Pecos Cyber Academy
Middle School

Student Handbook
2025-2026

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Welcome to Pecos Cyber Academy Middle School!

We are delighted to welcome you and your family to Pecos Cyber Academy (PCA). This handbook has been created to provide students and parents/guardians with important information about our school community. By familiarizing yourselves with the guidelines outlined in this handbook, you can help ensure a safe and conducive learning environment for all.

Pecos Cyber Academy operates under the rules and regulations set forth by the New Mexico Public Education Department (NMPED). As such, PCA reserves the right to update the handbook as needed to reflect any new state regulations or district decisions. Should revisions occur during the school year, we will communicate these changes through channels designed to keep parents and students informed. You can always find the most current version of the handbook on our school website.

When we refer to "parents" in this handbook, we include legal guardians and those who have accepted responsibility for the student's educational matters. It is important for both parents and students to familiarize themselves with the Pecos Cyber Academy School Handbook, as it outlines policies adopted by the school board to promote safety and a positive learning environment.

We hope this handbook serves as a valuable resource throughout the school year. Please keep it for future reference, and don't hesitate to contact the school office at 505.886.3900 if you have any questions.

The administration and staff at PCA look forward to partnering with each of you to support your child's educational journey. We encourage you to become active participants in our school community and to help ensure its continued success.

Thank you for choosing Pecos Cyber Academy. Together, we can make this a rewarding and successful school year!

Mission Statement

The mission of Pecos Cyber Academy is to empower all students to embrace learning, achieve their personal best and build their emotional, social, and physical well-being through a quality virtual learning community.

Roles and Responsibilities

Learning Coach/Caretaker

At PCA, the term "Caretaker" or "Learning Coach" refers to the student's parent(s) or legal guardian(s) who enroll the student and meet enrollment requirements. These Caretakers/Learning Coaches are granted access to the Learning Management System(LMS) to perform their duties. They must sign the Parent/Learning Coach Acknowledgement (PLCA) during enrollment. A student may have more than one Learning Coach, as designated by the legal guardian.

Responsibilities:

- Provide an appropriate learning space for students
- Support Students in logging into their daily lessons
- Reviewing lessons
- Supervising and overseeing the student's daily work and activities
- Partnering and communicating with teachers

The parent/legal guardian retains full responsibility for the child's education and must be available for discussions with school staff as needed. Each student must have at least one Learning Coach over the age of 18.

Student

At PCA, students' job is to learn and do their best! Here's how they can do that:

- **Take Responsibility**: Be responsible for their learning by trying their best and staying focused. Attend required lessons and check-ins
- **Work Hard**: Put effort into their studies and activities.
- **Stay Engaged**: Pay attention in lessons and join in activities.
- **Ask Questions**: If they do not understand something, ask questions.

- **Improve and Use Their Strengths**: Work on areas where they need help and use their strengths to do even better.
- **Do Their Own Work**: Always complete their own assignments and follow the Honor Code (Appendix 1).

Pecos Cyber Academy School Information

Executive Director: Dr. Kim Hite-Pope	505.609.8197 khitepope@pecosca.us
Middle School Principal: Chelsey Coleman	575.689.8776 ccoleman@pecosca.us
Middle School Dean of Students: TBA	
Middle School Counselor TBA	
Middle School Parent Liaison: TBA	
Pecos Cyber Academy Website Staff information and Governing Council Support Services for Families	www.pecoscyber.org
Pecos Cyber School Hours	8:00 am to 3:30 pm
Technical Support for Computers	888.679.7740

School Schedule

PCA 2025 - 2026 School Year Calendar

Pecos Cyber Academy 2025-2026 CALENDAR

July 2025

M	T	W	TH	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

2 4

July 4 Observance July 4th
July 22 Board Meeting
July 28 First Day Teachers
July 30 1st Day of School
July 30 Student Release 12:30
July 31 Student Release 12:30

August 2025

M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

21 21

Aug 19 Board Meeting

September 2025

M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

21 21

Sept. 1 Labor Day Holiday
Sept 12 Student Release 12:30
Sept. 16 Board Meeting

October 2025

M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

23 23

Oct 10 Student Release 12:30
Oct. 21 Board Meeting

November 2025

M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

16 16

Nov. 4 Election Day
Nov. 18 Board Meeting
Nov 24 @ 12:30pm P/T Conference
Nov 25 @ 12:30pm P/T Conference
Nov. 26-28 Thanksgiving Break

December 2025

M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

15 15

Dec. 16 Board Meeting
Dec 19 Last Day of Semester 1
Dec. 22-31 Winter Break

Jan. 1-2 Winter Break
Jan. 5 Classes resume
Jan. 5 Student Release 12:30
Jan. 6 Student Release 12:30
Jan. 19 Martin Luther King Jr. Day
Jan. 20 Board Meeting

Feb 13 Student Release 12:30
Feb. 16 President's Day Holiday
Feb. 17 Board Meeting

Mar 13 Student Release 12:30
Mar. 17 Board Meeting
Mar 30-31 Spring Break

Apr 1-3 Spring Break
Apr 10 Student Release 12:30
Apr. 21 Board Meeting

May 19 Board Meeting
May 21 Student Release 12:30
May 22 Student Release 12:30
May 22 Last Day of School
May 25 Memorial Day

June 16 Board Meeting

January 2026

M	T	W	TH	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

19 19

February 2026

M	T	W	TH	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27

19 19

March 2026

M	T	W	TH	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

20 20

April 2026

M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	

19 19

May 2026

M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

16 16

June 2026

M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

0 0

98	Student Days	100	Staff

93	Student Days	93	Staff

Professional Dev. 60 hours
School hours 8:00AM - 3:00PM
Teacher hours 8:00AM-3:30PM

191	Days	193	Days

	First/Last Day
	Student Holiday
	Board Meetings
	Prof. Dev. - In Service
	Admin
	Counselors

Board Meetings

July 22, 2025	January 20, 2026
August 19, 2025	February 17, 2026
September 16, 2025	March 17, 2026
October 21, 2025	April 21, 2026
November 18, 2025	May 19, 2026
December 16, 2025	June 16, 2026

Staff Days 193 - Student Days 191

revised 4/29/2025

Required Instructional Hours

Students in New Mexico Public Schools are required to attend school for at least six and one-half (6.5) hours per day and follow the NMPED and Pecos Cyber Academy's approved calendar. School hours are 8:00 AM to 3:00 PM each day Monday through Friday.

Enrollment, Withdrawal, and Transfers

Kindergarten Admissions Policies

Consistent with state law, to be enrolled in kindergarten, a child shall be at least five (5) years of age prior to 12:01 a.m., on September 1, of the School year in which they are enrolling.

Enrollment After the Start of the School Year

Students may enroll after the start of the School year, provided there is space available in the School at the time of application. Families should contact the enrollment team at the school for details on the school's enrollment capacity at the given time of application or inquiry. Families enrolling mid-year are subject to all the same enrollment requirements as families that enroll prior to the start of the School year. Enrollment may be closed before the end of the School year if the School reaches its enrollment cap set by the Governing Council of the Charter School.

Dual Enrollment in Another K-12 Program

Because the School is a full-time program, students may not be concurrently enrolled in another public school on a full or part-time basis.

In certain special circumstances, it may be possible for a student to participate in a course or activity at another local school within the parameters described below. Seeking such permission should be initiated after the start of the PCA school year. The Learning Coach's decision whether or not to enroll in PCA should not be contingent on approval to participate in a course or activity at another institution.

Withdrawing from School

Learning Coaches withdrawing their student(s) should contact their homeroom/advisory teacher. Learning Coach must then complete the request to

withdraw form found on the school's website, pecoscyber.org under the Parent Portal and provide the following information: next school student will be attending, type of next school, and reason for withdrawal.

Students who are withdrawn from the school, whether by the Learning Coach **or** PCA, will not be eligible for re- enrollment at PCA for at least six (6) months after the withdrawal date. Students must obtain approval from a school administrator in order to re-enroll within six (6) months of the last withdrawal date.

Communication Requirements

Student and Staff Communications

All educational and/or school related communications with teachers, Executive Directors, or any school staff member are required to be conducted via the approved tools and platforms. All communications must be appropriate and remain educationally relevant.

External Video and Web Conferencing Services

PCA may use external video and web conferencing services and tools (e.g., Zoom) in addition to the Learning Management System. When using external communication services and/or tools students must comply with the expectations provided by their teacher, school policies and the Honor Code.

Communication Requirements

Families must maintain a working phone number and email address and promptly update the school with any changes. Communication is crucial in an online school environment. Both students and Learning Coaches are required to engage in regular synchronous communications with their teachers. The school may use phone calls, emails, and video conferences as forms of family communication.

Student and Teacher Communication

PCA expects students to have daily interaction with their teachers through a combination of phone calls, interschool email, LiveLesson sessions, face-to-face interactions, and daily assignments. All middle school students will be seen on camera at least once a week. Additionally, all students will interact synchronously (e.g., via phone, LiveLesson session, or other conferencing service) with a teacher to monitor academic progress and verify student learning. Success at Pecos Cyber

Academy depends on great communication and a strong partnership between students, Learning Coaches, and teachers.

Emergency Information

In the event of an emergency, PCA will send information through the school's Learning Management System, email or the school messaging platform.. Emergencies include anything that affects student access to classes, teachers, or the Learning Management System.

Assessments

It is essential that student performance is regularly assessed. PCA uses the following types of assessments to determine students' skill levels, to evaluate performance, assign educational plans, and to develop a permanent school record.

Interim Assessments

At the beginning, middle, and end of each academic year, the school will administer the STAR Math and Reading Assessments as well as other evaluation tools as pre-, mid-, and post-assessments to students in grades 6-8. These assessments provide instructional guidance for teachers and Learning Coaches, help teachers to construct and implement individualized instruction, and measure the student's academic gains over the year. These assessments are a requirement of PCA and NMPED.

Mandatory Testing

As required by the State of New Mexico all students attending a public school, including virtual school, must attend State Testing in person. The New Mexico Public Education Department (NMPED) sets the testing windows for all schools across the state. As required by the New Mexico Public Education Department, grade level designation is used to determine state assessments. PCA will provide testing locations throughout the state to provide a convenient way for families to take their students to the required testing. Attendance is mandatory. For more information on assessments, please see the school calendar on the website or reach out to PCA's District Test Coordinator assessment@pecosca.us.

