



PATHWAYS
EARLY CAREER ACADEMY

Student Handbook
2026-2027

Pathways Early Career Academy Student Handbook

**Pathways Early Career Academy
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Albuquerque, NM 87109**

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**Pathways Early Career Academy is a State Chartered
FREE Public Charter School**

Mission Statement

Pathways Early Career Academy's mission - every student will graduate with a plan, a pathway, and a powerful head start on college, career, and beyond.

Non-Discrimination

Pathways Early Career Academy does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Title IX Coordinator/Section 504 Coordinator:
Name and/or Title: **Keisha Matthews – Director of Academics**
Address: **6001-A San Mateo Blvd NE – Albuquerque, NM 87109**
Telephone No: **505-792-0306**

Pathways Early Career Academy adheres to all Title IX requirements that state that no person in the United States shall, on the basis of sex, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal assistance.

-Title IX of the Education Amendments of 1972 to the Civil Rights Act of 1964

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SECTION 1 – PURPOSE OF THIS HANDBOOK

1.1 Purpose of the Handbook

The purpose of this handbook is to assist students, parents/guardians, teachers, staff and school administrators in understanding that a safe, respectful and orderly school community exists to help all students develop their full potential for learning and acquire the necessary self-discipline to enable them to become productive and responsible members of society.

1.2 Responsibility for Environment

The quality of the school community, both socially and academically, depends significantly on the choices made by the student population. Upon entering a school, students assume part of the responsibility for creating a safe, stimulating academic and social environment in which everyone is free to grow and learn. Maintaining a safe school climate free of disruptions enables all participants to learn and grow.

1.3 Expected Student Behaviors

Certain student behaviors and attitudes foster a desirable and healthy learning environment at Pathways Early Career Academy Among these are the following:

- A. Accepting people of different abilities and backgrounds (political, social, ethnic, economic and religious) and learning to communicate and work together despite these differences.
- B. Participating in both academic and non-academic activities.
- C. Sharing abilities, time and skills to further one's own goals and to help others succeed.
- D. Attending classes and activities promptly and regularly as mandated by the State of New Mexico's Compulsory Attendance Law.
- E. Adhering to school rules and making positive contributions to the academic and social climate.
- F. Being responsible and accountable for one's own actions.

In addition to compliance with regulations established by this handbook, students are expected to obey all rules and regulations adopted by the Board of Education, policies and procedures in the school handbook and to obey any order given by a member of the faculty or staff relating to school activities.

A student shall be defined as any person who is enrolled in an educational program provided by or approved by the school and carried on in premises owned or controlled by the school.

1.4 Disruptive Behaviors

A. Certain student behaviors disrupt the educational process. It is the purpose of this document to provide an overview of unacceptable behavior and the consequences. This overview is not all-inclusive; acts of misconduct not specified herein shall also be subject to disciplinary action by appropriate school personnel.

- B. The Executive Director of the school has the responsibility to take disciplinary action anytime the educational process is disrupted or threatened with disruption. Nothing in the following is intended to prevent a staff member, teacher, or other administrator from using his/her professional judgment with respect to a particular situation.

SECTION 2 – USEFUL INFORMATION ABOUT PATHWAYS EARLY CAREER ACADEMY

Office Hours: Monday-Friday 8:30am – 4:30pm

Pathways Early Career Academy's enrollment policies prohibit discrimination on the basis of disability, race, creed, color, gender, national origin, religion, or need for special education services. Pathways Early Career Academy accepts all students that come to the school in "good standing". Good standing is defined as students with all necessary shots and records, students that have not been suspended or expelled from or are currently suspended/expelled from any public or private school or district, and students that are on track to graduate with their cohort.

2.1 Attendance

Pathways Early Career Academy operates on a four (4) day school week, Monday through Thursday. Fridays will be reserved for extra-curricular activities and/or additional academic support (tutoring). Students are required to attend school on a daily basis. Any student failing to adhere to this expectation will be subject to consequences determined by the administration. Students will not be granted permission to go home unless it is an emergency. If a student becomes ill during the day, the student is required to convey their condition to a staff member. If it is determined by school staff that the student needs to be picked up by a parent, a staff member will contact the parent/guardian to inform him/her of this need. If an absence is unavoidable, work at least 4 hours in Edgenuity/MyPath from home with minimal idle time, and significant activities completed. This will keep the student from falling behind and will allow the student to receive credit for attending school that day, rather than being marked absent. Working from home on a consistent basis requires school authorization.

2.2 Reporting Absences and/or tardy

If a student will be absent, parent/guardian is required to call the school *before 9 AM* each day of absence. Do not call or email teachers to report absences. To report an absence, please call 505-792-0306 option 2 to leave a message with the front desk attendant.

2.3 Transportation

Students must provide their own transportation to PECA.

All student drivers need to show proof of registration, driver's license and car insurance to be able to drive to school. Students are to register their vehicles with the front desk and receive a parking pass for any car driven to school.

Students that drive themselves to campus who are late for more than 4 consecutive days or are late for more than 6 days per month, without verifiable, extraordinary circumstances will not be allowed to drive onto campus for school until such time as they can prove they can arrive at school on time.

YEAR AT-A-GLANCE 2026-2027

July 27 - Aug 6	PECA Teachers / Staff In-Service
August 4 - 6	Registration Days
August 10	First Day for Students
September 7	Labor Day - No School
October 7	End of 1 st Quarter Grading Period
October 8 - 9	Student Led Conferences
October 12	Indigenous People's Day - No School
October 19	Report Cards issued
November 3	Election Day - No School
November 11	Veteran's Day - No School
November 25 - 27	Thanksgiving Break – No School
December 22	End of Semester 1 Grading Period
December 23 - Jan 4	Winter Break – No School / Office closed
January 5	Second Semester begins
January 11	Report Cards issued
January 18	Martin Luther King Jr. Day – No School
February 15	President's Day – No School
February 18 - 19	Student Led Conferences
March 11	End of 3 rd Quarter Grading Period
March 22	Report Cards Issued
March 24 - 29	Spring Break – No School
May 31	Memorial Day - No School
June 10	Last Day for Students/End of Semester 2 Grading Period
June 21	Report Cards Issued

2.4 Teachers/Case Managers

Each PECA student is assigned a teacher/case manager to monitor student progress and communicate with parents.

2.5 Student Uniform Maintenance Fee

The Student Uniform Maintenance Fee will be waived for the 2026-2027 school year.

2.6 Course Structure and Progress

Most of the core courses offered by PECA for High School are two semester courses. The courses are broken into semesters and are intended to be completed within that time period. Middle School courses on Edgenuity are year-long courses. **Students may work more quickly, but must maintain the minimum established pace as indicated by the school calendar and meet a minimum mastery level (NO Ds or Fs).** Students are required to maintain no lower than a C in all classes. Students may be given a goal plan by their case managers to assist them in completing classes in a timely manner. If a student refuses to follow the prescribed plan, behavioral corrective measures will be taken.

2.7 Probation

All students entering PECA, both new and returning, will be on an academic probationary status for the first 60 days of enrollment. All students will be placed on an action plan to meet individual academic needs, but students who do not maintain regular attendance, sufficient pace

and a mastery grade of no lower than a C will be placed on an intensive action plan. PLC (Professional Learning Community) meetings will be held to monitor progress students and determine interventions that may be needed. For students that are not maintaining expected academic standards, a conference will be held after the action plan has been in place for three weeks to determine if an alternate placement is needed.

If students are not finished with courses from the previous semester for more than 1 month after completion of that semester, they may be placed in an alternate educational setting.

2.8 Final Exams

Pathways Early Career Academy's policy regarding cumulative (final) exams is very strict.

All final exams must be taken on campus at Pathways Early Career Academy, where they will be proctored by PECA staff. The student must inform his/her teacher/case manager when ready to take a final exam. If the student takes the exam anywhere other than PECA, the grade will be expunged and the student will be required to take the exam over in the presence of PECA staff.

2.9 Standardized Testing

All PECA students are required to participate in all standardized testing as required by the New Mexico Public Education Department. This includes all short cycle assessments. Parents are to make every effort to ensure that students are in attendance during all testing.

Participation in these tests is required as a condition of enrollment at Pathways Early Career Academy.

2.10 Grade Classification Policy

A student's grade classification is determined by the number of high school credits earned.

Minimum credit for the following grade classification at PECA is as follows:

Freshman (Grade 9)	0 – 5.5 credits
Sophomore (Grade 10)	6.0 – 11.5 credits
Junior (Grade 11)	12 – 17.5 credit
Senior (Grade 12)	18 – 24 credits

High school transcripts will be evaluated to determine courses required for graduation.

2.11 Grade Point Average (GPA)

Grades in all classes will be calculated on a 4.0 scale. There are no weighted grades for courses offered at PECA. In order to qualify for the NM State Lottery Scholarship students must attain 2.5 GPA.

2.12 Graduation Requirements at PECA

Pathways Early Career Academy requires the student to accumulate 24 credits that include all state required courses in addition to PECA required courses to earn a diploma. It should be noted that PECA will abide by the state requirements for each grade cohort. The requirements for each grade cohort may be different. Students/parents should refer to <https://webnew.ped.state.nm.us/bureaus/college-career-readiness/graduation/> for requirements for each specific cohort. Each student's individual "Next Step Plan" is developed with the student and PECA staff each year.

2.13 Withdrawal from Pathways Early Career Academy

Students who intend to withdraw from Pathways Early Career Academy must do so formally and give no less than 24-hour notice to the registrar. If the student is under the age of 18, a parent/legal guardian must complete the withdrawal process with the Registrar.

2.14 Requesting Educational Records/Transcripts

When requesting transcripts or other educational records, please allow our office staff a minimum of three to five business days to have them copied and prepared to give to you. You can call 505-792-0306 to make these requests with the Registrar.

2.15 Visitors and Closed Campus

PECA is a closed campus. Once students enter the building for the school day, they are not permitted to leave campus unless checked out by a parent, guardian or other approved adult noted on the registration documents. This policy includes any school students who remain after school hours to work on their Edgenuity classes. All visitors to campus must check in and receive a visitor's pass at the front desk. Visitors are to wait in the waiting area. The Receptionist will contact the appropriate staff member or student who will meet the visitor in the waiting area and escort him/her to the approved destination. Meetings with case managers or administrators must be scheduled in advance.

2.16 Login Policy

Students must maintain a minimum performance standard and maintain an identified pace in online courses. The online curriculum provides teachers/case managers, parents and students with consistent and current updates of student performance. **All student activity is recorded.** This includes: log in and log out time, idle time, lessons completed, time spent on assignments, grades and information about work completed and current status in each course. This also includes any and all outside websites that are visited by a student. Students have a beginning and ending date for each course which requires them to prepare a weekly work schedule to keep pace with the semester timeline.

2.17 Student Network Account

Students must know the following before using their network accounts:

- You may only be logged into one machine at a time.
- Students should use their PECA accounts while on campus. Do not use personal Gmail accounts.
- DO NOT share your username or password with anyone for any reason.
- You are responsible for ALL activity while your account is logged in. If you walk away from your computer while logged in, you are still responsible.
- Read the Discipline Code – If you use or plan to use technology to do harm, you risk losing your technology privileges, access to your courses, as well as being suspended or expelled from school.
- All activities on our school network are monitored and recorded. PECA computers and equipment may only be used for educational activities.

2.18 Electronic Devices

The use of MP3 players, iPods, cell phones, and other electronic devices are NOT permitted while at school. Students are required to turn off all electronic devices and leave them in bags/backpacks. PECA will not be responsible for loss or damage of any personal electronic device. Should a student be found to be in violation of this policy, they will be required to check their devices in at the front desk each day or be banned from having any electronic device on campus. This decision will be made by the administrative staff.

SECTION 3 – WHEN THIS STUDENT HANDBOOK IS IN FORCE

3.1 Policies in Force

The provisions of the Student Behavior Handbook are in force:

- a. During regular school hours
- b. During transportation of students
- c. During times and places where school administrators and/or staff have jurisdiction including, but not limited to, school sponsored events and activities such as dances, field trips, athletic functions and other school related activities.
- d. During times and places that affect the school order.
- e. During visits to another school

3.2 Off-Campus Conduct

A student may be disciplined for off-campus conduct if school authorities can show that the student's actions:

- a. Began on campus.
- b. Have a direct and immediate effect either on school discipline or on the general safety and welfare of students and staff or;
- c. Interferes with the educational process.

SECTION 4 - EXPECTATIONS

Choose a Learning Attitude:

- There is always something we can learn and we appreciate greatness in search of a new opportunity to learn.
- Everyone makes mistakes! We can all learn from our mistakes and the mistakes of others.
- Someone is learning from watching YOU right now.

Choose Trustworthiness:

- Do the right thing especially if you think no one is watching.
- Be strong inside, where it really counts.
- Be worthy of others' trust so they can depend on you.

Choose to be Respectful:

- We all have the right to learn.
- We have the right to be treated with dignity.
- Use self-control to respect the rights of your teacher to teach and of your classmates to learn.
- Respect yourself and your fellow human beings.
- Respect the learning community and the tools utilized for learning.

