



**7311 Glenrio Road NW
Albuquerque, NM 87121**

**La Academia de Esperanza Charter School
Student & Parent/Guardian Handbook
School Year 2021 - 2022**

Welcome to La Academia de Esperanza (LADE)! We invite you to join our school community and hope that you will value your experience at LADE. As you will see, we appreciate the unique character and circumstances of each student and their family, and want to work closely with you to ensure each student's success. The Student & Parent/Guardian Handbook was created to communicate important information to students and their families. It describes the school's mission and goals, what makes the school unique, and your rights and responsibilities as students and parents/guardians of LADE.

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Our Mission

La Academia de Esperanza (LADE) provides an educational environment specifically designed for students in Albuquerque that have yet to have their educational needs fully met. Our design reflects an understanding of the adversity and social emotional needs that can lead to difficulties in the conventional school setting. Our commitment to the dignity of each student creates a culture of acceptance for every student regardless of their educational history. We meet individual student needs through culturally relevant and sustaining curriculum, small class sizes, engaging extracurricular activities, and social emotional supports.

Tiger Pride!

Our Goals

1. We will create and maintain an educational culture that encourages success and makes self-actualization possible.
2. We will build and maintain the infrastructure necessary to bring excitement and life to student's futures.
3. We will involve students, their parents/guardians, and the community at large in the realization of the school's vision to preserve, strengthen and empower families.

The provisions of the Student & Parent/Guardian Handbook apply to all students:

- During regular school hours and/or on school property.
- During transportation of students.
- At times and places where appropriate school administrators and staff have jurisdiction including, but not limited to, school-sponsored events, field trips, athletic functions and other school-related activities.
- On the way to or from school or a school-related event.

Part I. La Academia de Esperanza: School Community

La Academia de Esperanza (LADE) wants every student to be an active participant in their education by setting their own goals and deciding how best to achieve those goals for their future. The students work closely with their teachers and other school personnel to create a plan that will prepare them for their transition from LADE. LADE has high expectations and clear standards as well as providing a caring, safe and supportive environment. LADE will implement the following programs and policies:

Student Advocacy Program

Each student is assigned one person (homeroom teacher or other student advocate) to follow that student through the entire school process. This person

meets regularly with a Multidisciplinary Support Team to review the student's progress and share information. Parents/guardians are encouraged to be a member of their child's Support Team.

Next Step Plans

Each student has a Next Step Plan, or an Individual Education Plan (IEP). It combines academic performance, transition goals and other general information regarding the student's school history. The plan is based on student and parent/guardian goals. It is reviewed annually.

Comprehensive Family Involvement

LADE fosters positive home environments and support systems by providing informational newsletters, parent/guardian education, volunteer training, group counseling, and home visits, as needed. We encourage participation by providing childcare during on-site meetings, conferences, and special events.

Community Service

LADE incorporates a program of social responsibility and contribution for students and staff that integrates community needs, existing agencies, academic studies and individual talents into an organized program of volunteerism.

Grading System

Student performance is graded on an *A, B, C, D, F* and *I* (Incomplete) basis using a 4.0 scale.

Comprehensive Curriculum

LADE offers a fully integrated experiential education to our student body that includes all core subjects. Every student has a textbook and/or digital instructional materials.

Credit Requirements for Graduation

The number of credits needed for graduation depends on the year you first entered high school and the particular high school you first attended. If at the time of your scheduled graduation date you are lacking .50 credit or less, you will be allowed to participate in the graduation ceremony and walk with your class. However, you will not receive your high school diploma until you have completed the required credit. You may attend summer school or one class in the fall to make up that credit. If you are lacking more than .50 credit, you will be required to attend the following fall semester, and you will not be allowed to participate in the graduation ceremony nor walk with your class.

Part II. Responsibilities and Rights

What are your responsibilities as a student?

Every student is responsible for helping maintain a safe, orderly and educationally efficient learning environment. Students are expected to:

- Attend school every day and be on time for every class.
- Resolve differences with others in a positive, non-violent way.
- Remain drug, alcohol and tobacco free.
- Follow the school dress code.
- Respect school property and the property of others.
- Respect fellow students and all school staff members.
- Comply with the standards of behavior for your classrooms, the school and while in attendance at school-sponsored activities.

What are your rights as a student?

School staff, students and their parents/guardians must work together to provide an educational setting that is safe, orderly and free from the disruption of teaching and learning processes. The following statement is intended to be consistent with the §§6.11.2 NMAC *PUBLIC SCHOOL ADMINISTRATION - STUDENT RIGHTS AND RESPONSIBILITIES* by the New Mexico Public Education Department (NMPED). In the event that any part of the handbook is not consistent with that Statement, the NMPED's Student Rights and Responsibilities regulation prevails. At LADE, students have a right to:

Educational Opportunity

A free public school education is available to every school-aged person, and each student who enrolls has a corresponding responsibility not to deny this right to any other student. LADE affords all students equal educational opportunities. Policy prohibits discrimination and harassment on the basis of ethnic identity, religion, race, color, national origin, sex, sexual orientation, mental or physical disability, marital status and pregnancy.

Leadership Opportunities

Students, parents/guardians, and teachers develop close relationships by collaborating in an interactive learning process. LADE holds communication between individuals and among groups as essential. Students are expected to assume responsibility for their learning and to work cooperatively with each other. Students are empowered to create and improve the quality of the school. Students are encouraged to:

- Participate in establishing and maintaining school rules and regulations including codes of conduct and creating a safe learning environment.
- Assume stewardship responsibility for the school and its grounds.
- Participate in the school's governance, as individuals and/or through representative governance, such as the Student Government and the Governing Council.