Attendance

Pecos Cyber Academy follows the Student Success Act of New Mexico. Please see the school website for more information.

In the middle school virtual environment, attendance is determined by the following:

- Students logging into their virtual platform
- Attendance in the LiveLesson classroom
- Weekly check in meetings by the advisory teacher - conducted on camera in the LiveLesson classroom
- Completion of school required assessments with teachers:
    - STAR Reading
    - STAR Math
    - Interim Assessments
- Completion of assigned work

Students will be monitored on a weekly basis by their advisory teacher. Failure to meet the expectation in one or more of these areas will result in the student being entered into the attendance for success system in place at PCA which consists of the following:

- Tier 1: Whole School Prevention
- Tier 2: Individualized Prevention
- Tier 3: Early Intervention
- Tier 4: Intensive Support

Types of Absences

Absent means not in attendance for a class or school day for any reason, excused or not excused except for interscholastic extracurricular activities. Reasons for excused absences may include, but are not limited to, the following:

- **Health problems**—Students are unable to participate in schoolwork due to physical or mental health problems. If a student misses more than three (3) consecutive school days, the Learning Coach must send a written note or email message to the student's advisory teacher(s) documenting the health issue. The School will also require a doctor's note for absences of more than three (3) consecutive days related to health issues. Families can upload a

note for excused absences via the school website at pecoscyber.org and select the Parent Portal.

- **Other excused absences**—Examples of other reasons for excused absences include a family illness that requires the absence of the student, a death in the immediate family, religious holidays, family trips that can be taken only during the normal school calendar year (see the section on extended absences), court appearances requiring the student's attendance, attendance at special events of educational value that have been approved by a teacher, and other special circumstances that show good cause, have been approved in advance by the School's leader, and for which the family provides appropriate documentation as required by the School.
- **Unexcused absences**—Absences that are not approved by the School will be considered unexcused.

If a student is absent, the student is still responsible for completing all required lessons and assessments for the school term. It will be the student's responsibility to request make-up work and make appropriate arrangements to make up any tests missed due to absence.

Extended Absences

If a Learning Coach is aware that a student is going to be unable to complete their learning activities for more than three (3) consecutive school days, the Learning Coach should contact the teacher as soon as possible to inform the School of the planned absence. Students will still be expected to complete all the required work by the end of the course.

Grading Scale for Grades K-12

Grade	Grade %	Passing?
A	90-100	Yes
B	80-89	Yes
C	70-79	Yes
D	60-69	Yes
F	0-59	No

Pecos Cyber Academy Retention and Promotion Policy

Middle School Retention Process

Student retention is considered only if it benefits the student. Teachers identifying students with significant educational progress deficiencies will follow the Multi-Layer System of Supports. If a student does not make progress, they will be referred to the Student Assistance Team (SAT). The SAT, consisting of parents, teachers, administration, and other important stakeholders, will devise an academic plan for the student. Notification of possible retention must occur no later than the end of the second grading period (end of the first semester) if retention is anticipated.

No student will be retained without documented remediation/intervention strategies.

Decision to Retain

If a student is to be retained, the SAT will schedule a conference with the Principal, teacher, counselor, and Learning Coach, who will be notified of the conference. All factors will be considered, and all records reviewed, with significant points of view shared by all parties.

If a Learning Coach refuses to allow their child to be retained, they must sign a waiver indicating that the child's promotion is against the advice and recommendation of the certified school instructor and the Principal. This waiver will be placed in the student's cumulative folder.

Parents may request retention, and such requests will be reviewed and considered by the SAT before a final decision is made.

Pecos Cyber Academy Health Services Policy

Immunization

All students must present satisfactory evidence of commencement or completion of immunization in accordance with the immunization schedule and rules and regulations of the public health division in order to complete enrollment in PCA. Note, however, that a student may be exempt from the immunization requirement upon filing with the governing authority:

a. a statement or certificate signed by a licensed physician or certified nurse practitioner stating that the physical condition of the person seeking enrollment is such that immunization would seriously endanger the life or health of the person; or
b. an exemption granted by the public health division on the basis of:
    a. notarized affidavits or written affirmation from an officer of a recognized religious denomination that such child's Learning Coach are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or
    b. notarized affidavits or written affirmation from a Learning Coach that their religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or another immunizing agent.

Exemptions from obtaining the required immunizations are valid for a period not to exceed nine (9) months and will not extend beyond the end of the school year in which the child is currently enrolled.

In addition, children of military families eligible for enrollment in PCA shall be enrolled and conditionally placed in PCA for thirty (30) days while the student

obtains the required immunizations. For a series of required immunizations, students of active military families must obtain at least the first in the series of required immunizations within thirty (30) days of the date of enrollment.

If satisfactory evidence of commencement or completion of immunization or an exemption from immunization is subsequently determined to be invalid for any reasons and the student is unable to provide either valid satisfactory evidence of commencement or completion of immunization or a valid exemption from immunization, PCA will begin disenrollment proceedings.

Students' Rights to Self-Administer Certain Medications

Because students at PCA will attend school at home or another location other than a physical school building, students and/or their Learning Coaches are responsible for the administration of all required medications and treatments. This responsibility will also extend to any medication that needs to be administered at in-person events such as learning events.

Wellness Policy and PCA

Pecos Cyber Academy is committed to the optimal development of every student. The school/district believes that for students to have the opportunity to achieve personal, academic, developmental, and social success, we need to create positive, safe, and health promoting learning environments at every level, in every setting, throughout the year. Pecos Cyber Academy has developed and implements wellness policies that are supported, monitored and maintained by the district, with regulations, and exhibits to ensure all students have equitable learning environments that help meet their academic potential and enjoy lifelong health.

Pecos Cyber Academy Wellness Policy addresses the components of a Coordinated School Health Model approach to student health and well-being, ensuring environments and opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. Specifically, the policy and regulations establish goals and procedures to ensure that:

1. Ensure that identified staff at each school campus provide oversight in fulfilling the district's wellness policy

2. A School Health Advisory Council (SHAC) is established at the district and school levels
3. Develop goals within the regulation that address:
    a. Nutrition and nutrition education;
    b. Physical activity;
    c. Physical education;
    d. Health education; (High School Course)
    e. Behavioral health;
    f. School safety
    g. Staff wellness and professional learning

Pecos Cyber Academy has developed a plan, measuring the implementation and evaluation of the wellness policy and supporting regulations and exhibits. In addition, the district has taken actions to continue to develop and monitor opportunities for students, families, and community to enhance the wellness culture of the district and schools, meeting the Public Education Department Wellness rule 6.12.6 NMAC:

- Students have opportunities to be physically active before, during, and after school;
- Schools engage in nutrition and physical activity promotion and other activities that promote student wellness;
- School staff are encouraged to supported to practice healthy nutrition and physical activity behaviors in and out of school;
- The community is engaged in supporting the work of the school in creating continuity between school and other settings for students and staff to practice lifelong healthy habits; and
- The District establishes and maintains an infrastructure for management, oversight, implementation, communication about, and monitoring of the policy and its established goals and objectives.

A comprehensive school district wellness policy is essential to the academic success and lifelong well-being of students and staff at Pecos Cyber Academy. The intent of a wellness policy is to create a learning environment that allows students and staff to achieve their full academic potential and enjoy lifelong health, while meeting the Public Education Department Wellness Policy rule 6.12.6.6 NMAC and

the requirements of Section 204 of Public Law 108-265-June 30, 2004- Child Nutrition and WIC Reauthorization Act of 2004.

Services for Special Populations

Federal law requires PCA to provide its students, regardless of disability, with an equal opportunity to participate in and benefit from the school's education program. PCA is committed to providing its students with equal access to its education program. We provide students with accessibility through resources tailored to each student's individual abilities and needs, including assistive technologies and individualized support.

Individuals with Disabilities Education Act (IDEA) Eligible Students

Enrollment Requirements

At the time of enrollment, all Learning Coaches who indicate their students have special needs are asked to submit a copy of the student's most recent Individualized Education Program (IEP). It is important that the IEP is current and complete, and that any educational assessments and evaluation reports that support the IEP are also submitted. The most current Multidisciplinary Evaluation report is also requested. PCA will do a records request with all previous schools to attain all records related to special education services. Once records are received, they will be reviewed by the Special Education Department and a case manager will be assigned at that time. Classes may be changed at this time to reflect services on the current IEP. A student's IEP will be amended or accepted within thirty (30) days of enrollment to reflect the needs of the virtual environment. Any related services indicated on the IEP will also be scheduled to start with the time indicated on the schedule of services on the IEP.

During the School Year

All teachers have access to the Special Education Program containing a student's IEP. All staff will be notified that a student has an IEP and that accommodations/modifications will need to be implemented. Student's goals and objectives will be monitored and progress reported to the parents as indicated on the IEP. The point of contact for parents pertaining to anything related in the IEP

is their Special Education Case Manager. For typical classroom questions, students/parents will contact the teacher of the classroom.

Conducting IEP Meetings

The special education team plans for and schedules all annual reviews and other IEP-related meetings. The case manager is the point of contact for all things related to special education. A parent/guardian can ask for an IEP meeting at any time during the school year to review the IEP. Although typically held virtually, the IEP meetings occur in compliance with all state and federal laws.

Special Education and Related Services

According to their IEPs, some students qualify to receive special education and related services. Due to the virtual nature of the school, the services are typically provided virtually over the internet with real-time conferencing software. The IEP team ensures the service is provided in compliance with the IEP. The team locates and secures the provider and handles all contracting and financial issues.

New Referrals

Throughout the year, both teachers and Learning Coaches may detect that a student is having difficulties with learning and they may believe there could be a need for individualized intervention strategies. If this is suspected, the teacher will first help the Learning Coach implement a series of interventions through the district MLSS process. If those documented strategies are unsuccessful, they will then refer the student to the School's Student Assistant Team (SAT). This team will meet and suggest additional strategies and considerations, and they will also work to gather more information about the student's learning history and profile. If after all the recommended strategies are unsuccessful, the team (along with the Learning Coach) will consider a referral to the school's special education team. Once the team receives a referral, they will begin the process of determining if the student is in need of a special education evaluation. PCA will keep the parent/guardian informed during the process.