Choose to be Responsible:

- Be prepared. Be "PRESENT." Just Do It!
- Do the things you are responsible to do.
- Take care of your "stuff."
- Take ownership of your behaviors and learning.

Choose to be Fair:

- Make fair decisions. Think fair. Be fair.
- Listen to others and try to understand how they are feeling.
- Treat people as equals.

Choose to be Caring:

- Be kind, generous, and show compassion for others.
- Live by the Golden Rule, treating others the way you want to be treated.
- Think before you act – RESPOND not REACT.

Choose to be a good Citizen:

- Become great by serving others.
- Do your share to make our school the best it can be and respect the expectations.
- Protect our environment.
- Respect your role as a global citizen.
- Show pride in our learning community.

Believe & Dream:

- Keep going when the going gets tough.
- Believe in yourself and dream about the possibilities.
- Believe you CAN be a great person!

SECTION 5 – RULES OF CONDUCT

A primary responsibility of the New Mexico public schools and their professional staff is to instill in students an appreciation of our representative form of government, the rights and responsibilities of the individual and the legal processes whereby necessary changes are affected.

The school is a community, and the rules and regulations of a school are the laws of that community. All persons enjoying the rights of citizenship are subject to the laws of their community. Each right carries with it a corresponding responsibility.

The right to attend public school is not absolute. It is conditioned on each student's acceptance of the obligation to abide by the lawful rules as established by the schools and community.

Teachers are required by law to maintain a safe, suitable environment for learning in their classrooms and to assist in maintaining school order and discipline. Administrators are responsible for maintaining and facilitating the educational program by ensuring an orderly and safe environment in the public schools. In discharging their duties, all school employees have the right to be free from intimidation or abuse and to have their lawful requests and instructions followed by students and supported by parents/guardians. Verbal or physical assault on a school employee or aggressive behavior toward a school employee will not be tolerated and will be dealt with legally and/or through Pathways Early Career Academy Due Process Hearing Procedures.

SECTION 6 – TERMINOLOGY USED IN THIS HANDBOOK

- A. **Administrative Authority** – The Executive Director or his/her designee.
- B. **Co-Curricular Activities** – Activities that are required as part of the curriculum
- C. **Extra-Curricular Activities** – Activities that are not required as part of the curriculum but are sanctioned and sponsored by the school and that take place outside of school, outside of town or after regular school hours.
- D. **Hearing Officer** – An independent, third party designated to hear evidence and determine the merits of a case at a Hearing.
- E. **Parent/Guardian** – Includes a natural parent, legal guardian or person having lawful decision-making power for the student.
- F. **School Personnel** – All members of the staff, faculty and administration employed by Pathways Early Career Academy

SECTION 7 - STUDENT UNIFORM POLICY

7.1 Student Uniforms

Rationale

The school uniform policy promotes school culture, safety, improves discipline and enhances the learning environment. Pathways Early Career Academy is a career preparatory school model and strives to teach students that there is a time and a place for everything. For students, school is business and should be treated with an appropriate degree of professionalism, which is exuded through the school uniform. The potential benefits of school uniforms include, but are not limited to the following:

- Preparing students how to dress professionally for the workforce and career beyond high school
- Instilling students with self-discipline and attention to detail.
- Decreasing violence and theft - even life-threatening situations - among students over designer clothing or expensive sneakers.
- Helping prevent anyone with gang affiliation from wearing colors and insignia at school.
- Helping parents and students resist peer pressure.
- Helping students concentrate on their schoolwork.
- Helping school officials recognize intruders who come into the school.

School shirts will be loaned to each student. Other uniform items can be purchased separately at any department store. All attire will be of a professional nature and be pressed, clean and in good repair at all times. The following list is not all-inclusive and sound judgment by the staff will be used to ensure all students present a professional image.

NO OVERSIZED CLOTHING WILL BE ALLOWED AT ANY TIME!

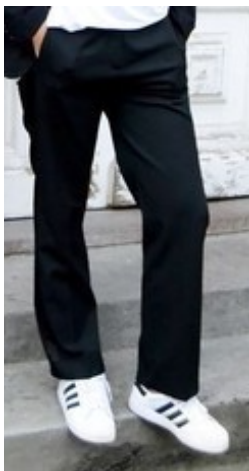
NO UNIFORM ITEMS SHOULD BE EXCESSIVELY TIGHT!

- **SHIRTS** – Pathways Early Career Academy standard issue shirt is the **Pathways Early Career Academy polo**. The polo is not required to be tucked into pants. If an undershirt is worn while wearing the polo, it will be white, black or red. Sweatshirts, hoodies or any thick, oversized, loose-fitting shirts are not to be worn under the polo. For special

occasions, students may be issued the PECA white dress shirt. The PECA white dress shirt must be tucked into pants. All shirts must be free of excessive wrinkling. Undershirts must be always worn under the white dress shirt. Female undergarments **should not** be visible through the white dress shirt under any circumstances. The undershirt may be crew or V-neck design. While wearing the white dress shirt, the undershirt will always be white. No logos should be visible through the white dress shirt from the undershirt.

- **PANTS** – Black pants must be worn with a **black belt** at the waist and belts must be through the loops of the pants. The slacks can be with or without pleats. Pants will be full length and at least to the ankle and NOT the calf. **Dockers, chinos and Dickies are acceptable.** Men’s pants must have belt loops and a belt is to be worn. Women’s pants do not necessarily need to have belt loops if they meet all other criteria. If the women’s pants do not have belt loops, a belt is not required. Pants should not be excessively tight and should not sag. Pants are to have a standard waistline and should be worn at the waist. High-waisted pants are not allowed. Female slacks must have a flare at the legs. Absolutely **NO** cargo pants, jeans/pants that resemble jeans, sweat suit pants, yoga pants, skinny cut slacks, leggings/jeggings or pajamas. **NO** shorts of any type.

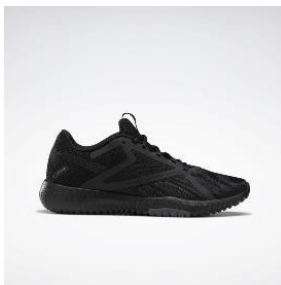
The following are examples of appropriate men and women’s dress pants. If the attire worn is not very similar to these, they are not within the dress code.



- **BELTS** – Belts must be worn with pants that have belt loops. All belts will be black and leather. They must not have any design either on the belt or on the buckle.

- **SKIRTS** – Skirts must be black. Asymmetrical hem lines are not allowed. Shirts are not required to be tucked. Skirts must not be extremely tight. Skirts should be close to knee length. Skirt splits must not be more than 3 inches long. Absolutely **NO** mini-skirts. Skirts must be made of a “slacks/dockers” type of material, avoiding stretchy or t-shirt type material.
- **OUTERWEAR** – If conditions dictate, PECA sweaters/jackets are the only cold weather clothing allowed to be worn inside the building. **NO** pullovers, hoodies, sweatshirts of any kind will be worn. **NO** other outerwear is to be worn in the building. During inclement weather coats will be taken off after entering the building before leaving the front desk area.
- **SHOES** – Shoes must be black tennis shoes. Shoes may be black and have white soles with red or white trim. Shoes should be comfortable, have a rubber sole, clean, and in good repair. Shoes must fit securely on the foot. Shoes with open toes or backless shoes (including flip flops, sandals, mules and slides) will not be allowed. Shoes may slip on or be laced. Shoe strings must be tied at all times. In the event of medical necessity, an alternative shoe will need to be approved by the administration. No crocs, foam shoes or slides (Yeezy or look-alikes).

The following are examples of the type of shoes that are within the dress code.



- **SOCKS** – Black or white sports socks should be worn at all times.
- **TATTOOS** – No student will have tattoos exposed while wearing the school uniform. If a student has tattoos in areas not covered by the uniform, they will be covered in a discreet

manner with bandages or appropriate articles of clothing. Once enrolled at Pathways Early Career Academy, students that obtain any tattoos that are not in alignment with the dress code may be asked to reconsider enrollment.

- **JEWELRY** – Students may wear conservative earrings that are considered appropriate in a professional setting and not be larger than a quarter in size. Students will not be allowed to wear any gauges. One small stud nose piercings is permitted. Other facial or tongue piercings will not be allowed. **Discrete clear spacers are permitted.** If a necklace is worn, it must be tucked inside of the shirt.
- **HAIR** – Hair may not be worn in spiked or unnatural styles or colors. Hair is defined as unnatural if a teen-age human being is not able to grow that color or shade of hair. Hair must not cover eyes/face. Hair styles must exude the professionalism that the uniform policy seeks to impart. Any hair accessories must be red, black or white and be small and conservative in nature. No headbands will be worn across the forehead. If any student's hair is deemed unprofessional by school officials, they will be expected to get a haircut or change the hair style as soon as possible or they may be required to attend an alternative placement until such time as their hair meets standards.
- **FACIAL HAIR** – Facial hair is expected to always remain groomed.
- **HATS** – No caps or hats of any sort are to be worn inside of the building.
- **MAKE-UP** – If a student chooses to wear make-up, it should be natural and professional, not excessive in color or application.
- **NAILS** – Artificial / Natural Nails will extend no further than 1 inch from the fingertip and will not be shaped to form a point at the tip. If the student chooses to wear polish or designs on the nails, it should not be excessive.
- **ACCESSORIES** - If tights or hose are worn under a skirt, they must be plain, without pattern or design. All hair accessories must be red, black or white and minimal in nature. No colored wrist bands, neck beads, head bands, bandanas or doo rags are allowed. Any staff member has a right to stop any pattern, for example groups wearing identical chains, bracelets, etc. or anything that may be mistaken for gang affiliation.

Free Dress Incentive / Senior Dress Code

The school reserves the right to impose a dress code schedule for the week. For free dress days, students are still required to dress in a manner appropriate for a professional setting. This would be the equivalent of a relaxed dress day in a professional setting. Any clothing or accessories which are deemed inappropriate, distracting or impeding the educational process will result in a directive to immediately cover or remove clothing item or accessory.

Unacceptable clothing and accessories include, but are not limited to:

- Excessively tight jeans (skinny jeans, jeggings), leggings, yoga pants
- Saggy pants / jeans
- Joggers, sweatpants, capris
- Gang related attire
- Tank tops of any kind
- Halter and shoulderless tops
- Biking shorts
- Sports jerseys
- Excessively tight or revealing clothing
- Excessively baggy clothing
- Clothing that exposes the stomach or midriff
- Low-cut blouses
- Excessive or non-professional earrings
- Spiked jewelry
- Spiked or unnatural hair styles or colors
- Slippers and/or pajamas
- Chains
- No excessively ripped clothing/any rips must not show skin
- Any clothing or accessories promoting:
 - Drugs
 - Sexual activity
 - Violence

- o Disrespect or bigotry toward any group

7.2 Enforcement

The school will strive to achieve full compliance through the use of positive reinforcement measures, and will resort to disciplinary action only when positive measures and supports fail to assure compliance. Students will be required to wear the school uniform at internship and service learning sites unless an alternate uniform is required (scrubs, smocks, etc.).

No student will be considered non-compliant with the uniform policy in the following instances:

- When the student's parent or guardian has secured an exemption from the school policy for religious considerations. A student may wear religious attire.
- When a student is participating in an activity that may require specialized clothing, appropriate attire is required.

Non - Compliance Consequences

- Students out of dress code who cannot correct it will spend the day in the alternative placement. Parents will be notified. The student will also receive demerits.

Repeated occurrences of dress code violations will be considered defiance and continued attendance at Pathways Early Career Academy will be in jeopardy.

SECTION 8 – RIGHTS AND RESPONSIBILITIES

8.1 Student Rights

All students have the right to a safe, caring and drug-free school setting that is orderly, educationally efficient and free from disruption during normal teaching/learning functions.

8.2 Educational Opportunity

- A. Every student has the right to an education relevant to his/her needs and abilities as well as the responsibility not to deny this right to any other student.
- B. It is the express policy and purpose of Pathways Early Career Academy to provide educational and employment opportunities without regard to race, color, gender, ethnicity, national origin, familial status, gender identity, religion, age, mental or physical disability, veteran status or any other protected status, in conformity with the laws of the United States and the State of New Mexico.
- C. Students are protected in the exercise of their constitutional rights of free speech, press and assembly. The exercise of such rights, however, must be conducted in a manner that does not disrupt the educational process.

8.3 Privacy

- A. Arrest: In the event a law enforcement agency deems it necessary to arrest a student during school hours, it is the responsibility of the administration to see that the incident is conducted in the privacy of an administrator's office. The administrator must document the time, date and name of the student to be taken into custody, the name of the officer, including rank and badge number and the agency of the arresting officer who appears at the administrator's office. The administrator will then contact the nearest office of the arresting agency and verify with a supervisory officer the arresting officer's identity, the fact that a warrant has been issued and the necessity for an arrest at school. The administrator shall obtain a copy of the arrest warrant if available and document the contact with the supervisory officer and the justification for the arrest. Finally, the administrator shall document the phone number, time and date of attempts made and/or the contact of parents/guardians to advise them that an arrest warrant is being served at school. If the parent/guardian cannot be reached, the Executive Director will be notified that the child will be released to the arresting official identified above. All of this must occur before the administrator escorts the student from class and/or releases the student.
- B. Probation Officers: If a violation occurs during a student's probation, the student will be released to the probation officer after the above-stated procedure has been followed.
- C. Investigation of child abuse and neglect: A law enforcement officer and/or a New Mexico Children, Youth and Families Department representative may come to or be called to a school to investigate (1) suspected child abuse; (2) a belief that a child is suffering from illness or injury; (3) a report of child abandonment; (4) a

report of a runaway; or (5) a report that the child is endangered by his/her surroundings. Before any individual interviews a student, the procedure described in 5.4.A regarding positive identification of the officer or social worker shall be followed with the exception of notice to the parent/guardian. Should the officer or social worker determine that the child should be placed in protective custody, the officer or social worker will notify the parent/guardian. A copy of the agency's paperwork, officer or social worker identification and court documents shall be provided to the school administrator as soon as available.