Freedom of Expression and Association

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.

Publications

Students are allowed to distribute political leaflets, newspapers and other literature on school premises, at specified times and places. Student publications are subject to prior restraint and censorship, and may not include materials that are obscene, libelous and/or discriminating.

Organizations and Clubs

Students may form clubs or organizations for any legal purpose. These organizations must be open to all students on an equal basis and must operate within procedural guidelines acting in concert with the Head Administrator. Each organization will have a faculty advisor who shall be appointed by the Head Administrator after consultation with the student group.

Student Dress

Students are encouraged to dress in a manner that demonstrates respect for themselves and for others. Although LADE encourages students to express themselves positively through dress, there are some restrictions. Attire or accessories that advertise display or promote any drug, including alcohol or tobacco, sexual activity, violence, satanic topics, disrespect and/or bigotry toward any group are not acceptable. Other forms of dress **NOT** acceptable include, but are not limited to:

- Gang related attire, including colors & bandanas
- R.I.P. shirts, etc.
- Short shorts and short skirts (must be fingertip length)
- Bare midriffs
- Low-cut and/or off-the-shoulder blouses
- Sleeveless shirts with low-cut arm holes without undershirts
- Spiked jewelry and chains
- Underwear that can be seen
- Bare feet
- Hats, caps, beanies, hoodies, etc.

Right to Privacy

Custody

Except in the most extreme circumstances, custody of a student shall not be relinquished by school personnel to any person without the approval of the

parent/guardian, or other appropriate authority, unless the student is placed under arrest. In every case of arrest, the school authorities must attempt to notify the student's parent/guardian. In a situation where there is a custody dispute, LADE will require copies of the document detailing the custody agreement.

Questioning

Interviews by School Administrators

When a violation of school rules occurs, the school's Head Administrator or designee may question potential student victims and witnesses without prior consent of the parent/guardian, or legal custodian. If a school official is investigating a report of child abuse regarding the student and the suspected perpetrator is a member of the student's family, no contact with the student's family will be made.

Interrogations by School Administrators

In situations where a student is suspected of violating school rules, the Head Administrator or designee may interrogate the suspected student if the school official has reasonable grounds to suspect that such a violation has occurred. The nature and extent of the questioning must be reasonably related to the objectives of the questioning and documented. If the student denies any involvement or culpability, the student has the opportunity to present his or her side of the story, orally or in writing.

Interviews and Interrogations by Law Enforcement Officers

Law enforcement officers may wish to interview students regarding their knowledge of suspected criminal activity and may wish to interrogate students who are themselves suspected of engaging in criminal activity. Except when law enforcement officers have a warrant or other court order, or when an emergency or other exigent circumstance exist, such interviews and interrogations are discouraged during the students' class time. The Head Administrators and/or designees have the right and the obligation to take reasonable steps to prevent disruption of school operations and the educational process while at the same time cooperating with law enforcement efforts. Accordingly, the Head Administrator or designee shall work together with law enforcement officers to coordinate efforts and minimize disruptions. Before any student interview or interrogation begins, the Head Administrator or designee shall ascertain that the law enforcement officer has proper identification.

Upon request by law enforcement to interview a student witness or interrogate a student suspect, school officials shall make an effort to notify the student's parent/guardian, or legal custodian except in cases involving investigation of reported child abuse of a student where the suspected perpetrator is a member of the student's family. However, whether or not to postpone the interview or

interrogation until the parent/guardian arrives is ultimately the law enforcement officer's decision.

Student records

Student records kept by the school will be open to review by parents/guardians and/or students and will be treated as prescribed by the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, New Mexico Public Education Department regulations, and other existing law. If there are apparent conflicts among the various statutes, the provisions of FERPA will prevail.

Student Lists and Directory

Firms or agencies must submit requests for student lists or rosters in writing to the school Head Administrator. Student directory information may be released without prior consent unless the parent/guardian or student informs the Head Administrator within a reasonable time period that any or all the information should not be released without prior consent. The Head Administrator will be responsible for approving and releasing student lists.

Search of Person or Vehicle

Vehicle Search

Search of a student's vehicle while parked on school property may be conducted only if a certified school employee or school security officer has reasonable suspicion that the student is committing a crime or breach of the disciplinary code. Two school staff must be present.

School Property

May be searched, with or without students present, when in the judgment of the Head Administrator or designee, the health, safety and general welfare of the student or school requires such action.

Physical Searches

To create a safe and effective school environment, LADE will routinely conduct a minimally intrusive search on every student before he or she goes to classes each morning.

Minimally Intrusive Searches

Searches are conducted daily. Students will also be required to empty pockets, backpacks and purses. A certified school employee or security officer may also search hats, socks and shoes of students, upon arrival to campus. Two school staff will be present for all searches.

More Intrusive Searches

Pat down, or frisks, will be conducted only when reasonable suspicion of a safety concern is evident. Only authorized persons of the same sex as the student being searched may conduct pat down, or frisk, searches. Two school staff that are of the same sex as the student must be present.

Seizure of Items

Illegal items or legal items which threaten the safety or security of others and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parents/guardians or returned to the student when and if the administrative authority deems appropriate.