Reevaluation

A reevaluation of a child with a disability must occur at least once every three years, but not more than once a year, unless the parent and the LEA agree otherwise. A reevaluation must also occur before changing a child's eligibility to receive special education services except as noted in the NMTEAM, IDEA, or

NMAC. The evaluation team will inform the parent/guardian that a reevaluation is due. The REED (Review of Existing Evaluation Data) must be part of any reevaluation process. An IEP team will meet to determine if the student continues to qualify as a student with a disability and is in need of specially designed instruction or no longer meets the eligibility requirements. This meeting is called an EDT meeting.

Rehabilitation Act of 1973: Section 504 Eligible Students

Enrollment Requirements

The Learning Coach of students with Section 504 plans seeking to enroll in the School are asked to submit a copy of the Section 504 plan during the enrollment and academic placement process.

When a student enters the School with a Section 504 plan developed by a prior school, the School will review the plan and supporting documentation and comply with Section 504.

During the School Year

At the beginning of the school year, the 504 Coordinator ensures that teachers have access to a student's 504 Plan. The teachers are made aware of each student's special learning needs and are given guidance on how to make the necessary program accommodations. Students who have Section 504 plans will participate in the regular education environment, with the use of supplementary aids and services. The regular education teachers (with the support of the Section 504 coordinator) will implement the provisions of Section 504 plans. Due to the virtual nature of the School, the services are typically provided virtually over the internet with real-time conferencing software. The 504 Coordinator ensures the service is provided in compliance with the student's Section 504 plan.

Reevaluation

The school will follow the state procedures for periodic reevaluation of students, consistent with the requirements of Section 504. Transitions from primary grades to intermediate grades, elementary school to middle school, and middle school to high school are often appropriate times to review and update a student's Section 504 plan. For students who enter the school with an existing Section 504 plan, the schedule for the reevaluation will be determined by the Section 504 coordinator based on the following: how recently the plan was developed, the appropriateness of the plan for the virtual school setting, changes to the student's impairment, etc.

New Referrals

Throughout the year, both teachers and Learning Coaches may detect that a student is having difficulties with learning, and they may believe there could be a need for accommodations and modifications, supplemental aids and services as required under Section 504.

If documented strategies are unsuccessful, the student will be referred to the school's Student Assistance Team (SAT). Teachers and Learning Coaches will implement a series of interventions through the district MLSS process.This team will meet and suggest additional strategies and considerations, and they will also work to gather more information about the student's learning history and profile. They may even consult with a member of the special education team and/or Section 504 Committee. If all the recommended strategies are unsuccessful, the team (including parent/guardian) will consider a referral to the school's special education team and/or Section 504 Committee. Once the team receives a referral they will begin the process of determining if the student is in need of evaluations and/or a Section 504 plan.

Gifted Students

If you would like your student to be assessed for the gifted program, please contact your advisory teacher. PCA will be screening students for the gifted program and will be communicating with families if the student meets the screening score criteria. If a student is identified as one for further evaluation, a meeting will be held to get consent to evaluate. The scores from the evaluation will be shared in an eligibility meeting where all members will have a voice as to meeting eligibility. Once eligible for a gifted IEP, students will be assigned a case manager

who will work with the family to develop the gifted program to serve the individual needs of the student. Part of the gifted program in the elementary and middle school is meeting with like minded peers once a week to work on gifted goals and objectives. In high school, a gifted student is able to choose to take a gifted seminar for a credit. For advanced placement in academic classes, the gifted team may ask for data to support the request.

PCA Student Dress Code

Students and parents/learning coaches are responsible for the dress and grooming of students.

Approved dress and grooming:

- During all in-person student events and LiveLessons, students must wear clothing including both a shirt and pants, skirt, short, or the equivalent. All students attending field trips/events must also wear shoes.
- Shirts and dresses must have fabric in the front and on the sides.
- Clothing must cover undergarments.
- Fabric covering all private parts must not be see-through.
- Hats and other headwear must allow the face to be visible and not interfere with the line of sight to any student or staff. Hoodies must allow the student's face and ears to be visible to staff.

Not-Approved Dress and Grooming:

- Clothing may not depict, advertise, or advocate the use of alcohol, tobacco, marijuana, or other controlled substances.
- Clothing may not depict pornography, nudity, or sexual acts.
- Clothing may not use or depict hate speech targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, political beliefs, or any other protected groups.
- If the student's attire or grooming threatens the health or safety (e.g., attire that is affiliated with a gang) of any other person, then discipline for dress or grooming violations should be consistent with discipline policies for similar violations.

All persons who are visible during student LiveLessons should adhere to the student dress code. This applies to parents, Learning Coaches, siblings, or others within view of the web camera.

Drug, Alcohol, and Tobacco-Free School

PCA maintains a drug-free, alcohol-free, and tobacco-free environment. Use of these substances is prohibited at all face-to-face school events and activities, including learning events, testing, and graduation ceremonies. This policy applies to all members of the school community, including students, families, teachers, staff, and visitors.

Specifically:

- The use of tobacco (including smoking, chewing, or snuff), alcoholic beverages, and illegal or controlled substances is strictly prohibited on school premises or at school events.
- Selling or distributing tobacco, drugs, or drug paraphernalia is also prohibited.
- Students found under the influence of or in possession of these substances will have their Caretakers and local authorities notified.
- Non-student members found violating this policy will be asked to leave the event, and local authorities may be contacted.

Students and other community members who violate this policy will face disciplinary action or removal from the event, as per school policies and state laws.

Bullying and Other Forms of Prohibited Behavior

PCA is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students, and encourages the promotion of positive interpersonal relations among members of the school community.

This policy applies to all school-related activities and/or engagements, including, but not limited to, online school-related activities such as LiveLesson sessions, participation in clubs and activities, WebMail messages or interschool email, text messages, discussions, telephonic communications, and message boards; and in-

person activities, such as state testing, learning events, open houses, and any other in-person school-related activities on school property. This policy also applies to those activities or engagements which occur off school property if the student or staff member is at any school-sponsored, school-approved, or school- related activity or function, such as learning events or events where students are under the School's control, or where the prohibited behavior is facilitated through the use of any school property or resources (collectively referred to in this policy as "School Activities").

Harassment, intimidation, bullying, cyber-bullying, and/or hazing toward any member of the school community at School Activities, whether by or toward any student, staff, Learning Coach, Caretaker, or other third parties, is strictly prohibited and will not be tolerated. Examples of such prohibited behavior include, but are not limited to, stalking, bullying/cyberbullying, intimidating, menacing, coercion, name-calling, taunting, making threats, and hazing. This prohibition includes aggressive behavior; physical, verbal, and psychological abuse; and violence within a dating relationship. These types of behavior are forms of intimidation and harassment and are strictly prohibited, regardless of whether the target of the prohibited behavior are members of a legally protected group, such as sex, sexual orientation, race, color, national origin, marital status, or disability.

When in doubt whether a particular suspected behavior is prohibited behavior, you are urged to rule on the side of caution and report your concerns to the appropriate school official, as provided for in this policy.

Procedures for Bullying

The School Administration (and Governing Council, if applicable) will not tolerate any gestures, comments, threats, or actions which (i) cause, threaten to cause, or, an objective and reasoned person would find was intended to cause bodily harm or personal degradation, or (ii) creates, or an objective and reasoned person would determine was intended to create an intimidating, threatening, or abusive environment for any student, staff member, member of the administration, Learning Coach, or other third-party.

Any student or student's Learning Coach who believes that student, any other student, or other third-party, has been or is the recipient of any of the above-described prohibited behaviors should immediately report the situation to the

School Counselor, Executive Director, Principal, AdvisoryTeacher or to local law enforcement authorities when the activities are outside of School Activities as defined above. The student may also report concerns to teachers and other school staff who will be responsible for notifying the appropriate school administrator. Complaints about prohibited behavior against the Executive Director should be filed with the Board President.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be prohibited behavior. Reports may be made to those identified above. If a student or other individual believes there has been prohibited behavior, they should report it and allow the administration to determine the appropriate course of action. Any teacher, school administrator, or school staff member who does not timely make a written report of an incident of prohibited behavior shall be subject to appropriate disciplinary action in accordance with the School's disciplinary process.

All complaints about prohibited behavior shall be kept confidential to the extent possible under the circumstances and be promptly investigated. The Executive Director or appropriate administrator shall prepare a written report of the investigation upon completion. Such a report shall include findings of fact, a determination of whether any prohibited behavior(s) were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action, shall be in the report. Where appropriate, written witness statements shall be attached to the report.

When the target of the prohibited behavior is a student, the School shall provide that student with a written copy of the rights, protections, and support services available to them.

If there is any evidence that the student has experienced physical harm as a result of the prohibited behavior, the School shall promptly communicate that information to the appropriate personnel, including, but not limited to, emergency personnel and /or law enforcement.

If the investigation finds an instance of harassment, intimidation, bullying, dating violence, or any other prohibited behavior has occurred, it will result in prompt and appropriate remedial and/or disciplinary action in accordance with the School's disciplinary process. This may include up to discharge for staff; exclusion for

Learning Coaches, guests, volunteers, and contractors; and removal from any official position and/or a request for a Board member(s) to resign. Individuals may also be referred to law enforcement officials. Remedial and/or disciplinary action for staff will follow the procedures outlined in the Employee Handbook. Remedial and/or disciplinary action for students will follow the procedures outlined in the Student Handbook.

- Disciplinary action for students involved in acts of bullying may include the least restrictive means necessary to address a hostile environment resulting from harassment, bullying, or cyberbullying that may include:
- Counseling
- Mediation
- Development of a student safety support plan for protection of targeted students
- Progressive discipline as defined above.

Prior to taking any remedial or disciplinary action against a student, the school will consider surrounding circumstances such as, the nature of the incident, developmental age of the student responsible for bullying as well as, the student who has been the subject of bullying and any history of problems or behavior

When appropriate, the target(s) of the prohibited behavior (and/or such target(s) Learning Coach(es)) shall be notified of the findings of the investigation, and, when appropriate, that action has been taken. In providing such notification care shall be taken to respect the privacy of the accused perpetrator of such harassment, intimidation, bullying, and/or dating violence.