- D. Questioning a Student: If law enforcement authorities have the need to question a student on school premises, an administrator shall attempt to contact the parents/guardians. The student will be advised of his/her legal rights in the presence of the administrator. Every attempt will be made to contact the parents/guardians and they shall be permitted to be present during questioning. In the event the parents/guardians cannot be contacted or they refuse to allow questioning, questioning shall not be allowed at school. Only a law enforcement officer can serve a subpoena or summons on any school premises.
- E. Desks, cubbies, bags and other school facilities may be searched with or without students present. When students are not present for searches, another authorized person shall serve as a witness whenever possible.
- F. Search of a person or vehicle: Searches of a student's person or vehicle parked on school property may be conducted if school personnel have a reasonable suspicion that a crime or breach of disciplinary code is being committed by the student. Pathways Early Career Academy may employ a certified agency to search for controlled substances in the school through the use of trained dogs. If a trained dog indicates that a student or his/her possessions have an odor of a controlled substance, school authorities shall conduct a discreet search of the student and his/her possessions. A student will be referred immediately to a law enforcement authority should a controlled substance be found. A reasonable effort will be made to contact parents/guardians.
- G. Only an administrator will conduct physical searches of a student's person and searches may only be conducted in the presence of another authorized person of the same gender as the individual being searched. The only exception will be when circumstances render it impossible to have another authorized person present.

8.4 Due Process Hearing Procedures

Pathways Early Career Academy Board of Directors will review, make changes to and ultimately adopt the procedures such as the following for creating a Hearing Officer to serve as a neutral third party

to hear both sides of a severe disciplinary action.

A student who has been validly expelled or suspended from Pathways Early Career Academy is not entitled to receive any educational services from Pathways Early Career Academy during the period of exclusion from school. Expelled or suspended students are also restricted from coming onto all school grounds. Pathways Early Career Academy Board of Directors may

provide alternative arrangements if they deem such arrangements necessary.

When the administration is seeking long-term suspension or expulsion of a student, the following procedure will be followed:

- A. A written notice shall be addressed to the student, through his/her parents/guardians and shall be served upon the parents/guardians personally or by mail.
- B. The written notice will contain the following information:
 1. The charges against the student.
 2. The date, time and place of the Hearing and a statement that the student and parent/guardian are entitled and urged to be present.
 3. A statement that the Hearing will take place as scheduled, unless the Hearing Officer or Executive Director grants a delay or the student and parent/guardian agree to waive the Hearing and comply voluntarily with the decision of the Hearing Officer. Failure to appear will not delay the hearing and may lead to the imposition of the proposed consequence by default.
 4. A statement that the student has the right to be represented at the Hearing by legal counsel. This notice of representation must be filed by a parent/guardian or other representative designated, in writing, with the Executive Director at least 72 hours before the Hearing.
 5. A description of the procedures governing the Hearing.
- C. The hearing shall be scheduled no sooner than five school days nor later than ten school days from the date of receipt of the notice by parents/guardians.
- D. The Hearing Officer or Executive Director may grant or deny a request to delay the hearing.

8.5 Procedure for Hearing and Decision

- A. The formal Hearing is not a trial; it is an Administrative Hearing designed to ensure a calm, orderly presentation of the facts of a case of alleged student misconduct by the administration and by the parent/guardian and student. The impartial Hearing Officer then determines the sanction or punishment, if warranted.
- B. Technical rules of evidence and procedure do not apply.
- C. The Hearing will be electronically recorded and/or written minutes will be taken.
- D. The school's administration shall have the burden of proof of misconduct.
- E. The Hearing Officer shall open the Hearing with a statement indicating the purpose of the Hearing, the charges and a description of his/her plans for conducting the Hearing.
- F. The school's administration will then present his/her case, including any witnesses or evidence.

- G. The student, parent/guardian and/or counsel will then present their case, including any witnesses or evidence.
- H. Character and/or material witnesses may be brought before the Hearing Officer for testimony. As this is a closed hearing, these individuals shall wait in a waiting area until such a time as the Hearing Officer calls them for their testimony.
- I. The Hearing Officer will then either reach and announce an immediate decision or deliberate and prepare a written decision within five days of the Hearing. The Hearing Officer will also determine the sanction or punishment, if warranted. The Hearing Officer's decision and sanction, if warranted, shall be mailed to the parent/guardian via certified mail.
- J. The Hearing Officer's decisions may be appealed to the Board of Directors; instructions for the appeal shall be provided to the student and parent/guardian at the Hearing.

8.6 Disenrollment

- A. When a student is found to have an invalid enrollment, the student shall be disenrolled from school. Invalid enrollment refers to an enrolled student or a conditionally enrolled student who has not met the requirements of law for enrollment in school, either as to age, residence or immunization.
- B. The administrator shall give a Preliminary Notice of Contemplated Action of Disenrollment to the student, through his parent/guardian, stating the reasons for this action. The preliminary notice shall be in writing and mailed to the student not later than ten school days before the Notice of Disenrollment is to be mailed.
- C. The Preliminary Notice of Contemplated Action of Disenrollment shall state that (1) the student has a right to respond, either in writing or in person, to the administrator before the date of the contemplated action of disenrollment and (2) the student may attempt to resolve the matter informally by presenting adequate evidence to the administrator to refute the alleged reasons for the contemplated action of disenrollment.
- D. If the student has not presented satisfactory evidence to remedy the invalid enrollment and has been afforded notice as required above, the administrator shall give written notice to the student, through his parent/guardian, that the student will be dis-enrolled. The Notice of Disenrollment shall be mailed ten school days after the mailing of the Preliminary Notice of Contemplated Action of Disenrollment.
- E. The student may, at any time within the ten school days after the date of mailing of the Notice of Disenrollment, present the administrator with an oral or written request for a Hearing on the matter. If a Hearing request is received, Pathways Early Career Academy. Due Process Hearing Procedures shall be followed.
- F. If no request for a Hearing is received within the time provided, the student shall be dis-enrolled from school and shall be permitted to re-enroll only when all requirements for enrollment are met.

8.7 Student Responsibilities

Students have the responsibility to:

- A. Attend classes, daily and on time.
- B. Be prepared for each class with appropriate materials and assignments.
- C. Be properly attired.
- D. Exhibit respect toward others.
- E. Conduct themselves in a responsible manner.
- F. Pay required fees and fines.
- G. Refrain from violations of the Student Handbook.
- H. Obey all Pathways Early Career Academy Board policies.
- I. Seek changes in school policies and regulations in an orderly and responsible manner, through appropriate channels.
- J. Cooperate with staff in the investigation of disciplinary cases and volunteer information when the student has knowledge relating to a serious offense.

8.8 Parent/Guardian Responsibilities

Parents/Guardians have the responsibility to:

- A. Make every effort to provide for the physical needs of the child.
- B. Communicate with instructional personnel when their child seems to be struggling academically.
- C. Teach their child to pay attention to those in authority and to obey rules.
- D. See that their child attends school regularly and promptly as mandated by the State of New Mexico's Compulsory Attendance Law.
- E. Report and explain absences and tardiness to the school.
- F. Encourage and lead the child to develop proper study habits at home.
- G. Participate in parent/guardian-teacher conferences to discuss their child's school progress and welfare.
- H. Keep informed of school policies and academic requirements of school programs.
- I. Be sure their child is appropriately dressed at school and school-related activities.
- J. Discuss report cards and school assignments with their child.
- K. Bring to the attention of school authorities any learning problems or conditions that may relate to their child's education.
- L. Provide up-to-date home, work and emergency telephone numbers and other pertinent information to the school.
- M. Cooperate with school administrators and teachers.
- N. Be sure their child attends school tutorials when required or as the need arises.
- O. Provide copies of legal documents stating custody and visitation privileges in instances of divorce or separation.
- P. Demonstrate respect toward all school personnel.

8.9 Visitors on Campus

All visitors, including parents/guardians, shall, as required by law, report to the administrative office and secure a visitor's pass upon entering the school building. Any individual found on campus without such a pass will be asked to report to the office and secure one. Refusal to do as requested could lead to law enforcement contact and criminal trespass charges.

SECTION 9 – DISCIPLINARY CODE

The following consequences are proposed by Pathways Early Career Academy Board of Directors and must be expected for each violation. Each consequence will depend on the severity of the violation and whether the violation is a first offense or a repeated act. The consequences for unacceptable behavior may vary as each administrator selects from a broad spectrum of consequences to include those listed here.

9.1 Consequences Include, But Are Not Limited to:

- A. **Staff and Student Conference:** School personnel will meet with the student in person.
- B. **Behavior or Attendance Contract:** Contracts entered into by the student and guardian when habitual misconduct or trancies have been documented by the administration. The breach of a contract may warrant a recommendation for long-term suspension and the Pathways Early Career Academy Due Process Hearing Procedures will apply.
- C. **Staff and Parent/Guardian Conference:** School personnel will communicate with parents/guardians by note, by telephone or in person.
- D. **Administrator and Student Conference:** The administrator will meet with the student in person.
- E. **Administrator and Parent/Guardian Conference:** The site administrator will communicate with the parent/guardian by note, by telephone or in person.
- F. **Administrator, Staff, Student and Parent/Guardian Conference:** All parties involved will participate in a personal conference.
- G. **Attendance Contract:** Student commits in writing to attend classes regularly and on time. The consequences of continued absence are specifically stated in contract.
- H. **Behavior Contract:** Student commits to more positive behavior in the form of a written contract.
- I. **Detention:** Retaining a student before or after school or during the lunch recess period.
- J. **In-School Suspension (ISS):** Removal of the student from regular classes and placement with school personnel for supervision.
- K. **Short-Term Suspension:** Removal of a student from classes and all school related activities for a period of time up to ten school days. Students whose presence poses a danger to persons or property are considered to be a disruption to the educational process and may be removed immediately from school or school-sponsored events. Local law enforcement authorities may participate in removal, if necessary.
- L. **Long-Term Suspension:** Removal of a student from school and all school-related activities for more than ten school days and the Pathways Early Career Academy Due Process Hearing Procedures will apply.
 - 11-180 school days out of school
 - Required long-term Suspension Hearing within 10 school days of offense.
 - Length of long-term suspension time recommended by school administration, decision by Hearing Officer, appealed to Executive Director.

- During the interim time of offense to the hearing date and subsequent decision by the Hearing Officer, the student may not be in school, on school grounds, or participate in extracurricular/co-curricular activities.
- M. **Expulsion:** A student who has been validly expelled from Pathways Early Career Academy is not entitled to receive any educational services from Pathways Early Career Academy permanently. Expelled or suspended students are also restricted from coming onto school grounds.
- N. **Restitution/Reimbursement:** Payment for items that have been damaged and/or stolen will be sought. This includes damage to the school facilities, bathrooms, lockers, equipment; damage or loss of school textbooks, materials and supplies for which the student and parents/guardians are responsible or damage to personal property of school employees or students or school neighborhood residents. Such matters may be referred to the local law enforcement authorities for further action.
- O. **Trespass Notice:** The individual shall be notified (by law enforcement authorities) that he/she has been denied access to all school properties.
- P. **Referral for Legal Engagement:** Evidence of any illegal act or action by a student will be forwarded to the appropriate authority or law enforcement agency, i.e. police, sheriff, county, city, state or federal ordinance prohibiting all of the following acts.
- Arson (SS 30-17-5 NMSA 1978)
 - Assault (SS 30-3-1 NMSA 1978)
 - Bomb Threat (SS30-20-16 NMSA 1978)
 - Breaking and Entering (SS 30-14-8 NMSA 1978)
 - Criminal Damage to Property (Vandalism) (SS30-15-1 NMSA 1978)
 - Extortion (SS 30-16-9 NMSA 1978)
 - Possession of Alcohol by Minor (SS 60-7B-1 NMSA 1978)
 - Possession of Concealed Deadly Weapon (SS 30-7-2 NMSA 1978)
 - Possession of Controlled Substance (SS 30-31-23 NMSA 1978)
 - Robbery (SS 30-16-2 NMSA 1978)
 - Tobacco (SS 30-49-3 NMSA 1978)
 - Unlawful Carrying of a Deadly Weapon (SS 30-7-2 NMSA 1978)
- Any other violation of county, city/state, and/or federal ordinance or law will be communicated to the appropriate law enforcement agency.