Exposure to Controversial Issues

Students have the right to encounter diverse points of view. They have opportunities to hear speakers and view presentations representing a wide range of views in classes, clubs, and assemblies under guidelines established by LADE. If it is established that a student and/or parent/guardian objects as a matter of principle to participation in an activity assigned by school personnel, an alternative activity will be assigned without penalty or embarrassment of the student. LADE is committed to objectivity and the presentation of all sides of an issue. See LADE Controversial Issues Policy.

Part III. Parent/Guardian Responsibilities and Opportunities for Involvement

What are your responsibilities as a parent/guardian?

LADE and parents/guardians are partners in the process of educating their children. You share in this responsibility when you:

- Ensure that your child arrives to school on time every day. Punctuality and good attendance are family responsibilities.
- Provide a suitable time and place for your child to study at home.
- Make learning a priority.
- Maintain regular communication with your children's teachers, school administrators, and other school staff members.
- Participate in school conferences.
- Stay informed of your child's ongoing scholastic achievement and progress, and advocate for your child's learning needs.
- Participate in the development of the Next Step Plan and/or the student's Individualized Educational Plan.
- Understand the rules of La Academia de Esperanza.
- Support school administrators in enforcing these rules.
- Support the school as they maintain high standards of achievement and behavior for all students.

How can parents/guardians & community members further participate in our school community?

LADE invites parents/guardians, and community members to be involved in a wide variety of activities that are designed to improve communication, parenting skills, student learning, volunteering opportunities, school decision making and advocacy, and collaboration with the community. Opportunities for involvement include, but are not limited to:

- Attending family nights and counseling sessions
- Visiting the Parent/Guardian and Community Resource Center
- Participating in a home visit
- Volunteering your time and/or expertise
- Attending student performances
- Mentoring a student in your workplace
- Helping out with community service projects
- Presenting information about your job to students
- Attending Governing Council meetings

Part IV: Attendance Policy

Consistent class attendance by school age persons, at all grade levels, is an essential component in the learning process, in the development of self-discipline, and in preparation for post-secondary training, education and employment. It is also a requirement of the *Attendance for Success Act* (“ASA”), NMSA 1978 § 22-12A-1 (“Law”). The ASA requires schools, school districts and charter schools to classify each student into one of four attendance intervention tiers, based on the percentage of class period and school day absences. La Academia de Esperanza’s (LADE’s) Governing Council and Administration is responsible for the enforcement of this law.

LADE encourages parents/guardians to ensure that their child attends school. By doing so they will maximize their learning and increase their chances of having a successful academic career. The school understands families may need support to help their child succeed. The LADE Governing Council, Administration and Staff will work so that all concerned will be provided the guidance and resources necessary to ensure success.

LADE attendance policy has the following components:

1. On time attendance to scheduled classes is mandatory for students to derive maximum benefit from LADE’s instructional program.
2. Attendance will be taken in every class.
3. The parent/guardian will notify the school when the student will be absent by sending an email or calling the school.
4. LADE will contact parents/guardians informing them of their child’s absence when the school does not receive prior notification.

Tiers of Support

Tier 1: The Whole School Prevention Tier

- Students who have missed less than 5% of class or school days for ANY reason*.
 - LADE school attendance initiative includes, but is not limited to, phone calls, emails, attendance competitions, or other positive interventions/incentives.

Tier 2: The Individualized Prevention Tier

- Students who have missed 5% or more but less than 10% of classes or school days for ANY reason*.
 - Includes Tier 1 interventions. The student advisory team will communicate via phone call or email with student/parent/guardian/family of attendance history, the impact of student absences on academic outcomes, interventions, or services available to the student or family and the consequences of further absences. The school will document all attempts to notify parents/guardians.

Tier 3: The Early Intervention Tier

- Students who have missed 10% or more but less than 20% of classes or school days for ANY reason*.
 - In addition to Tiers 1 and 2, the attendance team shall notify the parent/guardian/family in writing of the student's absenteeism. Tier 3 requires a student/parent/guardian meeting with the student advisory team to develop an attendance intervention plan which includes strategies that focus on keeping the student in an educational setting. The specific written intervention plan for the student will include established weekly progress monitoring and a contract for attendance.

Tier 4: The Intensive Supports Tier

- Students who have missed 20% or more of classes or school days for ANY reason*.
 - In addition to Tiers 1, 2, and 3, the attendance team shall notify the parent/guardian/family in writing of the student's absenteeism. Tier 4 requires a student/parent/guardian/family meeting with school administration to establish non-punitive consequences at the school level, identify appropriate