If after investigation the act(s) of prohibited behavior by a specific student is/are verified, the Executive Director or appropriate administrator shall notify in writing the Learning Coach of the perpetrator of that finding. If disciplinary consequences are imposed against such a student, a description of such discipline shall be included in the notification.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of harassment, intimidation, bullying, dating violence, or any other prohibited behavior will not be tolerated, independent of whether a complaint is substantiated. Such retaliation shall be considered a serious violation of school

policy, and suspected retaliation should be reported in the same manner as prohibited behavior. Making intentionally false reports about prohibited behavior will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

Complaints

Students and/or their Learning Coach may file written reports regarding any suspected prohibited behavior by sending a webmail to the homeroom teacher and/or the Principal or Executive Director. Such reports should be reasonably specific including the person(s) involved, number of times and places of the alleged conduct, the target of the suspected prohibited behavior(s), and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the Executive Director for review, investigation, and action.

Students and/or their Learning Coach may make informal complaints of conduct that they consider to be prohibited behavior(s) by verbal report to a teacher, Executive Director, or other school personnel. Such informal complaints shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected prohibited behavior, and the names of any potential student or staff witnesses. This written report shall be promptly forwarded by the school staff member and/or administrator to the Principal for review, investigation, and appropriate action.

Privacy/Confidentiality

The School will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the School's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

Bystanders

Bullying and cyberbullying (both referred to here as "bullying") involves not only those who are bullies and their victims, but also the bystanders who are witnesses. PCA recognizes that bystanders may be negatively affected by bullying, but that they also have the potential to play a positive role in responding to it. A bystander

could be a person who is not the direct target of a virtual attack, but is part of a communication chain; e.g. copied on an email.

Bystanders may be negatively affected in the following or other ways:

- be afraid of being associated with the victim of bullying for fear of becoming a target of the bully themselves
- feel discomfort or fear at witnessing bullying
- feel guilt, helplessness, or loss of control for not standing up to the bully
- be drawn into the bullying behavior by group pressure
- or feel unsafe in the situation
- not withdrawing from online activities for fear of becoming the target of bullying.

Conversely, bystanders may be able to help victims of bullying by doing the following:

- Ask for help from a trusted adult such as a teacher, Executive Director, or other school official.
- Help the person being bullied: create a distraction to focus attention on something else; try helping the person who is being bullied leave the scene by telling him/her that an adult needs to see them, etc.
- Don't give bullying an audience: bullies are often encouraged by the attention they receive, so don't support them by watching.
- Set an example: do not bully others; don't encourage bullies; create posters against bullying; join an anti-bullying club; tell a bully that their actions are not funny.
- Be a friend to the person being bullied.
- Spend time with the person being bullied: talk to them; listen to them; tell them you think that bullying is bad; tell them to talk to a trusted adult for help.

PCA's expectation is that student bystanders will report bullying to a school official or other appropriate adult in a timely manner. If it comes to the attention of the Executive Director or staff that a student bystander did not report bullying, the School will initiate a conversation with the student regarding the School's expectations for bystanders to report bullying. Second and subsequent

occurrences of non- reporting of bullying may subject the student to more serious disciplinary action.

Additionally, if it is determined by the Executive Director that a student who was initially a bystander became actively involved in the bullying, s/he may be subject to disciplinary action for bullying as described in section *9.3 Discipline and Due Process for Students* in this handbook.

Discipline and Due Process for Students

All students enrolled in PCA are expected to adhere to the school's rules, and Learning Coaches are expected to support school staff in maintaining these standards of conduct. The student codes of conduct are detailed in this handbook, ensuring that students receive due process as mandated by the 14th Amendment to the Constitution.

Prohibition of Racialized Aggression and Prohibition of Discipline Related to Race, Religion or Culture

Pecos Cyber Academy shall not allow for the imposition of discipline, discrimination or disparate treatment against a student based on the student's race, religion or culture or because of the student's use of hairstyles or cultural or religious headdresses. Racialized aggression, defined as any aggressive act that can be characterized, categorized or that appears as such to be racial in nature, is prohibited. As used in this section:

- "cultural or religious headdresses" includes hijabs, head wraps or other headdresses used as part of an individual's personal cultural or religious beliefs;
- "protective hairstyles" includes such hairstyles as braids, locks, twists, tight coils or curls, cornrows, bantu knots, afros, weaves, wigs or head wraps; and
- "race" includes traits historically associated with race, including hair texture, length of hair, protective hairstyles or cultural or religious headdresses.

Statutory Reference, NMSA 1978, Sections 22-5-4.3 (2021) and 22-8B-4 (2021).

- The above passage was approved by PCA`s Governing Council on 11/16/2021 and will be placed in the PCA student handbook upon NMPED approval.
- Staff will be provided virtual training 1/3/2022 on Culturally Responsive Classroom Strategies Power Point, Cultural Competence and Racial Bias, Diversity Awareness Staff to Student, Making Schools Safe and Inclusive for LGBTQ Students, Making Schools Safe and Inclusive for Transgender provided by Vector

Location of Virtual meeting with Governing Council and stakeholder on 11/16/2021 at 4pm.Public Comment was given.

- Discipline PCA shall strive to provide and maintain a safe, fair, affirmative, and appropriately challenging environment that promotes learning and positive personal growth. Disciplinary measures shall be aimed toward assisting each student in the development of self-control, social responsibility, and the acceptance of appropriate consequences for his or her actions. PCA's Governance Board shall not permit or allow for the imposition of discipline, discrimination or disparate treatment against a student based on the student's race, religion or culture or because of the student's use of hairstyles or cultural or religious headdresses. Racialized aggression, defined as any aggressive act that can be characterized, categorized or that appears as such to be racial in nature, is prohibited.

  Administrators shall use the procedures and options specified in the PCA Processes Handbook for Student Success and administrative procedural directive encourages parent/legal guardian to view the student handbook.

Discipline Measures

There are three levels of disciplinary measures utilized by the School: 1) Warning and Interventions, 2) Suspension, and 3) Expulsion. Each level has associated conduct breach definitions and corresponding disciplinary actions that may occur.

Warning and Intervention

Students that receive warnings from the School will have a conference (via phone or in person) with their Learning Coach(es) and the School administrator(s), and the incident will be formally documented in writing and will become part of the student's permanent record. The student will not have a disruption in schooling and

will not be removed from the class (Learning Management System). Warnings are issued when a student demonstrates a breach of expected conduct, but not as serious as those listed under the suspension and/or expulsion categories in this Supplement.

Intervention Matrix

Obscenity/Profanity/Vulgarity: inappropriate language/attire and/or ethnic/racially aggressive slurs -- offensive materials on personal/school items -- Gestures - including gang signs	***Possible Interventions*** *Contact Parent/Guardian* *Acknowledge positive behavior* *Teach substitute words* *Counseling with focus on perspective taking, social skills/friendship and emotional management* *Behavior contract with focus on respect agreement* *Check in check out with specific goals related to appropriate language* *Reflection sheet*
Hate violence (Grades K-8): racially aggressive behaviors, harassment, teasing, threats, intimidation, or bullying including but not limited to a physical or mental disability, gender, nationality, race, religion or sexual orientation	***Possible Interventions*** *Peer and student mentoring: Mentoring programs allow young people to build sustained, positive relationships with older peers and adults, and motivate them to emulate positive behavior. Such interactions help reduce risk behaviors in students and create a safe and secure atmosphere in school so that students feel comfortable talking to adults if they need to. Peer mentoring can also help to increase understanding between diverse groups, strengthen the sense of community within a school, and build the self-esteem of those participating.* *Conflict resolution and peer mediation: Comprehensive conflict resolution programs train selected students to serve as neutral third parties who will mediate disputes among their peers.* *Teachers and administrators are also trained to*

	intervene in student conflicts in ways that foster team-building, problem-solving, and leadership skills. By teaching young people how to peacefully resolve their conflicts, and providing them with positive problem-solving strategies and role models, such programs foster a school climate of respect and caring.
Bullying: Including, but not limited to, racially aggressive behaviors, bullying committed by means of an electronic, verbal, written or physical act directed specifically toward a pupil or school personnel	***Possible Interventions*** *Contact Parent/Guardian* *Possible sanctions include having the student* *apologize;* *discuss the incident with the teacher, principal, and/or parents;* *Weekly meetings to communicate to students clear and consistently enforced expectations and to engage them as resources in preventing bullying behavior.* *Ongoing communication with parents.* *Appropriate and serious talks with bullies and victims.* *Appropriate and serious talks with the parents of bullies and victims.* *Role playing of non-aggressive behavior with bullies.* *Role playing of assertive behavior with victims* *Learning opportunities for...* *Conflict resolution* *Friendship/Relationship skills* *Coping skills* *Relaxation techniques*
Vandalism, graffiti, defacing school property or property of others: including but not limited to books,	***Possible Interventions*** *Parent /Guardian contact*

computers, electronic files, databases and e- mail	*Counseling with focus on perspective taking and empathy* *Restitution* *Community Service* *Behavior contract with focus on respect agreement* *Mentoring* *Check in/out*

Suspension

When a student is suspended, they are temporarily removed from class (the Learning Management System) or a school sponsored program or activity. The length of a suspension is determined by the School administrator (up to ten (10) days at a time). A suspension will be documented in writing and will become part of a student's permanent record.

During a period of suspension as defined by the Executive Director, a student's permission to log on to and/or use parts of the Learning Management System is restricted. Student access to school email systems, the message boards, online clubs/activities, and/or all of the Learning Management System may be revoked. In such cases where the student's access is completely revoked, the Learning Coach is responsible for logging on to the Learning Management System and obtaining the student's assignments, responding to interschool email and recording assessment responses for the student. The student should continue with their schoolwork during a suspension.

Violations that may lead to suspension include, but are not limited to, the following breaches of conduct:

- *Criminal or delinquent acts* are acts defined as criminal under federal and state law, and any applicable municipal or county criminal ordinances.
- *Sexual harassment* means unwelcome or unwanted conduct of a sexual nature (verbal, non-verbal or physical) when submission to such conduct is made either explicitly or implicitly a term or condition of the advancement of a student in school programs or activities such that this conduct substantially

interferes with a student's learning or creates an intimidating, hostile or offensive learning environment.