MERIT/DEMERIT SYSTEM AND DISCIPLINARY CODE

Pathways Early Career Academy uses a merit/ demerit system of discipline that is intended to allow students to be held accountable for both positive as well as negative behaviors that are observed by the staff of the school. A student can be assessed demerits based on negative behavior. Demerits can be erased by displaying outstanding leadership and earning merits. Any staff member may recommend a suitable assignment of merits or demerits, but the final designation will only be made by the Executive Director or the Dean of Students. The following list is not all inclusive and may be added to or altered depending on the particular situation by the Executive Director or the Dean of Students.

NEGATIVE BEHAVIOR DEMERITS

9.2 ARSON – 50 Demerits

Maliciously, willfully, and/or neglectfully starting, by any means, a fire or causing an explosion on school property or at any school related activity.

9.3 ASSAULT – 50 Demerits

Any act, threat or menacing conduct which causes another to believe that he/she is in danger of receiving injury or harm.

9.4 ASSAULT WITH WEAPON– 50 Demerits

An unlawful attempt to physically threaten or harm another individual. Intending or performing assault with a weapon, instrument, or any means of force likely to produce bodily injury.

9.5 BATTERY - 50 Demerits

Any unlawful, intentional touching or application of force when done in a rude, insolent or angry manner

- Battery with a Firearm
- Battery with a knife/cutting object
- Battery on a school official
- Battery with another weapon

9.6 BOMB THREAT – 50 Demerits

Falsely and maliciously stating to another either verbally or in writing that a bomb or explosive has been placed in such a position, that person or properties are likely to be injured or destroyed.

9.7 BREAKING AND ENTERING – 50 Demerits

Illegal or unauthorized entry into school facilities.

9.8 BULLYING/INTIMIDATION/INSTIGATION – 10-25 Demerits

Any act or speech that subjects person to indignity, humiliation, intimidation, physical abuse or threat of physical abuse, social or other isolation, shame or disgrace, whether verbal, written, or gestural. This includes acts of racialized aggression. "Racialized aggression" is defined as any aggressive act that can be characterized, categorized or that appears as such to be racial in nature, is prohibited. A link to a statewide hotline for reporting such incidents is provided on the school website. (See Section 18 – Anti-Bullying Policy)

9.9 CELL PHONE/ELECTRONIC DEVICE/SEXTING – 5-25 Demerits

Using cellular phones or other electronic devices during instructional time (calling, receiving calls, sending or receiving text messages, taking photographs or use in any other manner that is in violation of this discipline handbook.

9.10 CHEATING – 10-25 Demerits

Using or attempting to use a dishonest, unethical or unapproved method to gain unfair advantage in demonstrating competency in performing a skill, achieving a goal, or to misrepresent the attainment of knowledge.

9.11 CYBER-BULLYING, INTIMIDATION/INSTIGATION BY USE OF ELECTRONIC DEVICE OR SOCIAL NETWORKING OUTLET – 25 Demerits

Any act by use of transmitted communication, either by electronic device, or other transmittal device that subjects persons to indignity, humiliation,

intimidation, physical abuse or threat of physical abuse, social or other isolation, racialized aggression, shame or disgrace. This also includes direct or indirect communication of social networking sites. Examples of cyber-bullying include:

- Posting slurs, rumors or other disparaging remarks about a student or staff member on any social media or website.
- Sending email, text, chat or instant messages that are harassing or threatening in nature.
- Taking/sending an unauthorized and/or unwanted photograph of a student or staff member.
- Using any unauthorized electronic transmission to threaten, intimidate or harass by means of direct or indirect contact.

9.12 DAMAGE TO PRIVATE OR SCHOOL PROPERTY – 25-50 Demerits

A student shall not steal, cause damage to or destroy school property or private property if on school grounds or during a school function.

9.13 DANGEROUS WEAPONS OR INSTRUMENTS – 25-50 Demerits

A student shall not possess, use, transmit or conceal any object that might be considered a dangerous weapon or instrument of violence. This policy is enacted to implement the requirements of the Federal Gun Free Schools Act of 1995, 33 U.S.C. 3351.

Weapon – For the purpose of this policy, a “weapon” is any firearm, knife, explosive, or other object, even if manufactured for a nonviolent purpose, that has a potentially violent use, or any “look-a-like” object that resembles an object that has a potentially violent use, if under the surrounding circumstances, the purpose of keeping or carrying the object is for use, or threat of use, as a weapon.

This list is not totally inclusive, but some examples are: sharp instruments, cutting instruments, cutting tools, knives, pipes, guns, ice picks, switchblades, brass knuckles, nunchakus, handguns, BB guns, pellet guns, shotguns, rifles, firecrackers, explosives/explosive devices, chemicals and gasses, including mace.

9.14 DISRUPTION OF SCHOOL AND/OR CLASS (TO INCLUDE HORSEPLAY)– 10-30 Demerits

A student shall not engage in any conduct that may cause or create a substantial disruption or material interference with any school function, activity or purpose, or that interferes or creates a reasonable likelihood that it will interfere with the health, safety, well-being or rights of other students.

9.15 DRUGS, ALCOHOLIC BEVERAGES AND LOOK-ALIKE DRUGS – 50 Demerits

A student shall not possess, use, transmit, distribute, secrete, sell or be under the influence of any drug or alcoholic beverage of any kind with the exception of the student who is taking prescription medicine under the direction of a physician. The office and teachers must be informed in regard to prescription medication. This restriction shall refer to:

- The school grounds, during, before, or after school hours
- Off school grounds at a school activity
- On school buses or rented carriers
- Use prior to attending a school activity, function, or event
- A student shall not knowingly possess, sell, make offer to sell, give, package or deliver a counterfeit controlled substance; nor shall he/she represent a counterfeit controlled substance by describing it as being the same physical or mental effect associated with use of a controlled substance; nor shall a student falsely represent a counterfeit controlled substance as a controlled substance.

9.16 DRUGS/SALE/POSSESSION OR DISTRIBUTION – 30-50 Demerits

Being in possession of, selling or distributing any object used to store, process, inhale or ingest drugs (any substance capable of producing a change in behavior or altering a state of mind or feeling). This includes all controlled substances or any look-a-like substances.

9.17 DRUNKENNESS/DISORIENTATION – ALCOHOL OR DRUGS – 30-50 Demerits

The physical, mental or emotional impairment of personal faculties caused by alcohol, the use of marijuana, hallucinogenic drugs, other abuse prone drugs, counterfeit drugs, controlled substances or any substance with an intoxicating effect.

Definition of a substance with intoxicating/addictive effect:

- A. A substance such as, but not limited to, permanent markers, hair spray, vanilla, liquid paper, gasoline, or caffeine pills used to produce an intoxicating effect.
- B. Drugs prescribed by the student's physician that are being taken according to the discretion of the prescription are exempt under this policy. NOTE: Such prescribed medications are to be kept in the health office and taken under the supervision of school personnel.

9.18 EXPLOSIVES – 50 Demerits

The use, possession or sale of explosive devices that are capable of injury to self or others.

9.19 EXTORTION – 30 Demerits

Using intimidation or the threat of violence to obtain money, information or anything else of value from another person.

9.20 FALSE ALARM – 30 Demerits

Interfering with a fire control system or giving a false report, whether by means of a fire alarm or otherwise.

9.21 FIGHTING – 30-50 Demerits

The act of physical aggression towards another student or staff member.

9.22 FIREWORKS/AMMUNITION – 30 Demerits

The use, possession or sale of any incendiary device which may cause injury to self or others. Including but not limited to ammunition of any kind.

9.23 FORGERY – 30 Demerits

The act of falsifying a person's name or altering any school document and/or fraudulent use of school documents. Examples include notes from parents/legal guardians, teachers, and school personnel.

9.24 GANG RELATED ACTIVITY – 50 Demerits

Gang related activity can be intimidating to students, faculty, and the staff and is disruptive to the educational process. Although this list is not all inclusive, examples of inappropriate and unacceptable behaviors include such things as gang graffiti on school property, intimidation of others, gang fight and/or initiation rituals, and/or wearing gang attire or "colors," or gang symbols, "sagging" and communicating gang symbols. Gang related activity can be engaged by those in a gang, related to a gang or just those that are intrigued by gangs. Since gang behavior, symbols, and colors are variable and subject to rapid change, school administrators and staff must exercise judgment and their individual discretion based upon current circumstances in the school when evaluating gang related activity.

9.25 HAZING/INITIATION – 30 Demerits

To harass by requiring the performance of unnecessary, disagreeable, degrading or humiliating tasks. To require students to engage in activities which could potentially result in harm or bodily injury to an individual. To play abusive, humiliating tricks as criteria for membership.

9.26 INSUBORDINATION – 5-10 Demerits

A student shall not fail to comply with the directions of teachers, student teachers, aides, principals or other authorized school personnel. He/she shall not fail to comply with the rules and regulations of the school.

9.27 LEAVING THE SCHOOL BUILDING/GROUNDS WITHOUT PERMISSION – 30 Demerits

A student shall not leave the school grounds or building without being properly checked out by a parent or legal guardian.

9.28 OBSCENE MATERIALS/ITEMS/BEHAVIOR – 15 Demerits

Displaying and/or the possession of indecent and/or offensive materials or items. This includes making gestures that are indecent or offensive in nature. Also included are pictures, drawings and images on clothing.

9.29 OTHER SCHOOL RULES – 5-50 Demerits

Acts of misconduct not specified herein shall also be subject to discretionary action by appropriate school personnel.

9.30 PUBLIC DISPLAYS OF AFFECTION – 10 Demerits

Inappropriate physical contact between students.

9.31 SEXUAL ASSAULT – 50 Demerits

An unlawful attempt or threat to do harm of a sexual nature. Threatening physical harm to another or causing a present fear of imminent danger to the person by use of threats, gestures, verbal assaults or instigation of a sexual nature.

9.32 SEXUAL BATTERY – 50 Demerits

Inappropriate or unwanted touching of a sexual manner.

9.33 SEXUAL HARASSMENT – 15-50 Demerits

Behavior (including gestures) or words (oral or written) that are directed at a student or school personnel because of his/her sex that are uninvited, unwanted, or unwelcome which would cause the person of that sex to feel uncomfortable or offended or when the conduct by its nature is clearly unwelcome or inappropriate. Examples include, but are not limited to:

- A. Comments about body parts or rating a person's body
- B. Spreading of sexual rumors, stories or jokes
- C. Using sexual orientation as an insult
- D. Staring or pointing at a person's body parts
- E. Making obscene gestures
- F. Displaying of sexual materials
- G. Verbal sexual advances including subtle pressure for sexual activity
- H. Repeated or persistent unwelcome requests for dates, meeting, or other social interactions

NOTE: If sexual touching occurs, the Sexual Battery policy can be enforced.

9.34 SKIPPING OR CUTTING CLASS – 15 Demerits

Skipping or cutting class is defined as not being in the assigned classroom, study hall, lunch period, etc., but not leaving the school building/grounds.

9.35 SMOKING/USE OF TOBACCO PRODUCTS – 25 Demerits

The use of tobacco products, smoking, chewing or dipping. Possession of tobacco products on one's person or personal belongings such as backpacks, while at school, on school property, or at a school activity.

9.36 STALKING – 30-50 Demerits

Continual, unwanted, pursuing/attention.

9.37 TARDINESS – 5 Demerits

Arriving after the designated beginning of school/class.

9.38 TECHNOLOGY CODE – 5-25 Demerits

Engaging in any activity prohibited by the technology agreement or visiting unauthorized websites during class.

9.39 TRESPASSING/UNAUTHORIZED PRESENCE – 5-15 Demerits

Entering or being on school grounds or in a school office without authorization.

9.40 UNIFORM/DRESS CODE VIOLATION – 5-15 Demerits

Any violation of the uniform policy (see Section 7)

9.41 UNLAWFUL PHONE/VIDEO CAMERA PHOTOGRAPHING OF PRINTED MATERIALS PROHIBITED ACTS – 30 Demerits

Use of any non-approved video production by means of videotapes, films photographs, exhibits, or any electronic transmitted images of any school materials that are strictly the property of Pathways Early Career Academy is in violation of this discipline handbook.

9.42 USE OF MUSIC PLAYERS – 5 Demerits

Students are not permitted to listen to music from music players during instructional time.

9.43 USE OF PROFANITY AND/OR OBSCENE LANGUAGE OR GESTURES – 10 Demerits

A student shall not use any form of profanity, written or verbal. Included in this prohibition would be the use of obscene gestures, signs, pictures or publications, obscene language, phrases or partial phrases.

9.44 VIDEO CELL PHONE/VIDEO CAMERA VOYEURISM PROHIBITED ACTS – 30 Demerits

Use of any non-approved video production by means of videotapes, films, photographs, exhibits, or any electronic transmitted images during school hours is prohibited. This includes, but is not limited to lewd or obscene images and videos, but also includes the transmission of any act that is prohibited by school policies or a state and federal law is in violation of this handbook.

9.45 RACIALIZED AGGRESSION – 15-30 Demerits

"Racialized aggression" is defined as any aggressive act that can be characterized, categorized or that appears as such to be racial in nature, is prohibited. A link to a statewide hotline for reporting such incidents is provided on the school's website.