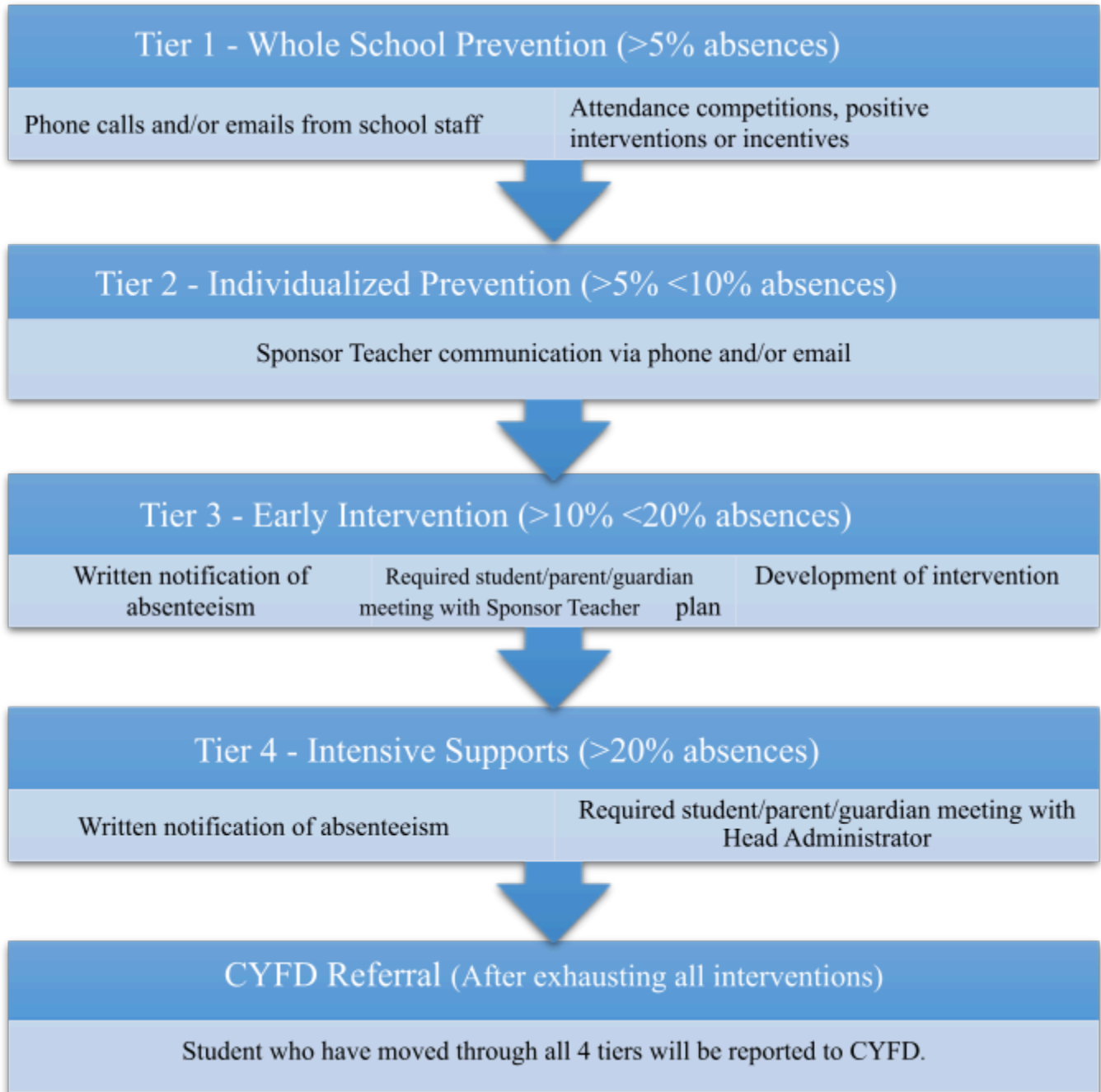
specialized supports that may be needed to help the student address the underlying causes of excessive absenteeism, and apprise the student and family of the consequences of further absences.

Students Referral to CYFD

- Students who have moved through all four tiers and continue to have excessive absences shall be reported to the judicial district in which the student resides (*Attendance for Success Act*, Section 22-12A-12.B.) after written notification to the parent/guardian/family.

Medical Absences

- Medical absences will not be counted as an absence if the status of the student is disclosed to appropriate school personnel and relevant documentation is provided.



Part V. Code of Conduct

The primary goal of discipline at LADE is to provide and maintain a safe, nurturing, affirmative, and appropriately challenging environment that promotes learning and positive personal growth. The LADE discipline policy is in compliance with the Public School Administration – Student Rights and Responsibilities, 6.11.2NMAC and is outlined in this LADE Student/Parent/Guardian Handbook.

Infractions

Certain infractions require automatic consequences. Consequences for misbehavior may include time spent in Bridges, community service, parent/guardian involvement, contracts, referrals, removal from class, conferences, mediation, referral for legal action, restitution, and suspension. The purpose of time spent in Bridges is to assist the student to successfully bridge themselves back into the classroom and school community.

A record of all disciplinary actions taken is documented in the student information system. An annual report of disciplinary trends is incorporated in the school's assessment measures.

Major Infractions

Following is a list of actions that are considered major infractions. They are unacceptable and prohibited by La Academia de Esperanza.

- Alcohol/Drugs
Student in possession of, using, selling/distributing alcohol or illegal drugs/substances or imitations.

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

- Bomb Threat
Falsely and maliciously stating to another that a bomb or other explosive has been placed in such a position that person(s) or property is likely to be injured or destroyed.

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

- Fighting/Physical Aggression
Actions involving serious physical contact where injury may occur (e.g., hitting, punching, hitting with an object, kicking, hair pulling, scratching, etc.)
 - *Assault, Aggravated*
Intending or performing assault and battery with a weapon, instrument or any means of force likely to produce bodily injury. This category includes sexual assault and/or offenses.
 - *Battery, Aggravated*
Employing hostile contact with any kind of weapon or causing great bodily harm.

- Firearm, Possession
Possession of a firearm or any other weapon that will propel a projectile by the action of an explosion. Possession includes not only on one's physical person but also custody and control.