- *Disruptive conduct* means willful conduct which: (1) materially and in fact disrupts or interferes with the operation of the public schools or the orderly conduct of any public school activity, including individual classes; or (2) leads an administrative authority to reasonably forecast that such disruption or interference is likely to occur unless preventive action is taken.
- *Gang related activity* is disruptive conduct.
- *Refusal to identify self* means a person's willful refusal, upon request from school personnel known or identified as such to the person, to identify himself or herself accurately.
- *Refusal to cooperate with school personnel* means a student's willful refusal to obey the lawful instructions or orders of school personnel whose responsibilities include supervision of students.
- *Cheating on tests or daily work:* A student who knowingly participates in copying, using another's work, and representing it as their own (for example, students transmitting their work electronically for another student's use), or who provides other students with test answers, answer keys, or otherwise uses unauthorized materials in an assignment or assessment situation.
- *Plagiarism:* A student's use of another person's words, products, or ideas without proper acknowledgement of the original work with the intention of passing it off as their own. Plagiarism may occur deliberately (with the intention to deceive) or accidentally (due to poor referencing). It includes copying material from a book, copying-and-pasting information from the Internet, and getting family or friends to help with coursework.
- *Abusive conduct:* A student who uses abusive language or engages in abusive conduct in the presence of others either in person or electronically/virtually.
- *Bullying:* A student that repeatedly engages in negative actions against another student in an attempt to exercise control over him/her.
- *Harassment:* A student who demonstrates verbal, written, graphic, or physical conduct relating to an individual's sex, race, color, national origin, age, religious beliefs, ethnic background, or disability that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the School's programs that: 1)

has the purpose or effect of creating an intimidating or hostile environment, 2) unreasonably interferes with an individual's educational performance, or 3) otherwise adversely affects an individual's educational opportunities.

- *Vandalism:* A Student who intentionally damages or destroys school property or records (physical or electronic). In these instances, the School reserves the right to contact the proper law enforcement agency.
- *Theft and robbery:* A student who takes money or other property (physical or electronic) with the intent to deprive another person or the School of that property. The threat or the use of force or violence is considered a serious breach of conduct. In these instances, the School reserves the right to contact the proper law enforcement agency.
- *Sexual harassment:* A student who subjects another to any unwelcome sexual advances including verbal harassment, unwelcome or inappropriate touching, or suggestions, requests, or demands for sexual favors.
- *Violation of acceptable use policy:* Students who violate the acceptable use policy in one form or another are open to disciplinary action including suspension. This would include signing on as a Learning Coach.
- *Repeated violation of any disciplinary issues.*

Expulsion

When a student is expelled, they are separated from the School for an extended period of time, or permanently, for disciplinary reasons. An expulsion will be documented in writing and will become part of a student's permanent record.

Violations that may lead to expulsion include, but are not limited to, any behavior that indicates that a student is a serious threat to the safety of others, possession of firearms, dangerous weapons, bombs, or explosives, criminal behavior, arson, under the influence of or possession of, or sale of controlled substances or paraphernalia.

Suspensions or expulsions for children designated as exceptional follow all appropriate state and federal policies, regulations, and laws. The School will not discipline students protected under Section 504 of the *Rehabilitation Act* of 1973, the *Individuals with Disabilities in Education Act* (IDEA), or the *American with Disabilities Act* (ADA) unless the School complies with the requirements of those acts and state law.

Discipline for Students with Disabilities

If a student with a disability violates a code of conduct, they will be disciplined according to the discipline measures described above for up to ten (10) days. Upon violations that result in suspensions that exceed ten (10) days, the School will determine if the behavior manifested from the student's disability. If the School determines that the violation is not a manifestation of the student's disability, the School will apply the discipline procedures to the student in the same manner and for the same duration as the procedures would be applied to students without disabilities. However, if it is determined that the violation manifested from the student's disability, the School will conduct a functional behavior assessment and develop a behavior plan to address the behavior violation so that it does not recur.

Due Process for Students

The following actions will be conducted by the School, per each of the disciplinary measures as outlined below:

- Suspension (up to ten (10) days) An informal hearing will be convened with the student, Learning Coaches, Executive Director and other staff members as appropriate. At this hearing, the student will be provided all due process as required by law.
- Suspension of an additional ten (10) days, or an Expulsion If the Executive Director believes that a student has committed an offense that might require expulsion, the Executive Director may suspend the student for 10 days pending a committee of the board hearing (where appropriate)... If a student is expelled, the School administration may assist with finding an alternative school option for the student as outlined in Students Rights and Responsibilities in NMAC.

Academic Honesty

Plagiarism

PCA requires the original work of all students and in so doing, prohibits plagiarism of the work of others. Students shall be expected to properly cite the origin of work that is not the student's own. If work content, other than commonly known facts, if not properly cited, attributed, or credited, the work may be determined to be plagiarism.

Students may not plagiarize in written, oral, or creative work. In general, plagiarism occurs when a student uses another person's words, products, or ideas without proper acknowledgement of the original work and with the intention of passing it off as their own. Plagiarism may occur deliberately (with the intention to deceive) or accidentally (due to poor referencing). It includes copying material from a book, copying and pasting information from the Internet, and getting family or friends to help with coursework.

First Offense

The first time a student is determined to have plagiarized, the student will receive a warning. The student's teacher will contact the student to explain to the student the specific reason(s) why the work submitted is considered plagiarism and will discuss with the student how to avoid plagiarizing again. The student will be required to resubmit the question/assignment with original work. If a student chooses not to resubmit the work, the student will receive a zero for that question/assignment.

Second Offense

The second time a student is caught plagiarizing, s/he will be required to redo the question/assignment but can only receive up to half credit. If a student chooses not to resubmit the work, the student will receive a zero for that question/assignment.

Third Offense

The third time a student is caught plagiarizing; s/he will receive a zero and will not have the opportunity to redo the question/assignment. Such repeated offenses of plagiarism by a student may result in a recommendation by the Executive Director that the student be determined to be a repeat violator of school policy and a disruption of school discipline. Such recommendation may result in a determination to suspend or expel the student.

Grievance Process for Caretakers/Learning Coaches

Pecos Cyber Academy is committed to ensuring stakeholder satisfaction, and takes these responsibilities for the provision of the educational services to the student very seriously. These school responsibilities are set out in the Parent/Legal Guardian Agreement and the School Handbook and include such things as: contacting the family regularly, delivering educational materials and equipment, and providing accessible support.t, and providing accessible support.

Learning Coach Remedies

If a Learning Coach has concerns, s/he may institute the following Grievance Process:

Grievance Process

1. A Learning Coach with the grievance must, in writing, report the dissatisfaction, and submit it to the student's advisory teacher (or other appropriate PCA staff member, as necessary). All parties involved must be appropriately defined, and the problem must be clearly outlined.
2. The recipient of the grievance must review the issue with their supervisor and respond to the Learning Coach within three (3) school days.
3. If the original recipient did not resolve the grievance, the Learning Coach should request a meeting with the recipient's supervisor. The supervisor should investigate the matter, and schedule a meeting with the Learning Coach, the student, if necessary, and any other staff member (if necessary), within five school days.
4. If either party does not resolve this grievance, the Learning Coach should then request a meeting with the School administration. School administration will investigate the matter, and schedule a meeting within five (5) school days. If a resolution was not reached at the above three (3) meetings, the Learning Coach may request a meeting with the PCA Governing Council, who will investigate the matter, and arrange a meeting within five (5) school days. Current contact information for Governing Council members will be listed on the School webpage.

Learning Coach Access to Teacher Qualification Information

PCA makes information about the teachers of the School available to the Learning Coach of all enrolled students. Learning Coaches are free to contact the School, and make arrangements to review the teachers' credentials.

Educational Materials and Technology Provided by Pecos Cyber Academy

A virtual school requires the use of technology to promote and support student learning. All school participants, including Learning Coaches, students, and staff, will use the Learning Management System and the Internet to communicate and share information. In addition, the student, Learning Coach(es) must all be reachable by phone for required communications with teachers and other school staff.

The school's hardware and software requirements for accessing the Learning Management System can be met by using the equipment provided by the school according to your school's specific agreement. Families may use a personal computer, a computer in a public institution, or any other computer as long as the equipment used meets the schools specifications (see the Use of Personal Equipment section) and permits the student and/or Learning Coach to have access for a period of time adequate for completing the required lessons each day and throughout the year. Due to certain licensing restrictions, some of the additional software provided with the school computer may not be available for use on personal computers. Families with computers provided by PCA may contact Technical Support if they have specific questions about the computer's software or hardware.

Use of Cyber Equipment and Installed Software

School Equipment

Learning Coaches are responsible for confirming that any equipment provided by PCA matches the tracking email received. They must notify Student Technical Support within seven (7) school days of receipt of equipment of any discrepancies between the tracking email and what was actually received, or if any equipment does not arrive in good working condition.

Any equipment provided by PCA is to be used only for school purposes, although limited access to personal email using a personal ISP and web-based email account

is permitted. Anyone using any unauthorized email programs risks permanently losing any email if the computer has to be restored, reimaged, or returned for repair. PCA will not be responsible for loss of any such emails.

Software

All software settings and administrative privileges will remain at their original configurations unless authorized by Technical Support. PCA equipment may have remote access software for repairs, monitoring use, or disabling equipment, but no personal information is collected.

Software provided by PCA must be used according to its license agreement. Redistribution or modification of any equipment or software without PCA's consent is prohibited and may result in financial charges for repairs. Technical Support must retain an administrative account on each computer, and users who tamper with this access will lose technical support privileges and may need to return PCA equipment.

Approved external hardware, such as printers or USB devices, may be installed with assistance from Technical Support if available. Maintenance of these devices is the responsibility of the purchaser, and no internal hardware modifications are allowed.

Educational software not provided by PCA may only be installed if authorized by Technical Support, and any repair costs due to unauthorized installations will be the responsibility of the Learning Coach.

Malfunction/Damage/Loss/Theft of School Equipment and/or Installed Software

As permitted by state law and/or regulation, Learning Coaches are solely liable for any loss, damage, or misuse of computer equipment provided by PCA while in their possession or the possession of students or Learning Coaches.

Damage to Equipment

Accidental Damage: If equipment or software is accidentally damaged due to user negligence or carelessness, the school may invoice Learning Coaches for repair costs, as allowed by state law. Subsequent accidental damage may result in invoicing for the full cost of repair or replacement, plus shipping. Examples include exposure to extreme temperatures, liquid spills, and drops.

Non-Accidental Damage: If equipment or software is damaged due to intentional actions or repeated policy violations, the school may invoice the Learning Coach for the full repair or replacement cost plus shipping, as permitted by state law. Examples include vandalism, unauthorized internal hardware modifications, and unauthorized software changes. Learning Coaches can appeal these determinations by following the Learning Coach Grievance procedures.