POSITIVE BEHAVIORS

9.46 DISPLAYING MORAL COURAGE – 5-30 Merits

A student displays moral courage by reporting the negative behavior of another student that could disrupt or negatively influence the educational quality of the other students.

9.47 DISPLAYING EXEMPLARY LEADERSHIP – 5-30 Merits

A student displays exemplary leadership when they voluntarily take charge of a project and perform in that role in an outstanding manner.

9.48 DISPLAYING EXTRAORDINARY TRUSTWORTHINESS – 5-30 Merits

A student displays extraordinary trustworthiness when they can be trusted to take care of their own responsibilities, but to also show that they can be counted on in a particular situation.

9.49 DISPLAYING OUTSTANDING RESPONSIBILITY – 5-30 Merits

A student displays outstanding responsibility when they demonstrate the ability to handle an unusual or high-visibility project in an above average manner.

9.50 DISPLAYING STERLING CITIZENSHIP - 5-30 Merits

A student displays sterling citizenship when they look out for their fellow student and local community interests in a positive manner.

9.51 DISPLAYING EXTRAORDINARY CARING – 5-30 Merits

A student displays extraordinary caring when they place the wellbeing or happiness of another student or individual above their own wants.

SUMMARY OF DEMERIT ACCUMULATION

Demerits will be used to track student behavioral issues. The following list is a suggested means of progressive discipline that is used as a guide only. The Executive Director or the Dean of Students can prescribe corrective actions to include any mentioned earlier in this section with or without the accumulation of demerits depending on each individual situation.

- 15-20 Demerits - 1 day suspension. Students will be counseled. Parent(s)/guardian(s) will be contacted at 15.
- 20-30 Demerits - 3 day suspension. Contact with parent(s)/guardian(s). Parent conference prior to student returning.
- 31-40 Demerits - 5 day suspension. Letter mailed to parent(s)/guardian(s). Parent conference prior to student returning. Behavior Contract will be enacted.
- 41-50 Demerits - 7 day suspension. Phone call/letter to parent(s)/guardian(s).
- 50 Demerits - 10 day suspension. Letter to parent(s)/guardian(s) explaining the consequences of 50 demerits. Recommendation to alternative setting for the remainder of the semester, remainder of the school year or remainder of calendar year.

SECTION 10 – TECHNOLOGY USE BY STUDENTS

Use of Technology Resources in Instruction Electronic Information Services User Agreement

Details of the user agreement shall be discussed with each potential user of the electronic information services. When the signed agreement is returned to the school, the user may be permitted use of IT resources.

10.1 Acceptable Use

Each user must:

- A. Use the IT to support personal educational objectives consistent with the educational goals and objectives of Pathways Early Career Academy.
- B. Agree not to submit, publish, display or retrieve any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive or illegal material.
- C. Abide by all copyright and trademark laws and regulations.
- D. Do not reveal home addresses, personal phone numbers or personally identifiable data unless authorized to do so by designated school authorities.
- E. Understand that electronic mail or direct electronic communication is not private and may be read and monitored by school-employed persons.
- F. Do not use the network in any way that would disrupt the use of the network by others.
- G. Do not use the IT for commercial purposes.
- H. Follow Pathways Early Career Academy's code of conduct.
- I. Do not attempt to harm, modify, add or destroy software or hardware nor interfere

with system security.

- J. Understand that inappropriate use may result in cancellation of permission to use IT and appropriate disciplinary action up to and including expulsion for students.

10.2 Personal Responsibility

- A. Students will report any misuse of the IT to the administration or system administrator, as is appropriate.
- B. All students should understand that there are many services and products available for a fee. Students are personally responsible for any expenses incurred without Pathways Early Career Academy authorization.

10.3 Network Etiquette

Students are expected to abide by the generally acceptable rules of network etiquette.

- A. Be polite and use appropriate language. Do not send or encourage others to send abusive messages.
- B. Respect privacy. Do not reveal any home addresses or personal phone numbers or personally identifiable information.
- C. Avoid disruptions. Do not use the network in any way that would disrupt use of the systems by others.
- D. Observe the following considerations:
 - a. Be brief.
 - b. Strive to use correct spelling and make messages easy to understand.
 - c. Use short and descriptive titles for articles.
 - d. Post only to known groups or persons.

10.4 Services

Pathways Early Career Academy specifically denies any responsibility for the accuracy of information. While the school will make an effort to ensure access to proper materials, the user has the ultimate responsibility for how IT is used and bears the risk of reliance on the information obtained.

SECTION 11 – DISCIPLINARY CONSIDERATIONS FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

A student receiving special education services may be short-term suspended by the Executive Director, as long as the cumulative number of days suspended do not exceed ten days in a school year. If the student's behavior warrants long term suspension or expulsion, the multi-disciplinary team must meet to determine if the behavior that prompted the suspension or expulsion is related to or caused by the student's disability.

Students receiving special education services may not be long term suspended or expelled because of his or her disability or behaviors directly related to his/her disability without the district providing educational services as a part of a free and appropriate public education.

11.1 Infraction Related to a Student's Disability

Within ten school days of suspension, the multi-disciplinary team will meet to determine the

relationship between the behavior prompting suspension and the student's disability. If it is determined that the behavior that prompted the suspension is related to or caused by the student's disability, the student will be placed in an interim alternative educational setting for a period of forty-five school days. During this time the student shall receive access to general curriculum and special services to address the behavior noted as a concern. Placement in the interim alternative educational setting will be reviewed on or before the forty-fifth school day of placement. The multi-disciplinary team will then make a determination to continue the alternative setting for an additional forty-five school days or to return the student to his/her previous placement.

11.2 Infraction Not Related to a Student's Disability

Within ten school days of suspension, the multi-disciplinary team will meet to determine the relationship between the behavior prompting suspension and the student's disability. If it is determined that the behavior that prompted the suspension is not related to or caused by the student's disability, Pathways Early Career Academy. Due Process Hearing Procedures will apply. If the Hearing Officer determines that a long-term suspension is the appropriate sanction, education services will be provided to a student receiving special education services at the interim alternative educational setting. Please note that the alternative placement will not exceed the maximum number of days a student has been long-term suspended.

11.3 Special Circumstances – Weapons, Drug Violations or Infliction of Serious Bodily Injury

A student receiving special education services that violates Pathways Early Career Academy policies regarding weapons or drugs will be suspended to an alternative interim educational setting. If a student receiving special education services inflicts serious bodily injury, he/she will be suspended to an alternative interim educational setting. Within ten school days of the administrator's decision to suspend, the multi-disciplinary team will meet to determine if the behavior that prompted the suspension is related to or caused by the student's disability. If the multi-disciplinary team finds that the behavior is not related to the disability, the procedures in section 8.45 will apply.

SECTION 12 – TOBACCO FREE SCHOOL POLICY

All students are prohibited from possessing, distributing or using tobacco products on Pathways Early Career Academy property or during school sponsored or sanctioned events and activities.

12.1 Definition, Description and Restrictions

Tobacco product: In this policy a tobacco product is defined as any form of tobacco – cigarettes, cigars, vapes, snuff, plug or leaf in either smoke or smokeless forms.

The possession, distribution or use of any tobacco product by students is prohibited at all times inside any building, on any property and in any vehicle which is owned, leased, rented or loaned to the school. The possession, distribution or use of any tobacco product by students at any school function is prohibited at all times.

12.2 Consequences

Administrative discretion will dictate enforcement of this policy. Repeated violations may warrant short or long-term suspension. If necessary, legal action will be taken to remove violators.

SECTION 13 – DRUG POLICY

13.1 For the purpose of this policy, “drugs” shall include, but not be limited to:

- A. All controlled substances prohibited by law.
- B. All alcoholic beverages and items containing quantities of alcohol.
- C. Any prescription or over-the-counter drug, except those for which permission to use in school has been granted pursuant to board policy.
- D. Hallucinogenic substances.
- E. Inhalants.
- F. Counterfeit and look alike substances.

Students are prohibited from using, possessing, distributing, buying, selling or being under the influence of drugs, counterfeit (look-alike) drugs and from possessing, using or distributing drug paraphernalia while on school property or at school-sponsored activities, including transit and lodging.

In the event your student has been prescribed medication that must be taken at school, at any time during the year, a Physician’s Order Form must be completed and submitted to the school. Students are not allowed to possess/carry prescription or over-the-counter medications with them. If an over-the-counter medication is necessary, a Physician’s Order Form must be completed and submitted. This includes: ibuprofen, acetaminophen, cough medicine, cough drops and the like. If you have any questions about medicines that qualify, please contact the front desk.

If a staff member suspects that a student is under the influence of drugs during the school day, the student shall be referred to the school administration immediately. If a staff member suspects that a student is under the influence of drugs during a school sponsored activity, the student shall be referred to the activity sponsor immediately and the sponsor will contact the school administration. In situations where the students are a danger to themselves or others, administrative action shall be taken to provide a safe environment.

Certified drug dogs may be used for sweeps of student’s possessions and vehicles on a school campus at the discretion of the Executive Director.

13.2 Consequences for Violation of Policy

The consequences for being under the influence:

- A. Any student under the influence of drugs may be referred for medical treatment.
- B. The student will be suspended pending an investigation.
- C. The local law enforcement authorities may be notified and the student may be turned over to the local law enforcement authorities.
- D. Within five working days of the suspension, the student must schedule and/or undergo a diagnostic evaluation for drug dependency. This evaluation may include a chemical drug screen, such as, but not limited to, a urinalysis or hair follicle

exam. The evaluation will be at the expense of the student or parent/guardian of the student. A copy of the evaluation will be provided to the Executive Director. The student may return to school at the discretion of the Executive Director or after an investigation into the matter, be referred to Pathways Early Career Academy Due Process Hearing Procedures.

- E. If the student is permitted back into school after any violation, he/she will be placed on a discipline contract at the school site.

The consequences for being in possession:

- A. Any student in possession of drugs or drug paraphernalia will be suspended pending an investigation. If the investigation determines that long term suspension or expulsion is warranted, Pathways Early Career Academy Due Process Hearing Procedures will apply.
- B. The student will be turned over to law enforcement authorities.
- C. Within five school days of the suspension, the student must undergo a diagnostic evaluation for drug or alcohol dependency. This evaluation may include a chemical analysis, such as, but not limited to, a urinalysis or hair follicle exam. The evaluation will be at the expense of the student or parent/guardian of the student. Evaluation results will be considered at the student's Due Process Hearing.
- D. If the student is permitted back into school after any violation, she/he will be placed on a discipline contract.

13.3 Suspicion of Drug Use

If a staff member suspects that a student has begun to use drugs the student shall be referred to the Student Assistance Team and to the school administration to determine future courses of action. In situations where the students are a danger to themselves or others, administrative action shall be taken to attempt to provide a safe environment.

SECTION 14 – FIREWORKS

14.1 Definition of Fireworks

Fireworks are defined as any devices including, but not limited to chemical exothermic devices, smoke generators, fuses and any other device that yields smoke or is designed to yield smoke, with or without explosion.

14.2 Possession of Fireworks

Possession of any firework, regardless of discharge, is prohibited on Pathways Early Career Academy property or during school sponsored or sanctioned events and activities. A student in possession of an explosive device, regardless of origin, on school property or in school vehicles may be reported to law enforcement authorities.

14.3 Consequences for Violation of Policy

Administrative discretion will dictate consequences. Violations may warrant short or long-term suspension or expulsion. If necessary, legal action will be taken.

**SECTION 15 – STUDENTS PETITIONED FOR A FELONY,
CHARGED WITH A FELONY OR CONVICTED OF A FELONIOUS ACT**

A student who is petitioned for a felony, charged with a felony or convicted of a felony or a felonious act, may be subject to Pathways Early Career Academy Due Process Hearing Procedures.

SECTION 16 – WEAPONS / FIREARMS

16.1 Weapons Definition

Weapons in this policy are defined as any firearm that is loaded or unloaded and any instrument that may cause bodily injury or loss of life. Weapons include, but are not limited to bows, any type of dagger, brass knuckles, dirk knives, butterfly knives, other gravity knives and all instruments that when thrust, launched or thrown can inflict injury or cause loss of life. Weapons also include slingshots and bludgeons. In addition, any other weapon such as a pistol, air rifle, paintball gun, pellet gun or potato gun and any explosive, regardless of size or construction, are strictly prohibited.

16.2 School Premises Definition

School premises means any Pathways Early Career Academy facility such as the buildings and grounds, in or on which school or school related activities are being operated under the supervision of Pathways Early Career Academy Board of Directors.

16.3 Presence of Weapons on School Premises

The presence of weapons on school premises at any time not only creates unacceptable risks of injury or loss of life, but also creates a climate that undermines the educational process. Accordingly, it is the policy of Pathways Early Career Academy to forbid the possession, custody and use of weapons by unauthorized persons on school premises and/or during school sponsored activities. Pathways Early Career Academy seeks to create a safe learning and working environment and adheres to all local, state and national laws.