- Gang-related Activity
Student initiates or participates in activities that are gang related, such as, but not limited to, tagging, throwing signs, talking about gangs in threatening way, recruiting gang members.

- Paraphernalia possession
Possessing any paraphernalia, such as but not limited to rolling paper, pipes, or bongos.

- Smoking
Student is in possession of/or using tobacco products or related paraphernalia.

- Sexual Harassment
Sexual harassment is a violation of federal law and LADE School Policy. Sexual harassment is also illegal under State Human Rights statutes and may be considered a criminal offense under state and local assault and child abuse laws. Sexual harassment is a form of gender discrimination as defined in Title IX of the Education Amendments of 1972. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and written or verbal conduct of a sexual nature. If behavior toward another student makes him or her feel intimidated, uncomfortable or threatened, it may be considered sexual harassment even if the harasser did not intend for his or her actions to be offensive.

- Sexual Misconduct
Sexual misconduct may include, but is not limited to, physical acts of aggression, force or threat against another student of the same or opposite sex, threatening to force or coerce sexual acts, including the touching of private/intimate parts, and coercing, forcing or attempting to coerce or force sexual intercourse. Although, sexual misconduct may be considered sexual harassment, these acts should also be reported to the Albuquerque Police Department and or Bernalillo County Sheriff.

- Language – Abusive/Aggressive
Inappropriate verbal messages directed at another individual in a threatening manner.

- Theft

Unauthorized possession and/or sale of property of another without consent of owner.

- Threats/Harassment/Bullying of Student or Teacher

Student delivers disrespectful message (verbal, gestural or written) to another person that includes threats and intimidation, obscene gestures, pictures, or written notes. See Anti-Bullying Policy in Section VI of this handbook.

- Trespassing/unauthorized presence

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

- Van/Vehicle Disruption

Deliberately or inadvertently interfering with the safe operation of a van which is stopped or moving, behaving in a manner adversely affecting an individual or any property on or near the vehicle itself, or at pickup areas.

- Vandalism/Property Damage

Student participates in an activity that results in substantial destruction or disfigurement of property.

- Weapon possession

Possessing a weapon such as but not limited to: a firearm, any type of gun, knife, club, explosive, spiked wrist band, chains or other item that may cause or is intended to cause injury or death. This specifically includes “look-alike” guns and knives, such as toys, if the “look-alike” object is used or intended to be used to intimidate, threaten, or cause fear.

- Weapon use

Use of any weapon or “look-alike” weapon to threaten, intimidate, injure, or kill any person. Possession as used herein includes not only possession on one’s physical person, but also custody and control. Thus, a student may be found in possession of any item if the item is in the student’s backpack, car or elsewhere, if subject to the student’s custody and control.

Possible Consequences for major infractions include:

- Contact Head Administrator
- Once a disciplinary matter has been elevated to the Head Administrator or designee, Parent/guardian involvement will be required, which may involve participation in the Parent/Guardian Involvement Program (*see below*).
- Time in Bridges
- Community service
- Mediation Process with threatened individual and/or victim (as appropriate)

- Other appropriate support people will be contacted and consulted (i.e. school social worker, private therapist, case worker, probation officer)
- Short-term out-of-school suspension, possible long-term suspension or expulsion
- Referral to outside agency or community resource
- Contact legal authorities
- Restitution

The *Parent/Guardian Involvement Program (PIP)* involves the student who committed a major infraction, and his or her parent/guardian, meeting with a social worker 3 consecutive weeks for 45 minutes. If a student and parent/guardian commit to the PIP in lieu of an out-of-school suspension and then do not complete the program, the student will have to serve the out-of-school suspension.

Minor Infractions

Following is a list of actions that are considered minor infractions. They are unacceptable and prohibited by LADE.

- Cell Phone/Pagers
Student's cell phones are not to be used in the classroom and the ring must be turned off. If a student's cell phone becomes a disruption to class, it will be confiscated by staff and a parent/guardian must pick the phone up after school.
- Cheating
Student is in possession of, having passed on, or being responsible for removing someone's else's work or has signed a person's name without that person's permission, or the student copies the work of another individual.
- Defiance of School Personnel/Authorities
Refusing to comply with any reasonable demand or request by any school official or sponsor at places and times where school personnel have jurisdiction.
- Disruptive Behavior
Inappropriate behavior that interferes with the teaching/learning process.
- Dress Code Violation
Student wears clothing that does not fit within the dress code guidelines practiced by the school.
- Electronic Devices
Electronic device (i.e., music player, pager, Gameboy) cannot be used in the classroom, except by permission of the teacher.
- False Alarm

Interfering with the proper functioning of a fire alarm system or giving a false alarm, whether by means of a fire alarm or otherwise.

- Failing to provide/surrender school identification
Student refuses to provide school ID to any public school personnel or activity sponsor upon demand. Refusal to identify self.
- Inappropriate Physical Contact
Sexualized physical touch that includes (but is not limited to) kissing, frontal hugs, touching of private body areas, etc.
- Language-Inappropriate
Inappropriate language that is not directed at another person.
- Materials, obscene
Displaying material that is indecent and has the potential of being disruptive.
- Refusing to Comply
Student refuses to comply with staff directives.
- Sleeping
Student disengages from class by sleeping.
- Tardy
Arrival after the bell rings.
- Truancy
Student out of class without permission.
- Walking Out of Class
Student leaves class without permission of teacher/staff.

