(s) of **noncompliance**, please specify the program or activity referred to in your complaint, if applicable:

\_\_\_\_\_

\_\_\_\_\_

For allegation(s) of **unlawful discrimination/harassment**, please check the basis of the unlawful discrimination/harassment described in your complaint, if applicable:

- Age
- National Origin
- Disability
- Ancestry
- Sex/Gender
- Race
- Ethnic Group Identification
- Religion
- Other \_\_\_\_\_
- Based on the association with a person/group with one or more of these actual or perceived characteristics

1. Please give facts about the complaint. Provide details such as the names of those involved, dates, and whether witnesses were present, etc., that may be helpful to the complaint investigator.

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2. Have you discussed your complaint or brought your complaint to any School personnel? If you have, to whom did you take the complaint, and what was the result?

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3. Please provide copies of any written documents that may be relevant or supportive of your complaint.

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