16.4 Violation of Pathways Early Career Academy Policy

- A. Any student who violates this policy will be suspended and Pathways Early Career Academy Due Process Hearing Procedures will apply. The student will be turned over to law enforcement authorities. If a school administrator or employee has reasonable cause to believe that a student is in possession of or has been in possession of a weapon on school premises, the administrator shall immediately report the student to a law enforcement agency. It is unlawful to carry a weapon including a “look- alike,” on school premises except by a Certified Law Enforcement Officer.
- B. Any student bringing or in possession of a weapon on school premises shall be recommended for suspension from Pathways Early Career Academy for a period of not less than one year. The elements of this policy shall not deny rights to students covered under the Individuals with Disabilities Education Improvement Act (IDEIA) or Section 504 of the Rehabilitation Act of 1997.

16.5 Involvement in Bringing a Weapon on Campus

Students will be held accountable for their involvement in situations where a weapon was brought on school premises. Students who are involved may receive consequences at the discretion of the Executive Director.

SECTION 17 – GANG ACTIVITIES / SECRET SOCIETIES

The presence and activities of gangs and secret societies in the public schools create an atmosphere of intimidation in the entire school community. The short and long term effects of gangs and secret societies are disruptive to the educational process and are prohibited in the school.

17.1 Definitions

A gang is any group of three or more persons, whose purposes include the commission of illegal acts and/or acts in violation of disciplinary rules of the school, including but not limited to intimidation, threats and violence.

A secret society is a social organization that requires its members to conceal certain activities from outsiders and members may be required to conceal or deny their membership.

For the purpose of this section, secret societies will be treated identical to gangs as warranted.

17.2 Prohibitions

No student on or about school property or at any school activity shall:

- A. Wear anything that can be considered by Pathways Early Career Academy or the Albuquerque Police Department as gang related is prohibited. This includes “sagging” clothing, bandanas, headwear, pocket chains, hairnets, jewelry, emblems, badges, symbols, signs, gang-related tattoos or other item(s) that evidence or reflect membership in or affiliation with any gang.
- B. Engage in any act, either verbal or nonverbal, including gestures, whistling or handshakes, showing membership of affiliation with any gang.
- C. Engage in any act in furtherance of the interest of any gang or gang activity, including but not limited to:
 - a. Soliciting membership in or affiliation with any gang.
 - b. Soliciting any person to pay for “protection” or threatening any person, explicitly or implicitly, with violence or with any other illegal or prohibited act.
 - c. Painting, writing or otherwise inscribing gang-related graffiti, messages, symbols or signs, on school premises or on personal notebooks or backpacks or other items in the student’s possession.
 - d. Engaging in violence, extortion or any other illegal act or other violation on school premises or at a school related activity.
 - e. Soliciting any person to engage in physical violence against any other person.

17.3 Application and Enforcement

- A. In determining, as part of the application and enforcement of this policy, whether acts, conduct or activities are gang related, school officials are encouraged to exercise discretion and judgment based upon current circumstances in their schools, neighborhoods and areas.
- B. School officials shall work closely with local law enforcement officials in controlling gang-related activities. Local law enforcement personnel can provide school officials with information regarding gang activities in the area, including names and characteristics of local gangs.
- C. School officials will report instances of criminal acts to local law enforcement authorities for further action.

17.4 Violation of Policy

An administrator shall make the final decision on whether a student's dress and/or behavior are indicative of gang involvement. Students who violate this policy shall be subject to the full range of school disciplinary measures in addition to applicable criminal and civil penalties.

School officials will retain the right to seek monetary reimbursement from parents of students involved in acts of vandalism or graffiti for, but not limited to, removal and/or repair as result of vandalism or graffiti on school premises.

SECTION 18 – ANTI-BULLYING POLICY

When students are afraid to attend school/classes they cannot learn. Bullying prevention programs can help to provide a safe environment in which teachers can teach and students can learn. When a student is bullied, his or her ability to participate in and benefit from the school's educational programs or activities is adversely affected.

The goal of this policy is to ensure that procedures are in place to prevent bullying, limit the prevalence of bullying, and to make consequences salient to everyone involved. Pathways Early Career Academy believes that providing an educational environment for all students, employees, volunteers, and families, free from harassment, intimidation, or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse. Harassment, intimidation and/or bullying are forms of dangerous and disrespectful behavior that will not be tolerated.

18.1 Definition of Terms

“Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.

“Harassment” means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.

“Disability Harassment” is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student’s participation in or receipt of benefits, services, or opportunities in the school. Harassment and Disability Harassment include but are not limited to:

- a. Verbal acts, teasing, use of sarcasm, jokes;
- b. Name-calling, belittling;
- c. Non-verbal behavior such as graphic or written statements;
- d. Conduct that is physically threatening, harmful, or humiliating; or
- e. Inappropriate physical restraint by adults.

“Racial Harassment” consists of physical or verbal conduct relating to an individual’s race when the conduct:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment;
- b. Has the purpose or effect of substantially or unreasonably interfering with an individual’s academic performance; or
- c. Otherwise adversely affects an individual’s academic opportunities.

“Sexual Harassment” means any unwelcome sexual advances, requests or sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature. Sexual harassment may take place under any of the following circumstances:

- a. When submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or
- b. Submission to or rejection of that conduct or communication by an individual is used to factor in decisions affecting that individual’s education; or
- c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s education, or creating an intimidating, hostile or offensive educational environment.

“Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization, or for any other purpose. Hazing includes but is not limited to:

- a. Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing a harmful substance on the body.
- b. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subject the student to an unreasonable risk or harm or that adversely affects the mental or physical health or safety of the student.
- c. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- d. Any activity that intimidates or threatens the student with ostracism, that subjects the

student to extreme mental stress, embarrassment, shame, or humiliation, adversely affects the mental health or dignity of the student or discourages the student from remaining in school.

- e. Any activity that causes or requires the student to perform a task that involves a violation of state or federal law, or school policies.

“Cyberbullying” is defined as an electronic communication that targets a specific student; is published with the intention that the communication be seen by or disclosed to the target student; is seen by or disclosed to the targeted student, and creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student’s educational benefits, opportunities or performance. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include, but are not limited to:

- a. Mean text messages or emails
- b. Rumors sent by email or posted on social networking sites
- c. Embarrassing pictures, videos, websites, or fake profiles

18.2 Notice of Prohibition against Bullying and Anti-Bullying Interventions

1. The prohibition against bullying shall be publicized by including the following statement in the student handbook(s):

“Bullying or cyberbullying behavior by any student in Pathways Early Career Academy is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. “Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation that a reasonable person under the circumstances should know will have the effect of:

- a. Placing a student in reasonable fear of physical harm or damage to the student’s property; or
- b. Physically harming a student or damaging a student’s property; or
- c. Insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school’s educational mission or the education of any student.
 - i. Students and parents may file verbal or written complaints concerning suspected bullying behavior to school personnel and administrators. Any report of suspected bullying behavior will be promptly reviewed. If acts of bullying are verified, prompt disciplinary action may be taken against the perpetrator, up to and including suspension and/or expulsion.”

- d. Lesbian, Gay, or Transgender youth and those who are perceived as LGBTQIA+ are at an increased risk of being bullied. Pathways Early Career Academy believes it is important to build a safe environment for all youth, whether they are straight or LGBTQIA+. All youth can thrive when they feel supported. Here are some tips for staff, students, and parents at Pathways Early Career Academy to keep LGBTQIA+ students feeling emotionally and physically safe:
 - i. Build strong connections and keep the lines of communication open. It is important for students to know that their families, friends, schools, and communities support them.
 - ii. Establish a safe environment at school. Schools can send a message that no one should be treated differently because they are or are perceived to be LGBTQIA+.
 - iii. Protect privacy. Be careful not to disclose or discuss issues around being LGBTQIA+ with parents or anyone else.
2. Staff will be reminded at the beginning of each school year about the Anti-Bullying Policy, as well as their responsibilities regarding bullying behavior. A copy of the policy will be disseminated annually.
3. The Anti-Bullying Policy will be available on Pathways Early Career Academy website, and in all student, staff and parent handbooks.

18.3 Reporting Intimidation, Harassment, or Bullying Behavior

1. Any student who believes he/she has been the victim of harassment, intimidation, bullying, or hazing by a student or school personnel, or any person with knowledge or belief of such conduct that may constitute harassment, intimidation, bullying, or hazing toward a student should immediately report the alleged acts.
2. The report may be made to any staff member. The staff member will assist the student in reporting to the Head Administrator or other personnel.
3. Teachers and other school staff who witness acts of bullying or receive student reports of bullying are required to promptly notify designated staff.
4. Reports should be done in writing using the Harassment, Intimidation, Bullying, or Hazing Complaint Form. A copy of this form will be submitted to the Safe School coordinator.
5. Pathways Early Career Academy Head Administrator or designee is required to accept and investigate all reports of intimidation, harassment or bullying.
6. Pathways Early Career Academy Head Administrator or designee is required to notify the parent or guardian of a student who commits a verified act of intimidation, harassment, or bullying of the response of the school staff and consequences that may result from further acts of bullying.
7. Nothing in this policy shall prevent any person from reporting directly to the Head Administrator / Executive Director.
8. Retaliation against an individual who either orally reports or files a written complaint regarding harassment, intimidation, bullying, or hazing or who participates in or cooperates with an investigation is prohibited.
9. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.
10. If harassment or bullying continues, the perpetrator will be immediately suspended and removed from the school, pending a long-term hearing.

11. To the extent permitted under the Family Educational Rights and Privacy Act (FERPA) school staff is required to notify the parent or guardian of a student who is a target of bullying of the action taken to prevent any further acts of bullying.

18.4 Investigating Intimidation, Harassment, or Bullying Behavior

Pathways Early Career Academy, or their designee will appropriately and promptly investigate all reports of harassment, intimidation, bullying, or hazing. In determining whether the alleged conduct constitutes bullying, the totality of the circumstances, the nature of the conduct, the student's history, and the context in which the alleged conduct occurred will be investigated.

1. The Executive Director or designee will make every effort to inform the parents/guardians of the victim and the accused of any report of harassment, intimidation, bullying, or hazing *prior* to the investigation taking place.
2. The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint was filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods or documents deemed relevant by the investigator.
3. The school may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.
4. The investigation shall be completed as soon as possible. The Executive Director (or investigator) shall make a written report upon completion of the investigation. If the complaint involves the Executive Director, the investigator shall file the report directly with the New Mexico Public Education Department, Educator Ethics Bureau. The report shall include a determination of whether the allegations have been sustained as factual and whether they appear to be violations of this policy. A copy of the completed report will be maintained by the Safe School Coordinator.

18.5 Consequences for Bullying

1. Verified acts of bullying shall result in intervention by the Executive Director or his/her designee that is intended to ensure that the prohibition against bullying behavior is enforced.
2. Bullying behavior can take many forms and can vary dramatically in how serious it is, and what impact it has on the targeted individual and other students. Accordingly, there is no one response to bullying. While conduct that rises to the level of "bullying" as defined above will generally warrant disciplinary action against the perpetrator of such bullying, whether and to what extent to impose disciplinary action (detention, in and out-of-school suspension, or expulsion) is a matter for the professional discretion of the Executive Director or designee.

18.6 Consequences for Knowingly Making False Reports

1. False charges shall also be regarded as serious offenses and will result in disciplinary action or other appropriate sanctions.

18.7 Anti-Bullying included in Health Education and Other Curricula

"Health Education" is the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease, and reduce health related risk behaviors. It allows students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills and practices. It meets the content standards with the

benchmarks and performance standards as set forth in 6.30.2.19 NMAC. Bullying behavior is mentioned specifically in many areas of the Health Education performance standards in all grade levels. All students need to be aware of bullying behaviors, no matter the age. It is imperative that students are comfortable with understanding, describing and recognizing bullying behaviors, and then in the latter grades being able to analyze those behaviors and role play refusal skills. Our curriculum does recognize the importance of bully prevention skills.

In addition to anti-bullying behaviors and skills being taught in the Health curriculum, both the Character Counts! and Positive Behavioral Interventions & Support (PBIS) frameworks that are utilized at the school will reinforce the anti-bullying attitudes and expectations that the school encourages and enforces. PBIS is a school-wide system of support that includes proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments. Attention is focused on creating and sustaining primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all children and youth by making targeted behaviors less effective, efficient, relevant and desired behavior more functional.

All students will be required to read Pathways Early Career Academy Bullying Policy and to sign Pathways Early Career Academy Anti-Bullying Pledge.

18.8 Threats of Violence

1. Threats of violence toward other students, school staff, or facilities generally are prohibited and may result in suspension or expulsion, regardless of whether the student has previously engaged in such conduct.
2. All employees and students are required to report evidence of threats of violence to their Head Administrator or other school staff. Such reports shall be investigated by the Head Administrator or designee. All such reports shall be documented by the Head Administrator.
3. In cases of threats that may constitute a violation of criminal law, the Head Administrator or designee shall notify law enforcement authorities.
4. Students who are charged with violation of this policy shall be placed on short-term suspension pending investigation of the charge(s). Those found, through a due-process hearing, to have violated this regulation shall be subject to discipline, including long-term suspension or expulsion. For Special Education students, administrators will consult with the Special Education Coordinator regarding the appropriate process.