Loss or Theft of Equipment

On the first occurrence, where there has been a loss or theft of equipment, Learning Coaches may be responsible for a maximum replacement charge of up to $400, plus the cost of shipping a replacement. Based on the instance and circumstances the following information may be requested from the Learning Coach in instances of loss or theft of equipment:

- a copy of a filed police report or insurance loss report; and
- documentation from the insurance carrier confirming that no reimbursement is available under homeowner's or renter's policies or a notarized letter from the Learning Coach indicating that they are not insured.

If this documentation is not provided - or if there are any subsequent incidents of loss or theft – Learning Coach may be responsible for the full replacement cost of any equipment and software.

Notice to School

Learning Coaches must notify PCA and the partner Learning Management Company of any malfunction, loss, or damage to computer equipment from any cause whatsoever within seven (7) school days of the loss or occurrence of the damage. Learning Coaches must contact Student Technical Support for any and all repairs and must follow all instructions for repair as directed by the Student Technical Support representatives. The Learning Coach must not contact the manufacturer or a third party to repair the computer equipment unless instructed to do so by a

Student Technical Support representative. If a Learning Coach does not comply with this policy and if there is any evidence of manufacturer or third-party involvement, the school may void the damage limitation it offers for accidents and may invoice the Learning Coach for the full cost of repair or replacement.

Contacting Student Technical Support

The Student Technical Support team should be called for the following reasons:

- Equipment or materials supplied by PCA do not match the items listed on the materials list.
- A user cannot log in to the Learning Management System and the Principal, Dean of Students pr Family Liaison could not help
- Equipment, software, or materials supplied by PCA do not function or have been damaged or lost (be sure to check any training resources or the Online Help section of the Learning Management System first).
- A request needs to be made to authorize the installation of hardware or software on equipment supplied by the school.
- More information is needed about obtaining an ISP or assistance is needed with creating ISP accounts for providers preinstalled on school equipment.

When contacting Student Technical Support via email, phone call, or voicemail message, please clearly describe the issue and provide specific contact information for a Student Technical Support representative to respond to your issue. When submitting a service request, families should provide the following information:

- Learning Coaches and student name,
- Phone number (including extension), email address, and state or school,
- Brief description of the problem (If contacting Support Services via email, include this information in the email subject line),
- Tracking ticket number if the issue is a continuation of an existing request (If contacting Student Technical Support via email, include this information in the email subject line, in the voicemail message, or to the Student Technical Support representative).
- Level of severity and detailed description of the problem, including any steps required to reproduce the problem,

Returning School Educational Materials and Equipment

All school-provided non-consumable (identified as such on the materials lists and/or as noted by the school or it's vendor partners) materials and equipment must be returned to the school's appropriate partner for the following reasons:

- The school year has ended. Note: The Executive Director may permit the family to retain the materials for the summer in special cases, but under no circumstances can non-consumable materials be kept past August 1. If the family has indicated intent to return for the following school year, PCA may not require the family to return the school-provided computer equipment.
    - Returning 6th Grade students will keep their school issued device
    - Returning 7th Grade students will keep their school issued device
    - ALL 8th grade students will return their school issued device
- The student is no longer enrolled in the school (for any reason).
- The student has an extended absence away from his/ her residence as defined in the Attendance section.
- The materials are being repossessed due to a violation of the Parent/Legal Guardian (Learning Coach) Acknowledgment or a violation of the policies outlined in this Handbook.
- The student has completed the related courses and is being assigned to new courses requiring different materials.
- The school is upgrading or replacing the equipment.
- The student has had an approved placement change for a course.
- Equipment and/or materials were sent in error .

Note: If the student withdraws, all materials (both consumable and non-consumable) must be returned to the school, since consumable materials may not be used yet.

Except when materials were sent in error, or in cases of missing or damaged equipment, the vendor will contact the Learning Coach by phone, by email, or by mail to make arrangements for the return of equipment or materials. The Learning Coach has seven (7) days from the receipt of the return instructions to return all requested materials and/or equipment. The Learning Coach should NOT initiate a return shipment until they have been contacted by the vendor and provided with instructions from PCA staff. Families who arrange return shipping on their own

prior to being contacted by the partnering Learning Management System company and will not be reimbursed for shipping costs.

Except in the case of repossession, the partnering Learning Management System Company is responsible for the cost of return shipping as long as the Learning Coach follows the return instructions and coordinates the return with PCA. The Learning Coach is responsible for being at home during the required period for a United Parcel Service (UPS) or Federal Express (FedEx) pickup or for transporting the equipment to an authorized UPS or FedEx center. The Learning Coach may be responsible for the shipping cost of any items that were forgotten in a return shipment and/or were not properly packed and returned. To find a local, authorized UPS or FedEx shipping outlet, refer to the following websites:

- UPS (https://www.ups.com/dropoff?loc=en_US)
- FedEx (http://www.fedex.com/locate/index.html?locale=en_US#start)

In all cases, Learning Coaches must maintain a copy of the UPS or FedEx return receipt. All non-consumable materials shall be returned in the same condition as delivered, except for normal wear and tear. Learning Coaches will be responsible for, and may be invoiced for, any damage to the materials.

Learning Coaches shall be responsible for keeping all packing materials provided by the vendor and returning all equipment in its original packaging. If the original packaging is not available, Learning Coaches must purchase replacement packaging at an authorized UPS or FedEx center at their own expense. Learning Coaches may be invoiced for any damages, as permitted by state law and/or regulation, resulting from improper packaging and/or shipping procedures. If materials and/or equipment are not received by the vendor and the UPS or FedEx receipt bearing a valid tracking ID is not available, the Learning Coaches may be responsible for the cost of replacing any missing materials and/or equipment.

The failure to complete a timely return of any equipment or materials upon request shall constitute a theft and may result in invoicing or legal action as outlined in the Learning Coaches Due Process section.

Important: Any computer files that need to be kept by the family should be extracted and any family-owned peripheral devices must be removed from computers before they are returned. Neither the school nor the school's vendor

partners have any responsibility for returning any family-owned devices or materials returned with the computer, nor to maintain or restore any files.

Equipment is not available for purchase.

Use of Personal Equipment and Software

PCA provides families the necessary equipment and software needed for students and Learning Coaches to do their day-to-day schoolwork. Printers are not deemed necessary in the online environment and therefore are not provided. Families are not required to have additional personal access to equipment and software but may use their own equipment and software if they meet the minimum system requirements detailed on the School website and in the School Handbook.

Families may use their own equipment and software as long as they meet the requirements detailed in this section. PCA has no responsibility for providing any support for equipment or software that is not provided by PCA.

Users can log into the Learning Management System from different devices, such as a mobile phone, tablet, or desktop computer. Most devices are regularly tested to ensure accessibility and functionality.

For the best experience, PCA recommends that users update software and Internet browsers regularly on each device. The following browsers are recommended to access the Learning Management System:

- Google Chrome
- Mozilla Firefox
- Internet Explorer 11 or newer
- Microsoft Edge
- Apple Safari (Mac only)

Headsets with microphones may be provided where two-way audio use is required by PCA.

Many of the courses available in the Learning Management System require the use of Adobe® Flash® Player. Some courses also require the use of productivity software compatible with Microsoft® Word®, Excel®, and PowerPoint®. Some courses may have requirements in addition to what is indicated above; these requirements can be found in each course's Course Directions and Tips.

Internet Subsidy

Families that qualify, may be issued an internet subsidy check. More information will be provided at enrollment with payment and qualification requirements.

Internet Safety Policy

It is the policy of PCA ("the School") to:

- prevent user access over its computer network to, or transmission of inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
- prevent unauthorized access to and other unlawful online activity related to inappropriate material via the Internet;
- prevent unauthorized online disclosure, use, or dissemination of personal identification information
- comply with the Children's Internet Protection Act ("CIPA') (Pub. L. No.106-554 and 47 USC 254 (h).

To the extent practical, technology protection measures (or "Internet filters") shall be made available for all computers accessible by students and placed on the computers located at the School site locations. As required by CIPA, this blocking technology is applied to visual depictions of material deemed obscene or child pornography or any other material deemed to be harmful to minors.

Technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.

To the extent practical, the School takes steps to promote the safety and security of users of the Learning Management System when using electronic mail, chat rooms, instant messaging, and any other form of direct electronic communications.

Specifically, as required by CIPA, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called 'hacking' and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

To the extent practical, the School, through its handbook, is committed to educating, supervising and monitoring the appropriate usage of the Learning Management System and access to the Internet in accordance with this policy,

CIPA, the Neighborhood Children's Internet Protection Act, and the Protecting Children in the 21st Century Act.

This Internet Safety Policy was adopted by the Board of PCA at a public meeting, following normal public notice, on September 27, 2016.

Collection and Release of Student Information by the School (FERPA)*

The Family Educational Rights and Privacy Act (FERPA) is a federal law that gives parents/legal guardians (referred to as "Caretakers" or Learning Coach by PCA) and students over eighteen (18) years of age, attending a post-secondary institution, and/or emancipated minors (Eligible Students) certain rights regarding the student's educational records. These rights include the ability to review and correct educational records and the protection of a student's educational records and "personally identifiable information" from unauthorized disclosure. For complete FERPA information, see Appendix 2, FERPA Notification. See also the Release of Student Information and Educational Records to Third Parties below.

FERPA rights are extended to both the Learning Coach and noncustodial parent/guardian unless the school is provided with a judicial court order (custody order, protective order etc.), state statute, or legally binding document that specifically revokes or restricts a noncustodial parent's/guardian's FERPA rights. If a state law and/or enforceable court order provides the noncustodial parent/guardian's greater or more restrictive access than provided for by FERPA, that state law and/or court order will be followed.

Other statutes protecting students include the Protection of Pupil Rights Amendment ("PPRA") (See Appendix 6, Protection of Pupil Rights Amendment Policy) and the Children's Online Privacy Protection Act of 1998 ("COPPA") (See Appendix 4, Privacy Policy), as well as state law in the state in which the student is enrolled.

School Use of Student Images, Recordings, and School Work

To help illustrate the school program and to celebrate student successes, the school may want to film, interview, and/or photograph students and their work to duplicate, broadcast, distribute, and/or display.

In order for PCA to utilize student work and/or photographs, proper consent must be obtained through the PCA website or Contact Information Form collected annually. This form is completed by the Caretaker/Learning Coach (or by the student, if the student is 18 years of age or older or an emancipated minor).