Possible consequences for minor infractions include:

- Classroom intervention
- Preferential seating
- Time away from classroom
- Parent/Guardian Contact
- AM/PM, or lunch detention
- Community Service
- Mediation
- Contracts
- Prohibition from special events
- Referral to SAT team

In the case of a behavior infraction, the purpose of a consequence is for the student to evaluate his or her behavior and develop alternative actions. When this is not successful

and the behavior is demonstrated repeatedly, then the behavior will be viewed more seriously.

Bridges

The purpose of time spent in Bridges is to assist the student to successfully bridge themselves back into the classroom and school community.

Suspension

A suspension is the removal of a student from a class or classes and all school-related activities for any period of time. Suspension will include a range of responses from in-school suspension alternatives to long-term removals of one year or longer. The Head Administrator will provide written or verbal notification to each of a student's teachers and to the student's parents/guardians within one (1) school day of imposing any form of suspension. A student with an identified disability may not be suspended in excess of ten school days, cumulative, without an IEP review to determine whether the student's IEP is appropriate and whether the behavior(s) in question is a manifestation of the student's disability.

In-school suspension is defined as suspension from classes and all school related activities while remaining on campus. The student will be given the opportunity to make up any work that was missed.

Short-term suspension includes the removal of a student from classes and all school-related activities for a period of time ranging from a minimum of a few minutes not to exceed ten days. A student who has been suspended for a short term will be given a reasonable period of time to complete missed assignments and exams, and will generally be free from additional penalties.

Long-term suspension is defined as the removal of a student from school and all school-related activities for more than ten (10) days and up to the balance of the semester. A student receiving long-term suspension will lose credit for the semester. A long-term suspension will require a due process suspension hearing.

Suspension from extra-curricular activities may occur at the discretion of the Head Administrator for time periods up to one (1) full calendar year. Participation in extra-curricular activities is a privilege offered to and earned by students. Because participants are serving as representatives of their school and community, their conduct is expected to exemplify high standards at all times. Participants are expected to adhere to higher standards of academics and conduct established for the general school population in order to maintain their extra-curricular privileges. Participation in extra-curricular activities is not a student right, and suspension of such privileges does not require a due process hearing procedure.

Expulsion is a suspension from school for two semesters or more. It may be longer or even permanent. Generally, LADE wishes to limit suspension from school to no longer

than the end of the current semester. In some cases, there is a need to implement an expulsion as an extreme last resort for disciplining students who exhibit behaviors considered major infractions (see above). LADE may also recommend for expulsion any student who has been suspended long-term two or more times. A student receiving an expulsion will lose credit for the semester in which the expulsion occurs. A student must be given a due process hearing prior to expulsion. The student may, at his/her own expense, choose to be represented by an attorney at the hearing. Any student who has been expelled may petition for re-entry to LADE after one calendar year from the date of expulsion. Students desiring re-entry should submit a request in writing to the Head Administrator requesting a reconsideration hearing.

Suspension Hearings

Any student for whom the school is requesting long-term suspension has the right to a suspension hearing held before a hearing officer. It is the responsibility of the school to serve the parents/guardians with a written notice of the hearing and provide access to copies of evidence that will be used at the hearing at least 2 working days in advance of the hearing. The hearing shall be scheduled no sooner than five and no later than ten school days from the date of receipt of notice of the hearing. The student may, at his/her expense, choose to be represented by an attorney during any formal hearing, and call witnesses on his/her behalf. Students or their parents/guardians may waive the right to a hearing by signing a waiver. Expulsion hearings may not be waived.

School officials may not encourage the signing of waivers by saying or implying that hearing officers are likely to impose more severe discipline than school-based administrators. The burden of proving that the student violated a provision of the Student & Parent/Guardian Handbook or the Behavior Management Plan to the degree that a student must be suspended is the responsibility of school authorities.

Referral for legal action

Communication of any illegal act or action by a student will be forwarded to the appropriate authority or law enforcement agency. New Mexico law requires that, if any school employee has reasonable cause to believe that a child is or has been in possession of a firearm on school premises, the employee shall immediately report the child's actions to a law enforcement agency and the Children, Youth and Families Department.

Corporal punishment

Corporal punishment is defined as any disciplinary action taken by school personnel with the intention of producing physical pain. Corporal punishment will NOT BE USED as a disciplinary measure at LADE.

Disciplinary considerations for special education students

LADE will follow federal guidelines covering the discipline procedures to be followed for children with disabilities. These guidelines are outlined in the Behavior Management Plan.

Part VI. Anti-Bullying Policy

The Governing Council of La Academia de Esperanza (LADE) is committed to providing a safe, respectful and fear-free environment for all members of the school community. This includes all students, staff, parents/guardians, community partners, and visitors. The Council believes that preventing bullying is important in promoting a climate, which helps students learn, achieve high academic standards, and establish a positive educational environment. All participants in the LADE educational community should be aware of the Council's expectation of a safe school and work environment and should model this in their own behaviors. The Council directs the Head Administrator to establish procedures to implement this 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* their 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 and limit its prevalence. Procedures include consequences that apply to everyone involved.

LADE believes that providing an educational environment for all students, employees, volunteers, visitors 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. Therefore, harassment, intimidation or bullying is a form of dangerous and disrespectful behavior that will not be tolerated.

I. DEFINITIONS

1. "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 event. Bullying includes, but is not limited to hazing, harassment, written, electronic, damage to property, social exclusion, intimidating 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. Bullying can take place in all social context. Bystanders play a critical role in impacting bullying either positively or negatively.
2. "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
3. "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 district.