18.9 Resources

1. New Mexico Public Education Department, School and Family Support Bureau – online <http://www.ped.state.nm.us> or phone: 505-827-1804
2. Anti-Bullying Policy rule 6.12.7 NMAC
3. School District Wellness Policy rule 6.12.6.6 NMAC
4. New Mexico Youth Risk and Resiliency Survey – online at <http://www.youthrisk.org/pdf/YRRS-2011-HS-E-Std.pdf>
5. National Youth Violence Prevention Resource Center, Government approved resources on prevention, intervention, & stats <http://www.safeyouth.org/scripts/topics/bullying.asp>.
6. OSEP Technical Assistance Center on Positive Behavioral Interventions & Supports – Effective School-wide Interventions – online at <http://www.pbis.org/school/default.aspx>.

SECTION 19 – ATTENDANCE POLICY

Pathways Early Career Academy will enforce the following to comply with the NM Attendance For Success Law:

1. All teachers will take attendance in every class and record it on the school's student data system within 15 minutes of established start time.
2. Students will be marked TARDY if they are not in class 15 minutes after the established start time for the class.
3. Teachers will keep attendance in a separate attendance book. This book is a legal document that is property of Pathways Early Career Academy and must be presented upon request by the administrative staff of the school or district.

Daily Student Attendance

Daily attendance is mandatory for students to benefit most fully from the instructional program. However, the school recognizes that there are situations that cause a student to be absent from school. Any day a student is absent, if he/she does four (4) active hours, excluding any excessive idle time as determined by school officials, of coursework in their virtual portal, the absence will be deemed as excused. Students will be allowed up to (9) absences from a class per semester without penalty of loss of credit. Therefore, in accordance with guidelines, absences MAY be excused for the following reasons:

EXCUSED ABSENCES

- Medical Appointment – (with note from Doctor)
- Illness – (a Doctor's note required)
- Diagnostic Testing
- Death of a family member
- Religious and /or cultural commitment
- Limited family emergency-with Administrative approval
- All school related activities-not to exceed NMAA policy of 15 days per semester
- Extenuating circumstances with PRIOR approval from administration.
- Travel, not covered above with PRIOR approval from administration

A PHONE CALL FROM A PARENT/STUDENT DOES NOT CONSTITUTE AN EXCUSED ABSENCE!

Notification

- It is the parent's guardian's responsibility to notify the school's attendance office (505-792-0306 option 2) when a student is absent.
- Notification is to take place within 24 hours of the absence to be considered excusable should an appeal be required.
- Failure to notify within 24 hours will result in an unexcused absence.
- In cases involving partial day absence for medical appointments, etc. parents should bring in a note from the doctor's office for documentation.

The Attendance for Success plan is a tiered data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions.

The following is PECA's Attendance for Success, Intervention and truancy protocol and follows the guidance in Attendance for Success Act's Progressive Interventions for Absent Students:

At 3 days – Unexcused absences:

1. Notices of a student's unexcused absences will be provided to the parent in accordance with the Law.
2. When a student accumulates three unexcused absences, school personnel (teacher, social worker, principal, attendance coach, attendance clerk etc.) will contact the family via a phone call to notify the parent(s)/ guardian(s) of student attendance status. School personnel must note and log this activity and make any notation(s) deemed necessary.
3. School personnel facilitating this contact then communicates this information to the School's Attendance Coach.
4. A 3-Day Absentee Notification letter will be generated and emailed to the parent or guardian's email address listed in PowerSchool.

At 5 days – unexcused absences:

1. Notices of a student's unexcused absences will be provided to the parent in accordance with the Law.
2. When a student accumulates five unexcused absences, school personnel (teacher, social worker, principal, attendance coach, attendance clerk etc.) will contact the family via a phone call to notify the parent(s)/ guardian(s) of student attendance status. School personnel must note and log this activity and make any notation(s) deemed necessary.
3. School personnel facilitating the contact then communicates this to the Attendance Coach.
4. A 5-Day Absentee Notification letter will be generated and emailed to the parent or guardian's email address listed in PowerSchool.
5. A Student Success Plan or Student Development plan will be implemented and signed. The plan will attempt to improve attendance by talking to the student and parent to identify barriers to school attendance, identify solutions to improve the student's attendance behavior and discuss necessary interventions for the student or the student's family. This plan and contract must be between the student, parent(s)/guardian(s), and school administration (principal, assistant principal or other assigned personnel as assigned by school administration – i.e., Attendance Coach, counselor, social worker, etc.).

At 7 days – unexcused absences:

1. Notices of a student's unexcused absences will be provided to the parent in accordance with the Law.
2. When a student accumulates seven unexcused absences, school personnel (teacher, social worker, principal, attendance coach, attendance clerk etc.) will contact the family via a phone call to notify the parent(s)/ guardian(s) of student attendance status. School personnel must note and log this activity and make any notation(s) deemed necessary.
3. School personnel facilitating this contact then communicates this to the Attendance Coach.
4. A 7-Day Absentee Notification letter will be generated and emailed to the parent or guardian's email address listed in PowerSchool. The school may also choose to mail the letter to the home address of the student.
5. The Student Success Plan and contract will be reviewed with the student and parent.

At 10 days – unexcused absences

1. Notices of a student's unexcused absences will be provided to the parent in accordance with the Law.
2. When a student accumulates 10 consecutive, unexcused absences, school personnel (teacher, counselor, principal, assistant principal, Attendance Coach) will contact the family

via a phone call to notify the parent(s)/guardian(s) of student attendance status. School personnel must note and log this activity in PowerSchool and make any notation(s) deemed necessary.

3. School personnel facilitating this contact then communicates this to the Attendance Coach.
4. At this juncture, a 10-Day Absentee Notification letter will be generated. The letter will be signed by school administration and mailed or hand delivered to the home address of the student. The ten-day letter will state the student will be disenrolled when the student reaches 10 consecutive days of unexcused absences.

Unexcused absences exceeding 10 days:

1. An “Absentee Truancy Packet” may be assembled and completed at this point. Once the packet is completed, the Attendance Coach will contact the Principal or Executive Director to review the packet to confirm that all mandated documents accompany the packet, including a chronological itinerary of interventions with parent(s)/guardian(s) and student of concern. The 10-Day Absentee packet will then be hand-delivered to the Juvenile Probation and Parole (Albuquerque) and the District Attorney’s Office (Bernalillo County).
2. If a student continues to accrue unexcused absences, exceeding the 10-day UNEXCUSED absence parameter set by the Attendance For Success Act for truancy, school personnel will log the non-attendance in PowerSchool, and then notify the registrar to drop the student for non-attendance.
3. These processes and procedures shall be used in accordance with School Board Policies and all laws.
4. Revision Dates: December 2018, February 2021, July 2022, June 2023
5. Applicable Forms: 3, 5, 7, 10-Day Absentee Notifications

Responsibility of the School

The school as a reporting agent has the responsibility of informing the parent/guardian of the student's non-attendance and of arranging parent conferences as necessary. As a rule, the following provision shall apply;

Loss of Academic Credit

Any student who accumulates **10** or more non-school related absences (unexcused) in a **SEMESTER** could have the credit for that class **denied**. This does not apply for students that have courses that are not completed. Credit is only applied to completed courses. This will remove the need for parent's guardians to succumb to the pressure to call and cover for their student. In order to have the credit reinstated the student and their parent/guardian will be required to submit a Request for Credit Reinstatement in order for an appeal hearing to be scheduled. The Parent/Guardian will appear before an attendance committee to develop a plan for possible reinstatement of credit. Unexcused absences cannot be appealed and will not be considered in reinstatement hearings.

The enforcement of this policy will be authorized by Pathways Early Career Academy’s Board of Directors. Pathways Early Career Academy has the ability to block access to courses if it is determined that credit will be lost for the semester due to a student missing 10 classes in a semester.

Attendance Team

The Attendance Team will serve as the Attendance Review Board. The purpose of the Attendance Review Board is to consider special cases where, due to unusual circumstances such as prolonged illness, terminal illness of a parent, necessary family travel , or other special circumstance where a student might need to be absent more than ten (10) days.

As schools are required to provide intervention strategies that focus on keeping truants in an education setting, parent student conferences should be in accordance with the three and five absentee notification letters. The school will employ interventions such as, but not limited to: parent meetings, attendance contracts and other applicable intervention strategies in order to remedy truancy issues. Another intervention that can be explored by the teacher/administrator at the parent teacher conference is referring the child and their families to local community-based programs. Reasons behind students missing school can then be more thoroughly explored as to the factor relating to issues with the child and the family.

SECTION 20 – EDUCATIONAL RECORDS

20.1 Educational Records to be maintained

Pathways Early Career Academy maintains the following educational records directly related to students:

- a. Academic Records
- b. Personal information records
- c. Disciplinary records
- d. Attendance records
- e. Health records
- f. Progress records
- g. Standardized testing records

20.2 Access to Education Records

Access to education records is limited to:

- a. Parents/guardians (custodial and non-custodial) of students under 16
- b. Parents/guardians (custodial and non-custodial) of students over 16 if the student is a dependent as defined by the Internal Revenue Service Code
- c. Students
- d. Officials of this school who have a legitimate educational interest
- e. State and local officials to whom information is required to be reported.
- f. Certain testing organizations.
- g. Accrediting organizations.
- h. Appropriate persons in connection with an emergency.
- i. Law officers serving subpoenas or court orders.
- j. Any person with the written consent of the parent/guardian if the student is under 18 or the student if over 18.
- k. A school or schools in which a student seeks or intends to enroll.

20.3 Proper Maintenance of Educational Records

- a. Pathways Early Career Academy requires that educational records be kept to an essential and relevant minimum. Records are reviewed at the end of each school year and non-essential or irrelevant material is deleted.
- b. Pathways Early Career Academy limits the right of access to education records to the

individuals identified above. If records contain information on more than one student, the right to inspect relates only to that portion of the record concerning that particular student.

- c. Records are available to both parents/guardians. In cases of divorce or separation, legal documents should be on file in the Executive Director's office if one parent/guardian is not to have access to the records.

Individuals have the right to challenge the contents of student records. Parents/guardians have the right to a hearing in the event there is incorrect information or inadequacies contained within the records. A formal request for a hearing should be made through the Executive Director.

SECTION 21 – AMERICANS WITH DISABILITIES ACT SECTION 504 COMPLIANCE

In order to fulfill its obligation under Section 504 and to be in compliance with the Americans with Disabilities Act, Pathways Early Career Academy recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices in the school system.

The school has specific responsibilities under the act, which include the responsibility to identify, evaluate and, if the student is determined to be eligible under Section 504, to afford access to appropriate educational services.

If the parent/guardian disagrees with the determination made by the professional staff of the school, he/she has a right to a hearing with an impartial hearing officer. If there are questions, please feel free to contact the Director of Academics, at telephone number 505-792-0306.

SECTION 22 – MANDATORY RESPONSES

Certain infractions require mandatory responses by school personnel. The consequences provided for any infraction are a minimum response. Severity of the offense will dictate the severity of the consequence.

ARSON	Restitution - Any Offense Long Term Suspension - Any Offense Legal Action - Any Offense
ASSAULT, AGGRAVATED	Short or Long Term Suspension - Any Offense Legal Action - Any Offense
BATTERY, AGGRAVATED	Short or Long Term Suspension - Any Offense Legal Action - Any Offense
BOMB THREAT	Long Term Suspension - Any Offense Legal Action - Any Offense
CHRONIC NON-PRODUCTIVITY	Short or Long Term Suspension - Any Offense
CONTROLLED SUBSTANCE DISTRIBUTION	Short or Long Term Suspension - Any Offense Legal Action - Any Offense
CONTROLLED SUBSTANCE POSSESSION	Short or Long Term Suspension - Any Offense

	Legal Action - Any Offense
CONTROLLED SUBSTANCE USE	Short or Long Term Suspension - Any Offense Legal Action - Any Offense
EXTORTION	Restitution - Any Offense Short or Long Term Suspension - Any Offense Legal Action - Any Offense
FIREARM VIOLATION	Expulsion for at least one year - Any Offense Legal Action - Any Offense
ROBBERY	Restitution - Any Offense Long Term Suspension - Any Offense Legal Action - Any Offense
THEFT	Restitution – Any Offense Short or Long–Term Suspension Legal Action – Any Offense
VANDALISM/GRAFFITI	Restitution – Any Offense Short or Long–Term Suspension Legal Action – Any Offense
WEAPONS POSSESSION	Long–Term Suspension Legal Action – Any Offense

SECTION 23 – STATE LAWS

County, city, state or federal ordinance prohibits all of the following acts. Some of the acts listed below have already been defined in this document. A reference is made after each act to the appropriate ordinance.