Appendix 1 – Honor Code

PCA Honor Code (Grades 6-8)

PCA's mission is to help each student maximize his or her academic potential, and we expect academic honesty to be a core value for all students, Learning Coaches, and staff. Students who are academically dishonest do not learn what they need to succeed and achieve their goals. We therefore require all students to sign the Honor Code, indicating that they agree to abide by PCA's expectations for academic honesty.

Because Learning Coaches are an integral part of their student's PCA experience, we also require the Learning Coach to agree to the Honor Code.

PCA Honor Code

I agree that I will ...

- be honest,
- never copy someone else's work,
- never give my work or answers to others,
- never look up the answer to an assessment (i.e. test or quiz) online or in a book,
- never receive help on assessments (i.e. test or quiz), including from my friends/peers, Learning Coach, or any others,

- follow all Cyber Student Conduct guidelines for use of the Internet and Cyber' equipment and materials provided to me,
- accept the consequences, including disciplinary action, of breaking this Honor Code. Never provide a forged document or signature to the School.

I understand that this Honor Code is not limited only to the examples listed above. By checking the box below, I confirm that I have read (or had read to me, if needed), and agree to abide by, the Cyber Honor Code and the expectation for academic honesty.

I confirm that I have read, understand, and agree to abide by the above Honor Code.

Appendix 2: Title IX – The Final Rule

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive federal funding. The U.S. Department of Education (USDOE) enforces Title IX and has created regulations relating to how schools are required to respond to reports of sexual harassment. The regulations are known as the *Final Rule*.

Under the *Final Rule*, PCA is required to promptly respond to and investigate every formal complaint of sexual harassment by a student. The *Final Rule* establishes an emphasis on restoring a student's access to the PCAs education program and/or sanctioned events and activities using supportive measures.

Additionally, the *Final Rule* places the burden of proof on the school and requires a strict adherence to due process measures.

Definitions

Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any designated school official/employee with the authority to institute corrective measures. Under state law, school employees are mandatory reporters. In the K-12 environment any employee may receive notice of sexual harassment.

This standard is not met when the only person with actual knowledge is the respondent. Additionally, the ability or obligation to report sexual harassment or to inform a student how to make a report of sexual harassment, or having training on how to report sexual harassment does not qualify an individual to have the authority to institute corrective measures on behalf of the school.

Complainant: An individual who has alleged to be the victim of conduct that could constitute sexual harassment.

Formal Complaint: A document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the alleged sexual harassment. A complainant must be an active student participating or attempting to participate in the education program provided by PCA.

Respondent: An individual who has been reported to be the perpetrator of conduct that may constitute sexual harassment.

Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

An employee of PCA conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct (quid pro quo).

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and offensive that it effectively denies a person equal access to a PCA education program or sanctioned activity.

Sexual assault as defined by 20 USC 1092(f)(6)(A)(v), dating violence, domestic violence, and stalking as defined by 34 USC 12291(a)(10), (8), (30).

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and free of charge to the complainant or the respondent before or after the filing of a formal complaint, as well as, instances where no formal complaint has been filed.

Supportive measures are designed to restore or preserve equal access to PCA education programs and sanctioned events and activities. Such measures are designed to protect the safety of all parties, the education environment, and ultimately deter sexual harassment.

Supportive measures may include:

- Counseling
- Deadline extensions or other course related adjustments, including changes to class schedule
- Modification of class schedules
- Restricted contact between parties

Supportive measures provided to the complainant and/or respondent will remain confidential to the extent that confidentiality would not impair the ability of the school to provide such measures.

Effective implementation of supportive measures is the responsibility of the Title IX Coordinator.

Title IX Coordinator: The employee designated by PCA to coordinate its efforts to comply with Title IX responsibilities will be referred to as the Title IX Coordinator. In addition to students and current employees, the Title IX Coordinator's contact information must be provided to prospective employees, parents or legal guardians, and all unions (if applicable).

The name or title, office address, e-mail address, and telephone number of the Title IX Coordinator shall be prominently posted on the school's website.

Any person, including a student's parent or guardian, may report sex discrimination and sexual harassment to the Title IX Coordinator in person, by mail, by telephone, or by email at any time, including non-business hours.

Formal Complaint

A formal complaint of sexual harassment should be filed with the Title IX Coordinator in person, by mail, by electronic mail, or by phone using the contact information provided below:

Kelley Fontanilla – Title IX Coordinator
1841 Old US Rt.66 Suite B
Edgewood, NM 87015
Phone: 505.886.3900

Initial Response

The school must treat complainants and respondents equitably by offering supportive measures to a complainant and respondent. The grievance process outlined below is followed prior to imposing disciplinary sanctions or other actions outside supportive measures against a respondent.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures and consider the complainant's wishes with respect to the use of such supportive measures, inform the complainant of the availability of supportive measures regardless of filing a formal complaint, and explain the process for filing a complaint.

Anyone may report instances of sexual harassment or potential violations to the Title IX Coordinator; reports may be anonymous. However, formal

complaints of sexual harassment can only be filed by the complainant or the Title IX Coordinator.

In instances where the respondent faces allegations of sexual harassment and is determined to be an immediate threat to the physical health or safety of a student or other individual, they may be removed upon completion of an individualized safety and risk assessment. If a student is removed under emergency conditions, instant notice will be provided, and the student will be afforded the opportunity to respond to the emergency removal.

An employee respondent may be placed on administrative leave during the grievance process.

Required Grievance Procedures

Formal Complaints

PCA is required to follow the grievance process defined by t*he Final Rule* before disciplinary measures, not to include supportive measures, against the respondent are made. The procedures include:

All parties will be treated equitably through the remediation process. Remedies under t*he Final Rule* are designed to restore or preserve equal access to Pecos Cyber Academy's education program and sanctioned events and activities.

An objective and thorough investigation and evaluation of the relevant evidence will be reviewed. This includes both evidence that can establish guilt (inculpatory) and evidence that can exonerate guilt (exculpatory).

Title IX Coordinators, investigators, decision makers, and any designee tasked to assist in the informal resolution process must be free of bias or conflicts of interest. Additionally, training must be completed on:

the definition of sexual harassment;

the scope of PCAs education program or sanctioned events/activities;

the process for investigation and grievance process including, hearings, appeals, and informal resolution processes;

how to serve impartially, including by avoiding prejudgment of the facts at hand, conflicts of interest, and bias;

any person identified as a decision maker must complete training on any technology used during any part of the grievance process, on issues of relevance of questions and evidence (including instances when questions and evidence arise that are not relevant regarding the complainant's sexual predisposition or previous sexual behaviors);

any person identified as an investigator must complete training on issues of relevance to properly compose a report that summarizes the relevant evidence;

all training materials must not rely on sex stereotypes and must promote objective investigations and final disciplinary decisions (adjudications) of formal complaints of sexual harassment.

A presumption the respondent is not responsible for the alleged conduct until the conclusion of the grievance process.

A reasonably prompt time frame for conclusion to the grievance process, filing and resolving appeals and informal resolutions processes, if offered. A temporary delay or the limited extension of time frames for good cause may be granted. In such instances, written notice outlining the reason for the delay shall be sent to all parties. Examples of good cause are the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or to provide an accommodation of disabilities.

There will be a range of disciplinary sanctions and remedies that may be issued in the event responsibility of the respondent is determined.

The standard of evidence used may be the preponderance of evidence standard **or** the clear and convincing standard. The chosen standard must be used throughout the complaint process.

Include the procedures and permissible bases for the complainant and respondent to appeal. List the range of supportive measures available to complainants and respondents.

Disallow the use of questions or evidence that seek disclosure of information protected under a legally recognized privilege, unless waived by the party holding such privilege.

Notice

If a formal complaint is made, written notice will be provided to all known parties. Included within the notice are the grievance process and the informal resolution process. Any details known at the time of report of sexual harassment may include the identities of the parties involved (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident (if known). The notice will include a statement acknowledging the respondent is presumed not responsible until the conclusion of the grievance process. The parties may have an advisor who may inspect and review evidence. Such an advisor may be an attorney, though the presence of an attorney is not required. All parties will be afforded enough time to prepare. Finally, the notice will include that knowingly making false statements is against the student and employee code of conduct.

If, during an investigation, PCA decides to investigate allegations not included in the original notice, the school will provide subsequent notice to include the additional allegations to all known parties.

Dismissal

Under some circumstances, PCA must dismiss a formal complaint of sexual harassment.

If the conduct did not occur while participating in the school's education program or sanctioned events or activities or did not occur in the United States, the complaint will be dismissed. However, the school may pursue action under the Code of Conduct Policy.

The school may dismiss the formal complaint if:

- a complainant notifies the Title IX Coordinator in writing wishing to withdraw the formal complaint and included allegations, the respondent is no longer enrolled, registered, or employed by PCA, and

- specific circumstances prevent the school from gathering enough evidence to reach a determination regarding the formal complaint and/or allegations.
- If conditions exist that require the school to dismiss the complaint, prompt written notice indicating a dismissal including any reason(s) must be sent to all parties.

Consolidation of Formal Complaints

Consolidation of formal complaints to allegations of sexual harassment may occur under the following conditions due to the same facts or circumstances:

- against more than one respondent
- by more than one complainant against one or more respondents
- by one party against the other party

Investigation

Under the *Final Rule*, the burden of proof and the burden of gathering evidence to make a determination as to responsibility of alleged sexual harassment falls to PCA. Voluntary written consent must be obtained to use a party's physician, psychiatrist, psychologist or other professional treatment records.

An equal opportunity to present witnesses and evidence will be provided to all parties. The ability of either party to discuss the allegations investigated or gathered and present evidence may not be restricted.

All parties will be provided the same opportunities to have others present at any grievance proceeding. If either or both parties are joined by an advisor, including an attorney, at a proceeding, PCA may limit or restrict their participation.

Written notice of the date, time, location, participants and purpose of all hearings, investigations, or any related meetings will be provided to all parties. Such notice shall permit enough preparation time for all parties.

Equal opportunity to inspect and review all evidence regardless of intent to rely upon said evidence in reaching the final determination will be provided to all parties. Prior to the investigative report, an itemized evidence list subject to review will be sent to all parties, including advisors/attorneys if applicable,

in electronic format or hard copy. The parties will have ten (10) days to submit a written response. The response will be considered by the investigator prior to completing the investigative report. All evidence subject to inspection and review will be available at any hearing for reference and purposes of cross- examination.