Harassment and Disability Harassment include but are not limited to:

- verbal acts, teasing, use of sarcasm, jokes;
- name calling, belittling;
- nonverbal behavior such as graphic or written statements
- conduct that is physically threatening, harmful or humiliating or inappropriate physical restraint by adults

4. "Racial Harassment" consists of physical or verbal conduct relating to an individual's race when the conduct:
 - Has the purpose or effect of creating an intimidating, hostile or offensive academic environment;
 - Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
 - Otherwise adversely affects an individual's academic opportunities.
5. "Sexual Harassment" means any unwelcome sexual advances, requests for 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:
 - when submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or
 - submission to or rejection of that conduct or communication by an individual is used to factor in decisions affecting that individual's education; or
 - 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.
6. "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:
 - any type of physical brutality such as whipping, beating, striking, branding, shocking or placing a harmful substance on the body.
 - 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 of harm or that adversely affects the mental or physical health or safety of the student.
 - 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.
 - any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, embarrassment,

shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.

- any activity that causes or requires the student to perform a task that involves a violation of state or federal law or district policies.

II. NOTICE OF PROHIBITION AGAINST BULLYING AND ANTI-BULLYING INTERVENTIONS

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

1. “Bullying behavior” by any student in LADE 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, 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. Under the circumstances, the result of the behavior will have the effect of:
 - placing a student in reasonable fear of physical harm or damage to the student’s property; or
 - physically harming a student or damaging a student’s property; or
 - insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school’s educational mission and/or the education of any student.

Students and parents/guardians 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.

2. All staff members will receive orientation at the beginning of each school year regarding the anti-bullying policy and their responsibilities regarding such behavior.
3. The anti-bullying policy will be available in the LADE student, staff and parent/guardian handbooks/documents.

III. 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 his/her designee.
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 completed in writing using the harassment, intimidation, bullying, or hazing complaint form. A copy of this form will be submitted to the Safe Schools coordinator.
5. The Head Administrator or his/her designee is required to accept and investigate all reports of intimidation, harassment or bullying.
6. The Head Administrator or his/her designee is required to notify the parent/guardian of the consequences that result from verified acts of intimidation, harassment, or bullying committed by the student.
7. If any person feels their complaint has not been addressed satisfactorily, they may file a written report directly to the Governing Council.
8. Retaliation is strictly prohibited. This includes, but is not limited to, actions against an individual who orally reports or files a written complaint regarding harassment, intimidation, bullying or hazing. This also includes any action taken against an individual who participates in/or cooperates with an investigation.
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) the school is *required* to notify the parent/guardian of a student who is a bullying victim of the action(s) taken by the school taken to prevent any further acts of bullying.

IV. INVESTIGATING INTIMIDATION, HARASSMENT OR BULLYING BEHAVIOR

The Head Administrator or his/her 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, the context in which the alleged conduct occurred and any other pertinent information will be included in the investigation.

1. The Head Administrator 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.

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 include other methods or documents deemed relevant by the investigator.

2. The school may take immediate steps to protect the complainant, students, teachers, administrators or other school personnel pending the completion of an investigation.
3. The investigation shall be completed as soon as possible. The investigator shall make a written report to the Head Administrator upon completion of the investigation. If the complaint involves the Head Administrator, the report shall be filed directly with the New Mexico Public Education Department - Educator Ethics Bureau. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. A copy of the completed report will be maintained by the district Safe School Coordinator.

V. CONSEQUENCES FOR BULLYING

Verified acts of bullying shall result in intervention by the Head Administrator and his/her designee. Such interventions will be made in alignment with the school's prohibition against bullying behavior.

1. 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.
2. 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 Head Administrator.

VI. CONSEQUENCES FOR KNOWINGLY MAKING FALSE REPORTS

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

VII. ANTI-BULLYING INCLUDED IN HEALTH EDUCATION CURRICULUM

"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 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, for all grade levels. All students need to be aware of bullying behavior. In later grades, students should be able to analyze those behaviors and role-play refusal skills.

Our curriculum recognizes the importance of teaching bully prevention skills to all grade levels.

VIII. THREATS OF VIOLENCE

1. Threats of violence toward other students, school staff, or facilities is 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 the Head Administrator. Such reports shall be investigated by the Head Administrator or his/her designee. All such reports are documented by the Head Administrator.
3. In cases of threats that may constitute a violation of criminal law, the Head Administrator or his/her designee shall notify law enforcement authorities.
4. Students 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 Director of Special Education regarding the appropriate process.

Part VII. Grievance Process

Discrimination

LADE does not discriminate on the basis of ethnic identity, religion, race, color, national origin, sex, sexual orientation, mental or physical disability, marital status or pregnancy. The grievance and hearing procedures set forth in this section shall be available to anyone who believes he or she has been discriminated against on the basis of the following criteria:

Gender Discrimination

LADE and federal law prohibit discrimination on the basis of gender. If students are treated differently based upon their gender in academic or

extracurricular activities, this treatment may be considered gender discrimination.