- Aggravated Assault (§ 30–3–2 NMSA 1978)
- Aggravated Battery (§ 30–3–5 NMSA 1978)
- Arson and Negligent Arson (§ 30–17–5 NMSA 1978)
- Assault (§ 30–3–1 NMSA 1978)
- Assault; Battery: – School Personnel (§ 30–3–9 NMSA 1978)
- Battery (§ 30–3–4 NMSA 1978)
- Bomb Scares Unlawful (§ 30–20–16 NMSA 1978)
- Breaking and Entering (§ 30–14–8 NMSA 1978)
- Bribery or Intimidation of a Witness (§ 30–24–3 NMSA 1978)
- Burglary (§ 30–16–3 NMSA 1978)
- Attendance for Success Act
- Computer Crimes (§ 30–16A–1 thru 30–16A–4 & 30–45–1 thru 7 NMSA 1978)
- Computer Use, Unauthorized (§ 30–45–5 NMSA 1978)
- Controlled Substance: possession prohibited (§ 30–31–23 NMSA 1978)
- Criminal Damage to Property (§ 30–15–1 NMSA 1978)
- Deadly Weapon on School Premises (§ 30–7–2.1 NMSA 1978)

Disorderly Conduct (§ 30-20-1 NMSA 1978)
Disruption / Public Meeting (§ 30-20-1 NMSA 1978)
Explosive Device (§ 30-7-19.1 NMSA 1978)
Extortion (§ 30-16-9 NMSA 1978)
False Alarm (§ 63-9D-11-1 NMSA 1978)
Free public schools: exceptions; withdrawing and enrolling: open enrollment (§ 22-1-4 NMSA 1978)
Indecent Exposure (§ 30-9-14 NMSA 1978)
Interference with Athletic Events (§ 30-20-18 NMSA 1978)
Interference with members of staff, public officials or the general public: trespass: damage to property; misdemeanors; penalties; (§ 30-20-13 NMSA 1978)
Larceny (Theft) (§ 30-16-1 NMSA 1978)
Possession of Alcohol by Minor (§ 60-7B-1 NMSA 1978)
Possessions of Concealed Deadly Weapon (§ 30-7-2 NMSA 1978)
Public Nuisance (§ 30-8-1 NMSA 1978)
Receiving Stolen Property (§ 30-16-11 NMSA 1978)
Robbery (§ 30-16-2 NMSA 1978)
Tampering with Evidence (§ 30-22-5 NMSA 1978)
Unlawful Carrying of Deadly Weapon (§ 30-7-2 NMSA 1978)
Unlawful Carrying of Deadly Weapon on school premises (§ 30-7-2.1 NMSA 1978)
Use of Telephone to terrify, intimidate, threaten, harass, annoy or offend; penalty (§ 30-20-12 NMSA 1978)

All violations of county, city, state and/or federal ordinance or law will be communicated to the appropriate law enforcement agency.

GRIEVANCE AND APPEALS PROCEDURES

Pathways Early Career Academy has established a fair procedure to ensure that all employees and parents may bring legitimate complaints and disputes to the appropriate authority in order to secure equitable solutions. The goal is to provide a fair procedure to resolve expeditiously, at the school level, problems that may arise affecting the welfare or working conditions of employees and the welfare of students.

In the event of a problem or dispute with school personnel, students, or parents, a parent may submit a complaint following the process described below. Careful documentation is critical to a successful process. Pathways Early Career Academy will use the following process for resolving issues:

Step 1 - The parent will make a good faith effort to work with the other party/parties to the dispute to resolve the conflict. This effort will consist of problem identification, possible solutions, selection of resolution, process for implementation of resolution, and scheduling a follow-up. Pathways Early Career Academy school administrative staff is available to assist in this process through mediation. If the issue is not resolved after a good faith attempt as outlined above, the parent may submit the grievance in writing to the Principal or Executive Director.

Step 2 - A parent with a complaint or grievance that was not resolved by Step 1 should present it to the Principal or Executive Director who will discuss it with the individuals involved and attempt to reach a satisfactory solution. If the grievance is not resolved to the satisfaction of the parent within five days of presentation to the Principal or Executive Director, the parent may proceed to Step 3.

Step 3 - The parent may make a written request, within ten days of presentation of the complaint or grievance to the Principal or Executive Director for a hearing with the Board of Directors. If a written request is not submitted in a timely manner, the grievance shall be considered resolved. If submitted in a timely fashion, the hearing before the Board of Directors will be held in closed session no later than the next Board meeting and a written decision provided to the parent within fifteen days thereafter. The complainant may request that the issue be discussed in a meeting open to the public; however, personnel matters will always be addressed in a closed session.

In the event that the complaint or grievance is considered an emergency by the complainant, or by the Executive Director, a special meeting of the Board of Directors may be called, within the requirements of the Open Meetings Act, if the complaint is also deemed to be an emergency by the President of the Board of Directors.

In the event that the complaint or grievance is directed towards the Principal or Executive Director, the parent may bypass Step 1 and proceed with Step 3 and present a written request containing the details of the complaint or grievance and a formal request for a hearing to the Board President. If the Board deems necessary, a closed hearing with all involved parties will be held to address the complaint or grievance.

Note: The Board of Directors reserves the right to have a hearing and to identify parties to be present for the hearing. The Board of Directors also reserves the right to make a decision based on the information submitted by the employee and the Administrator without a hearing. Throughout the grievance process, all documentation related to the grievance/appeal will be forwarded to appropriate individuals from one step to the next. Copies of documentation,

materials, etc., will be made available to the parent.

MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

The Homeless Education program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 USC 11431 et seq.). The McKinney-Vento Act was enacted to address the numerous barriers homeless children face in obtaining a free, appropriate public education. The program was originally authorized in 1987 and, most recently, reauthorized as Title X, Part C of the Federal No Child Left Behind Act of 2001. The Act ensures educational rights and protections for children and youth experiencing homelessness including the following:

- The right to immediate enrollment in school, even if lacking paperwork normally required for enrollment.
- The right to attend school in his/her school of origin (if this is requested by the parent and is feasible) or if the school is in the attendance area where the family or youth is currently residing.
- The right to receive transportation to his/her school of origin, if this is requested by the parent.
- The right to services comparable to those received by household schoolmates, including transportation and supplemental educational services.
- The right to attend school along with children not experiencing homelessness. Segregation based on a student's status as homeless is strictly prohibited.
- The posting of homeless students' rights in all schools and other places around the community.

Pathways Early Career Academy McKinney-Vento Liaison:
Keisha Matthews – kmatthews@pathwaysabq.org – 505-792-0306

TITLE IX NONDISCRIMINATION (BASIS OF SEX)/SEXUAL HARASSMENT POLICY

Adopted: September 19, 2021

- I. Purpose. The purpose of this policy is to articulate Pathways Early Career Academy's commitment to eliminating discrimination based on sex, including sexual harassment which is a type of discrimination, in any education program or activity offered by Pathways Early Career Academy. The School does not discriminate on the basis of sex in education programs or activities that it operates, or employment of individuals as prohibited by Title IX of the Education Amendments of 1972. Any person with questions about this Policy should contact the Title IX Coordinator or designee whose information shall be prominently listed on the School's website www.pathwaysabq.org
- II. Reason for Policy. The United States Department of Education recently adopted formal rules related to sexual harassment as prohibited by Title IX of the Education Amendments of 1972 (May 2020). These new regulations require additional procedures and policies related to programs using federal funds. The new law focuses on procedures for reporting, investigating and finding illegal sexual harassment as the term is defined by the rule. The School's governing body has always prohibited discrimination based on sex and sexual harassment in educational programs and activities implemented by it. This policy is intended to comply with the mandates of 34 CFR 106 and other provisions of Title IX.

III. General Statement of Policy. The School is committed to maintaining a safe school environment free from harassment and discrimination. The School prohibits discrimination based on sex and sexual harassment of students by other students, employees or other persons, at school or school sponsored or school related activities. No student will be excluded from participation in or denied the benefit of any educational program or activity operated by the School as a consequence of sexual discrimination or sexual harassment or retaliation for making complaints of sexual discrimination or sexual harassment as defined by Title IX.

IV. Definitions.

- A. *Discrimination based on sex.* Means conduct that excludes a person from participation in, denying the person the benefit of, or subjecting a person to unequal treatment under any academic, extracurricular, occupational training or other education program or activity provided by the School based on sex, e.g. disproportionate funding for athletic programs.
- B. *Sexual Harassment.* A form of sexual discrimination recently defined by the U.S. Dept. of Education as conduct based on sex that satisfies one or more of the following:
 - 1. An employee who conditions the provision of assistance, benefit, or service offered by a School program or activity or unwelcome sexual conduct “*quid pro quo*” (e.g. sexual favors in exchange for good grades);
 - 2. Unwelcome conduct that a reasonable person would consider so severe, pervasive and objectively offensive that it denies a person the ability to access her or his educational program or activity; or
 - 3. “Sexual assault,” “dating violence,” “domestic violence,” or “stalking,” each as defined by federal law.
- C. *School Program or Activity.* These terms include locations, events, or circumstances over which the School exercises substantial control over the individuals implicated in a complaint of sexual discrimination, harassment or retaliation. Title IX applies to all School’s programs or activities whether such programs/activities are held on or off campus, but not outside the United States. Offending conduct covered by these Procedures can occur by e-mail, over the internet, or other technologies, such as social media, if the School has the requisite authority to control the students’ conduct on these technologies.

V. Title IX Coordinator. The School’s governing body hereby authorizes the School’s Director of Academics as the School’s Title IX Coordinator. The Head Administrator shall designate an alternate Title IX Coordinator in the event a complaint is against the Title IX Coordinator or the designated Title IX Coordinator is unavailable to accept a complaint. The Title IX Coordinator should be contacted about inquiries regarding individual’s rights and protections afforded under Title IX. The Title IX Coordinator’s contact information along with this Policy shall be prominently published on the School’s website, in each student and employee handbook, employment applications, notices of employment opportunities and such other School publications as appropriate. The Title IX Coordinator will be responsible for coordinating the School’s efforts to comply with Title IX requirements and shall receive complaints of discrimination based on sex or sexual harassment, or retaliation.

VI. Grievance Policy Procedures. The School’s administration will publish notice of and adopt grievance procedures that ensure a prompt and equitable resolution of student and employee complaints alleging any action that would be a violation of Title IX provisions. Grievance procedures shall comply with the requirements of the U.S. Department of Education’s Final Rule on Sexual Harassment. 34 CFR Part 106. The grievance procedures shall include how to

report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, describe the investigation process, and how the School will respond to the complaint among other requirements. Parents and guardians as well as the Title IX Coordinator may file a formal complaint of sexual harassment, even if the student does not wish to file the complaint. Grievances and formal complaint processes will include reasonable prompt time frames for the process and any appeals. Procedures shall be consistent and comply with laws applicable to confidentiality, including FERPA.

- VII. Reporting. The School's procedures shall provide that any person may report sexual harassment or discrimination. The report may be made in person, by mail, telephone or email, using the Title IX Coordinator's contact information or by any other means that would result in the Title IX Coordinator receiving the complaint either verbally or in writing.
- VIII. School's Response Obligations. The School's procedures shall include prompt processing of complaints. In cases of sexual harassment complaints, the School will offer supportive measures to the alleged victim, even if no complaint is filed. All complaints will be investigated and if the alleged conduct does not constitute a violation under Title IX, the School must dismiss the complaint for purposes of Title IX, but it may still address the violation under other violations of the School's code of acceptable conduct. The School will provide remedies where a violation has been established, but not impose disciplinary sanctions without following the grievance procedures. The School requires Title IX Coordinators, investigators and persons who facilitate the requirements of this Policy to be free from conflicts of interest or bias against the complainant or respondent.
- IX. Employee Obligation to Report. Any school employee who learns of actions that may constitute discrimination based on sex or sexual harassment must report that information to the Title IX Coordinator. Employees have an independent legal duty to report child abuse and/or child neglect to the responsible legal authorities.
- X. Notification of Policy. The School will take affirmative steps to ensure that notices required under Title IX and this policy are posted timely, routinely updated, effectively located to ensure that students, parents, employees and others affected by this policy are given adequate notice of their rights hereunder. The policy shall be published once in a local newspaper within ninety (90) days of adoption, other publications by the School, employment applications, recruitment materials, enrollment policies, and in written communications to every student and employee of the School through the handbooks and relevant policy updates.
- XI. Training. The Head Administrator shall ensure that training is provided for all staff and students regarding rights afforded and obligations imposed pursuant to Title IX and its implementing regulations. This shall include training on the definition of sexual harassment as defined by Title IX regulations. Appropriate staff shall be trained in the investigation practices, grievance procedures, hearings and appeals processes, informal resolution processes and how to avoid conflicts of interest and bias. If training materials are developed by the School, they shall be maintained on the School's website.
- XII. Retaliation Prohibited. The School prohibits retaliation against any person who files a complaint, testifies or cooperates in a School conducted complaint proceeding.
- XIII. Periodic Evaluations. The School shall conduct evaluations of all its programs and activities no less frequently than every two (2) years, to ensure that this Policy is successfully implemented. The Head Administrator may recommend modifications to policies and procedures governing School programs and activities to ensure equal opportunities are available to all students regardless of sex.

**PATHWAYS EARLY CAREER ACADEMY STUDENT BEHAVIOR
HANDBOOK SIGN-OFF PAGE**

The undersigned parent/guardian and student state that:

- We have read Pathways Early Career Academy Student Behavior Handbook and understand its terms and conditions.
- We understand it is our responsibility to be aware of and adhere to all standards, rules, and requirements of the school.
- We agree to be bound by the terms, conditions, rules and standards of Pathways Early Career Academy Behavior Handbook.

Student Printed Name

Date

Student Signature

Date

Parent/Guardian Printed Name

Date

Parent/Guardian Signature

Date