Finally, an investigative report will be prepared to summarize the relevant evidence and sent in an electronic format or hard copy to all parties and their advisors/attorneys, if applicable. The report shall be sent to the relevant parties at least ten (10) days prior to a hearing to permit review and the opportunity to provide a written response.

Hearings

The Final Rule does not require hearings in the K-12 environment.

The designated decision maker shall provide each party the opportunity to submit relevant written questions to any party or witness, permit time for parties to respond, and subsequently allow for limited follow-up questions.

It is an important distinction that questions and evidence relating to the complainant's sexual predisposition or prior sexual history are not considered relevant to the final determination.

The exceptions to this rule are if the pertinent information proves that someone other than the respondent committed the alleged sexual harassment, or if the evidence offered relates to specific incidents and prove consent between the complainant and respondent.

Determination

The decision maker may not be an investigator or the Title IX Coordinator.

The decision maker will issue a written determination with respect to responsibility. Under t*he Final Rule,*

the determination must include:

- A description of the allegation that meets the definition of sexual harassment

- A full description of the procedural steps from receipt of the complaint through final determination (notices, interviews, site visits, evidence gathering methods, and hearings)
- Findings of fact supporting the final determination
- Conclusions as to the application of the school's code of conduct and the known facts
- A statement and rationale for:
- Each allegation and determination of responsibility
- Disciplinary sanctions imposed on the respondent, if any
- If remedies designed to restore or preserve equal access to PCA's education program and/or sanctioned activities will be provided by the school to the complainant; any such remedies will be implemented by the Title IX Coordinator
- The school's allowable reasons and procedures for appeal (see Appeals section below)

The school shall issue written determination to all parties at the same time. The determination will be considered final when the time for filing a timely appeal has passed. If the allegations are appealed, the decision is considered final upon receipt of the final written determination.

Appeals

Both the complainant and respondent have the option to appeal under the following circumstances:

- A procedural irregularity
- New evidence that could affect the outcome – not available prior to dismissal or determination
- Conflicts of interest or bias by the Title IX Coordinator, investigator(s), and/or decision maker(s)

The school may provide additional equitable circumstances as situations warrant. If a party wishes to appeal the determination, written notice will be provided to the other party that an appeal has been filed and provide procedures that apply to both parties. A new decision maker(s) will be appointed on appeal and such person will not have participated in the complaint prior to appeal, including investigators or the Title IX Coordinator.

Both parties will be permitted an equal opportunity to submit written statements supporting or opposing the outcome. A written decision will be provided to both parties at the same time and will indicate the result of the appeal and the rationale for the final determination.

Informal Resolution

Informal resolutions may be offered once a formal complaint is filed.

Parties are not required to participate in an informal resolution however, the school may offer this option instead of a full investigation and determination. The school will disclose information about the informal resolution process, including the right to withdraw from the informal resolution process prior to an agreed resolution. Once a party withdraws from the informal resolution process, the grievance process of the formal complaint will resume.

If both parties wish to proceed with an informal resolution, a voluntary written consent must be obtained waiving the right to an investigation and adjudication of a formal complaint. A common example of informal resolution is mediation.

The informal resolution process may not be used in instances where the school's employee is the respondent of alleged sexual harassment against a student.

Recordkeeping

The school shall maintain a complete record for seven (7) years relating to:

- All investigations, determinations regarding responsibility, disciplinary sanctions (respondent), and remedies (complainant); including audio/audiovisual recordings and/or transcripts
- Appeals and their result,
- Any informal resolutions and their result,
- Training materials used (posted publicly on the school's website), and
- Any actions, including supportive measures, in response to a formal complaint of sexual harassment.

The records shall provide a basis for the conclusion and show the response was not deliberately indifferent. Additionally, records should document the measures to restore or preserve equal access to PCA's education program or

sanctioned events and activities. Further, records shall indicate the rationale for not providing the complainant with supportive measures, if applicable.

Retaliation

Retaliation is prohibited. Prohibited behavior includes intimidating, threatening, coercing, or discriminating against anyone for the purpose of interfering with the rights protected by t*he Final Rule*.

Specifically, retaliation because an individual made a report or complaint, testified, assisted, or participated or refused to participate in a Title IX investigation, proceeding, or hearing. Retaliation against a student for code of conduct violations that arise from the same facts and circumstances as a report or complaint of sexual discrimination/harassment is also prohibited.

Speech protected by the First Amendment does not constitute retaliation.

The identity of parties and witnesses shall remain confidential except as permitted by FERPA.

Any party that makes a false statement in bad faith may be charged with a code of conduct violation.

Appendix 3:

The Learning Management System Terms of Use

These Terms of Use may be updated periodically. The most current version is always available from the login page of the Learning Management System. Any changes will be effective as soon as they are posted in the Learning Management System.

Applicable to All Users

Acceptance of Terms

The Learning Management System is to be used for the purpose of accessing the education program licensed by or for the benefit of the User(s). PCA grants the User the non-exclusive, non-transferable, limited license to access, visit, use, view, and print the Content, solely for the User's own personal non- commercial use in connection with such education programs, provided the User keeps intact all copyright and other proprietary notices. Use of the Content or materials for any purpose not expressly permitted in these Terms is prohibited.

Any use of the Learning Management System for the following purposes is strictly prohibited. By using the Learning Management System, you agree that you will NOT:

- send, receive, or display pornographic, obscene, sexually explicit material, or any material harmful to minors
- impersonate any person or entity (through the use of their password or other means), including any staff member or representative of Cyber
- copy or distribute content included in the Learning Management System (including postings on the Message Boards, email messages, interschool email, or curriculum materials, including answer keys) without the owner's permission
- solicit or collect information about the Users or members of this site, especially for the purpose of transmitting, or facilitating transmission of, unsolicited or bulk electronic email or communications
- use the school-provided communication services in connection with surveys, contests, pyramid schemes, chain letters, junk e-mail,

spamming, or any duplicative or unsolicited messages (commercial or otherwise)

- upload files that contain viruses, Trojan horses, worms, time bombs, cancelbots, corrupted files, or any other similar software or programs that may damage the operation of another's computer or property
- solicit or collect personal information (including name, address, and phone number) from anyone under eighteen (18) years of age without verified parental consent
- display threatening or offensive material, including using swear words, offensive, vulgar, or obscene language
- display racist, prejudiced, or discriminatory messages or pictures
- violate any state or federal law
- reveal another User's or a minor's personal address, phone number, or similar information to others without their consent or verified parental consent
- violate any copyright, trademark, patent, trade secret, or other intellectual property laws or otherwise use intellectual property of another individual or entity without the owner's permission—this includes providing links to and including other copyrighted or trademarked material from third parties in the Learning Management System (including posting on the Message Boards or in WebMail messages or interschool email) without permission as well as using any trademarks, service marks, or other marks in social media or other websites without the owner's permission
- trespass in another's folders, work, or files
- promote commercial activities except as agreed to in writing by Cyber
- advertise products or services or engage in political lobbying
- defame, harass, insult, abuse, stalk, threaten, attack, or otherwise violate the legal rights (such as privacy and publicity) of another person or interfere with another person's work, including, but not limited to, sending unwanted WebMail messages or interschool e-mail
- provide material support or resources to (or conceal the nature, location, source, or ownership of material support or resources of) any organization(s) designated by the United States government as a

foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act

Each User will have a username and password (the "Login Information") for the purpose of accessing the Learning Management System and the Content. Users must keep all Login Information strictly confidential, and all Login Information may be used only by the assigned User. Users are responsible for maintaining the security and confidentiality of all Login Information and for preventing access to the Learning Management System and/or the Content by unauthorized persons using a User's Login Information. Users are responsible for any and all activities that occur under their account. Users must notify PCA immediately of any unauthorized use of their account or any other breach of security. Notwithstanding the foregoing, certain staff members of PCA will be permitted to "log in as" someone other than themselves, after receiving the approval of their supervisor and undergoing specific training

Appendix 4:

Pecos Cyber Academy Title I Family Engagement Policy 2024-2025

Pecos Cyber Academy shall publish a Family Engagement Support Policy that informs parents/legal guardians within the district of the ways Title I supports Family Engagement at the schools and within the district. The Family Engagement Support Policy shall be the response to parent/legal guardian requests explaining the work of the Title I Department in providing Family Engagement support to the participating Title I district. The following bulleted items explain in detail how Title I supports Family Engagement at PCA.

1. Title I shall notify parents/legal guardians, through the district's website and information brochures, of their right to be involved in the review and improvement of the Title I program, and of the fact that the Title I Program Plan becomes part of the District's Consolidated Application.
2. Title I shall provide support and technical assistance by posting to the district's website.

An alternate format is available upon request.

3. Title I, through orientation, ongoing professional development, and ongoing onsite support, shall provide support and technical assistance to the district in planning and implementing effective family engagement activities focused on the improvement of student academic achievement in reading, math, science, and overall school performance.
4. Title I shall build the district's and parents/legal guardians' capacity for strong family engagement by:

1. Providing materials and resources to assist in helping the families of students

that are being served by Title I to understand state standardized school assessments, and how to access information on their child's progress.

2. Providing materials and information regarding best practices in how to build relationships and have two-way conversations with parents/guardians, how to develop a welcoming environment, and how to encourage parents/guardians to access school resources and increase participation/engagement at the school.
3. Providing information to schools on how to access translation services to develop

materials, as much as is practical, for parents/guardians in a language they can understand.

4. Providing professional development and resources to assist schools and parents/guardians in planning and carrying out effective family engagement activities. Title I shall monitor parent/legal guardian involvement annually.
5. Title I shall collaborate with other departments and community organizations to
maximize results for family engagement.
6. Title I shall hold parent/legal guardian meetings annually to review and/or revise the District Family Engagement Policy.
1. Title I shall collect and analyze data from parent/legal guardian surveys to determine best practices in Family Engagement within the district and to share that information with all stakeholders. The information will be available on the Pecos Cyber Academy webpage.

Handbook Accessibility, Purpose, and Organization

If you have difficulty accessing the information in this document because of disability, please contact:

Executive Director:
Dr. Kim Hite-Pope
khitepope@pecosca.us
1841 Old Route 66, Suite B
Edgewood, New Mexico 87015
505.886.3900