Sexual Harassment

Sexual harassment is a violation of federal law and LADE Policy. Sexual harassment is also illegal under State Human Rights statutes and may be considered a criminal offense under state and local assault and child abuse laws. Sexual harassment is a form of gender discrimination as defined in Title IX of the Education Amendments of 1972. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and written or verbal conduct of a sexual nature. If behavior toward another student makes him or her feel intimidated, uncomfortable or threatened, it may be considered sexual harassment even if the harasser did not intend for his or her actions to be offensive. Sexual harassment is considered to have occurred when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of the academic status of a student.
- That conduct or communication has the purpose or effect of substantially or unreasonably interfering with the education of a student by creating an intimidating, hostile, or offensive educational environment.

Disabilities

LADE affirms its commitment to the rights of students, parents/guardians, and employees with disabilities as set forth in the Individuals with Disabilities Education Act (IDEA) Section 504 of the Rehabilitation Act of 1973, the New Mexico Human Rights Act (NMHRA) and the Americans with Disabilities Act (ADA) and its implementing regulation. The school does not discriminate on the basis of handicap in admission, access, treatment, or employment.

Pregnancy

Title IX of the Education Amendments of 1972 prohibits discrimination against pregnant or parenting teens. Title IX views teen pregnancy as a “medical condition”, therefore, pregnant teens may continue in the program.

Violation of Student Rights

Students who believe that their rights have been violated should report their concerns to their parents/guardians, Head Administrator, or other appropriate school personnel. If the appropriate school personnel do not resolve the concern, a report should be made to the Governing Council.

Denial of Rights

Free public school education is a right guaranteed to a student. The courts have defined the basis on which the denial of that right is justified. That right may be denied in response to behaviors that threaten the safety and security of the school population, are illegal, or have the potential to disrupt the educational process. It is the intent of the Governing Council that every reasonable effort is made on behalf of the student's right to an education, even in the case of suspension or expulsion. Special education students must have an alternative program provided during any long-term suspension or expulsion.

Reports of Discrimination

Any report will be addressed in accordance with the appropriate procedures as specified in IDEA, Section 504, ADA, Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Age Discrimination Act of 1975, First Amendment, XIV Amendment, New Mexico Human Rights Act, or with the Public Education Department Regulation §§6.1.4 NMAC and any amendments made to these regulations, which are incorporated with this policy statement.

Internal Complaint Procedures

All students and parents/guardians of LADE are encouraged to resolve concerns with the school's Head Administrator. This enables the Head Administrator to take appropriate action to resolve any concerns promptly. If the Head Administrator is unable to address the concern, the student or parent/guardian is encouraged to seek assistance at the next highest level, the LADE Governing Council.

The Head Administrator is responsible for receiving oral and written reports of harassment and discrimination. If a student has knowledge of inappropriate behaviors and fails to contact the appropriate personnel, the student will be subject to disciplinary action. Students are responsible for reporting incidents of inappropriate behavior to the Head Administrator, teacher, or other school personnel. A student may also talk with his/her parents/guardians so that they can inform the school of the inappropriate behavior. Any school personnel who receive a report of harassment or discrimination shall immediately inform the Head Administrator. If the complaint is regarding a school employee, a student is encouraged to immediately contact the Head Administrator. If the complaint is about the Head Administrator, the Governing Council must be contacted. Any school personnel who fail to report incidents of harassment and discrimination will be subject to appropriate disciplinary action.

Who may file a complaint?

Any student or parent/guardian on behalf of the student who believes he or she has been discriminated against. These procedures do not deny any student or parent/guardian the right to pursue other avenues of recourse.

How do you file a complaint?

Contact the Head Administrator at LADE to report prohibited conduct. An Internal Complaint must be filed within 30 calendar days from the last day of the alleged discrimination, unless the time for filing is extended by the Head Administrator or Governing Council for good cause. All inquiries and internal complaints filed are confidential. Confidentiality also applies to the inquiry and investigative process of all investigations conducted by the administration of LADE.

Retaliation

No student will suffer retaliation or intimidation for participating in an inquiry or the internal complaint process. Retaliation against any student seeking assistance at their school, filing a complaint, or participating in the investigative process is grounds for a subsequent retaliation complaint. LADE will respect the privacy of the complainant, the respondent, and the witnesses as much as possible, consistent with our legal obligations to investigate, take appropriate action, and conform to any discovery or disclosure obligations.

Where do you file a complaint?

La Academia de Esperanza
7311 Glenrio Road NW
Albuquerque, New Mexico 87121
(505) 764-5500
swood@esperanza-pride.org

Appeal process

When LADE completes an internal investigation, the complainant and respondent will have the right to appeal the determination. If the complainant or respondent is not in agreement with the determination, he or she will have ten business days, from the date of the determination, to submit an appeal in writing to the Governing Council. The Council will inform the complainant or respondent of the decision of the appeal in writing within 15 business days. After the review, the internal complaint process has concluded. The timelines set forth in this policy may be waived or extended by the Head Administrator or Governing Council.

La Academia de Esperanza

Student & Parent/Guardian Handbook Policy Check List

School Community (Dress Code, Grading, Graduation & etc.)

Attendance Policy

Code of Conduct

Anti-Bullying

It is our wish that your child is successful in school. Please help support us in your child's educational process by reinforcing their adherence to this list and the Student & Parent/Guardian Handbook. As a commitment to the student's success the Parent/Guardian and the school agree to support the terms of this check list.

I, _____, have read and agree to abide by the policies found herein the Student & Parent/Guardian Handbook for the current fiscal school year.

Student's Signature

Date

I, _____, have read and agree to the support the policies found herein the Student & Parent/Guardian Handbook for the current fiscal school year.

Parent/Guardian Signature

Date